

FILED

2005 SEP 28 P 4: 19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FOURTH EXTRAORDINARY SESSION, 2005



ENROLLED

House Bill No. 406

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed September 13, 2005

In Effect from Passage

FILED

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H. B. 406

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed September 13, 2005; in effect from passage.]

AN ACT to amend and reenact §2-2-1 of the Code of West Virginia, 1931, as amended, relating to state holidays; providing that the fourth Thursday and Friday of November shall be legal holidays; combining Lincoln's and Washington's birthdays into a single Presidents' Day holiday.

Be it enacted by the Legislature of West Virginia:

That §2-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF STATUTES; DEFINITIONS.

§2-2-1. Legal holidays; official acts or court proceedings.

- 1 (a) The following days are legal holidays:
- 2 (1) The first day of January is "New Year's Day";
- 3 (2) The third Monday of January is "Martin Luther King's
- 4 Birthday";

- 5 (3) The third Monday of February is “Presidents’ Day”;
- 6 (4) The last Monday in May is “Memorial Day”;
- 7 (5) The twentieth day of June is “West Virginia Day”;
- 8 (6) The fourth day of July is “Independence Day”;
- 9 (7) The first Monday of September is “Labor Day”;
- 10 (8) The second Monday of October is “Columbus Day”;
- 11 (9) The eleventh day of November is “Veterans’ Day”;
- 12 (10) The fourth Thursday and Friday of November are the
13 “Thanksgiving Holidays”;
- 14 (11) The twenty-fifth day of December is “Christmas Day”;
- 15 (12) Any day on which a general, primary or special
16 election is held is a holiday throughout the state, a political
17 subdivision of the state, a district or an incorporated city, town
18 or village in which the election is conducted;
- 19 (13) General election day on even years shall be designated
20 Susan B. Anthony Day, in accordance with the provisions of
21 subsection (b), section one-a of this article; and
- 22 (14) Any day proclaimed or ordered by the Governor or the
23 President of the United States as a day of special observance or
24 Thanksgiving, or a day for the general cessation of business, is
25 a holiday.
- 26 (b) If a holiday otherwise described in subsection (a) of this
27 section falls on a Sunday, then the following Monday is the
28 legal holiday. If a holiday otherwise described in subsection (a)
29 of this section falls on a Saturday, then the preceding Friday is
30 the legal holiday: *Provided*, That this subsection (b) shall not

31 apply to subdivisions (12), (13) and (14), subsection (a) of this
32 section.

33 (c) Any day or part thereof designated by the Governor as
34 time off, without charge against accrued annual leave, for state
35 employees statewide may also be time off for county employees
36 if the county commission elects to designate the day or part
37 thereof as time off, without charge against accrued annual leave
38 for county employees. Any entire or part statewide day off
39 designated by the Governor may, for all courts, be treated as if
40 it were a legal holiday.

41 (d) In computing any period of time prescribed by any
42 applicable provision of this code or any legislative rule or other
43 administrative rule or regulation promulgated pursuant to the
44 provisions of this code, the day of the act, event, default or
45 omission from which the applicable period begins to run is not
46 included. The last day of the period so computed is included,
47 unless it is a Saturday, a Sunday, a legal holiday or a designated
48 day off in which event the prescribed period of time runs until
49 the end of the next day that is not a Saturday, Sunday, legal
50 holiday or designated day off.

51 (e) If any applicable provision of this code or any legisla-
52 tive rule or other administrative rule or regulation promulgated
53 pursuant to the provisions of this code designates a particular
54 date on, before or after which an act, event, default or omission
55 is required or allowed to occur, and if the particular date
56 designated falls on a Saturday, Sunday, legal holiday or
57 designated day off, then the date on which the act, event,
58 default or omission is required or allowed to occur is the next
59 day that is not a Saturday, Sunday, legal holiday or designated
60 day off.

61 (f) With regard to the courts of this state, the computation
62 of periods of time, the specific dates or days when an act, event,
63 default or omission is required or allowed to occur and the

64 relationship of those time periods and dates to Saturdays,
65 Sundays, legal holidays, or days designated as weather or other
66 emergency days pursuant to section two of this article are
67 governed by rules promulgated by the Supreme Court of
68 Appeals.

69 (g) The provisions of this section do not increase or
70 diminish the legal school holidays provided in section two,
71 article five, chapter eighteen-a of this code.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

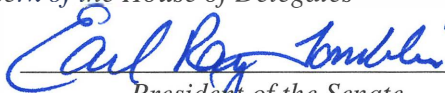
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of September, 2005.



Governor

**PRESENTED TO THE
GOVERNOR**

Date 9/16/05

Time 4:25 pm