

2017

ANNUAL REPORT



New York State Assembly

Carl E. Heastie

Speaker

Committee on

Oversight, Analysis and Investigation

Matthew Titone

Chair



MATTHEW J. TITONE
Assemblyman 61st District
Richmond County

CHAIR
Committee on Oversight,
Analysis and Investigation

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December 15, 2017

The Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

It is with pleasure that I present you with the 2017 Annual Report of the Assembly Standing Committee on Oversight, Analysis and Investigation. Contained within are summaries of the Committee's initiatives and activities during the 2017 legislative session, as well as the outlook for 2018.

Government oversight is crucial to an efficient and responsible government. An important role of the Oversight, Analysis and Investigation Committee is to analyze the implementation of the law and investigate whether State agencies are acting effectively, efficiently and in compliance with legislative intent.

I have been honored to chair this Committee as it endeavors to strengthen the accountability and efficiency of government in New York State and to help ensure all New Yorkers are being well served by government.

I would like to thank you, your staff and the Committee members for their continued support and guidance. I look forward to continuing the work of the Committee during the upcoming 2018 legislative session.

Sincerely,

Matthew Titone
Chair, Assembly Committee on Oversight, Analysis and Investigation

2017 ANNUAL REPORT
OF THE NEW YORK STATE ASSEMBLY
**STANDING COMMITTEE ON OVERSIGHT, ANALYSIS
AND INVESTIGATION**

Matthew Titone
Chair

COMMITTEE MEMBERS

William Magnarelli
Fred Thiele, Jr.
Michael Kearns
Michael Montesano
Joseph Errigo

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LEGISLATIVE OVERSIGHT

The Role of Legislative Oversight

Every year, the Legislature and Governor enact hundreds of new laws. Legislative oversight enables policymakers to examine how those laws are implemented and ensure that the intent of the Legislature is being followed.

Article III of the State Constitution provides the New York State Legislature with the authority to conduct oversight activities. The Constitution permits the Legislature to appoint committees to investigate matters relating to the property and affairs of government and the state. The Constitution also empowers the Legislature to modify existing roles and assign new functions and powers to Executive departments.

Several laws and rules reinforce the Legislature's authority to perform oversight. For example, the Legislative Law and Civil Rights Law provide legislative committees with the authority to require the appearance of witnesses at hearings, and the State Finance Law requires the enactment of legislative appropriations before any state monies are spent.

The Assembly's oversight role was strengthened when its rules were amended to provide standing committees more ability to focus on oversight. Specifically, Assembly Rule IV, §1(d) was revised to require every standing committee to "devote substantial efforts to the oversight and analysis of activities, including but not limited to the implementation and administration of programs, departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within its jurisdiction." Also, Rule IV, §4(b) was amended in 2005 to provide that standing committees conduct at least one public hearing after adoption of the state budget. "The purpose of such public hearing shall include, but not be limited to, the impact, if any, of the state budget on the implementation and administration of the programs within such entities' jurisdiction."

Activities of the Committee on Oversight, Analysis and Investigation seek to help shed light on governmental and nongovernmental actions and promote integrity and efficiency in the administration of laws. The role of the Committee is in part to identify whether programs operate as intended and if state funds are effectively spent. Oversight is the foundation for making sound policy decisions.

The Function of the Oversight, Analysis and Investigation Committee

The Oversight, Analysis and Investigation Committee contributes a number of important roles in furthering the Assembly's oversight activities. The Committee:

- **Reviews implementation and effectiveness of laws and programs**

The Committee often reviews the implementation and effectiveness of laws and programs to ensure compliance by governmental agencies. Through its work with other standing committees and lawmakers, and its own investigative activities, the Committee seeks to determine whether programs operate as intended and whether program funds are spent effectively and efficiently.

- **Conducts program and budget reviews**

The Committee conducts targeted program and budget reviews, both jointly with other Committees and individually, pursuant to recommendations of the Speaker, the Committee Chair, individual members, other governmental sources or the public. Projects can be short-term or in-depth, and may involve financial and

historical data collection, field investigations, on-site state agency visits and public hearings and roundtables.

- **Helps to create a climate for change**

The outcome of investigations, hearings and other oversight activities are often compiled in reports or memoranda and distributed publicly to help create a climate for change. Recommendations may be incorporated into the lawmaking process through the budget, legislation or administrative recommendations to the Executive.

- **Acts as a resource to other Assembly standing committees**

The Committee directs much of its attention to research and data collection. The Committee acts as a resource to other Assembly standing committees, lawmakers and staff by providing assistance and guidance during program reviews. The Committee's report "A Guide to Legislative Oversight," explains how effective oversight reviews are conducted and sets forth the Assembly's authority to perform oversight activities.

COMMITTEE INITIATIVES

Requiring arbitrators who decide consumer- or employment-related disputes to set forth the basis for their awards.

A.6372 (Titone)

This bill would require arbitrators deciding consumer- or employment-related matters pursuant to contract to state the issues in dispute, as well as the arbitrator's findings of fact and conclusion of law. Further, this bill would require the arbitrator to decide all issues submitted. It is difficult, if not impossible, for a losing arbitration participant to know whether any grounds exist to vacate the arbitration if the basis for the award remains unknown. Oversight of arbitration proceeding will go a long way toward insuring consumer and labor fairness in these proceedings and will level the playing field.

This bill passed the Assembly.

Requiring state contractors to submit a statement on preventing human trafficking

A.6380-C (Titone)

This bill would require a statement from parties submitting bids for competitively bid procurements affirming that they will not transact business with any organization, person or entity engaged in human trafficking. Bids would not be considered for award where such affirmation has not been made. In addition, if an entity submitting a bid has a human trafficking prevention policy such policy would be required to be submitted with its bid. The term "engaged in human trafficking" would not be construed to include an individual who is nor was a victim of human trafficking. This bill would also allow electronic submissions of the required certification and disclosure to state agencies soliciting bids for procurement.

This bill passed the Assembly.

Establishing of a standard uniform human trafficking recognition training program for employees of hotel and gaming facilities.

A.7034 (Titone)

This bill would provide that any establishment that constitutes as a gaming facility must require all employees to undergo a human trafficking recognition training program established by the Division of Criminal Justice Services and the Office of Temporary and Disability Assistance. The New York State interagency task force on human trafficking would consult on the creation of this training program. The commissioner of the Division of Criminal Justice Services and the commissioner of the Office of Temporary and Disability Assistance would establish the standardized anti-trafficking training program for employees of hotel and gaming facilities. The training would focus on the nature of human trafficking, how human trafficking is defined in law, how to identify victims of human trafficking, relief and recovery options for survivors and legal services available to victims.

This bill passed the Assembly.

PUBLIC HEARINGS

GOVERNMENT OVERSIGHT OF FORENSIC LABORATORIES

On Feb. 8 the committee held a hearing to examine government oversight of forensic science laboratories in the State of New York. Forensic science (often known as forensics) has been defined as the application of a broad spectrum of sciences and technologies to investigate events, after the fact, and establish what occurred based on collected evidence. This is especially important in law enforcement. Our state and local crime laboratories serve as the scientific bulwark of our criminal justice system. Across this State, in these forensic laboratories, the examination of evidence, testing of evidence, analysis of test results and reports prepared from such results often form the basis of verdicts determining the guilt or innocence of defendants in the criminal courts. The administration of justice, in many cases, rests on the work performed by these forensic laboratories. Since 1999, New York has utilized a state oversight board comprised of fourteen persons, including stakeholders within the criminal justice and forensic science community. The Commission on Forensic Science is based in the Office of Forensic Science, which is part of the Division of Criminal Justice Services, an executive agency. Since the Commission's creation, the field of DNA science has seen significant advances which have enabled closed cases to be re-opened, guilty parties to be convicted and, as importantly, innocent individuals to be exonerated and freed from wrongful convictions. However, in this same time period, some analysts and laboratories in New York have been found to have engaged in misconduct resulting in errors and falsified results involving trace evidence, DWI analysis and controlled substance reports, among others. This hearing examined forensic science oversight in New York and helped determine whether additional steps should be taken to assure the reliability and effectiveness of our practices. It examined our state's forensic laboratories and related policies to help increase our understanding of the reliability and challenges in the operations of this important component of our state criminal justice system.

OUTLOOK FOR 2018

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored in 2017, including monitoring the effectiveness and efficiency of the Early Intervention Program, fighting for quality and affordable child care and ensuring women's health care needs are met.

In addition, the Committee will take an active role in the discussions regarding the renewal of the Minority- and Women-Owned Business Enterprise program and will advocate for adjustments to this program in order to achieve a high level of frequent and meaningful participation by minority- and women-owned businesses on state contracts.

The Committee will continue to strive to be informed of and engaged in the multitude of issues facing the Legislature in 2018.