



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

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April 30, 2020

via email

The Honorable James C. Justice
Governor
State of West Virginia
1900 Kanawha Boulevard East
Charleston, WV 25301

Dear Governor Justice:

As you know, we were unaware of your plans to re-open the state until we heard your presentation on Monday. While we agree that the state needs to be re-opened at some point, many of us have received concerns from our (and your) constituents about how this will be safely accomplished. As members of the Legislature who were not involved in the preparation of your plan, we feel duty bound to share some of those concerns that have been expressed to us and ask that you consider incorporating them into the recovery plan as the state moves forward. They are as follows:

- Will the state plan be adjusted for regional hotspots (such as the Eastern Panhandle, North Central West Virginia, the Kanawha Valley, etc.)? The rate of infection is higher (and thus more dangerous) in certain areas than others. Are you planning on taking a 'one size fits all' approach for each of the 55 counties?
- What discretion, if any, are you giving to local Health Departments and County Commissions to address 'hot spot' areas so that the citizens in those areas can remain safe?
- What is the plan of action if we see a spike in positive cases after we have reopened the state? Will the planned reopening be scaled back or reversed to protect our residents? Are there established benchmarks that will trigger this rollback?
- Do you plan on imposing any public safety requirements upon West Virginia businesses as a condition of their re-opening? If so, what types of public safety requirements are you going to require? If you do impose any such public safety requirements, how is the state going to ensure that any such requirements do not have a disproportionately negative impact upon small businesses? Unfortunately, it seems to be a trend nationwide that larger corporations are benefitting at the expense of small businesses. Is there a plan in place to ensure that our state's small businesses have additional support, resources and assistance from the state?
- Has there been consideration of using recent data instead of cumulative data? Recent data would show a more accurate picture of where we are as a state in terms of this virus. Many of us do not understand the relevancy of tests and infection rates of more than three weeks ago, as those earlier infected citizens have either recovered or became deceased. Considering ALL of the

cumulative data to determine infection rate may artificially suppress the rate of infection and potentially hide what might be a significant spike in infections.

- What is the plan for reopening the tourism industry in West Virginia? Will there be restrictions and precautions to ensure the safety of West Virginians who work in the tourism industry from those individuals who may be coming into West Virginia from other states, some of which have infection rates 4-5 times as high as ours?
- Is there a specific plan for addressing the minority population in this state who appear to be infected at a much greater percentage than their representative percentage of the state's population? Specifically, we are referring to the African American community.
- Is the state going to have the necessary testing supplies and PPE as we reopen? Are there adequate supplies available for businesses to purchase to protect their employees?
- Is there a plan to ensure that West Virginians who have lost their health insurance due to this pandemic have access to affordable healthcare insurance options? If so, what is the plan?

We appreciate this opportunity to have input into the recovery plan for our state and stand ready to participate with your administration to help safely re-open our state. Thank you for your consideration of these suggestions and for all that you and your administration are doing to help West Virginia and her people recover from this pandemic. We urge you to continue to put all West Virginians first as we move forward as a state.

We stand ready to help.

Sincerely,

House Minority Leader Tim Miley (Harrison)
Delegate Michael Angelucci (Marion)
Delegate Jason Barrett (Berkeley)
Delegate Mick Bates (Raleigh)
Delegate Brent Boggs (Braxton)
Delegate Sammi Brown (Jefferson)
Delegate Mike Caputo (Marion)
Delegate Phil Diserio (Brooke)
Delegate John Doyle (Jefferson)
Delegate Amanda Estep-Burton (Kanawha)
Delegate Ed Evans (McDowell)
Delegate Barbara Fleischauer (Monongalia)
Delegate Shawn Fluharty (Ohio)
Delegate Evan Hansen (Monongalia)
Delegate Bill Hartman (Randolph)

Delegate Sean Hornbuckle (Cabell)
Delegate Ken Hicks (Wayne)
Delegate Cindy Lavender-Bowe (Greenbrier)
Delegate Linda Longstreth (Marion)
Delegate Dave Pethtel (Wetzel)
Delegate Mike Pushkin (Kanawha)
Delegate Rodney Pyles (Monongalia)
Delegate Larry Rowe (Kanawha)
Delegate Doug Skaff (Kanawha)
Delegate Isaac Sponaugle (Pendleton)
Delegate Margaret Stagers (Fayette)
Delegate Cody Thompson (Randolph)
Delegate Robert Thompson (Wayne)
Delegate Danielle Walker (Monongalia)
Delegate Lisa Zukoff (Marshall)