

HOUSE BILL 1241

D3

8lr2050

By: **Delegates Rosenberg, Carter, Anderson, Barnes, Benson, Bobo, Bronrott, Burns, Conaway, Gutierrez, Guzzone, Huckler, Kullen, Manno, McHale, Mizeur, Montgomery, Nathan-Pulliam, Oaks, Robinson, Schuler, Stukes, and V. Turner**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland State and Children's Lead Poisoning Recovery Act**

3 FOR the purpose of requiring certain manufacturers of lead pigment to reimburse
4 certain persons for certain damages caused by lead-based paint; establishing
5 the types of damages for which certain manufacturers of lead pigment are
6 required to pay reimbursement; providing that certain manufacturers of lead
7 pigment may be held liable under any legally recognized theory of liability;
8 providing that failure to join a certain manufacturer in a certain action does not
9 constitute failure to join a required party for any purpose; providing that a
10 person is not required to prove that a manufacturer manufactured the lead
11 pigment contained in certain lead-based paint that caused the damage to
12 establish the liability of the manufacturer; requiring the person to prove by a
13 preponderance of the evidence certain elements in order to recover damages;
14 requiring a trier of fact, if a party satisfies a certain burden of proof against a
15 certain manufacturer to find the manufacturer liable, unless the manufacturer
16 establishes certain facts by a preponderance of the evidence; requiring the trier
17 of fact, if a certain manufacturer is found liable for certain damages, to make a
18 certain finding and enter a certain judgment based on certain factors; providing
19 that a certain manufacturer who is found to be liable is subject to joint and
20 several liability; establishing a duty of a certain attorney to notify and
21 reimburse the State for certain expenses; declaring a certain action under this
22 Act is not exclusive and is independent of and in addition to any right, remedy,
23 or cause of action available to the State; allowing medical assistance
24 expenditures attributable to lead paint to be proved or disproved by evidence of
25 statistical analysis; creating the Lead Paint Restitution Fund; declaring a
26 certain intent of the General Assembly; defining certain terms; providing for
27 the application of this Act; and generally relating to the liability of
28 manufacturers for damage caused by lead pigment in lead-based paint.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Courts and Judicial Proceedings
 3 Section 3–1801 through 3–1809 to be under the new subtitle “Subtitle 18.
 4 Maryland State and Children’s Lead Poisoning Recovery Act”
 5 Annotated Code of Maryland
 6 (2006 Replacement Volume and 2007 Supplement)

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

9 **Article – Courts and Judicial Proceedings**

10 **SUBTITLE 18. MARYLAND STATE AND CHILDREN’S LEAD POISONING**
 11 **RECOVERY ACT.**

12 **3–1801.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (B) “ABATEMENT” MEANS A SET OF MEASURES DESIGNED TO
 16 ELIMINATE OR REDUCE LEAD–BASED PAINT HAZARDS IN A RESIDENTIAL
 17 BUILDING IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE
 18 DEPARTMENT OF THE ENVIRONMENT THAT MAY INCLUDE:

19 (1) THE REMOVAL OF LEAD–BASED PAINT AND
 20 LEAD–CONTAMINATED DUST, THE CONTAINMENT OR ENCAPSULATION OF
 21 LEAD–BASED PAINT, THE REPLACEMENT OR DEMOLITION OF LEAD–BASED
 22 PAINTED SURFACES OR FIXTURES, AND THE REMOVAL OR COVERING OF
 23 LEAD–CONTAMINATED SOIL; AND

24 (2) ALL PREPARATION, CLEANUP, DISPOSAL, AND
 25 POSTABATEMENT CLEARANCE TESTING ACTIVITIES ASSOCIATED WITH THESE
 26 MEASURES.

27 (C) “LEAD–BASED PAINT” MEANS LEAD–BASED PAINT AS DEFINED BY
 28 REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT.

29 (D) (1) “MANUFACTURER OF LEAD PIGMENT” MEANS A PERSON WHO
 30 MANUFACTURED OR PRODUCED LEAD PIGMENT FOR SALE OR USE AS A
 31 COMPONENT IN PAINT OR A PREDECESSOR–IN–INTEREST OF THE PERSON.

32 (2) “MANUFACTURER OF LEAD PIGMENT” DOES NOT INCLUDE:

1 (I) A PERSON OR A PREDECESSOR-IN-INTEREST OF THE
2 PERSON WHO ONLY SOLD LEAD PIGMENT OR LEAD PIGMENT AS A COMPONENT
3 OF LEAD-BASED PAINT AT RETAIL OR WHOLESALE; OR

4 (II) A PERSON OR A PREDECESSOR-IN-INTEREST OF THE
5 PERSON WHO ONLY APPLIED LEAD-BASED PAINT IN A RESIDENTIAL BUILDING.

6 (E) "MARKET FOR LEAD PIGMENT" MEANS THE MARKET FOR LEAD
7 PIGMENT INTENDED FOR USE OR USED AS A COMPONENT OF LEAD-BASED
8 PAINT INTENDED FOR USE OR USED IN THE UNITED STATES OF AMERICA.

9 (F) "SHARE OF THE MARKET" MEANS A PERCENTAGE OF SALES OF
10 LEAD PIGMENT AND LEAD-BASED PAINT IN THE MARKET FOR LEAD PIGMENT
11 ATTRIBUTABLE TO A MANUFACTURER OF LEAD PIGMENT DURING THE TIME
12 PERIOD THE RESIDENTIAL BUILDING AT ISSUE IN THE LITIGATION EXISTED.

13 **3-1802.**

14 THIS SUBTITLE APPLIES ONLY TO AN ACTION INVOLVING LEAD-BASED
15 PAINT IN A RESIDENTIAL BUILDING.

16 **3-1803.**

17 (A) A MANUFACTURER OF LEAD PIGMENT SHALL BE LIABLE TO A
18 PERSON UNDER ANY LEGALLY RECOGNIZED THEORY OF LIABILITY FOR
19 DAMAGES CAUSED BY THE PRESENCE OF LEAD-BASED PAINT IN A RESIDENTIAL
20 BUILDING, INCLUDING:

21 (1) PERSONAL INJURY DAMAGES SUSTAINED BY AN INDIVIDUAL
22 IN WHICH LEAD PIGMENT CONTAINED IN LEAD-BASED PAINT WAS A
23 SUBSTANTIAL CONTRIBUTING FACTOR;

24 (2) DAMAGES SUSTAINED BY THE OWNER OF A BUILDING
25 REQUIRED TO COMPLY WITH:

26 (I) THE REQUIREMENTS OF TITLE 6, SUBTITLE 8 OF THE
27 ENVIRONMENT ARTICLE;

28 (II) AN ABATEMENT ORDER ISSUED BY AN AGENCY OF THE
29 STATE OR A LOCAL GOVERNMENT; OR

30 (III) A REQUIREMENT TO REPAIR LEAD-BASED PAINT
31 DEFECTS UNDER § 8-211 OR § 8-211.1 OF THE REAL PROPERTY ARTICLE;

1 **(3) EXPENSES TO ABATE LEAD-BASED PAINT VOLUNTARILY**
2 **INCURRED BY AN OWNER OF A BUILDING;**

3 **(4) THE REASONABLE FUTURE COSTS ASSOCIATED WITH THE**
4 **TESTING, REMOVAL, ABATEMENT, OR ELIMINATION OF LEAD-BASED PAINT**
5 **FROM A BUILDING THAT CONTAINS LEAD-BASED PAINT AT THE TIME AN ACTION**
6 **IS FILED; AND**

7 **(5) LOST RENT.**

8 **(B) (1) A MANUFACTURER OF LEAD PIGMENT MAY BE HELD LIABLE**
9 **UNDER ANY LEGALLY RECOGNIZED THEORY OF LIABILITY:**

10 **(I) IN AN ACTION FOR DAMAGES; AND**

11 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
12 **THIRD PARTY OR CLASS ACTION PLEADING PRACTICES AUTHORIZED UNDER**
13 **THE MARYLAND RULES.**

14 **(2) AN OWNER OF A BUILDING MAY FILE A THIRD PARTY ACTION**
15 **AGAINST A MANUFACTURER OF LEAD PIGMENT TO RECOVER DAMAGES**
16 **RESULTING FROM THE PRESENCE OF LEAD-BASED PAINT IN THE BUILDING.**

17 **(3) FAILURE TO JOIN A MANUFACTURER OF LEAD PIGMENT OR A**
18 **MANUFACTURER OF LEAD-BASED PAINT CONTAINING LEAD PIGMENT IN AN**
19 **ACTION INVOLVING DAMAGES CAUSED BY LEAD PIGMENT CONTAINED IN**
20 **LEAD-BASED PAINT DOES NOT CONSTITUTE FAILURE TO JOIN A REQUIRED**
21 **PARTY FOR ANY PURPOSE.**

22 **3-1804.**

23 **(A) IN AN ACTION UNDER THIS SUBTITLE, A PERSON IS NOT REQUIRED**
24 **TO PROVE THAT AN INDIVIDUAL MANUFACTURER OF LEAD PIGMENT**
25 **MANUFACTURED THE LEAD PIGMENT CONTAINED IN LEAD-BASED PAINT THAT**
26 **CAUSED THE DAMAGE IN ORDER TO ESTABLISH THE LIABILITY OF THE**
27 **MANUFACTURER OF LEAD PIGMENT FOR THE DAMAGES.**

28 **(B) IN ORDER TO RECOVER DAMAGES FOR NEGLIGENCE UNDER**
29 **SUBSECTION (A) OF THIS SECTION, A PARTY SHALL HAVE THE BURDEN OF**
30 **PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:**

31 **(1) LEAD PIGMENT USED AS A COMPONENT IN LEAD-BASED**
32 **PAINT WAS A SUBSTANTIAL CONTRIBUTING FACTOR IN CAUSING THE DAMAGES**
33 **ALLEGED;**

1 **(2) THE MANUFACTURER OF LEAD PIGMENT HAD A SHARE OF**
2 **THE MARKET FOR LEAD PIGMENT; AND**

3 **(3) THE MANUFACTURER OF LEAD PIGMENT BREACHED A**
4 **LEGALLY RECOGNIZED DUTY BY MANUFACTURING, PRODUCING, OR MARKETING**
5 **LEAD PIGMENT INTENDED FOR USE OR USED AS A COMPONENT OF LEAD-BASED**
6 **PAINT.**

7 **(C) IN ORDER TO RECOVER DAMAGES FOR STRICT PRODUCTS LIABILITY**
8 **UNDER SUBSECTION (A) OF THIS SECTION, A PARTY SHALL HAVE THE BURDEN**
9 **OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:**

10 **(1) THE LEAD PIGMENT WAS DEFECTIVE WHEN THE LEAD**
11 **PIGMENT LEFT THE POSSESSION OR CONTROL OF THE MANUFACTURER OF LEAD**
12 **PIGMENT;**

13 **(2) THE LEAD PIGMENT WAS UNREASONABLY DANGEROUS TO**
14 **THE USER OR CONSUMER OR TO PROPERTY;**

15 **(3) THE DEFECT WAS A PROXIMATE CAUSE OF THE INJURIES OR**
16 **DAMAGES ALLEGED;**

17 **(4) THE SELLER OF LEAD PIGMENT ENGAGED IN THE BUSINESS**
18 **OF MANUFACTURING, PRODUCING, MARKETING, OR SELLING LEAD PIGMENT;**
19 **AND**

20 **(5) THE LEAD PIGMENT WAS EXPECTED TO AND DID REACH THE**
21 **USER OR CONSUMER WITHOUT SUBSTANTIAL CHANGE IN THE CONDITION IN**
22 **WHICH THE LEAD PIGMENT WAS SOLD.**

23 **(D) IF A PARTY SATISFIES THE BURDEN OF PROOF UNDER SUBSECTION**
24 **(B) OR (C) OF THIS SECTION, OR ANY OTHER LEGALLY RECOGNIZED THEORY OF**
25 **LIABILITY AGAINST A MANUFACTURER OF LEAD PIGMENT, THE TRIER OF FACT**
26 **SHALL FIND THE MANUFACTURER LIABLE FOR DAMAGES IN AN ACTION UNDER**
27 **THIS SUBTITLE, UNLESS THE MANUFACTURER OF LEAD PIGMENT ESTABLISHES**
28 **BY A PREPONDERANCE OF THE EVIDENCE THAT:**

29 **(1) THE MANUFACTURER DID NOT MANUFACTURE, PRODUCE, OR**
30 **MARKET LEAD PIGMENT DURING THE DURATION OF THE EXISTENCE OF THE**
31 **BUILDING AT ISSUE IN THE ACTION; OR**

1 **(2) THE LEAD PIGMENT INTENDED FOR USE OR USED AS A**
2 **COMPONENT OF LEAD-BASED PAINT DID NOT ENTER THE RETAIL MARKET OF**
3 **THE GEOGRAPHICAL LOCATION WHERE THE BUILDING WAS LOCATED.**

4 **(E) (1) IF A MANUFACTURER OF LEAD PIGMENT IS FOUND TO BE**
5 **LIABLE FOR DAMAGES UNDER SUBSECTION (D) OF THIS SECTION, THE TRIER OF**
6 **FACT SHALL:**

7 **(I) FIND A TOTAL AMOUNT OF DAMAGES SUFFERED BY A**
8 **PARTY; AND**

9 **(II) APPORTION THE TOTAL AMOUNT OF DAMAGES AMONG**
10 **THE LIABLE MANUFACTURERS OF LEAD PIGMENT ON THE BASIS OF EACH**
11 **MANUFACTURER'S OVERALL CONTRIBUTION TO THE RISK OF HARM TO THE**
12 **PARTY.**

13 **(2) FACTORS TO BE CONSIDERED BY A TRIER OF FACT IN**
14 **DETERMINING APPORTIONMENT OF DAMAGES UNDER THIS SECTION MAY**
15 **INCLUDE:**

16 **(I) THE EXTENT OF THE SHARE OF THE MARKET FOR LEAD**
17 **PIGMENT OF THE MANUFACTURER OF LEAD PIGMENT;**

18 **(II) THE ROLE OF THE MANUFACTURER OF LEAD PIGMENT**
19 **IN MARKETING LEAD PIGMENT INTENDED FOR USE OR USED AS A COMPONENT**
20 **OF LEAD-BASED PAINT;**

21 **(III) THE KNOWLEDGE OF THE MANUFACTURER OF LEAD**
22 **PIGMENT OF THE DANGERS OF LEAD PIGMENT USED OR INTENDED FOR USE AS**
23 **A COMPONENT OF LEAD-BASED PAINT;**

24 **(IV) WHETHER THE MANUFACTURER OF LEAD PIGMENT**
25 **MANUFACTURED, PRODUCED, OR MARKETED LEAD PIGMENT AFTER THE**
26 **MANUFACTURER KNEW OR SHOULD HAVE KNOWN OF THE POSSIBLE HAZARDS**
27 **OF LEAD PIGMENT;**

28 **(V) THE DEGREE OF TOXICITY OF THE LEAD PIGMENT**
29 **MANUFACTURED, PRODUCED, OR MARKETED BY THE MANUFACTURER OF LEAD**
30 **PIGMENT; AND**

31 **(VI) AFFIRMATIVE STEPS OF THE MANUFACTURER OF LEAD**
32 **PIGMENT TO REDUCE THE DANGER OF LEAD PIGMENT TO THE PUBLIC.**

1 (F) IF A MANUFACTURER OF LEAD PIGMENT IS FOUND TO BE LIABLE
2 FOR DAMAGES UNDER SUBSECTION (D) OF THIS SECTION, THE LIABILITY OF
3 THE MANUFACTURER SHALL BE JOINT AND SEVERAL LIABILITY.

4 (G) THIS SECTION MAY NOT BE CONSTRUED OR INTERPRETED TO
5 PROHIBIT A MANUFACTURER OF LEAD PIGMENT FROM BRINGING CLAIMS
6 AGAINST ANOTHER MANUFACTURER OF LEAD PIGMENT FOR CONTRIBUTION OR
7 INDEMNIFICATION.

8 **3-1805.**

9 (A) (1) AN ATTORNEY WHO REPRESENTS AN INDIVIDUAL WHO IS OR
10 WAS A MINOR WHEN THE INDIVIDUAL SUFFERED LEAD POISONING INJURIES IN
11 ACCORDANCE WITH THIS SUBTITLE SHALL, ON FILING SUIT ON BEHALF OF THE
12 MINOR, NOTIFY IN WRITING THE STATE OF MARYLAND MEDICAL ASSISTANCE
13 COMPLIANCE DIVISION OF THE PENDENCY OF THE ACTION.

14 (2) THE MEDICAL ASSISTANCE COMPLIANCE DIVISION SHALL
15 PROVIDE THE ATTORNEY WHO REPRESENTS THE MINOR, WITHIN 90 DAYS OF
16 THE DATE OF THE NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, WITH A
17 LIEN NOTICE IN ACCORDANCE WITH § 15-120 OF THE HEALTH - GENERAL
18 ARTICLE.

19 (B) AN ATTORNEY WHO RECEIVES FUNDS BY WAY OF SETTLEMENT OR
20 JUDGMENT ON BEHALF OF A LEAD-POISONED MINOR IN ACCORDANCE WITH
21 THIS SUBTITLE SHALL REIMBURSE THE STATE FOR A PROPERLY ASSERTED
22 LIEN IN ACCORDANCE WITH § 15-120 OF THE HEALTH - GENERAL ARTICLE,
23 FOR MONEY THAT WAS PAID BY THE STATE ON BEHALF OF THE MINOR AS A
24 RESULT OF THE LEAD POISONING OF THE MINOR.

25 (C) (1) THE MEDICAL ASSISTANCE COMPLIANCE DIVISION SHALL
26 NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OF EVERY CLAIM FOR WHICH
27 THE DIVISION RECEIVES NOTICE IN ACCORDANCE WITH THIS SECTION.

28 (2) THE OFFICE OF THE ATTORNEY GENERAL MAY INTERVENE
29 AS AN ADDITIONAL PLAINTIFF IN AN ACTION UNDER THIS SUBTITLE FOR THE
30 PURPOSE OF ASSISTING IN THE RECOVERY OF MONEYS PAID OUT BY THE STATE
31 ON BEHALF OF THE INJURED MINOR.

32 **3-1806.**

33 (A) AN ACTION UNDER THIS SUBTITLE IS NOT EXCLUSIVE AND IS
34 INDEPENDENT OF AND IN ADDITION TO A RIGHT, REMEDY, OR CAUSE OF ACTION
35 AVAILABLE TO THE STATE, THE DEPARTMENT, ANOTHER STATE AGENCY, A

1 PROGRAM RECIPIENT, OR ANY OTHER INDIVIDUAL TO RECOVER EXPENDITURES
2 ATTRIBUTABLE TO LEAD-BASED PAINT.

3 (B) IN AN ACTION UNDER THIS SUBTITLE OR IN ACCORDANCE WITH ANY
4 OTHER RIGHT, REMEDY, OR CAUSE OF ACTION BROUGHT BY THE STATE
5 AGAINST A MANUFACTURER OF LEAD PIGMENT, THE CAUSATION AND THE
6 AMOUNT OF MEDICAL ASSISTANCE EXPENDITURES ATTRIBUTABLE TO
7 LEAD-BASED PAINT MAY BE PROVED OR DISPROVED BY EVIDENCE OF
8 STATISTICAL ANALYSIS, WITHOUT PROOF OF THE CAUSATION OR THE AMOUNT
9 OF EXPENDITURES FOR A PARTICULAR PROGRAM RECIPIENT OR OTHER
10 INDIVIDUAL.

11 3-1807.

12 (A) THERE IS A LEAD PAINT RESTITUTION FUND.

13 (B) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
14 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (2) ALL REVENUES CONSISTING OF FUNDS RECEIVED BY THE
16 STATE FROM ANY SOURCE RESULTING, DIRECTLY OR INDIRECTLY, FROM A
17 JUDGMENT AGAINST OR SETTLEMENT WITH A MANUFACTURER OF LEAD
18 PIGMENT, OR ANOTHER PERSON OR ENTITY IN THE LEAD PAINT INDUSTRY
19 RELATING TO LITIGATION, ADMINISTRATIVE PROCEEDINGS, OR ANY OTHER
20 CLAIMS MADE OR PROSECUTED BY THE STATE TO RECOVER DAMAGES FOR
21 VIOLATIONS OF STATE LAW SHALL BE CREDITED TO THE FUND.

22 (C) THE TREASURER SHALL:

23 (1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS
24 OTHER STATE FUNDS; AND

25 (2) CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

26 (D) EXPENDITURES FROM THE FUND SHALL BE MADE BY AN
27 APPROPRIATION IN THE ANNUAL STATE BUDGET.

28 (E) (1) THE FUND SHALL BE EXPENDED SUBJECT TO ANY
29 RESTRICTIONS ON THE USE OF THE FUND OR OTHER LIMITATIONS ON THE
30 ALLOCATION OF THE FUND THAT ARE:

31 (I) EXPRESSLY PROVIDED BY STATUTE;

1 (II) REQUIRED AS A CONDITION OF THE ACCEPTANCE OF
2 FUNDS; OR

3 (III) DETERMINED TO BE NECESSARY TO AVOID
4 RECOUPMENT BY THE FEDERAL GOVERNMENT OF MONEY PAID TO THE FUND.

5 (2) DISBURSEMENTS FROM THE FUND TO PROGRAMS FUNDED BY
6 THE STATE OR WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE
7 USED SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT, FUNDS OTHERWISE
8 AVAILABLE FOR THE PROGRAMS UNDER FEDERAL OR STATE LAW AS PROVIDED
9 IN THIS SECTION.

10 (F) (1) THE LEAD PAINT RESTITUTION FUND SHALL BE USED TO
11 FUND:

12 (I) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
13 LEAD POISONING PREVENTION PROGRAM; AND

14 (II) OTHER PROGRAMS THAT SERVE THE FOLLOWING
15 PURPOSES:

16 1. ELIMINATION AND PREVENTION OF LEAD
17 POISONING;

18 2. PRIMARY HEALTH CARE PREVENTION,
19 EDUCATION, SCREENING, AND TREATMENT OF LEAD POISONING;

20 3. PUBLIC EDUCATION TO PREVENT LEAD
21 POISONING;

22 4. ENFORCEMENT OF THE LAWS REGARDING
23 LEAD-BASED PAINT;

24 5. RESEARCH CONCERNING PREVENTION AND
25 TREATMENT OF LEAD POISONING;

26 6. RESEARCH CONCERNING REDUCTION, REMOVAL,
27 ABATEMENT, AND ELIMINATION OF LEAD-BASED PAINT;

28 7. REDUCTION, REMOVAL, ABATEMENT, AND
29 ELIMINATION OF LEAD-BASED PAINT;

30 8. SPECIAL EDUCATION PROGRAMS ADDRESSING
31 THE NEEDS OF LEAD-POISONED CHILDREN AND ADULTS;

1 **9. JOB TRAINING PROGRAMS ADDRESSING THE**
2 **NEEDS OF LEAD-POISONED ADULTS; AND**

3 **10. ANY OTHER PUBLIC PURPOSE.**

4 **(2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE**
5 **CONSTRUED TO AFFECT THE POWERS OF THE GOVERNOR WITH RESPECT TO A**
6 **REQUEST FOR AN APPROPRIATION IN THE ANNUAL BUDGET BILL.**

7 **(G) (1) AMOUNTS MAY BE EXPENDED FROM THE FUND ONLY**
8 **THROUGH APPROPRIATIONS IN THE BUDGET BILL AS PROVIDED IN THIS**
9 **SUBSECTION.**

10 **(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET**
11 **BILL APPROPRIATIONS FROM THE FUND EQUIVALENT TO THE LESSER OF**
12 **\$100,000,000 OR 90% OF THE FUNDS ESTIMATED TO BE AVAILABLE TO THE**
13 **FUND IN THE FISCAL YEAR FOR WHICH THE APPROPRIATIONS ARE MADE.**

14 **(3) (I) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS**
15 **ARE MADE, AT LEAST 50% OF THE APPROPRIATIONS SHALL BE MADE FOR**
16 **THOSE PURPOSES ENUMERATED IN SUBSECTION (F)(1)(I) AND (II)1 THROUGH 9**
17 **OF THIS SECTION SUBJECT TO THE REQUIREMENT OF SUBSECTION (E)(2) OF**
18 **THIS SECTION.**

19 **(II) APPROPRIATIONS MADE FOR THE PURPOSES OF THE**
20 **MARYLAND MEDICAL ASSISTANCE PROGRAM MAY NOT BE COUNTED AS**
21 **APPROPRIATIONS SATISFYING THE REQUIREMENT UNDER SUBPARAGRAPH (I)**
22 **OF THIS PARAGRAPH.**

23 **(4) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE**
24 **MADE, AT LEAST 30% OF THE APPROPRIATIONS SHALL BE MADE FOR THE**
25 **PURPOSES OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM.**

26 **(5) ADDITIONAL APPROPRIATIONS NOT SUBJECT TO PARAGRAPH**
27 **(3) OR (4) OF THIS SUBSECTION MAY BE MADE FOR ANY LAWFUL PURPOSE.**

28 **(H) FOR EACH PROGRAM, PROJECT, OR ACTIVITY RECEIVING FUNDS**
29 **APPROPRIATED UNDER SUBSECTION (G)(3) OF THIS SECTION, THE GOVERNOR**
30 **SHALL:**

31 **(1) DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION,**
32 **KEY GOALS, KEY OBJECTIVES, AND KEY PERFORMANCE INDICATORS AND**
33 **REPORT THESE STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET**

1 SUBMISSION, WHICH SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE
2 INDICATORS; AND

3 (2) REPORT ANNUALLY, SUBJECT TO § 2-1246 OF THE STATE
4 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY NO LATER THAN
5 OCTOBER 1 ON:

6 (I) TOTAL FUNDS EXPENDED, BY PROGRAM AND
7 SUBDIVISION, IN THE PRIOR FISCAL YEAR FROM THE FUND ESTABLISHED
8 UNDER THIS SECTION; AND

9 (II) THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS
10 RESULTING FROM THAT EXPENDITURE.

11 **3-1808.**

12 **THE GENERAL ASSEMBLY DECLARES THAT:**

13 (1) THE PURPOSE OF THIS SUBTITLE IS REMEDIAL AND
14 ESSENTIAL TO THE PUBLIC INTEREST; AND

15 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS
16 SUBTITLE BE LIBERALLY CONSTRUED BY THE COURTS.

17 **3-1809.**

18 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND STATE AND**
19 **CHILDREN'S LEAD POISONING RECOVERY ACT.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any case filed before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.