



Dear Friend:

Happy Friday and welcome to the January 29 edition of my Weekly Wrap!

It was another busy week with Senate Committee meetings, holding a press conference announcing our new plan to help the restaurant and hospitality industry, standing up for Saratoga by launching a bipartisan push for a full restoration of Video Lottery Terminal (VLT) Host Aid for Saratoga Springs and Saratoga County, and fighting for our fair share of state transportation funding. You'll read more about my efforts on each of these important fronts in this week's Wrap.

This week I also recognized the millions of lives that were taken during the Holocaust and the three precious lives lost during an Army National Guard training flight. I also continued standing up for transparency and accountability regarding the thousands of lives lost in nursing homes across New York State during the COVID-19 pandemic and continued my push for accountability and transparency on this critical issue.

Additionally, I urged Governor Cuomo to look to a recent New York State Supreme Court decision that initially cleared the way for 16 billiard halls to finally reopen. In light of this favorable court ruling, I called on the Governor to allow the statewide reopening of billiard halls, as I had originally urged back on October 1, 2020, as these facilities are committed to safety and cleanliness for their guests and employees. My Weekly Wrap features more details on this effort.

As always, I want to hear from YOU. If you have a comment, question, or concern, please email me at jordan@nysenate.gov or call my office at (518) 371-2751. Thank you for reading and subscribing to my Weekly Wrap. It's an honor and a privilege serving you!

- Senator Daphne Jordan, 43rd District

WSWHE BOCES Virtual Legislative Breakfast

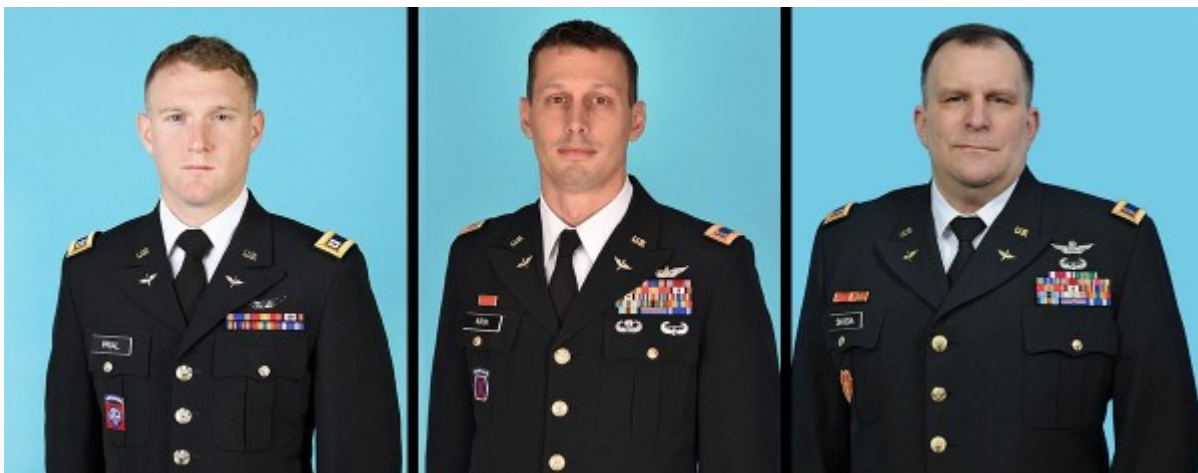


Late last week, I had the opportunity to be a part of the Washington-Saratoga-Warren-Hamilton-Essex (WSWHE) BOCES virtual legislative breakfast. I loved hearing from the students and enjoyed the fabulous muffins sent my way, baked by the CTE culinary students!

WSWHE BOCES develops, implements, and coordinates a wide variety of educational courses, and it is vital that the program receives the funding needed for students to excel.

It was informative to hear more about the program from the administrators, faculty, and students and what would be helpful to them. My colleagues and I are looking forward to working together in support of BOCES programs, and the many opportunities they provide for future generations.

Honoring our New York Army National Guard



They served us. We pray for them and their families.

Statement from the NY National Guard:

“Our entire NY National Guard family grieves the loss of three Soldiers this week from our Rochester flight facility. Killed in the January 20 crash of a UH-60 Black Hawk were Chief Warrant Officer 5 Steven Skoda, Chief Warrant Officer 4 Christen Koch, and Chief Warrant Officer 2 Daniel Prial. These Soldiers were a part of our National Guard family and we mourn their loss, alongside their family members and loved ones. The New York National Guard will be there for these family members as they navigate these trying times. Our chaplains and casualty assistance officers will be with them whenever needed. Our service members wish to extend their heartfelt thanks to the members of law enforcement, first responders, and the community at large for their support and sympathy during this trying time.”

Let them play



Late last week, Governor Cuomo allowed for high risk school sports to be played starting February 1, but the initial decision has to be made by County Departments of Health. Many parents, students, and coaches have been speaking out, advocating for the local departments to allow the students to play, and rightfully so! The largest number of tweets came from my hometown school, Shenendehowa. My answer to Shen parents and students was "I believe Shen and other schools can provide their student-athletes with a safe season."

Just yesterday, Rensselaer County approved the return of high risk school sports without restrictions to begin this Monday. Today, Saratoga County has joined Columbia County in allowing high-risk sports to resume **IF** their county can get at or below a 4% threshold for a rolling seven day average on positivity rate of COVID-19 tests. Washington County has not yet made a decision. While the counties have deliberated and set their parameters, individual school districts will have the final say over whether they'll participate in high-risk sports. Our student athletes deserve to play in the sports they've worked so hard in. Let safe practices start and then let the games begin!

Senate Committee meetings



Monday morning started with meetings for the Senate Veterans, Homeland Security, and Military Affairs Committee, as well as the Senate Agriculture Committee. I am happy to serve on both. You can always email me with your thoughts on legislation on the committees' agenda or with legislative ideas you may have at jordan@nysenate.gov.

This week's Committee Highlight: Agriculture



I am proud to serve on the Senate Agriculture Committee and was happy to be a part of the virtual meeting earlier this week (pictured above). During our Committee meeting, we moved bills out of Committee on their trek to possibly reaching the Senate floor for a vote. The bills dealt with penalizing animal fighting, improving urban and rural access to locally produced healthy foods; requiring veterinarians to notify owners of potential risks and side effect of medication prior to prescribing the medication to an animal; including agricultural custom operators as entities eligible for agricultural protections; and the expansion of regional farmer's markets to specifically targeted food deserts. Upstate New York is in the top-ten national producers for cow milk, apples, grapes, onions, sweet corn, and many other products! I am a strong advocate for our farmers and will always stand up for them and what they do for our economy.

Stop the middle-class tax hike



The past year has placed a tremendous burden on our middle class. We've seen businesses close, jobs lost, opportunities dwindle, and hardworking New Yorkers forced to make difficult financial decisions. Now more than ever, they need relief and financial peace of mind. Instead of creating a pathway to making that a reality, Governor Cuomo has done the exact opposite. In his budget proposal this year, he's looking to eliminate a 400-million-dollar middle class tax cut.

This is an unconscionable, cruel decision by the Governor. While so many New Yorkers are struggling, this effort to increase taxes would cause further financial distress and force even more residents to leave our state for opportunities elsewhere. We can't let that happen, and with your support, we won't. My Senate Republican colleagues and I launched a petition calling on the Legislature and Governor Cuomo to stop the middle-class tax hike. Just click this link to ensure your voice is heard: [Sign the Petition](#). With the power of your voice, we can send a strong message that we need to protect and grow our middle class, not take actions that punish and eliminate it!

Plan to reset NY's restaurant & hospitality industry



New York's restaurant and hospitality industry face staggering financial challenges caused by COVID-19 and the economic closures. Our package of legislation unveiled this week will provide much-needed assistance to these sectors that employ hundreds of thousands of New Yorkers and are vital small businesses that support local communities.

One of the bills featured in our package, my "Save Our New York State Restaurants Act," is bipartisan legislation that would create a 30-day sales tax exemption for food and drinks sold at restaurants and taverns to bring attention and business to our restaurants and also bring in customers that may not have otherwise planned on eating out. Restaurants and taverns need the state to step up and deliver this much-needed support and assistance now before they are forced to close their doors forever and cost our economy even more jobs.

On Tuesday, my Republican colleagues and I shared our new plan during a press conference held at the State Capitol. You can [see the full press release here](#).

More on helping our restaurant and hospitality industry



To watch a video of my comments during our Reset New York's restaurant and hospitality industry press conference, click [here](#).

The restaurant, service, and hospitality industries are the lifeblood of so many local economies. Before the pandemic, restaurants, and food service jobs employed nearly 900,000 New Yorkers and generated over \$3 billion in revenue to our state, and because of coronavirus, these industries have been devastated, and these jobs are disappearing. Nationwide, 74 percent of unemployment claims are from restaurant workers. Over 365,000 residents who work at restaurants have lost their job in the past year. Now we're facing fewer locally owned businesses, fewer jobs, and a lesser quality of life for every New Yorker. If we're going to help the record number of out-of-work New Yorkers and keep beloved local establishments open, we must act now.

That's why on Tuesday, my Senate Republican colleagues and I announced legislation to help accomplish that. Our bills would provide immediate support and relief, keeping small businesses open and thousands employed. Specifically, our plan would:

- **Cap the service and delivery fees internet-based food service providers like GrubHub and DoorDash charge local restaurants;**
- **Give the State of New York Mortgage Agency the ability to provide interest-free loans or lines of credit;**
- **Provide a fee-less one-year extension of liquor licenses that expired during the pandemic;**
- **Allow businesses an additional 90 days to pay any monthly sales and payroll taxes, as well as 90 days to pay any fees and penalties from state and local agencies;**

- Provide an additional 60 days for businesses to pay any business or property taxes; and
- Give an exemption from unemployment insurance rate increases to small businesses who are forced to terminate an employee.

New Yorkers are scared and need our help. Our service, hospitality and restaurant industries are suffering. Taking immediate, decisive action now will make years of difference, and we can protect the livelihood and preserve the paychecks of so many hardworking New Yorkers.

Holocaust Remembrance Day



Wednesday was International Holocaust Remembrance Day, a moment to acknowledge the six million Jewish victims of the Holocaust and millions of lives taken due to the forces of Nazism. It's an opportunity to renew our commitment to education and promoting and protecting diversity to ensure no group is ever again the victim of genocide.

Standing up for Saratoga



From a 2020 track season with no fans permitted on-site, to the ongoing statewide economic downturn, to the staggering costs of protecting public health during the pandemic, it's a fact that our local communities are reeling from the financial impact of COVID-19.

That's why earlier this week, I led a bipartisan push for a full restoration of VLT Host Aid which is critically important for Saratoga Springs and Saratoga County as a loss of this state funding would devastate local finances and result in a reduction or elimination of, essential local services.

As the proud home to the world-renowned Saratoga Race Course and Saratoga Casino Hotel, we must preserve and protect our community's local share of VLT Host Aid that's so important to our local economy, to horse racing, and our way of life. I proudly partnered with my colleagues in urging the Governor, Senate Majority Leader Stewart-Cousins, and Assembly Speaker Heastie to make the full restoration of VLT funding a priority as we indicated in our joint letter submitted this week. To read the full press release and copy of our letter, click [here](#).

Fighting for our fair share in transportation funding



In his budget proposal this year, Governor Cuomo is shortchanging our roads and bridges.

He's looking to spend over \$50 BILLION on the MTA and downstate projects, but less than \$12 billion total for the rest of the state. On a year-to-year basis, the Governor's plan includes 70 percent more in funding annually to New York City transportation than to the rest of the state.

As if this wasn't bad enough, the Governor wants to slash \$65 million in Extreme Winter Recovery funding. This would be a disaster for our communities, where our roads and bridges receive a beating all winter long from snow and ice. Infrastructure funding is crucial to our economy and creating good jobs, as well as keeping our residents safe. There's more to New York State than just the City, and all regions of our state must be treated equally.

In past years, our Senate Republican Conference has successfully fought for and delivered parity in transportation funding. For the sake of all our residents, this must continue. We need and deserve a fair share of transportation funding. As State Budget hearings begin and negotiations commence, I am going to push back against the Governor's unfair proposals. I will fight to deliver an equal share of transportation funding for our region. Our roads matter! I'll make sure the Governor receives that message loud and clear.

Statement on undercounted nursing home deaths



The truth is finally coming out on something I've been saying for months now. The blatant, shocking disregard for our loved ones in nursing homes by Governor Cuomo has cost over 8,500 lives, likely many more, as cited in the Attorney General's bombshell report released Thursday morning. Governor Cuomo and Commissioner Zucker need to stop their coverup and owe the people of New York answers and 100% transparency. We will not be silent on this issue and will continue demanding accountability and transparency. Read the article [here](#).

NYS Attorney General Letitia James issues stunning report on nursing homes' response to COVID-19



New York State Office
of the Attorney General
Letitia James

Nursing Home Response to COVID-19 Pandemic

January 2021

New York State Attorney General Letitia James yesterday issued a comprehensive report that made clear what I, and so many legislators and advocates such as FOX News Senior Meteorologist Janice Dean (who I proudly stood with), have been saying for months: the State Department of Health (DOH) was intentionally misleading New Yorkers on the true extent of the tragic deaths from COVID-19 that occurred in nursing homes across our state. The extent of the misinformation and, frankly, obfuscation from the leadership of the State Department of Health on this matter is breathtaking. One of the many takeaways of the Attorney General's report was that the DOH drastically undercounted the number of nursing home deaths by nearly 50%. Other key findings from the Attorney General's report included the following:

- **As much as 50% more nursing home residents died from COVID-19 than DOH data reflected;**
- **Lack of compliance with infection control protocols put residents at increased risk of harm;**
- **Nursing homes that entered the pandemic with low U.S. Centers for Medicaid and Medicare Services (CMS) Staffing ratings had higher COVID-19 fatality rates;**
- **Insufficient personal protective equipment (PPE) for nursing home staff put residents at increased risk of harm;**
- **Insufficient COVID-19 testing for residents and staff in the early stages of the pandemic put residents at increased risk of harm;**

- **The current state reimbursement model for nursing homes gives a financial incentive to owners of for-profit nursing homes to transfer funds to related parties (ultimately increasing their own profit) instead of investing in higher levels of staffing and PPE;**
- **Lack of nursing home compliance with the executive order requiring communication with family members caused avoidable pain and distress; and**
- **Government guidance requiring the admission of COVID-19 patients into nursing homes may have put residents at increased risk of harm in some facilities and may have obscured the data available to assess that risk.**

I encourage everyone to read the Attorney General's non-partisan report. You can access the report at the following link: [Nursing Home Response to COVID-19 Pandemic \(ny.gov\)](https://www.ny.gov/newsroom/attorney-general-releases-report-nursing-home-response-covid-19-pandemic).

Without question, we need, as I've been calling for since last spring, an independent state-federal investigation into New York's nursing home tragedies to provide answers, accountability, and transparency. I also have called for State Health Commissioner Zucker to tender his resignation in light of this growing scandal and for deliberately misleading New Yorkers.

Advocating for the safe reopening of billiard halls

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January 27, 2021

The Honorable Andrew M. Cuomo
Governor of New York State
State Capitol Building
Albany, NY 12224

RE: Allowing the statewide reopening of billiard halls

Dear Governor Cuomo:

I write to follow-up on my correspondence issued October 1, 2020, requesting that the Empire State Development Corporation, under your direction, develop a plan for the immediate safe reopening of billiard halls throughout New York State.

Today, I write respectfully requesting your administration's urgent consideration of the recent New York State Supreme Court decision (**370 BREWERTON ROAD, LLC d/b/a Brick House Billiards Bar and Restaurant et al., v. ANDREW M. CUOMO**) that provided preliminary injunction relief allowing 16 billiard halls across New York State to reopen following phase four rules for indoor entertainment. The lead attorney for the plaintiffs stated that the court's preliminary ruling means that billiard halls could operate much like bowling alleys or casinos, which are presently functioning at 50 percent capacity in accordance with state requirements. While the case awaits a final ruling, Judge Neri's issuance of preliminary injunction relief bodes well for the 16 billiard halls that brought this legal action.

As stated in my letter from October, billiard halls – which have been closed in New York State since March 16, 2020 – have made sanitation and cleanliness a top priority. In many venues, patrons will be provided their own sanitized billiard balls and cue sticks to use and will be directed to go to an assigned sanitized table. Billiard halls also can provide a unique, socially distanced, safe experience for patrons as they are specifically centered around reserved table spaces and times. Groups stay at their assigned table rather than coming and going from their table to other social spaces within the business.

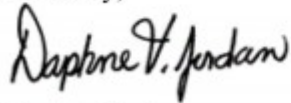
Billiard halls allow small groups to enjoy socially distanced activities if correctly arranged. Billiard halls routinely undertake extensive sanitation protocols to ensure the health and safety of customers.

Millions of New Yorkers and I concurred with your comment on January 11, 2021 in favor of reopening our economy when you stated "We will have nothing left to open. We must reopen the economy, but we must do it smartly and safely." Governor, those words were true January 11, and they remain true today.

We need to reopen our economy, safely and sensibly, with every consideration toward on-site COVID-19 mitigation. Doing so will provide a lifeline to countless small businesses at serious risk of being crushed by the COVID-19 pandemic's ongoing economic fallout. The next logical step in this necessary effort would be looking to the State Supreme Court's initial ruling in 370 BREWERTON ROAD, LLC d/b/a Brick House Billiards Bar and Restaurant et al., v. ANDREW M. CUOMO that billiard halls can re-open.

Our state should extend the reopening of these initial 16 billiard halls to all such facilities on a statewide basis. I encourage you to strongly consider pending legal precedent and immediately authorize such re-openings. Thank you for your consideration of my request.

Sincerely,



Daphne Jordan
State Senator, 43rd District

Billiard halls across New York State have demonstrated a clear commitment to providing a safe, clean, and enjoyable experience for their customers. Much like bowling alleys, billiard halls have made cleanliness and proper social distancing top priorities. These vital small businesses are ready, able, and want to reopen, and are 100 percent committed to doing so safely for their patrons and employees.

On Thursday, I wrote the Governor urging him to consider a recent State Supreme Court decision and allow for billiard halls to finally reopen statewide as they have been requesting since last summer (my recent letter is pictured above). We cannot afford to see even more small businesses close and more jobs lost all because the state failed to act. You can read my press release and copies of my correspondence with more details on my Senate webpage:

<https://www.nysenate.gov/newsroom/press-releases/daphne-jordan/senator-daphne-jordan-urges-governor-cuomo-allow-reopening>.

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