



Assemblymember

Anna Kelles

Assembly District 125



Neighbors,

Happy February to you all. The budget season is in full swing with multiple budget hearings happening every week. Members are allowed to attend and ask questions of panelists for every hearing where at least one of their committees is a topic under discussion. I will provide detailed updates for those hearings that I attend.

I will also be adding a new section to my newsletters highlighting directives and actions by our federal administration that I believe may or will have a direct impact on our communities. I will be focusing on providing resources and information that exist in response to these directives and actions rather than just highlighting federal action, which are already easily accessible in the news. I know that these issues can be hard and stressful to read about but I also think it is critical that we know precisely what and who is shaping the reality that we will be experiencing and when possible, actions we can take to meet our needs and those of our families and community. Changes are happening very quickly and right in the middle of the fast and furious budget season here in the state but I will try and share what is the most relevant and up to date.

In solidarity and good health,

Anna

**PUBLIC STATEMENT
CONCERNING ICE ACTIVITY & DOJ
STATEMENT**

On January 30th, after ICE activity in Tompkins county that resulted in the detention of Jesus Romero-Hernandez, the US Department of Justice released a statement suggesting that our county sheriff acted against federal law in the release of Jesus at the end of a term fully served. On February 1st I released a statement highlighting that the Constitution of the United States is unambiguous in ensuring the balance of powers between the states and the federal government. Specifically, the Tenth Amendment prohibits the federal government from commandeering state resources or compelling state and local officials to enforce federal law, including immigration enforcement. Local and state governments have the exclusive authority to manage their own resources to implement local and state laws. The notion that the federal government can mandate compliance with immigration initiatives is a misinterpretation of the Supremacy Clause and courts have consistently upheld that states cannot be forced into such roles. Requests from Immigration and Customs Enforcement (ICE) are by law voluntary, and local jurisdictions are not obligated to comply. [Click here](#) to read my full statement.

State Budget

The Budget public hearings season has begun

Each year, following the release of the Governor's executive budget proposal in January, the New York State Assembly and Senate meet in a series of public budget hearings. Each of these hearings is dedicated to a certain programmatic area of the budget, for example Transportation, Energy, or Agriculture. During each hearing, the expert witnesses testify outlining their responses to the executive budget and advocate for changes they would like the legislature to

consider as we go into budget negotiations with the executive. The testimonies given by witnesses can have a significant influence on the Legislature's responses to the Governor's Budget, which come in the form of a one house budget from both the Senate and the Assembly. The differences between these three documents; the Governor's Budget, the Senate's "One House" budget, and the Assembly's "One House" budget, are debated until a compromise is reached in the form of the final State Budget that is due by midnight on March 31st. Below you will find important notes from hearings that I have a direct hand in, as well as links to watch all of the hearings that have taken place thus far.

Completed Hearings

Monday, January 27th: Agriculture & Markets / Parks and Recreation

During this hearing I questioned witnesses regarding agrivoltaics research to develop strategies to minimize competition between solar electrical generation and agriculture for prime farmland, a much needed increase in funding for agricultural products research through Cornell CALS, increased funding for critical conservation initiatives for farmland, soil and water, and increased reimbursements to farmers for foods that go to provide meals to children in schools. You can watch the entire proceeding [here](#).

Here are a few notes on the items relating to Agriculture I am fighting to have included in our State Budget:

- \$1 Million for the second year of a research program to develop best practices for Agrivoltaics. Solar energy production is best accomplished on unwooded, well lit land - prime farmland but we cannot compromise any of our farmland and pull it out of production for the purposes of renewable energy generation. Particularly given that, as climate change progresses the northeast is expected to once again become a major breadbasket of the US. Agrivoltaics, the combining of solar energy and agricultural production, could provide a solution to

the competition that may come out of expanded usage of solar energy.

- Cornell College of Agriculture and Life Sciences AgriTech, which focuses on providing solutions to farmers and processors for agricultural problems, is facing devastating cuts from the federal government in climate and food systems research, and has had a flat budget from SUNY for 'land grant' activities since 2009. I am supporting the addition of:
 - \$5 Million in aid to localities funding in the agriculture and markets budget for operational support for Cornell CALS, supporting, research and extension and ensuring operational support for remote research farms and forests from the tip of Long Island, to the Hudson Valley, Finger Lakes, and Western NY.
 - \$5 Million in capital funding in the agriculture and markets budget for Cornell AgriTech and Cornell CALS remote research farms and forests for necessary infrastructure repair, lab and field and farm equipment, and facilities.

- \$250,000 to create and launch a database containing information about food additives added to foods created and processed in New York. Currently, companies that add chemicals that are “generally recognized as safe” (GRAS) do not need to report those chemicals to the FDA.
- \$2.5 Million for the NYS Animal Crimes Fund. This additional funding could help eligible shelters offset the high costs of sheltering abused and traumatized animals seized pursuant to criminal cases in all regions of the state.
- \$5 Million additional funding to match the Governor’s proposed \$5 million for the Companion Animal Capital Fund.

Tuesday, January 28th: Environmental Conservation / Energy

Over the course of twelve hours the Legislature heard from over two dozen witnesses from advocacy groups, organizations and environmentally focused business entities that have a central role to play in making our State cleaner, our water safer, and in reaching our climate goals as laid out in the [Climate Leadership and Community Protection Act of 2019](#). During the hearing I asked questions and raised concerns about funding cuts the Governor's budget proposes to the Environmental Protection Fund, exclusion of draft regulations to implement a cap and invest program ([click here to see the pre-proposal released last year](#)), strategies for bringing utility rates into the realm of affordability, the profits generated by plastic manufacturing by the oil and gas industry, and critical electrification initiatives. Watch the entire proceeding [here](#).

Here are a few notes on the items relating to Environmental Conservation and Energy that I am advocating to include in the State Budget: \$25 Million for Harmful Algal Blooms research and intervention. This funding would allow the Department of Environmental Conservation (DEC), together with Departments of Agriculture & Markets (DAM) and Health (DOH), to develop a comprehensive statewide Harmful Algal Bloom (HABs) collection of all the data that both has been collected and analyzed by the state combined with all the data collection and analysis the state has funded by private, public, and nonprofit institutions over the last two decades into a comprehensive publicly accessible database for continued longitudinal analyses. This will lead to the issuance of recommendations for a coordinated system of HABs outbreak intervention, mitigation, and prevention in all relevant water bodies.

Increase the Environmental Protection Fund (EPF) to \$500 Million from its current \$400 Million. Each year over \$1 billion is collected from the Real Estate Transfer Tax and this is partially used to fund the EPF. Most of the EPF programs are currently overprescribed and underfunded and this increase would alleviate some of this backlog ([click here](#) to see the breakdown of the EPF allocations in the executive budget proposal).

- A Cap & Invest program, as outlined in my bill [A3975](#), that establishes an economy-wide cap and invest program to support greenhouse gas emissions reductions in the State. This would set a maximum allowable amount of greenhouse gas emissions by covered entities and regulate the sale or auction of greenhouse gas emissions allowances to covered entities. This cap and invest would ensure protections for disadvantaged communities, preserve a true greenhouse gas emissions cap that would effectively reduce emissions over time, ensure sufficient funds raised for direct annual rebates to low and middle-income households, create protections and guardrails for energy intensive industries, and exclude the creation of a secondary market for sale of carbon allowances.
- Extending the DEC's authority to regulate management of crabs to 12/31/2027, and prohibiting the taking of horseshoe crabs for commercial and biomedical purposes [A4622](#). Horseshoe crabs serve an integral role in coastal ecology, and their populations are declining due to overharvesting. In addition, the mechanism that is used to drain them of their blood while alive to use as a substance to detect bacterial endotoxins in medical pharmaceuticals, vaccines, and equipment is barbaric and unnecessary because a superior synthetic alternative exists. New York needs to join neighboring coastal states in prohibiting the taking of this ancient species.
- [A3091](#) provides direct aid to municipalities to support efforts to clean up contaminated sites in their communities where there is no private, responsible party, to protect drinking water resources from "forever" chemicals.
- [A3026](#) - establish a New York State environmental enforcement account with the fees collected for violations of environmental law to ensure that the state has sufficient funds to effectively enforce our extensive environmental laws.

Wednesday, January 29th: [Elementary Education / Secondary Education](#)

Tuesday, February 4th: [Local Government / General Government](#)

Wednesday, February 5th: [Mental Hygiene](#)

Thursday, February 6th: [Transportation](#)

STATE LEGISLATIVE PRESS EVENTS



On Tuesday, February 4th I joined my colleagues and the Communities not Cages coalition to advocate for three criminal justice

reforms aimed at reducing incarceration and restructuring New York State's sentencing laws. That day, Communities not Cages rallied for ending mass incarceration through the [Marvin Mayfield Act](#), which will end mandatory minimum sentencing in New York.

In New York State, 98% of convictions are made by plea deal, whereby a sentence might be reduced in exchange for a New Yorker forfeiting their right to a trial. Mandatory minimum sentences require judges to hand down minimum prison sentences based only on the charges a prosecutor has levied against a defendant. Because of these excessive minimum sentences, a prosecutor wields significant leverage against a defendant during plea negotiations.

This act seeks to remove this process to ensure New Yorkers' access to a justice system that hands down punishments based only on the facts of the case.

This event additionally covered legislation sponsored by myself, the [Earned Time Act](#), which will increase the amount of time those that are serving long terms in prison can earn time off of their sentence by demonstrating consistently good behavior and by participating in personal development programming and education in prison.

Not only do these programs offer an incentive that can keep prisons themselves safer, they also offer real opportunities for personal transformation and education that will improve people's chances of safe reintegration once released and reduce the possibility of recidivism. Preparing someone for reintegration after prison can help keep our communities safer and offer currently incarcerated people positive post-release outcomes.

The third bill this coalition advocates for is the [Second Look Act](#), a bill which will allow people who have been incarcerated for ten years or longer to apply for a review of their sentence. This will provide incarcerated individuals with a chance to show their efforts at personal growth and development as well as afford judges an amount of discretion in regard to new laws that have been implemented since the time of that individual's incarceration. In checking the issue of mass

incarceration in New York, we can confront both the generally draconian nature of sentencing in the state, as well as the massive racial disparities that exist within our prison system.



On the morning of February 4th, I joined with my colleagues at a press event regarding a bill I sponsor to ban toxic additives in our food supply and create transparency in what is added to our foods.

[A1556](#) will ban seven dangerous synthetic food dyes from school foods statewide, ban three harmful chemicals linked to cancer, reproductive toxicity, and hormone disruption from foods sold in our state and promote greater transparency and accountability for ingredients currently kept secret, so people can make informed decisions about their diet, nutrition, and overall health. More specifically this bill would close a long known and abused loophole in the FDA's process of recognizing a food as "Generally Recognized as Safe" that enables companies to add additives into the food supply

without sharing the research proving its safety or even disclosing that the additive has been added to food formulations. For too long, the U.S. Food and Drug Administration (FDA) – the agency responsible for ensuring the safety of substances added to food – has failed to protect New Yorkers and the broader public from harmful food chemicals, even when safety risks are clear. This would both stop the flow of additives known to be hazardous into our food and require transparency about additives with potentially toxic properties that are already in our food. Watch my full remarks [here](#).



On Wednesday, February 5th, I joined colleagues and community members to advocate for increased funding for the Lorena Borjas Transgender and Non-Binary Wellness and Equity Fund. This fund is disbursed to organizations in New York that contribute to affirming, safe programming and services for transgender and non-binary residents of the

state. The health, mental health, and social services that this funding makes possible will help prevent a worsening of public health and socioeconomic outcomes that the growing discrimination, isolation, and persecution is having on this already marginalized population. [Click here](#) to watch my full speech.



GAP FUND TEACH-IN

On January 29th I joined my colleague Senator Kristen Gonzalez and leaders from several organizations focused on green energy transition policy to discuss legislation I sponsor known as the Green Affordable Pre-electrification (GAP) Act [A2101](#). The purpose of the GAP Act is to assist homeowners and tenants in residential properties to fix structural and building code defects which make their properties ineligible for climate change adaptation and resiliency project grants.

Residential buildings make up over 30% of New York State's total greenhouse gas emissions. Electrifying existing buildings is a key component of reducing the state's total emissions, but a significant portion of our existing building stock has issues that must be addressed before electrification can happen; mold, lead-based paint,

inadequate electrical systems, or electrical equipment issues that would greatly reduce the efficiency of electrification.

As existing weatherization and energy efficiency programs do not cover the costs of remediating these problems, there is a critical need to support these improvements in order to meet our State's climate goals.

This legislation meets that need by closing the "gaps" in current programming designed to incentivize electrification, allowing residents to take advantage of assistance provided through initiatives such as Next Energy NY, the Clean Energy Fund, and the Federal Inflation Reduction Act.

In addition, given the significant benefit the GAP Fund would provide to landlords, the bill requires that participating landlords commit to protections that prevent the displacement of existing tenants. You can watch the full teach-in including my remarks [here](#), and can find the slides used in the presentation [here](#)

UPDATES ON FEDERAL ACTION

NIH funding cuts: On January 29th, the National Institutes of Health announced a significant, distressing cut in its funding for the overhead costs of biomedical research. On February 10th [a judge temporarily halted the cuts pending further court arguments](#). The cuts are designed as caps on the amount of funding available through grants for things like facilities expenses, infrastructure in labs, and administrative costs including the maintenance of data centers and servers for computing research. NIH funded research is responsible for a significant number of the medical developments, new treatments, medical interventions and diagnoses that save lives in the United States every year. Read more about these funding cuts [here](#). [Here is a solid summary of how Trump's medical research cuts would hit colleges and hospitals in every state](#). The SUNY Chancellor, like every academic governing entity, is evaluating the breadth of impact this will have on the state SUNY system.

Federal Department of Transportation Memo Regarding Funding, Marriage and Birth Rates, Immigration Enforcement Compliance, Masking and Vaccines.

Last Wednesday, January 29th, the US Department of Transportation released a memorandum outlining a shift in their policies for providing the many grants, loans and contracts the Department has jurisdiction over. These funding sources help pay for public infrastructure like our roads and public transportation systems. This memo makes several references to prioritizing and outright banning funding projects along certain lines. You can read the full publication [here](#).

- **Marriage and Birth Rates:**
This memo outlines a plan to prioritize funding for projects in areas that have marriage and birth rates higher than the national average.
- **Masking and Vaccine Mandates:**
The DOT will begin to prohibit recipients of its funding from utilizing mask or vaccine mandates, undercutting a key component of
- **Compliance with Federal Immigration Enforcement:**
This memo outlines a ban on funding for projects in localities that do not comply with Federal Immigration Enforcement. This leveraging of funding on a state's, town's or other locality's coordinating with Immigration and Customs Enforcement is a blatant overstep. The Tenth Amendment, as is stated above in the attached press release, clearly provides states with the right to utilize their resources the way they see fit and prohibits the federal government from press-ganging states into being the enforcers of federal law.

Social Cost of Carbon:

This memorandum additionally expresses the administration's plans to once again alter the Social Cost of Carbon (SCC) calculation, an

egregiously detrimental action that was taken in 2017 and reversed by the Biden administration. The SCC is a calculation that has been in use since 2009. It uses climate models to determine the future financial cost of adding another ton of carbon to the atmosphere today.

The calculation is used by multiple departments in the federal government and multiple state governments to consider the impact the projects we begin today will have on the world in the future, such as a rise in sea level and temperature or the increasing intensity of storms. In 2017, the federal government began utilizing an SCC that was modified to include only domestic costs, and entirely exclude global impacts.

This memo states that the administration will once again exclude non-domestic costs from this calculation. At a time when empirical data is most needed to find rational solutions to the climate crisis, this administration is knowingly underestimating what construction will cost us in the future.

Knowing Your Rights: Regardless of Immigration Status

Every person within the United States, regardless of their immigration status, is afforded certain inalienable human rights. With the recent increase in immigration enforcement activity, organizations have come together to ensure that individuals know what their rights are and how to use them. The Immigrant Legal Resource Center (ILRC) has put together a [“Red Card”](#) for this purpose. This printable card outlines steps to take if approached by an Immigration Officer, at home or in public. Red Cards can be printed from home printers.

In addition, the ILRC has also put together resources on how individuals can know and exercise their rights; these resources can be found on their website [herw](#) **York State Guidance on Safeguarding the Rights of Immigrant Students**

The Office of the New York State Attorney General (OAG), the Office of New York Governor Kathy Hochul, and the New York State

Education Department (SED) have outlined guidance to safeguard access to primary education for all children, including non citizen students, between the ages 5 and 21 that highlights and clarifies relevant resources for school districts regarding their obligations under state and federal law.

The guidance states, “Schools are prohibited from requesting a Social Security Card or number, or any information that would reveal immigration status at the time of enrollment.” Although schools are required to provide information to law enforcement with a judicial warrant or lawfully issued subpoena, this relates to directory information including a student’s name, address, and telephone number. Personal Identifiable Information (PII), “does not include immigration status, citizenship, or national origin information or documentation, and schools should not affirmatively seek to collect this information unless required to do so.”

The guidance also states, “If a federal or local law enforcement official requests student information, a school should not disclose the information and should instead request the subpoena or other documentation upon which the request is based. Upon receipt thereof, the school should contact their attorney before disclosing any student information. Schools should inform SED's Privacy Office of any such request.” The document also provides detailed guidance on parameters and restrictions concerning detention, interrogation and removal of students from school property as well as resources and links on the Governor’s, SED’s, and the AG’s websites. For the full guidance [click here](#).

Guidance concerning local authorities’ participation in immigration enforcement and model provisions

According to the State Attorney General’s website, “The purpose of this guidance is two-fold: (1) to describe the legal landscape governing the participation of local authorities in immigration enforcement; and (2) to assist local authorities in New York State by offering model language that can be used to enact local laws or policies that limit participation in immigration enforcement activities.” It is continuously

updated to address new concerns and to respond to the rapidly changing landscape of actions at the federal level. [Click here to access the full AG guidance.](#)

Around the District



Assemblymember Anna Kelles invites you to:
Nominate a Woman of Distinction



Recognizing women who make a difference in our community

Awardees will:

- Receive an official Assembly Certificate of Merit
- Be recognized at a reception in their honor at the Ithaca District Office on March 14
- Be highlighted on the Assemblymember's social media throughout March



**Submit Your
Nomination Now!**
Form closes 2/20 at 12
pm



In good health,

A handwritten signature in cursive script that reads "Anna R. Kelles".

Anna Kelles, Ph.D.

Assemblymember, 125th A.D.

**ALBANY
OFFICE**
LOB 833
Albany,
NY 12248
518-455-
5444

**CORTLAND
OFFICE**
83 Main St.
Cortland, NY
13045
607-208-2024

**ITHACA
OFFICE**
130 East
State St.
Ithaca,
NY
14850
607-277-
8030

Assembly District 125 | kellesa@nyassembly.gov

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