
By: Delegates Mandel and Faulkner

Introduced and read first time: February 2, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Counties - Computer Software Programs - Sale, Lease, or Licensing**

3 FOR the purpose of authorizing a county to sell, lease, or license to the public any
4 computer software program that is produced or developed by or for the county in
5 the normal course of its operations; permitting a county to adopt a price structure
6 for a computer software program based on certain factors; defining ascertain term;
7 and generally relating to the sale, lease, or licensing of computer software programs
8 by counties.

9 BY adding to

10 Article 24 - Political Subdivisions - Miscellaneous Provisions
11 Section 17-101 to be under the new title "Title 17. Sale, Lease, or Licensing of
12 Computer Software Programs"
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

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

17 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

18 TITLE 17. SALE, LEASE, OR LICENSING OF COMPUTER SOFTWARE
19 PROGRAMS.

20 17-101.

21 (A) (1) IN THIS SECTION, "COMPUTER SOFTWARE PROGRAM" MEANS A
22 SOFTWARE PROGRAM TO ACCESS DATA, OR TO IMPLEMENT A PROCESS USING
23 DATA, IN A COMPUTER SYSTEM.

24 (2) "COMPUTER SOFTWARE PROGRAM" DOES NOT INCLUDE ANY
25 COMPUTER SOFTWARE PROGRAM THAT IS SUBJECT TO THE PROVISIONS OF TITLE
26 10, SUBTITLE 9 OF THE STATE GOVERNMENT ARTICLE.

27 (B) (1) A COUNTY MAY SELL, LEASE, OR LICENSE TO THE PUBLIC, OR
28 ENTER INTO A CONTRACT CONCERNING, ANY COMPUTER SOFTWARE PROGRAM
29 THAT IS PRODUCED OR DEVELOPED BY OR FOR THE COUNTY IN THE NORMAL

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1 COURSE OF ITS OPERATIONS, INCLUDING PATENTS, TRADEMARKS, AND
2 COPYRIGHTS.

3 (2) A COUNTY MAY ADOPT A PRICE STRUCTURE FOR A COMPUTER
4 SOFTWARE PROGRAM BASED ON ANY FACTORS THAT THE COUNTY CONSIDERS
5 RELEVANT, INCLUDING:

6 (I) THE COSTS OF CREATING, DEVELOPING, REPRODUCING, AND
7 DELIVERING THE COMPUTER SOFTWARE PROGRAM;

8 (II) OVERHEAD AND LABOR COSTS; AND

9 (III) THE FAIR MARKET VALUE OF THE COMPUTER SOFTWARE
10 PROGRAM.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1996.