

Legislative & Research Committee Minutes
April 4, 2019 – 3:00 p.m.

Present: Chairman Kusnierz; Committee Members Alan Grattidge, Todd Kusnierz, Tara Gaston, Art Johnson, Ed Kinowski. Supervisor Barrett; Chad Cooke, County Administrator; Steve Dorsey, County Attorney; Craig Hayner, Christine Rush, County Clerk; Michael Zurlo, Sheriff; Press.

Chairman Kusnierz called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Grattidge, seconded by Mr. Johnson, the minutes of the February 7, 2019 meeting were approved unanimously.

A motion was made by Mr. Johnson, seconded by Mr. Grattidge, to oppose driver's license access and privacy act concerning undocumented individuals. Motion passed. Ms. Gaston abstained from voting.

Mr. Kusnierz said that Senate Bill #1747 is before the legislature, a copy of which was distributed to committee members. This bill has 24 Senate sponsors and is being carried by Senator Sepulveda. It has a partner bill A3675 carried by Assemblyman Crespo which has 68 members. The bill is currently in the transportation committee in both houses and the Governor has indicated that should the legislature approve the bills, he will be signing it. Acting Commissioner of Motor Vehicles Mark Schroeder is also in favor of the bill and has said he will be implementing it once signed by the Governor.

Mr. Kusnierz said that undocumented immigrants accounts for a significant number of the unlicensed drivers in NYS. The Fiscal Policy Institute estimates that there are approximately 725K undocumented immigrants over the age of 16 in New York. Mr. Kusnierz said that approval of this legislation will have a significant impact on law enforcement. One side of the argument is that it is unfair to legal residents, and that moving this legislation forward possesses a security threat as it would inhibit law enforcements ability to ID illegal aliens when they are stopped for probable cause. The other side of the argument is the potential annual revenue to the State which is estimated at approximately \$57M per year with an additional one-time revenue of \$26M obtained from registration fees.

Mr. Hayner distributed handouts. Mr. Hayner said that Governor Spitzer attempted to grant drivers licenses to illegal immigrants back in 2007 however the executive order was pulled. Mr. Hayner said that the Association of County Clerks were also against this in 2007 and this issue will be discussed at their meeting this month. Mr. Hayner said that this bill puts the County Clerks and DMV Clerks in a precarious position. Mr. Hayner said that several original forms of identification need to be produced in order to apply for a drivers license and due to the way this bill is written, it would not require those here illegally to furnish a social security number when applying for a standard drivers license. Prior to 2003 there was no requirement to provide a social security card as part of the application however, once this changed, they found massive amounts of fraudulent activity linked to NYS drivers license and non-driver id holders. Mr. Hayner also said that all applicants applying for a drivers license or non-driver id are also prompted to register to vote and he has serious concerns about illegal immigrants being prompted to answer these questions.

Mr. Zurlo said that this bill is a bad idea. The legislation will ban all databases with illegal immigrants and will put deputies in a difficult situation if someone is pulled over and individuals need to be checked for prior crimes, license history, prior DWI, etc. In these cases, a subpoena will need to be obtained in order to obtain this information. Mr. Kusnierz said that as he understands it, the current draft of the legislation will not permit the Commissioner of DMV to release any information to law enforcement. Mr. Zurlo said that he will be bringing this to the attention of the NYS Sheriff's Association this week.

Mr. Hayner said that Cayuga County recently passed a resolution opposing the bill. Mr. Hayner said that the State currently makes \$63M annually in data sharing for information linked to items such as automobile recalls and there is a possibility that this data sharing revenue stream could end with the new legislation.

Mr. Barrett pointed out that individuals who are not citizens, but are here legally, can currently get drivers licenses. Mr. Barrett also suggested that the Committee not only list the items that they are against, but also list the items that they are in favor of, such as the provisions for non-citizens to have drivers licenses. This would draw a contrast to the individual items.

Mrs. Gaston said that she just got this item this morning, and will be abstaining on voting due to the fact that she has not had sufficient time to read the legislation.

On a motion made by Mr. Grattidge, seconded by Mr. Johnson, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board