

# HOUSE BILL 402

R2, P1

0lr1215

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By: **Delegates Barron and Korman**

Introduced and read first time: January 22, 2020

Assigned to: Appropriations

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## 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 This subtitle applies to:

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

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

11 Article – Transportation

12 10-209.

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

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

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

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