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February 15, 2022

TO: The Honorable Shane E. Pendergrass
Chair, Health & Government Operations Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 363: Attorney General – Climate Change Actions – Authorization – **Support**

The Office of the Attorney General supports passage of HB 363, Delegate Ruth's bill to authorize the Attorney General to investigate, commence, and prosecute or defend any civil or criminal suit or action that holds accountable entities capitalized at over one billion dollars (\$1,000,000,000) whose tortious or otherwise unlawful conduct has contributed to climate change. The legislation further authorizes the Attorney General to hire outside counsel on a contingency fee basis to assist with prosecuting such actions if, in his discretion, he determines that doing so is in the State's best interest.

Maryland is among "very few states" where the Attorney General "expressly lacks common law authority."¹ House Bill 363 will position Maryland on equal footing with other states, municipalities, and cities that have sued the fossil fuel industry—or its major players—for climate change caused by oil and gas. In short, if enacted, HB 363 will ensure that Maryland is not left behind other states in its ability to hold industries contributing to climate change accountable.

For the foregoing reasons, the Office of Attorney General urges a favorable report on HB 363.

cc: Members of the Health & Government Operations Committee

¹ NAT'L ASS'N OF ATT'Y GEN., STATE ATTORNEYS GENERAL POWERS AND RESPONSIBILITIES 44 n.76, (Emily Myers ed., 4th ed. 2018) (citing *Philip Morris, Inc. v. Glendening*, 349 Md. 660, 674 (1998)).