

HOUSE BILL 42

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2003 Regular Session
(31r0630)

ENROLLED BILL
-- Environmental Matters/Education, Health, and
Environmental Affairs --

Introduced by **Delegates Elmore, Boteler, Bozman, Cane, DeBoy, Eckardt,
Heller, Kach, and McKee**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Somerset County - Ferry Companies—Franchises**
3 **Company - Franchise**

4 FOR the purpose of authorizing the County Commissioners of Somerset County to
5 grant ~~one or more franchises~~ a franchise for a ferry company to operate between
6 Somerset County and Reedville, Virginia, on a ~~an exclusive or nonexclusive~~
7 basis; requiring the County Commissioners of Somerset County to review a
8 certain proposed business and financial plan at a certain time; authorizing the
9 County Commissioners of Somerset County to adopt certain regulations that are
10 consistent with certain regulations adopted by the Public Service Commission;
11 providing that a ferry company granted a franchise under this Act has a certain
12 period of time in which to exercise the franchise, after which the franchise is
13 null and void; providing that a ferry company that has been granted a franchise
14 that has become null and void is not precluded from subsequently applying for
15 another franchise; prohibiting a ferry company granted a franchise under this

1 Act from conducting ~~certain~~ any gambling or gaming activities on any ferry that
 2 it operates under the franchise; and generally relating to a public transportation
 3 ~~franchises~~ franchise in Somerset County.

4 BY adding to
 5 Article 25 - County Commissioners
 6 Section 3D(a)(3)
 7 Annotated Code of Maryland
 8 (2001 Replacement Volume and 2002 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article 25 - County Commissioners**

12 3D.

13 (a) (3) (I) NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, THE
 14 COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY GRANT ~~ONE OR MORE~~
 15 ~~FRANCHISES~~ A FRANCHISE FOR A FERRY COMPANY TO OPERATE BETWEEN
 16 SOMERSET COUNTY AND REEDVILLE, VIRGINIA ON ~~A~~ AN EXCLUSIVE OR
 17 ~~NONEXCLUSIVE~~ BASIS.

18 (II) BEFORE GRANTING A FRANCHISE ~~FOR~~ TO A FERRY COMPANY,
 19 THE COUNTY COMMISSIONERS OF SOMERSET COUNTY SHALL REVIEW THE
 20 PROPOSED BUSINESS AND FINANCIAL PLAN ~~FOR~~ OF THE FERRY COMPANY.

21 (III) 1. THE COUNTY COMMISSIONERS OF SOMERSET COUNTY
 22 MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS PARAGRAPH.

23 2. REGULATIONS ADOPTED UNDER THIS SUBPARAGRAPH
 24 SHALL BE CONSISTENT WITH ANY REGULATIONS ADOPTED BY THE PUBLIC SERVICE
 25 COMMISSION THAT RELATE TO FERRY COMPANIES.

26 (IV) 1. A FERRY COMPANY THAT IS GRANTED A FRANCHISE
 27 UNDER THIS PARAGRAPH HAS UP TO 18 MONTHS TO EXERCISE THE FRANCHISE.

28 2. IF THE FERRY COMPANY HAS NOT EXERCISED THE
 29 FRANCHISE AFTER 18 MONTHS FROM THE DATE IT WAS GRANTED, THE FRANCHISE
 30 SHALL BE NULL AND VOID.

31 3. A FERRY COMPANY GRANTED A FRANCHISE THAT
 32 BECOMES NULL AND VOID UNDER THIS SUBPARAGRAPH IS NOT PRECLUDED FROM
 33 SUBSEQUENTLY APPLYING FOR ANOTHER FRANCHISE TO OPERATE BETWEEN
 34 SOMERSET COUNTY AND REEDVILLE, VIRGINIA ON A NONEXCLUSIVE BASIS.

35 (IV) (V) A FERRY COMPANY THAT IS GRANTED A FRANCHISE
 36 UNDER THIS PARAGRAPH MAY NOT CONDUCT ANY GAMBLING OR GAMING

1 ACTIVITIES ~~PROHIBITED UNDER THE CRIMINAL LAW ARTICLE~~ ON ANY FERRY THAT
2 IT OPERATES UNDER THE FRANCHISE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect ~~October~~ July 1, 2003.