

HOUSE BILL 402

R2, P1

0lr1215

By: **Delegates Barron and Korman**

Introduced and read first time: January 22, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority – Sovereign Immunity –**
3 **Employee Whistleblower Protection**

4 FOR the purpose of providing that certain whistleblower protections for certain employees
5 of the State apply to the employees of the Washington Metropolitan Area Transit
6 Authority contingent on certain action by the Commonwealth of Virginia and the
7 District of Columbia; establishing the intent of the General Assembly to waive the
8 sovereign immunity of the State extended to the Washington Metropolitan Area
9 Transit Authority for certain purposes; and generally relating to the sovereign
10 immunity of the State extended to the Washington Metropolitan Area Transit
11 Authority.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 5–301
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2019 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 10–209
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2019 Supplement)

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

24 **Article – State Personnel and Pensions**

25 5–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



This subtitle applies to:

(1) all employees and State employees who are applicants for positions in the Executive Branch of State government, including a unit with an independent personnel system; **AND**

(2) IF BOTH THE COMMONWEALTH OF VIRGINIA AND THE DISTRICT OF COLUMBIA ENACT SIMILAR WHISTLEBLOWER PROTECTIONS OR WAIVE THEIR SOVEREIGN IMMUNITY AS APPLIED TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR THE PURPOSE OF PROVIDING WHISTLEBLOWER PROTECTIONS, ALL EMPLOYEES OF THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY.

Article – Transportation

10–209.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE SOVEREIGN IMMUNITY OF THE STATE NOT EXTEND TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR THE PURPOSES OF CLAIMS BROUGHT AGAINST THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BY AN EMPLOYEE OR FORMER EMPLOYEE UNDER:

(1) THE FALSE CLAIMS ACT, 32 U.S.C. § 3729 ET SEQ., AS AMENDED; **AND**

(2) TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.