

# HOUSE BILL 1135

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By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Workers'**  
3 **Compensation - Lyme Disease Presumption**

4 **MC/PG 103-09**

5 FOR the purpose of ~~applying the occupational disease presumption under the workers'~~  
6 ~~compensation law to employees in the service and labor bargaining unit or~~  
7 ~~trades bargaining unit~~ providing that certain employees of the  
8 Maryland-National Capital Park and Planning Commission who contract Lyme  
9 disease ~~under certain circumstances~~ are presumed, under certain  
10 circumstances, to have an occupational disease that was suffered in the line of  
11 duty and is compensable in a certain manner; providing that a certain  
12 presumption only applies for a certain period of time under certain  
13 circumstances; providing that employees ~~in the service and labor bargaining~~  
14 ~~unit or trades bargaining unit~~ who are eligible for benefits under this Act shall  
15 receive the benefits in addition to certain retirement benefits, subject to a  
16 certain adjustment; providing for the termination of this Act; and generally  
17 relating to the occupational disease presumption for Lyme disease under the  
18 workers' compensation law.

19 BY repealing and reenacting, with amendments,  
20 Article - Labor and Employment  
21 Section 9-503(d) and (e)  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Labor and Employment**

4 9–503.

5 (d) (1) (I) A paid law enforcement employee of the Department of  
6 Natural Resources who is a covered employee under § 9–207 of this title and a park  
7 police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR~~  
8 ~~TRADES BARGAINING UNIT~~ of the Maryland–National Capital Park and Planning  
9 Commission is presumed to have an occupational disease that was suffered in the line  
10 of duty and is compensable under this title if the employee:

11 ~~(i)~~ 1. is suffering from Lyme disease; and

12 ~~(ii)~~ 2. was not suffering from Lyme disease before  
13 assignment to a position that regularly places the employee in an outdoor wooded  
14 environment.

15 ~~(2)~~ (II) The presumption under this subsection for a park police  
16 officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES~~  
17 ~~BARGAINING UNIT~~ of the Maryland–National Capital Park and Planning Commission  
18 shall only apply:

19 ~~(i)~~ 1. during the time that the park police officer ~~OR~~  
20 ~~EMPLOYEE~~ is assigned to a position that regularly places the park police officer ~~OR~~  
21 ~~EMPLOYEE~~ in an outdoor wooded environment; and

22 ~~(ii)~~ 2. for 3 years after the last date that the park police  
23 officer ~~OR EMPLOYEE~~ was assigned by the Maryland–National Capital Park and  
24 Planning Commission to a position that regularly placed the officer ~~OR EMPLOYEE~~  
25 in an outdoor wooded environment.

26 (2) (I) AN EMPLOYEE OF THE MARYLAND–NATIONAL CAPITAL  
27 PARK AND PLANNING COMMISSION OTHER THAN A PARK POLICE OFFICER IS  
28 PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE  
29 LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:

30 1. IS SUFFERING FROM LYME DISEASE; AND

31 2. WAS NOT SUFFERING FROM LYME DISEASE  
32 BEFORE ASSIGNMENT TO A POSITION THAT REGULARLY PLACES THE EMPLOYEE  
33 IN AN OUTDOOR WOODED ENVIRONMENT.

1                    **(II) THE PRESUMPTION UNDER THIS PARAGRAPH SHALL**  
 2 **APPLY ONLY IF:**

3                    **1. FOR THE 12-MONTH PERIOD BEFORE THE FILING**  
 4 **OF THE CLAIM FOR WORKERS' COMPENSATION UNDER THIS SECTION, THE**  
 5 **EMPLOYEE:**

6                    **A. HAS NOT BEEN EMPLOYED BY THE**  
 7 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AS A**  
 8 **SEASONAL OR INTERMITTENT EMPLOYEE; AND**

9                    **B. HAS BEEN EMPLOYED BY THE**  
 10 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION ON A**  
 11 **FULL-TIME BASIS;**

12                    **2. THE EMPLOYEE'S ASSIGNMENT TO A POSITION**  
 13 **THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED**  
 14 **ENVIRONMENT LASTED FOR AT LEAST 1 YEAR; AND**

15                    **3. THE EMPLOYEE FILES THE CLAIM FOR WORKERS'**  
 16 **COMPENSATION ON OR BEFORE THE THIRD ANNIVERSARY OF THE LAST DATE**  
 17 **THAT THE EMPLOYEE WAS ASSIGNED TO A POSITION THAT REGULARLY PLACED**  
 18 **THE EMPLOYEE IN AN OUTDOOR WOODED ENVIRONMENT.**

19                    (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
 20 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
 21 Marshal, paid police officer, paid law enforcement employee of the Department of  
 22 Natural Resources, a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR~~  
 23 ~~BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland-National  
 24 Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy  
 25 sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of  
 26 Prince George's County, or Prince George's County correctional officer who is eligible  
 27 for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of  
 28 those individuals shall receive the benefits in addition to any benefits that the  
 29 individual or the dependents of the individual is entitled to receive under the  
 30 retirement system in which the individual was a participant at the time of the claim.

31                    (2) The benefits received under this title shall be adjusted so that the  
 32 weekly total of those benefits and retirement benefits does not exceed the weekly  
 33 salary that was paid to the paid law enforcement employee of the Department of  
 34 Natural Resources, a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR~~  
 35 ~~BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland-National  
 36 Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn  
 37 member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince  
 38 George's County or Montgomery County correctional officer.

**HOUSE BILL 1135**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009. It shall remain effective for a period of 6 years and, at the end of  
3   September 30, 2015, with no further action required by the General Assembly, this Act  
4   shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.