

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.