

HOUSE BILL 933

K1
HB 749/07 – ECM

8lr0424

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 6, 2008
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 **PG/MC 101–08**

5 FOR the purpose of applying the occupational disease presumption under the workers'
6 compensation law to park police officers employed by the Maryland–National
7 Capital Park and Planning Commission (MNCPPC) who contract Lyme disease
8 under certain circumstances; providing that a certain presumption only applies
9 for a certain period of time under certain circumstances; providing that park
10 police officers who are eligible for benefits under this Act shall receive the
11 benefits in addition to certain retirement benefits, subject to a certain
12 adjustment; providing for the termination of this Act; and generally relating to
13 the occupational disease presumption for Lyme disease under the workers'
14 compensation law.

15 BY repealing and reenacting, with amendments,
16 Article – Labor and Employment
17 Section 9–503(d) and (e)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2007 Supplement)

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

22 **Article – Labor and Employment**

23 9–503.

24 (d) (1) A paid law enforcement employee of the Department of Natural
25 Resources who is a covered employee under § 9–207 of this title **AND A PARK POLICE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **OFFICER OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
2 **COMMISSION** is presumed to have an occupational disease that was suffered in the
3 line of duty and is compensable under this title if the employee:

4 [(1)] (I) is suffering from Lyme disease; and

5 [(2)] (II) was not suffering from Lyme disease before assignment to a
6 position that regularly places the employee in an outdoor wooded environment.

7 **(2) THE PRESUMPTION UNDER THIS SUBSECTION FOR A PARK**
8 **POLICE OFFICER OF THE MARYLAND-NATIONAL CAPITAL PARK AND**
9 **PLANNING COMMISSION SHALL ONLY APPLY:**

10 (I) **DURING THE TIME THAT THE PARK POLICE OFFICER IS**
11 **ASSIGNED TO A POSITION THAT REGULARLY PLACES THE PARK POLICE OFFICER**
12 **IN AN OUTDOOR WOODED ENVIRONMENT; AND**

13 (II) **FOR 3 YEARS AFTER THE LAST DATE THAT THE PARK**
14 **POLICE OFFICER WAS ASSIGNED BY THE MARYLAND-NATIONAL CAPITAL PARK**
15 **AND PLANNING COMMISSION TO A POSITION THAT REGULARLY PLACED THE**
16 **OFFICER IN AN OUTDOOR WOODED ENVIRONMENT.**

17 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
18 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
19 Marshal, paid police officer, paid law enforcement employee of the Department of
20 Natural Resources, **A PARK POLICE OFFICER OF THE MARYLAND-NATIONAL**
21 **CAPITAL PARK AND PLANNING COMMISSION**, deputy sheriff of Montgomery
22 County, deputy sheriff of Baltimore City, Montgomery County correctional officer,
23 deputy sheriff of Prince George's County, or Prince George's County correctional officer
24 who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the
25 dependents of those individuals shall receive the benefits in addition to any benefits
26 that the individual or the dependents of the individual is entitled to receive under the
27 retirement system in which the individual was a participant at the time of the claim.

28 (2) The benefits received under this title shall be adjusted so that the
29 weekly total of those benefits and retirement benefits does not exceed the weekly
30 salary that was paid to the paid law enforcement employee of the Department of
31 Natural Resources, **A PARK POLICE OFFICER OF THE MARYLAND-NATIONAL**
32 **CAPITAL PARK AND PLANNING COMMISSION**, firefighter, fire fighting instructor,
33 sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or
34 Prince George's County or Montgomery County correctional officer.

35 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
36 October 1, 2008. It shall remain effective for a period of 7 years and, at the end of
37 September 30, 2015, with no further action required by the General Assembly, this Act
38 shall be abrogated and of no further force and effect.