

**Senate Bill No. 1**

(By Senators Yost, Barnes, Unger, Foster, Jenkins, Plymale,  
Sypolt, D. Facemire, Edgell, Beach and Williams)

[Introduced January 12, 2011; referred to the Committee on  
Military; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §2-2-1 of the Code of West Virginia,  
1931, as amended, relating to state holidays; designating  
December 7 of each year as "West Virginia Patriots of World  
War II Day"; and making it a state 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.**

(a) The following days are legal holidays:

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

(2) The third Monday of January is "Martin Luther King's

1 Birthday”;

2 (3) The third Monday of February is “Presidents’ Day”;

3 (4) The last Monday in May is “Memorial Day”;

4 (5) June 20 is “West Virginia Day”;

5 (6) July 4 is “Independence Day”;

6 (7) The first Monday of September is “Labor Day”;

7 (8) The second Monday of October is “Columbus Day”;

8 (9) November 11 is “Veterans’ Day”;

9 (10) The fourth Thursday of November is “Thanksgiving Day”;

10 (11) The day after Thanksgiving Day is “Lincoln’s Day”;

11 (12) December 7 is “West Virginia Patriots of World War II  
12 Day”;

13 ~~(12)~~ (13) December 25 is “Christmas Day”;

14 ~~(13)~~ (14) Any day on which a general, primary or special  
15 election is held is a holiday throughout the state, a political  
16 subdivision of the state, a district or an incorporated city, town  
17 or village in which the election is conducted;

18 ~~(14)~~ (15) General election day on even years shall be  
19 designated Susan B. Anthony Day, in accordance with the provisions  
20 of subsection (b), section one-a of this article; and

21 ~~(15)~~ (16) Any day proclaimed or ordered by the Governor or the  
22 President of the United States as a day of special observance or  
23 Thanksgiving, or a day for the general cessation of business, is a

1 holiday.

2 (b) If a holiday otherwise described in subsection (a) of this  
3 section falls on a Sunday, then the following Monday is the legal  
4 holiday. If a holiday otherwise described in subsection (a) of  
5 this section falls on a Saturday, then the preceding Friday is the  
6 legal holiday: *Provided*, That this subsection (b) shall not apply  
7 to subdivisions ~~(13)~~ (14), ~~and~~ (15) and (16) subsection (a) of  
8 this section.

9 © Any day or part thereof designated by the Governor as time  
10 off, without charge against accrued annual leave, for state  
11 employees statewide may also be time off for county employees if  
12 the county commission elects to designate the day or part thereof  
13 as time off, without charge against accrued annual leave for county  
14 employees. Any entire or part statewide day off designated by the  
15 Governor may, for all courts, be treated as if it were a legal  
16 holiday.

17 (d) In computing any period of time prescribed by any  
18 applicable provision of this code or any legislative rule or other  
19 administrative rule or regulation promulgated pursuant to the  
20 provisions of this code, the day of the act, event, default or  
21 omission from which the applicable period begins to run is not  
22 included. The last day of the period so computed is included,  
23 unless it is a Saturday, a Sunday, a legal holiday or a designated

1 day off in which event the prescribed period of time runs until the  
2 end of the next day that is not a Saturday, Sunday, legal holiday  
3 or designated day off.

4       (e) If any applicable provision of this code or any  
5 legislative rule or other administrative rule or regulation  
6 promulgated pursuant to the provisions of this code designates a  
7 particular date on, before or after which an act, event, default or  
8 omission is required or allowed to occur, and if the particular  
9 date designated falls on a Saturday, Sunday, legal holiday or  
10 designated day off, then the date on which the act, event, default  
11 or omission is required or allowed to occur is the next day that is  
12 not a Saturday, Sunday, legal holiday or designated day off.

13       (f) With regard to the courts of this state, the computation  
14 of periods of time, the specific dates or days when an act, event,  
15 default or omission is required or allowed to occur and the  
16 relationship of those time periods and dates to Saturdays, Sundays,  
17 legal holidays, or days designated as weather or other emergency  
18 days pursuant to section two of this article are governed by rules  
19 promulgated by the Supreme Court of Appeals.

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

NOTE: The purpose of this bill is to designate December 7 of each year as "West Virginia Patriots of World War II Day" and make it a state holiday.

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