



April 7, 2020

ANNUAL END-OF-SESSION REPORT OF SENATOR CHRIS WEST

Under normal circumstances, yesterday would have been the final day of the 2020 Maryland General Assembly Session. As I'm sure everyone knows, due to the Coronavirus, the General Assembly adjourned nearly three weeks early. Because we work in close quarters, particularly on the floors of the two Houses, if just a single legislator were to have contracted the coronavirus, in just a short time, the entire legislature and supporting staff would have been infected.

Before we adjourned, we passed the FY 2021 State Budget and over 600 other mostly-uncontroversial but useful bills. Some regrettable bills also were passed, but many of the most objectionable bills fell by the wayside. Let's review what happened.

The Coronavirus

Before we adjourned, we passed two last-minute bills designed to give the Governor sweeping powers to deal with coronavirus issues in Maryland. [SB 1079](#) (already signed into law by the Governor) authorizes the Governor to use up to \$50 Million from the State's "Rainy Day Fund" to fund costs associated with the coronavirus. [SB 1080](#) (also already signed into) provides that the Governor may make coronavirus testing and immunizations free to Maryland citizens, may waive telehealth protocols, may prohibit price gouging for food, fuel, medicine and medical supplies and equipment, and may prohibit the firing of employees just because they must be isolated or quarantined.

We also passed two additional emergency bills expanding telehealth services in Maryland. Governor Hogan signed them into law last Friday. One of them [expands the mental health services Medicaid provides via telehealth](#), and the other [allows a health care practitioner to establish a relationship with a patient via telehealth](#).

Throughout this very difficult time, Governor Hogan has been a terrific leader, slowly ratcheting up protective measures and informing Maryland residents each day about exactly what's going on. What's going on is that the pandemic is hitting Maryland very hard, and before it's over, a great many people are going to die. Although the elderly and those with underlying respiratory conditions are most at risk, many middle-aged people are also dying.

Help is on its way, although it is taking agonizingly long to arrive. Instant testing devices are now being manufactured in large numbers. Further, each day, more news is arriving about the

progress being made by healthcare research organizations across the nation in developing vaccines and other medicines that will prevent or dissipate the virus. In particular, the ability to routinely test people and quickly determine whether they are infected and should be quarantined will immeasurably aid in quelling the pandemic. In the meantime, we all need to abide by the self-isolation guidelines announced by Governor Hogan. We can lick this thing and surely will in time.

A final note. In a recent newsletter, I blamed China for unleashing this pandemic on the world. It should go without saying that I was referring to the Chinese Government, not its citizens, who were themselves victims of their Government's cover-up of the pandemic. Americans whose families came here from Asia are also completely innocent of any involvement in this world tragedy. Anyone who casts blame on Asian Americans should be ashamed of themselves. We are better than that.

Maryland's Economy

The State is virtually shut down at this point, and no one knows how long it is going to take until most businesses are permitted to re-open. This is going to be devastating to the State's current Budget, which ends on June 30th, as well as to the FY 2021 Budget, which starts on July 1st. As the State must run a balanced budget, the State Board of Public Works (composed of the Governor, the Comptroller, and the State Treasurer) will have to make very substantial and difficult cuts in authorized spending to offset the anticipated drastic revenue reductions.

At last count, 84,000 Marylanders had filed unemployment claims, and that number is destined to dramatically increase in this and future weeks. The national unemployment rate has been projected to go from 3.5% in February to over 30% in April. Families which live from paycheck to paycheck and don't have a large nest egg to draw upon are being devastated, and the collapse of the stock market has greatly diminished backup financial resources.

Even before the coronavirus hit and the State's economy collapsed, the fiscal analysts in the State Department of the Budget were predicting that the State would be running a deficit next year (FY 2022) of nearly \$900 Million and that the deficit would climb in the following year to \$1.2 Billion and to \$1.4 Billion in the year after that. Given the magnitude of the recent economic devastation, I expect next year's deficit to actually exceed \$2 Billion.

This is clearly a time to act prudently, to reduce expenses wherever possible, to avoid making huge new financial commitments and to refrain from saddling the citizens of Maryland with new taxes.

Unfortunately, in the last three days of the 2020 Session, the General Assembly did not act prudently, did not reduce expenses, committed the State to \$32 Billion of additional spending, and passed two bills increasing taxes.

Tax Increases

In the last days before we adjourned, the leadership in the State Senate brought two different tax increase bills to the floor. Raising taxes as Maryland families are fearing the loss of their jobs, as the State's economy is collapsing and as unemployment rates are skyrocketing is the wrong thing to do. I voted against both tax increase bills.

The Kirwan Bill

The Kirwan bill provides for the spending of an additional \$32 Billion over the course of the next ten years to greatly increase teacher salaries and greatly expand the scope and size of the State's educational establishment. The bill passed by a convincing bipartisan majority. I voted against the Kirwan bill. Here's why.

Nearly twenty years ago, the General Assembly passed the Thornton bill with much of the same hoopla. Its supporters claimed that it would transform Maryland's schools and would elevate our State to be a national leader in education. It didn't happen.

The Kirwan advocates have held out the same tantalizing promise – if we just spend \$32 Billion more on our schools in the next ten years, Maryland can have the very best schools, not just in the United States but in the entire world. And in truth, there is much about the Kirwan plan that is very alluring and impressive. If our economy were not in freefall right now, with massive State deficits already forecast prior to the carnage of the last month, I would have been tempted to vote to pass it.

But it seemed to me to be the height of irresponsibility to vote to spend \$32 Billion over the next ten years without a clue as to where the money is going to come from. That is precisely what happened when the Thornton bill was passed in 2002. The General Assembly passed Thornton but did not provide for the necessary revenues to pay for it. As a consequence, the State suffered through year after year of structural deficits for over a decade. The Kirwan bill is far more expensive than the Thornton bill.

As noted above, next year's deficit could exceed \$2 Billion. The additional expenditures required by the Kirwan bill will further add to that deficit. In the midst of a serious recession, how will the State possibly come up with the money to make ends meet? The Kirwan vote was the very definition of "flying on a wing and a prayer". We will just have to pray that the coronavirus is indeed cleared up by Easter, pray that the recession is very shallow and very short, and pray that the State's economy comes roaring back stronger than ever. If these prayers are unanswered, heaven help us.

Although the Kirwan plan contains many good elements, given the disastrous collapse of the State and national economies over the course of the past month and the uncertainty about the future, I did not believe that in good conscience I could vote to commit the State to this sort of a long-term, hugely expensive project.

The Built to Learn Act

When I announced my candidacy for the State Senate three years ago, I made one salient promise. I promised that I would work as hard as I could to bring back to Baltimore County enough money to build a new Towson High School and a new Dulaney High School. As many of my readers are aware, Towson was designed for 1200 students and currently houses over 1600 students, with over 2,000 students expected later in this decade. Already, there are a lot of modular classroom units in the rear of the school, and many more will be necessary unless something is done. Dulaney is increasingly decrepit. Most of the school has no air conditioning. Brown water comes out of the water fountains. There are serious cracks in the walls and ceilings. Dulaney needs to be replaced shortly and air conditioned immediately.

This year, the [Built to Learn Act](#) was passed unanimously on the floor of the State Senate, with me proudly casting a vote in favor of the bill. It will be funded by gambling revenue and will not add so much as a single dollar to the State deficit. Once signed by the Governor, it will send \$420 million to Baltimore County for school construction. The aggregate cost of building two new high schools at Towson and Dulaney is under \$275 million. It will now be up to the Baltimore County Executive to decide how to sequence the construction of new schools in Baltimore County.

My Legislation

This year, even in the truncated session, I managed to enact 18 bills, over twice the number enacted by any other Republican State Senator and more than twice the number enacted by any other member of the Baltimore County Senate Delegation. I believe in filing my bills early and arranging for members of the House of Delegates, from both parties, to cross-file my bills. In a year like this year when the General Assembly adjourned nearly three weeks early, that made the difference.

The bills that I managed to pass included a bill to resolve the longstanding conflict between the State's dentists and its dental service organizations. A clear line has now been drawn defining what DSOs can do and, more significantly, what they are not permitted to do. A companion bill that I successfully passed brands as a felony the illegal practice of dentistry, such as the extraction of teeth in dirty kitchens by unlicensed people.

I also passed a bill setting forth how a family should handle a check payable to a decedent if the check is received long after a will has been probated and the estate closed. Another bill clarifies which family member will be authorized to make decisions about the handling of the remains of a family member. The members of the Baltimore County Liquor Board will now have to live in Baltimore County, thanks to one of my bills. Another bill broadens the scope of Health Savings Accounts in Maryland. In addition, Delegate Guyton and I successfully passed a bill which criminalizes the intentional and malicious abuse of vulnerable adults.

The State's Capital Budget

All four of the members of the 42nd Legislative District (Delegates Cathi Forbes, Michele Guyton, Nino Mangione and I) worked together in a bipartisan way to enact bond bills and capital funding bills that will bring a total of \$9,875,000 to our community for capital projects. \$6.5 million will go to Towson University for work on the new College of Health Professions Building, and an additional \$1 million will go to Towson University for improvements to its athletic fields. Further, the Maryland Special Olympics will receive \$875,000 for a new headquarters building on the Towson University campus.

The Cromwell Valley Park will receive \$200,000. \$225,000 was awarded to enable Towson High School to improve its stadium. Timonium Elementary School will receive \$25,000 for new playground equipment. Sheppard Pratt will receive \$25,000 to assist in the cost of its new Mann Residential Treatment Center. The Greater Baltimore Medical Center will receive \$25,000 to assist in the construction of its new wing.

Finally, the Maryland State Fairgrounds will receive \$500,000 for capital improvements, and the Towson Armory will receive \$500,000 for restoration and renovation work.

The Governor's Crime Bills

Crime in Baltimore City is quite simply out of control. 348 murders occurred last year, and this year the murder rate is running at an even higher level than it was at this time last year. I receive constant e-mails from constituents worried about crime in Baltimore City and the fact that it is crossing the City-County line and entering their neighborhoods. Many people tell me that they are afraid to go downtown, especially at night.

Governor Hogan introduced three major bills to try to deal with the crime situation. Only one passed, his Witness Intimidation Protection Act. This bill is a response to the fact that of cases that are dismissed by the Baltimore City State's Attorneys Office, one third of them are dismissed because the critical witnesses are intimidated and refuse to come to court to testify against the criminals. In various ways, the bill attempts to ensure that critical witness testimony will be available at the trials of the criminals. I was a co-sponsor of the bill, and proudly voted it.

The Governor's most important anti-crime bill, the Violent Firearm Offenders Act, passed the Senate, where I voted for it, but it died in the House. It contained a number of measures designed to increase penalties for using guns to commit crimes and to put offenders in jail for longer periods of time. This bill should have been a top priority of the General Assembly. The failure of the General Assembly to enact it into law was a terrible shame.

The Sports Gambling Bill

Most of the states surrounding Maryland permit sports gambling. Several bills were introduced this year in the Maryland General Assembly to permit sports gambling in Maryland. One of

them was mine. Most significantly, my bill included the Maryland State Fairgrounds in Timonium as a permitted licensee. I believe that the awarding of a sports gambling license to the Fairgrounds will yield millions of dollars to the Fairgrounds in each future year and will ensure the financial viability of the Fairgrounds for many decades to come. Ultimately, the bill brought to the floor of the Senate contained my language including the Maryland State Fairgrounds as a permitted licensee.

With my enthusiastic support, the Senate passed the sports gambling bill, but the House stripped the bill of all of its provisions dealing with permitted licensees, leaving that issue open to future determination. Thus, the sports gambling issue will be on the ballot as a referendum issue this fall, but the identities of the eventual licensees have been left undecided.

Gun Bills

Let me clearly state my position on the issue of gun control. If I believe that the passage of a gun bill will lead to a reduction of gun violence on our streets, I will vote in favor of it. On the other hand, if I believe that the primary effect of a gun bill will be to hassle law abiding citizens exercising their Second Amendment right to possess firearms, I will vote against it.

Current Maryland law requires any purchaser of a handgun or of a long gun from a gun store to first submit to a background check through the federal NICS system. The background check costs between \$20 and \$40 and takes about 15 minutes as the gun shop owner accesses the federal information through his store computer. This system is well-run, efficient and inexpensive. It prevents felons and other disqualified people from buying handguns or long guns and thus reduces gun violence on our streets.

The current law, however, does not require the purchaser of a long gun in a private sale to undergo such a background check. So, under current law, if you buy a long gun at a gun store, you must undergo a background check; however, if you buy the same gun from a private citizen, you don't have to undergo a background check.

Senate Bill 208, as introduced, proposed to require the buyer in a private sale to go to a gun store so the buyer's name can be run through the federal NICS system. But the bill went much further and purported to set up an elaborate, confusing and unworkable scheme to regulate the lending of long guns. Under the bill, if two hunters were in the woods and one hunter wanted to lend his rifle to the other so the other could try it out, a welter of rules and regulations would kick in. The proponents of the bill were asked point blank if they could cite a single case of a violent crime being committed with a loaned rifle and were unable to provide such information.

When we marked up this bill, a sensible compromise was made. We amended the bill to eliminate the provisions dealing with the loaning of guns but retained the provision requiring that a private buyer go to a gun store so the buyer can be subjected to the customary background check. In this way, we cut out the language hassling law abiding citizens but left intact the language designed to prevent disqualified people from acquiring firearms. I voted for the compromise bill, and it was enacted into law.

A second gun bill failed to pass. It would have criminalized the failure to adhere to numerous requirements for the storage of firearms inside private homes. Let's face it, not all families keep totally tidy houses, with everything in its proper place. Under the proposed law, if a law enforcement officer were to spot a firearm not kept in a proper place in a private home, the owner of the firearm could be sent to jail, and the children would probably end up in a foster home. I think that government needs to tread very lightly when criminalizing the conduct of families in the privacy of their homes.

Environmental Bills

This was not a banner year for the State's environmentalists. Several environmental bills were passed with my support, but most of the environmental bills were left on the cutting room floor due to the abbreviated session. A bill [to ban the use of the very toxic chemical "chlorpyrifos"](#) passed after the advocates effectively made the case that there are alternative chemicals that will protect crops from the spotted lanternfly. Another bill granted local governments the authority to establish resilience authorities. A third bill created the State's natural resources and environmental ombudsman. Another bill that I co-sponsored would have removed the City's waste incinerator, the biggest single source of air pollution in the City, from the list of energy sources qualifying as "renewable energy". This bill never made it across the finish line.

I sponsored two additional bills, neither of which passed. One would have required all future buildings constructed with public funds in Maryland to include solar panels on their roofs. The other would have phased out the burning of coal in Maryland to generate electricity. I plan to introduce these bills again next year.

The Building Lifelong Library Learners Act

I was a sponsor of the Building Lifelong Library Learners Act. This bill passed overwhelmingly in both houses. It increases State funding for libraries in Maryland and prohibits a public library from charging a minor a replacement fine or fee for an overdue library book until three months after the date on which the library book was due. I should note that my wife is a member of the Board of the Baltimore County Public Library and previously was on the Board of the Enoch Pratt Library, so our family is well-versed in the importance of public libraries.

Constitutional Amendment – State Budget

This particularly pernicious proposed Constitutional amendment will enable the General Assembly to totally rewrite the Governor's submitted budget. If this amendment should be supported by the voters this fall, future Gubernatorial budgets will be "dead on arrival" in the General Assembly as legislators ignore statewide Gubernatorial priorities and instead fund their own more parochial priorities. This already happens to a modest extent, but after passage of this amendment, legislative power-brokers will be able to ignore the Governor and, with impunity, impose their own priorities on the State Budget. We elect the Governor to lead us, and we need to let him lead.

The Gerrymandering Bill and the Death With Dignity Bill

Once again, attempts to institute non-partisan citizen panels to prudently handle the required decennial redistricting died, as did the death with dignity bill. They didn't receive a vote in their respective committees.

Dogs and Bikes

I was a sponsor of an excellent bill to ban the sale in Maryland of puppies produced in puppy mills. It passed in the Senate but died in the House. I co-sponsored another bill to enable each county to set up a "court dog" program that would provide canine companions for small children who must be in court; the dogs will give the kids comfort in their otherwise intimidating environment. This bill passed. Yet another bill that I supported authorizes cars to briefly edge into the other lane, when safe, to pass a bicycle, thus keeping a safe distance away from the bicyclist.

Sex Trafficking and Hate Crimes

I was a sponsor of an important bill that successfully passed the General Assembly. People who are exploited in the sex trafficking industry are constrained by their exploiters to engage in criminal acts, such as engaging in perverted sexual practices, using illegal drugs, taking people's property, and the like. This bill authorizes a person convicted of a "qualifying offense" to file a motion to vacate a conviction of such a crime if the person's participation in the offense was a direct result of being a victim of human trafficking.

I also was a sponsor of a bill that criminalizes intimidating someone by placing a noose or swastika on their property. Another bill that I co-sponsored expands the existing hate crime statute to include crimes which are motivated either in whole or in substantial part by another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin. Both of these bills passed unanimously.

Finally, Senator Kathy Klausmeier and Delegate Nino Mangione worked with me to pass the Predator-Free Schools Act, which provides that registered sex offenders shall not be permitted to attend high schools with other young people. They must be educated separately. This bill was introduced very late in the session in reaction to a situation that occurred at Parkville High School and didn't make it through the legislative process in time. Next year, we'll try again.

Support for the Arts

In these awful days, with people sheltering in their homes, Maryland's cultural landscape is being devastated before our eyes. Every performing arts venue, every museum, every other cultural institution, from the National Aquarium in downtown Baltimore to the Fire Museum in Lutherville, is shuttered and hemorrhaging money rapidly. Nearly every single employee in this sector of the economy has been laid off. The longer the coronavirus shutdown lasts, the greater the likelihood that these institutions will never re-open.

Fortunately, Governor Hogan has resolutely supported the Maryland State Arts Council throughout his six years in office. Each year, he has increased the State's financial support for the arts. This year, a stand-alone bill came to the floor to offer additional support to the Baltimore Symphony Orchestra, which, independent of the coronavirus pandemic, is in serious financial distress. Along with all but three State Senators, I proudly voted in favor of it. It would be a terrible tragedy if the coronavirus managed to kill not only hundreds of Maryland citizens but also our State's cultural institutions.

A Final Message

The coronavirus pandemic will probably be the greatest test faced by our generation. Our parents fought and died to protect human liberties during the Second World War. This is our time to stand strong. Social distancing is the key. Even after the peak of the pandemic occurs, the disease will still be rampant. Please keep a safe distance away from others, and wash your hands frequently. Do whatever you can to alleviate suffering by your family members, friends and neighbors. If you can afford to, give money to charities, and support your favorite restaurants through using their take-out facilities and buying gift-cards. And above all, give a shout out of support for the doctors, nurses, first responders and all of the other professionals who are risking their own lives every day to take care of us, as well as the area hospitals which are going to extra mile to protect our lives.