

2024-03-18 OAG Amendment to HB 53.pdf

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By: Office of the Attorney General

Amendment to House Bill 53

On page 1, strike in their entirety lines 15 and 16.

On page 2, in line 1, strike “(5)” and substitute “(4)”; in line 6, strike “Attorney General, or the Attorney General’s designee,” and substitute “Governor”; in line 8, strike “Office of the Attorney General” and substitute “Department of Legislative Services”; in line 13, after “(f)” insert “(1)”; in line 14, strike “(1)” and substitute “(i)”; in line 18, strike “(i)” and substitute “1.”; in lines 19, 21, 24, and 28, in each instance strike “1.”, “2.”, “3.”, and “4.”, respectively and substitute “A.”, “B.”, “C.”, and “D.”, respectively.

On page 3, in line 1, strike “(ii)” and substitute “2.”; in lines 4 and 5, strike “(2)” and “(3)”, respectively, and substitute “(ii)” and “(iii)”, respectively; after line 7, insert:

“(2) To assist in the study required under this section, the Task Force may hire a consultant

(g) For fiscal year 2026, the Governor shall include in the annual budget bill an appropriation of \$100,000 for the completion of the report required under this section.”;

in line 8, strike “(g)” and substitute “(h)”; strike “2024” and insert “2025”; in line 12, strike “1 year” and substitute “2 years”; and in line 13, strike “2025” and substitute “2026”.

2024-03-19 HB53 (Information).pdf

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March 19, 2024

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: House Bill 53 - Task Force to Study E-Commerce Monopolies in the State
(E-Commerce Antimonopoly Study of 2024) – **Letter of Information**

The Office of the Attorney General (OAG) respectfully submits this letter of information to the Finance Committee for use while deliberating House Bill 53 - Task Force to Study E-Commerce Monopolies in the State (E-Commerce Antimonopoly Study of 2024).

House Bill 53 establishes the Task Force to Study E-Commerce Monopolies in the State to investigate the business practices and industry impacts of e-commerce businesses that individually have annual revenue exceeding \$10,000,000,000, have a presence in the State, and that are engaged in selling on their own online platforms first-and third-party products. House Bill 53 also requires the OAG to provide staff for the Task Force.

The Antitrust Division of the OAG is charged with enforcing State and federal antitrust laws where there is a particular impact on the economy or citizens of Maryland. Operationally, House Bill 53 would reduce resources currently available for those enforcement efforts unless there is provision made for additional human resources. House Bill 53 would require an individual

from the Antitrust Division to, at a minimum, attend regular Task Force meetings, legal and policy research and writing, and final report drafting. Currently, the Antitrust Division has three Assistant Attorneys General who are engaged in complex multistate and local cases and investigations involving some of the national economy's largest players. The Division's current bandwidth to engage in additional non-enforcement tasks is extremely limited. The Assistant Attorneys General who work at the Office of the Attorney General are extremely specialized, non-fungible attorneys. While OAG employs over 600 attorneys, it is not possible nor prudent to, for instance, take an AAG who may have a lighter workload from the Criminal Division and plant them in the Antitrust Division for purposes of completing the requirements of the Task Force.

Furthermore, while the Antitrust Division does specialize in antitrust and monopolies, the OAG does not believe that we are the appropriate organization to staff this Task Force. The Antitrust Division of the OAG specializes in legal research, analysis, and investigations, not the type of policy analysis that House Bill 53 would require, such as analyzing e-commerce platforms and gauging business practices in e-commerce.

The Office of the Attorney General respectfully requests that you take this letter of information into consideration when deliberating **House Bill 53**.

cc: Delegate Chao Wu