



State of West Virginia
Office of the Attorney General

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Attorney General

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February 18, 2014

The Honorable Timothy R. Miley
Speaker of the House of Delegates
State Capitol Complex, Room 228 M
Charleston, WV 25305

Dear Speaker Miley,

I am writing today to express my deep concerns over House Bill 4490, a blatantly partisan and overbroad bill which passed the House Judiciary Committee on Feb. 17, 2014.

Simply put, by changing the legal standards under which we can pursue claims and represent the state, this legislation creates a constitutional crisis and puts at risk the core functions of the Attorney General's Office.

My concerns are very specific. First, the bill establishes new legal standards for one office, but does not require legislators, the Governor, Supreme Court of Appeals justices, and other constitutional officers to adhere to the same rules. This is an unprecedented, unconstitutional, and dangerous experiment to advance a very partisan cause.

Second, House Bill 4490 puts at risk ongoing criminal and civil investigations by our Office that target corruption and violations of our state's consumer protection laws. The proposal could cost the state many millions of dollars in lost settlements and allow certain individuals to avoid justice. Why would the House put those investigations at risk?

Third, the legislation would gut our Consumer Protection Division because funding would be dramatically reduced under this proposal. The House bill, if passed, may result in dozens of employees losing their job because of reduced funding.

State Capitol Building 1, Room E-26, 1900 Kanawha Boulevard East, Charleston, WV 25305

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Finally, this legislation unconstitutionally seeks to grind to a halt the Office's efforts to protect the Second Amendment, fight for coal jobs and take on President Obama's overreach. Under this proposal, every Board of Public Works official *except* the Attorney General will be allowed to decide whether they wish to file amicus briefs, even though the West Virginia Constitution allows the Attorney General to speak for the legal interests of the State and recognizes the Office as an equal member of the Executive Branch.

For the reasons outlined above and many more, I hope you would take appropriate steps to halt House Bill 4490. The state should not be thrust into a constitutional crisis just to make headlines for some lawmakers during an election year.

Sincerely,

A handwritten signature in black ink that reads "Patrick Morrisey". The signature is written in a cursive, slightly slanted style.

Patrick Morrisey

cc: Governor Earl Ray Tomblin
Senate President Jeff Kessler
Members of the Legislature