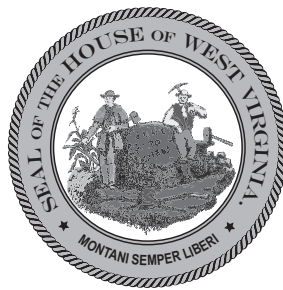


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Second Legislature  
Second Extraordinary Session

Held at Charleston  
Published by the Clerk of the House



August 29, 2018  
FIFTH DAY



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Wednesday, August 29, 2018

**FIFTH DAY**

Pursuant to the August 14, 2018 motion to adjourn and the August 22, 2018 letter from the Speaker Pro Tempore, the House of Delegates was called to reconvene the Second Extraordinary session on Wednesday, August 29, 2018 at 9:00 a.m.

There being a vacancy in the office of Speaker, the Honorable Stephen J. Harrison, Clerk, announced that the Honorable John Overington, the Delegate from the 62<sup>nd</sup> Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate Overington then assumed the Chair and called the House of Delegates to order.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

**Messages from the Executive  
and other Communications**

The following communication was laid before the House of Delegates and read by the Clerk:

West Virginia House of Delegates  
OFFICE OF THE SPEAKER  
Building 1, Room M-228  
1900 Kanawha Blvd., East  
Charleston, WV 25305

April 21, 2018

The Honorable Stephen J. Harrison  
Clerk  
West Virginia House of Delegates  
Building 1, Room 212-M  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

Dear Mr. Clerk:

With mixed emotions, I hereby resign as Speaker of the House of Delegates and as a Delegate representing the 40<sup>th</sup> District of Kanawha County effective as of 12:00 Noon today.

It has been a tremendous honor to serve in this Legislature and as Speaker, and I thank the citizens of the Elk River area of the 40<sup>th</sup> District for the extraordinary opportunity to have served. It has also been an honor to have served with my fellow legislators in building a greater state for our

people. I will leave the House with many fond memories and deep gratitude for the opportunity to serve.

Sincerely,

Tim Armstead

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 621**), and 95 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Isner, C. Miller, Sponaugle and White.

### **Election of Speaker**

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the remainder of the Eighty-third Legislature and stated that nominations were now in order.

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### **Majority Nomination**

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Delegate Shott, a Delegate from the 27<sup>th</sup> Delegate District, nominated the Honorable Roger Hanshaw from the 33<sup>rd</sup> District, as follows:

DELEGATE SHOTT. Good morning. Thank you, Mr. Speaker Pro Tempore. Although it doesn't always seem that way, there are many advantages of serving in this House. And, among those advantages is the opportunity to get to know some really remarkable people, on both sides of the aisle. And, among the most remarkable person that I have met here is the person who I have the honor and the pleasure of nominating to be our Speaker, Roger Hanshaw.

As I told the members of our caucus last night, sometimes during these nomination speeches, you have to rely a lot on the representations of the person that's making the nomination speech. But, in this instance, we've all had, or at least most of us, unless we're a new appointee, have had the opportunity to basically observe those who are going to be nominated. And, you can rely on your own observations, more so, than ordinarily, and certainly more so, than my representations.

Roger is one of the most intelligent people that I've met, not just here, but throughout my life time. He has all of the degrees that come along with the mark of intelligence. He's got a BS in JD or Law Degree from West Virginia, a PhD from Chemistry from Notre Dame, but in my experience, all those letters after a name don't amount to much unless you couple that with an abundant supply of common sense and that's what I've seen in Roger and that's one of the things that I admire most about Roger, is that he couples the extreme intelligence that he has with an extraordinary amount of common sense. And, I think you've all had the opportunity to observe that.

Another thing that has really impressed me about Roger is how direct he is. There are not going to be any games played with Roger. You'll know exactly

where you stand, and pretty quickly, when you're ... when you're dealing with Roger. He's decisive and for all of us, that's important as we operate the floor sessions. Each of us has a limited amount of time, and believe you me, as you enter your 70<sup>th</sup> decade, you start realizing just how little time is left, and how important it is to grasp each minute. So, we're not going to witness any of these occasional podium paralysis episodes that sometimes we have. You will get a decisive, quick decision from Roger.

His grasp of parliamentary procedures is going to give him the ability to give us quick, decisive decisions upon which we can rely, and which we can move on and move to a ... through our business in an expeditious, efficient, effective manner, and spare us the loss of needless loss of time.

Also, one thing...one thing that has impressed me about Roger is his ability to withstand any pressure. As I told the members of our caucus last night, in case you haven't noticed, and I hoped this was a secret, but I had to let it out of the bag last night, whenever in the Judiciary Committee we had a very difficult or complicated issue, especially rules issues involving the environment and other things, Roger always was assigned those presentations and the defense of those issues on the floor. He never wilted, he always handled the pressure beautifully. And, in this environment where we have to make numerous decisions that, that are sometimes painful, certainly often complicated, the ability to withstand that pressure is extremely important.

One other thing I think is, is obvious for those of you who have dealt with Roger, is the high integrity that he demonstrates whenever he deals with you. As I indicated, he's always direct. No games playing with him. You'll know where you stand with, with Roger, and you'll know, you'll know quickly. I'm going to give you one recent example, very recent example. I could give you numerous examples of his character and integrity but last night, we were engaged in a very hotly contested race for the Speaker position from our caucus. It was very close. On the last ballot I happened to look to my left to see what Roger was doing with his ballot, and he voted for his opponent. This was a very close race. I asked Roger after the election was over, "Why?", because I was a little bit puzzled. Because it was a close race, and he just simply said, "It was the right thing to do." It was the right thing to do.

And that speaks volumes about the person I think is the right person to lead our caucus. As I said, there's not going to be any games played. This is going to be all about opportunity. Opportunity for you, opportunity for your children, opportunity for your grandchildren, to find those opportunities they need to be able to stay in this beautiful state, to continue being part of your family, my family, that's what it's all about. And, that's the direction, that's the goal, that's the vision that Roger will bring as Speaker. So, without any type of reservation at all, I heartily endorse Roger as, and nominate him as our next Speaker, and urge you to vote with me. Thank you.

\* \* \* \* \*

The nomination of Delegate Hanshaw was seconded by the Honorable Amy Summers of the 49<sup>th</sup> Delegate District, with the following remarks:

DELEGATE SUMMERS. Thank you, Mr. Speaker. And, thank you, Chairman Shott. Please excuse me for some of the redundancy from my speech last night, but we got done late. You know the feeling you get when you meet somebody and you think they have it all? This is the feeling I get when I met

Roger Hanshaw. He's smart. He's matter-of-fact. He's not easily flustered or riled up. He's calm, cool and collected and he's not a game player. And most importantly, he's one of the most humble people that I have met.

In the Legislature, we develop relationships with people through our committee process and all through ... also through where we sit, and spend many, many hours together. I had the pleasure of serving with Delegate Hanshaw on the House Judiciary Committee, Political Subdivisions, and Agriculture and Natural Resources. He was always the go-to person for me and for many committee members. If you needed to know how to ask a question, to make a motion, to form an argument, he was the person to ask. This asset not only was valuable in our committee, but it was also ... will also be valuable in the Speaker's chair.

One of the biggest responsibilities of the Speaker is running the session and the floor proceedings. When I was handed this manual four years ago, and I looked at the hundred pages that the rules of the House had to follow, I was a little bit worried. In my profession as a nurse, we follow algorithms. If the blood pressure is low, you do this. If there's no heartbeat, you start CPR. I started reading these words about pairings and divisions, and motions for this, and motions for that, and I didn't even know how to spell the word germane, but all I had to do was ask Delegate Hanshaw and he made it clear to me. This isn't that hard. It's a process and we can do it. And when he explained that to me, he has a way, with his intelligence but he doesn't make you feel stupid. Even though, I did feel stupid.

When I think about the degrees that he has, that Chairman Shott eluded to, the Bio-Chemistry, the Chemistry, the Law Degrees, and the one I favor most, hard knocks in farming, I realize that Roger Hanshaw could do anything. He could live anywhere. But he chooses us. And, he chooses to serve West Virginia as a public servant.

He also represents a small community, which I can relate to. For those of us for ... with these ... that come from small towns, that don't even have stop lights, where the possibilities of no water, no sewage, no Internet, and frankly, no jobs, we have somebody that understands this reality, and that can empathize with us. He understands that one policy change can make a difference in a community. In discussions we had last night, I noticed there were concerns that he's very busy and maybe doesn't have the time to serve as Speaker. But, I thought to myself, he has a full-time job. He has a wife and two children. He's run the flood recovery. He's on the impeachment hearings. He's on the PEIA Task Force. He's doing it all. A friend of mine recently said to me, and she quoted Lucille Ball, "If you want something done, ask a busy person, because they'll get it done."

The last thing I'd like to say, is that Roger's heart and his motives are in the right place. He's a principled policymaker who will empower the body to fundamentally reform and restructure our government where the status quo is no longer acceptable and, we will continue the transformation of West Virginia. Therefore, I second the nomination of Roger Hanshaw for Speaker of the West Virginia House of Delegates.

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### **Minority Nomination**

\* \* \* \* \*

Delegate Pushkin, 37<sup>th</sup> Delegate District, then nominated the Honorable Tim Miley, the Delegate from the 48<sup>th</sup> Delegate District, as follows:

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Good morning everyone. I promise to be very brief. As, I'm sure I probably won't be swaying a whole lot of votes, except for possibly one, after what I've just heard.

Mr. Speaker, one thing that I've learned in my short time here, quite frankly, it's something that you, Mr. Speaker, have exemplified in your long career here, and that is to be a good Delegate one must first be a good listener. We are supposed to go out and listen to the folks who sent us here. We're supposed to meet them where they are, and bring their conscience to this building and act accordingly. Now the same can be said of a great Speaker. A great Speaker does not take the gavel to further their own agenda. A great Speaker does not take the gavel and tell us what they plan to do. A great Speaker will listen to us, and listen to the people of West Virginia, and act accordingly.

Now, in the time that I spent serving with Minority Leader Miley, that's the kind of leadership that that we've all seen. When we have a caucus, he listens to us. He meets us where we are, and he carries our conscience to the floor, and he also fights like hell for our position. That's the kind of Speaker that Tim Miley will be. Tim Miley is not going to be the type of Speaker that takes the podium with an agenda. Quite...very often, I have seen Tim Miley put the will of our caucus ahead of his own agenda. And, that's what he will do as Speaker. And it won't just be listening to this side of the aisle or that side of the aisle, he will listen to the entire body. And, more important than that, Tim Miley will listen to the will of the people of West Virginia, and that's the kind of leader he has been, that's the kind of leader he will be. So, without hesitation today, I nominate Tim Miley as Speaker of the House of West Virginia. And, I urge your vote.

The nomination of Delegate Miley was seconded by Delegate Hornbuckle of the 16<sup>th</sup> Delegate District, with the following remarks:

DELEGATE HORNBUCKLE. Good morning everyone. I am here today to second the nomination by my fellow Delegate..., Delegate Pushkin. I find it very important that we all know that Delegate Tim Miley is a team player. He puts everyone else before himself. The first time I was actually able to meet Tim, he traveled, back in 2012, all the way from Clarksburg to see little ole me in Huntington, in my first ever, fundraiser. And what that meant to me was, I wasn't on the map, wasn't no commodity, but he was all about the team, that he wanted to take out his time to not just come support me but also to evaluate me, to assess me, to make sure that we were putting someone to be a part of this body that could do a good job. Being a stand-up guy is huge to me.

And Tim is a person who is well-traveled. Graduating undergrad in Finance from SMU, getting a Law Degree from Duquesne. And what that means is, he's far reaching, well-traveled. Being able to see all sides of the world and bring those experiences here to West Virginia. Knowledgeable and wise is Tim Miley. Being the former Chair of Judiciary, but also being the former Speaker of the House. And, what he brings, knowing the rules of the House is just invaluable in our quest to push West Virginia forward.

Many times, also, as Delegate Pushkin mentioned, in our caucus, he will put the group's efforts ahead of his own. And there are also times where there might be a disagreement, but he's always willing to seek out the other person's

opinions and values, because he knows that everybody together will be stronger. I also feel that whether it is five years, ten years, next year or even eighty years, Tim has always stressed the importance of being fair. And that while, at some point, we don't know when, the pendulum can swing the other way, it's always the most important thing out to reach out to one another. That's why I think Tim Miley is the best fit to lead this House as we break down barriers, again, and try to move together, in unison, to push us forward. So again, I would like to second the nomination by Delegate Pushkin, as saying that Delegate Tim Miley would be the best choice for us and I urge your yes vote.

There being no further nominations, on motion of Delegate Householder, the Presiding Officer declared nominations closed.

\* \* \* \* \*

The Clerk then called the roll (**Roll No. 622**), the result of which was as follows:

Delegates voting for Delegate Hanshaw - 62, as follows:

Adkins	Folk	Lane	Romine, R.
Ambler	Foster	Linville	Rowan
Anderson	Frich	Malcomb	Shott
Atkinson	Gearheart	Marcum	Sobonya
Blair	Graves	Martin	Statler
Butler	Hamilton	Maynard	Storch
Capito	Hamrick	McGeehan	Summers
Cooper	Harshbarger	Miley	Sypolt
Cowles	Higginbotham	Moore	Upton
Criss	Hill	Nelson	Wagner
Dean	Hollen	Overington	Ward
Deem	Householder	Pack	Westfall
Ellington	Howell	Paynter	Wilson
Espinosa	Jennings	Phillips	Zatezalo
Evans, A.	Kelly	Queen	
Fast	Kessinger	Rohrbach	



Delegates voting for Delegate Miley - 34, as follows:

Barrett	Eldridge	Iaquinta	Pushkin
Bates	Evans, E.	Isner	Pyles
Boggs	Ferro	Longstreth	Robinson
Brewer	Fleischauer	Love	Rodighiero
Byrd	Fluharty	Lovejoy	Rowe
Campbell	Hanshaw	Lynch	Thompson
Canestraro	Hartman	Miller, R.	Williams
Caputo	Hicks	Moye	
Diserio	Hornbuckle	Pethtel	

The Presiding Officer stated that the total number of votes cast was 96, of which the Honorable Roger Hanshaw of the 33<sup>rd</sup> Delegate District received 62, and the Honorable Tim Miley of the 48<sup>th</sup> Delegate District received 34, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Shott, Summers and Miley as a committee to escort the Speaker-elect to the Clerk's Desk.

The committee then escorted the Speaker-elect to the Clerk's Desk.

Delegate Miley delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE MILEY. Before we begin I want to congratulate Roger Hanshaw on being elected Speaker of this Legislative Session. I can't contradict anything that was said about him with regard to the qualities he possesses. In the four years that I've known Roger, he exemplifies all of those that he was described with.

And so, Roger, I wish you the best of success in what time remains for you as Speaker. I'm hoping it's short lived, obviously. I'd be lying if I wasn't. But the fact remains that you are the Speaker and will be from here until the end of the year. And even if you remain Speaker in the next Legislative Session, I look forward to working with you in a very bipartisan unified manner to move this state forward where we all know it needs to go. So, thank you.

Speaker-elect Hanshaw then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Dan Greear, Judge, Thirteenth Judicial Circuit.

The Speaker then addressed the House:

MR. SPEAKER, MR. HANSHAW. Friends please, please be seated. I was reflecting last night as we all left this Capitol and walked to the car why it is that anybody would run for the House of Delegates? Why do each of us place our names on the ballot, go through the process of a campaign and do all that we do to seek membership in this body? And, I reflected on that all the way home last night. And, the answer, the answer to me is found in my family, there by the door. I'm pleased to have with me this morning, my wife Kirsten and our two daughters. She's holding our oldest little daughter, Kathryn. By the door is my mother-in-law, Mary Kathryn King, she's holding our youngest daughter, Rebecca and that family, my family, is why I ran for this House the first time .... not unlike why I expect many of you ran for the House the first time.

We need opportunity, as a state. We need our state to be a place where we can raise families. Where we can stay together. Where we can do the things that families do. Where we can grow and pass along small family owned businesses. Where we can provide opportunity not for ourselves but for our children, for our grandchildren, for our great grandchildren.

Our service in this House gives us an opportunity to make a contribution to our state, to our chosen home in a way that other citizens of our communities will never have. I've remarked often to people with whom I've had the privilege to serve, many of you, for the last four years that, on many, many days I've left this Capitol mad and frustrated, as I imagine many of you have. But I cannot think of a day, I cannot think of a single day when I have entered the Capitol that way. And I felt that way again this morning. I park on California Avenue and this morning I entered the East Wing and paused for just a moment to see the sun coming up over the Capitol dome there, and I thought to myself, we have an opportunity as the 100 members of this House to effect change here in a way that the citizens of the rest of West Virginia not only need, but require, and will never have themselves. And, that's an obligation we have to take seriously.

We'll do this process again in just four months, so over the coming weeks we'll no doubt, as members of this body, be engaged in debates about matters of public policy in a very public way, often a very heated way. But I hope during that process and during these weeks to come, we remember that we are one of the 100 people who have the privilege to walk through that door. We are one of only 100 West Virginians who have the opportunity to sit here in this House and debate the future of families like mine, and families like yours. And it's that reality that frames my decision to be in this House. It's that reality that framed my decision to be back on the ballot again this fall not unlike what I'm sure framed your decision to be back on the ballot this fall, too.

Now as Chairman Shott said, I became a student of parliamentary procedure many years ago, but I did so because I was a FFA member, Clay County High School, back in the 90s. And, I say that to say this, on my desk upstairs, sits a small little plow, the emblem of a plow. And, if you know the FFA organization, you know that at some point during the opening ceremonies for what those members do, the vice president of that organization says, "The plow is a symbol of labor and tillage of the soil. Without labor neither knowledge nor wisdom can accomplish much." And, while we are likely not to be together again as a body to meet and make decisions and deliberate, perhaps until the end of this Legislature, we do have an opportunity to work together every day to actually work and implement those policy positions that we championed here on the floor of this House. We do have an opportunity to

represent our constituents and make change, and make meaningful, impactful contributions to our communities as Delegates, in a way that members of our community will never have.

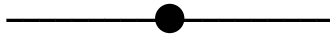
I cherish that privilege and I hope you do as well. Never, never, enter the doors of this Capitol mad. Enter the doors of this Capitol grateful for the chance to be one of the 100 members who get the chance to be here and chart the future for our state. From the bottom of my heart I thank you for the confidence you've shown in me this morning. I can't express it enough. Thank you, Mr. Speaker. (Applause, the members rising in ovation.)

\* \* \* \* \*

Delegate Overington then presented the gavel to the Speaker and he assumed the Chair.

The Clerk proceeded to read the Journals of Monday, August 13, 2018, and Tuesday, August 14, 2018, when the further reading of each was dispensed with and the same approved.

There being no further business to come before the House, at 9:59 a.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2018, is the Official Journal of the House of Delegates for said session.*

\_\_\_\_\_  
Roger Hanshaw  
Speaker of the House of Delegates

\_\_\_\_\_  
Stephen J. Harrison  
Clerk of the House of Delegates

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**HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470**

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