
By: Delegates Mandel and Faulkner

Introduced and read first time: February 2, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

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

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

10 BY repealing and reenacting, without amendments,

- 11 Article 24 - Political Subdivisions - Miscellaneous Provisions
- 12 Section 1-101(b)
- 13 Annotated Code of Maryland
- 14 (1994 Replacement Volume and 1995 Supplement)

15 BY adding to

- 16 Article 24 - Political Subdivisions - Miscellaneous Provisions
- 17 Section 17-101 to be under the new title "Title 17. Sale, Lease, or Licensing of
- 18 Computer Software Programs"
- 19 Annotated Code of Maryland
- 20 (1994 Replacement Volume and 1995 Supplement)

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

2

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

2 1-101.

3 (b) "County" means a county of the State and Baltimore City.

4 TITLE 17. SALE, LEASE, OR LICENSING OF COMPUTER SOFTWARE
5 PROGRAMS.

6 17-101.

7 (A) (1) IN THIS SECTION, "COMPUTER SOFTWARE PROGRAM" MEANS A
8 SOFTWARE PROGRAM TO ACCESS DATA, OR TO IMPLEMENT A PROCESS USING
9 DATA, IN A COMPUTER SYSTEM.

10 (2) "COMPUTER SOFTWARE PROGRAM" DOES NOT INCLUDE ANY
11 COMPUTER SOFTWARE PROGRAM THAT IS SUBJECT TO THE PROVISIONS OF TITLE
12 10, SUBTITLE 9 OF THE STATE GOVERNMENT ARTICLE.

13 (B) (1) A COUNTY OR MUNICIPAL CORPORATION MAY SELL, LEASE, OR
14 LICENSE TO THE PUBLIC, OR ENTER INTO A CONTRACT CONCERNING, ANY
15 COMPUTER SOFTWARE PROGRAM THAT IS PRODUCED OR DEVELOPED BY OR FOR
16 THE COUNTY OR MUNICIPAL CORPORATION IN THE NORMAL COURSE OF ITS
17 OPERATIONS, INCLUDING PATENTS, TRADEMARKS, AND COPYRIGHTS.

18 (2) A COUNTY OR MUNICIPAL CORPORATION MAY ADOPT A PRICE
19 STRUCTURE FOR A COMPUTER SOFTWARE PROGRAM BASED ON ANY FACTORS
20 THAT THE COUNTY OR MUNICIPAL CORPORATION CONSIDERS RELEVANT,
21 INCLUDING:

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

24 (II) OVERHEAD AND LABOR COSTS; AND

25 (III) THE FAIR MARKET VALUE OF THE COMPUTER SOFTWARE
26 PROGRAM.

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