

LEGISLATIVE & RESEARCH COMMITTEE MEETING

October 9, 2007 – 2:30 p.m.

PRESENT: Chairman Grattidge; Supervisors Keyrouze, Lucia, Richardson, Sausville, Wormuth; Raymond; Yepsen; David Wickerham, Co. Administrator; Kathy Marchione, LoAnn Sanders, Liz Callaghan, Bill Wilson, County Clerk-DMV; Mark Rider, Co. Attorney; Ann Magnuson, LWV; Press

Chairman Grattidge called the meeting to order.

On a motion by Mr. Richardson, seconded by Mr. Lucia, the minutes of the meeting of May 8th were approved unanimously.

Mrs. Marchione said she was going to discuss the Governor's proposal to issue drivers' licenses to illegal immigrants. She said under this proposal, applicants will no longer be disqualified based upon their legal status in this country. The applicant would no longer have to present a Social Security number or Non-eligibility letter to secure a driver's license. She distributed copies of a proposal from the NYS DMV that was given to the county clerks. She said she is very concerned with this proposal, as it poses a danger to the safety and security of Americans. Documents like drivers' licenses are crucial standards of identification that must not fall into the wrong hands. She said a drivers license is a source document from which all other documents are created, i.e., bank accounts, credit cards, etc. Once obtained, an individual is established. She said the Governor did not provide sufficient public involvement before initiating this new proposal. The first time we heard about this was September 20th when we were called into an emergency meeting at State DMV, she said.

Mrs. Marchione said under Section 502 of the Vehicle & Traffic Law, there is a requirement to provide a social security number. It did not become mandatory until 2002 that we had to see that card and proof of the number, she said. At that time, we were tied into the Social Security Administration, she added. She said before 9/11, 15 states issued drivers licenses to illegal aliens. After 9/11, only 8 issued them, she said. She said undocumented individuals truly mean that they are unknown to us. She mentioned the State Commissioner of DMV has never used the term "illegal alien", but rather "undocumented individual." We are going to be documenting them and giving them a source document where everything will come. New Yorkers are held to a higher standard for securing a drivers license than an illegal immigrant. Under the new regulations, an illegal immigrant has to show a passport but not a Social Security card. She said New Yorkers are

turned away without a Social Security card. That is unfair to our residents, she said. She stated this new procedure may be in contempt of federal immigration laws. I do not want to be part of what could be a felony, she said. I shutter to think of myself or one of my staff issuing a drivers license to an illegal alien and that person is a terrorist, she said.

Mrs. Marchione distributed copies of a resolution entitled “The New York State Association of County Clerks Objects To The Department Of Motor Vehicles’ Policy Allowing Illegal Aliens To Obtain A Valid New York State Driver’s License & New York State Non-Driver Identification.” She stated 29 County Clerks voted in favor of the resolution, and 13 have said they will not issue these drivers’ licenses, and she is one of them.

Chairman Grattidge said he appreciates the work that the NYS Association of County Clerks has done on this matter. He asked Mrs. Marchione when the Governor wants these new rules implemented and if there was a penalty he would enforce on the clerks who didn’t comply with the new rules. Mrs. Marchione said it takes effect in December. She said she has not heard anything from the Governor about a penalty, but she did hear the clerks are agents of the State and cannot set policy. On the federal level, we are on sure ground not to have to comply, she said. She stated she has received numerous e-mails and telephone calls from people who have such a concern about what is going on. She said the Chamber of Commerce is also being flooded with e-mails. She said the Governor is elected as we are. We need him to listen and, hopefully, you will send a message as well, she added.

Ms. Keyrouze said she spoke to Tony Giardina of the Executive Chamber, and she said she would like him to meet with this Committee and Mrs. Marchione so that we can point some things out to the Governor to get his office to listen. Mrs. Marchione said we have to e-mail the Governor and change his mind because this is an ill-conceived proposal. She said she will be starting a petition in the next couple of days in her office, and petitions can be placed in the Supervisors’ offices to state that this plan is wrong.

Mrs. Marchione distributed copies of a **draft resolution supporting her decision to refuse to issue drivers’ licenses to illegal aliens and petitioning the Governor to reconsider his Executive Order and limit the issuance of drivers’ licenses to law abiding citizens and legal immigrants. Mr. Lucia moved to support this resolution and to forward it to the Law & Finance Committee. Mrs. Wormuth seconded.**

Ms. Keyrouze said she would like a representative from the Governor’s office come and speak on this issue before we pass this resolution. She said she has concerns about Section 502 and this being illegal. She said Mrs. Marchione

makes a strong argument, but she would like to hear both sides. Chairman Grattidge said there is nothing in this resolution that would preclude them afterwards from coming in and appearing before the Board. Ms. Keyrouze asked if there was a reason why the Committee would do this now instead of after someone comes to speak to us? Chairman Grattidge stated the message to be sent to Albany is this is a bad policy that should be addressed right away. Mrs. Wormuth said the State hasn't been open to the clerks, and the way to get the message to them is through this resolution. Mr. Lucia said this will not stop discussions with the Governor's office.

The resolution was adopted by the following vote: AYES – Grattidge, Lucia, Richardson, Wormuth. NOES – Keyrouze. ABSENT – Peck, Sausville. Motion carried.

On a motion by Mr. Lucia, seconded by Mrs. Wormuth, the meeting was adjourned.

Respectfully submitted,

Elaine M. Sodemann