

HB0402/974161/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 402
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Columbia;” insert “specifying certain whistleblower protection laws that the General Assembly considers similar for the purpose of a certain provision of law;”; in line 9, after “purposes;” insert “altering the Washington Metropolitan Area Transit Authority Compact to waive jurisdictional sovereign immunity extended to the Washington Metropolitan Area Transit Authority for certain purposes and subject to a certain contingency;”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article - Transportation

Section 10-204 Title III Article XVI Section 80

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)”.

On page 2, in line 18, strike “**32**” and substitute “**31**”; in line 22, strike “2.” and substitute “4.”; and in line 22, after “That” insert “, subject to Section 3 of this Act.”.

AMENDMENT NO. 2

On page 2, in line 1, before “This” insert “(A)”; after line 10, insert:

“(B) FOR THE PURPOSE OF SUBSECTION (A)(2) OF THIS SECTION, THE GENERAL ASSEMBLY CONSIDERS THE FOLLOWING WHISTLEBLOWER PROTECTION LAWS TO BE SIMILAR TO WHISTLEBLOWER PROTECTION LAWS ESTABLISHED UNDER TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE:

(Over)

(1) THE DISTRICT OF COLUMBIA’S EMPLOYEES OF DISTRICT CONTRACTORS AND INSTRUMENTALITY WHISTLEBLOWER PROTECTION ACT, TITLE 2, CHAPTER 2, SUBCHAPTER XII OF THE CODE OF THE DISTRICT OF COLUMBIA; AND

(2) THE COMMONWEALTH OF VIRGINIA’S FRAUD AND ABUSE WHISTLEBLOWER PROTECTION ACT, TITLE 2.2, CHAPTER 30.1 OF THE CODE OF VIRGINIA.”;

and after line 21, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

10-204.

Title III

Article XVI

80.

(A) The Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. [Nothing] EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SECTION,

NOTHING contained in this title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the zone of any immunity from suit.

(B) THE SOVEREIGN IMMUNITY OF THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA DOES NOT EXTEND TO THE AUTHORITY FOR THE PURPOSES OF CLAIMS BROUGHT AGAINST THE AUTHORITY BY AN EMPLOYEE OR FORMER EMPLOYEE OF THE AUTHORITY UNDER:

(1) THE FALSE CLAIMS ACT, 31 U.S.C. § 3729 ET SEQ., AS AMENDED; OR

(2) A LAW ENACTED BY THE DISTRICT OF COLUMBIA, MARYLAND, OR VIRGINIA THAT AUTHORIZES A PRIVATE RIGHT OF ACTION FOR AN ALLEGED VIOLATION OF A LAW INTENDED TO PROVIDE WHISTLEBLOWER PROTECTIONS.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act may not take effect until similar Acts are passed by the District of Columbia and the Commonwealth of Virginia; that the District of Columbia and the Commonwealth of Virginia are requested to concur in this Act of the General Assembly by the passage of substantially similar Acts; that the Department of Legislative Services shall notify the appropriate officials of the District of Columbia, the Commonwealth of Virginia, and the United States Congress of the Passage of this Act; and that, upon concurrence in this Act by the District of Columbia, the Commonwealth of Virginia, and the United States, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.”