

1 **H. B. 2865**

2
3 (By Delegates Walker, Butcher, Manchin, Moore,
4 Smith, Reynolds, Caputo, Hunt, Perry,
5 Martin and Perdue)

6
7 [Introduced January 26, 2011; referred to the
8 Committee on Government Organization then Finance.]

9
10 A BILL to amend and reenact §2-2-1 of the Code of West Virginia,
11 1931, as amended, relating to making November 20 "Robert C.
12 Byrd Day," a legal holiday.

13 *Be it enacted by the Legislature of West Virginia:*

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

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

18 **§2-2-1. Legal holidays; official acts or court proceedings.**

19 (a) The following days are legal holidays:

20 (1) January 1 is "New Year's Day";

21 (2) The third Monday of January is "Martin Luther King's
22 Birthday";

23 (3) The third Monday of February is "Presidents' Day";

24 (4) The last Monday in May is "Memorial Day";

25 (5) June 20 is "West Virginia Day";

26 (6) July 4 is "Independence Day";

1 (7) The first Monday of September is "Labor Day";

2 (8) The second Monday of October is "Columbus Day";

3 (9) November 11 is "Veterans' Day";

4 (10) November 20 is "Robert C. Byrd Day";

5 ~~(10)~~ (11) The fourth Thursday of November is "Thanksgiving

6 Day";

7 ~~(11)~~ (12) The day after Thanksgiving Day is "Lincoln's Day";

8 ~~(12)~~ (13) December 25 is "Christmas Day";

9 ~~(13)~~ (14) Any day on which a general, primary or special

10 election is held is a holiday throughout the state, a political

11 subdivision of the state, a district or an incorporated city, town

12 or village in which the election is conducted;

13 ~~(14)~~ (15) General election day on even years shall be

14 designated Susan B. Anthony Day, in accordance with the provisions

15 of subsection (b), section one-a of this article; and

16 ~~(15)~~ (16) Any day proclaimed or ordered by the Governor or the

17 President of the United States as a day of special observance or

18 Thanksgiving, or a day for the general cessation of business, is a

19 holiday.

20 (b) If a holiday otherwise described in subsection (a) of this

21 section falls on a Sunday, then the following Monday is the legal

22 holiday. If a holiday otherwise described in subsection (a) of

23 this section falls on a Saturday, then the preceding Friday is the

24 legal holiday: *Provided*, That this subsection (b) shall not apply

1 to subdivisions ~~(13)~~ (14), ~~and~~ (15) and (16), subsection (a) of
2 this section.

3 (c) Any day or part thereof designated by the Governor as time
4 off, without charge against accrued annual leave, for state
5 employees statewide may also be time off for county employees if
6 the county commission elects to designate the day or part thereof
7 as time off, without charge against accrued annual leave for county
8 employees. Any entire or part statewide day off designated by the
9 Governor may, for all courts, be treated as if it were a legal
10 holiday.

11 (d) In computing any period of time prescribed by any
12 applicable provision of this code or any legislative rule or other
13 administrative rule or regulation promulgated pursuant to the
14 provisions of this code, the day of the act, event, default or
15 omission from which the applicable period begins to run is not
16 included. The last day of the period so computed is included,
17 unless it is a Saturday, a Sunday, a legal holiday or a designated
18 day off in which event the prescribed period of time runs until the
19 end of the next day that is not a Saturday, Sunday, legal holiday
20 or designated day off.

21 (e) If any applicable provision of this code or any
22 legislative rule or other administrative rule or regulation
23 promulgated pursuant to the provisions of this code designates a
24 particular date on, before or after which an act, event, default or

1 omission is required or allowed to occur, and if the particular
2 date designated falls on a Saturday, Sunday, legal holiday or
3 designated day off, then the date on which the act, event, default
4 or omission is required or allowed to occur is the next day that is
5 not a Saturday, Sunday, legal holiday or designated day off.

6 (f) With regard to the courts of this state, the computation
7 of periods of time, the specific dates or days when an act, event,
8 default or omission is required or allowed to occur and the
9 relationship of those time periods and dates to Saturdays, Sundays,
10 legal holidays, or days designated as weather or other emergency
11 days pursuant to section two of this article are governed by rules
12 promulgated by the Supreme Court of Appeals.

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

NOTE: The purpose of this section is to make Robert C. Byrd's
birthday a state holiday.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.