

HOUSE BILL 1135

K1

9lr0613

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 13, 2009
Assigned to: Economic Matters

A BILL ENTITLED

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 of the Maryland–National Capital Park and Planning
8 Commission who contract Lyme disease under certain circumstances; providing
9 that a certain presumption only applies for a certain period of time under
10 certain circumstances; providing that employees in the service and labor
11 bargaining unit or trades bargaining unit who are eligible for benefits under
12 this Act shall receive the benefits in addition to certain retirement benefits,
13 subject to a certain adjustment; providing for the termination of this Act; and
14 generally relating to the occupational disease presumption for Lyme disease
15 under the workers’ compensation law.

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 9–503(d) and (e)
19 Annotated Code of Maryland
20 (2008 Replacement Volume)

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

23 **Article – Labor and Employment**

24 9–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

7 (i) is suffering from Lyme disease; and

8 (ii) was not suffering from Lyme disease before assignment to a
9 position that regularly places the employee in an outdoor wooded environment.

10 (2) The presumption under this subsection for a park police officer **OR**
11 **EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES**
12 **BARGAINING UNIT** of the Maryland–National Capital Park and Planning Commission
13 shall only apply:

14 (i) during the time that the park police officer **OR EMPLOYEE**
15 is assigned to a position that regularly places the park police officer **OR EMPLOYEE** in
16 an outdoor wooded environment; and

17 (ii) for 3 years after the last date that the park police officer **OR**
18 **EMPLOYEE** was assigned by the Maryland–National Capital Park and Planning
19 Commission to a position that regularly placed the officer **OR EMPLOYEE** in an
20 outdoor wooded environment.

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

33 (2) The benefits received under this title shall be adjusted so that the
34 weekly total of those benefits and retirement benefits does not exceed the weekly
35 salary that was paid to the paid law enforcement employee of the Department of
36 Natural Resources, a park police officer **OR EMPLOYEE IN THE SERVICE AND LABOR**
37 **BARGAINING UNIT OR TRADES BARGAINING UNIT** of the Maryland–National
38 Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn

1 member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince
2 George's County or Montgomery County correctional officer.

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