

ANNUAL REPORT 2021



CARLE E. HEASTIE, SPEAKER
JOHNT. MCDONALD III, CHAIR

NEW YORK STATE ASSEMBLY

COMMITTEE ON OVERSIGHT, ANALYSIS & INVESTIGATION



JOHN T. McDONALD III
Assemblymember 108th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Oversight, Analysis, &
Investigations

COMMITTEES
Alcoholism and Drug Abuse
Higher Education
Insurance
Local Governments
Real Property Taxation
Ways and Means

December 15, 2021

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 2021 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 2021 legislative session, as well as the outlook for 2022.

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 2022 legislative session.

Sincerely,

John T. McDonald III
Chair, Assembly Committee on Oversight, Analysis and Investigation

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2021 ANNUAL REPORT
OF THE NEW YORK STATE ASSEMBLY
**STANDING COMMITTEE ON OVERSIGHT, ANALYSIS
AND INVESTIGATION**

John T. McDonald III
Chair

COMMITTEE MEMBERS

William Magnarelli
Fred W. Thiele, Jr.
Phil Steck
Nathalia Fernandez
Joe Angelino
Michael Montesano

COMMITTEE STAFF

Aaron Suggs, Assistant Secretary for Program and Policy
Brian Williams, Committee Analyst
Dawn Fowler, Secretary

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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 fills an important role 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.

COMMITTEE INITIATIVES

Oversight of Industrial Development Agencies **(A.3201-B, McDonald)**

This bill would clarify that appointing elected officials for an Industrial Development Agency shall not serve as a compensated officer, agent, or employee of the agency when the official has appointing authority for the IDA.

Chapter 559 of 2021.

Limited Liability Company Owners of State Leased Property **(A.3203-A, McDonald)**

This bill would require that when the Office of General Services enters into a real property lease with a Limited Liability Company (LLC), the members of such LLC must be disclosed down to the natural persons.

This bill passed the Assembly.

Reducing Regulatory Fines on Businesses **(A.7500, McDonald)**

Small businesses are provided with the opportunity to cure for a first violation of such agency's regulations unless explicitly exempted. Violation must be paperwork related, or omissions that are de minimus, a successful completion will prevent the imposition of penalties. This bill would require every agency to report specific information to the division for small business, including the number of cure periods or other opportunities have been offered, successful completion, and the average length of time granted by the agency to correct first time violations. The division for small business would be required to prepare a report and make it available on its website and provide it to the governor and legislature.

Chapter 752 of 2021.

OUTLOOK FOR 2022

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored in 2021, including monitoring the effectiveness and efficiency of government contracting and the procurement process. In addition, the Committee will take an active role in the discussions regarding the authorities of this State and the various State managed corporations. The Committee will monitor the effects of COVID-19 and the effectiveness of state and local responses to COVID-19. The Committee will continue examining issues involving blight and how to deal with abandoned properties related to expanding 19-A and receivership options. The Committee will continue to consider how to improve systems, protocols and practices to ensure the safety of the people and businesses of New York State.

The Committee will continue to look for ways to increase state government transparency to encourage public trust in state officials. The Committee will review various matters that were referred to the Committee for investigation by other members of the Assembly and members of the public. Some of these matters from the current year are still being reviewed. The Committee will continue to strive to be informed of and engaged in the multitude of issues facing the Legislature in 2022.