



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, 2020

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 2020 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 2020 legislative session, as well as the outlook for 2021.

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 2021 legislative session.

Sincerely,

John McDonald
Chair, Assembly Committee on Oversight, Analysis and Investigation

Room 417, Legislative Office Building, Albany, New York 12248 ☐ 518-455-4474,

FAX: 518-455-4727 EMAIL: mcdonaldj@nyassembly.gov
www.nyassembly.gov

2020 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

**STANDING COMMITTEE ON OVERSIGHT, ANALYSIS
AND INVESTIGATION**

John McDonald
Chair

COMMITTEE MEMBERS

William Magnarelli
Fred W. Thiele, Jr.
Phil Steck
Nathalia Fernandez
Brian Manktelow
Michael Montesano

COMMITTEE STAFF

Aaron Suggs, Assistant Secretary for Program and Policy
Brian Williams, Committee Analyst
Kathryn Kilichowski, Committee Assistant
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 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.

COMMITTEE INITIATIVES

Limited liability company owners of state leased property **(A.3832, 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.

Requires information be given to parents about corded window blind safety **(A.9524, McDonald)**

This bill requires information be given to parents about the safety risks of corded window blinds for children. There are safety risks associated with corded window blinds for children, and this bill requires an informational leaflet be given to parents on the dangers that corded window blinds pose to children.

Chapter 66 of the Laws 2020

PUBLIC HEARINGS

Joint Hearing on the Impact on Nursing Homes during the COVID-19 Pandemic

On August 3, 2020, and August 10, 2020, the Assembly Standing Committees on Health, Aging and Oversight, Analysis and Investigation and the Senate Standing Committees on Health, Aging and Investigations and Government Operations held a joint virtual public hearing to examine the impact of COVID-19 on residential healthcare facilities and other long-term care settings in New York State. The purpose of the hearing was to review the effectiveness of the state and local government's response to COVID-19 in regard to the distribution of medical supplies and personal protective equipment, and the practices and procedures of residential health care facilities. This hearing served to provide recommendations for improving systems, protocols and practices to reduce transmission and mortality rates on contagious diseases. In 2021, members of the Assembly will continue to monitor the effects of COVID-19 and the effectiveness of the state and local government's response to COVID-19 in residential healthcare facilities and other long-term care settings. Assembly members will continue to consider how to improve systems, protocols and practices to reduce transmission and mortality rates of contagious diseases.

Joint Hearing on the Impact on Hospitals during the COVID-19 Pandemic

On August 12, 2020, the Assembly Standing Committees on Health and Oversight, Analysis and Investigation and the Administrative Regulations Review Commission and the Senate Standing Committees on Health and Investigations and Government Operations and the Administrative Regulations Review Commission held a joint virtual public hearing to examine the impact of COVID-19 on New York State's hospitals as well as how the current state hospital policies impacted the state's response to the COVID-19 pandemic. The purpose of the hearing was to review the hospitals' experiences of the influxes of patients while navigating through several shortages and deficiencies of personal protective equipment, ventilators and medical equipment to keep staff and patients safe. This hearing served to enhance the understanding of the challenges hospitals faced from a lack of equipment and beds for inpatient and intensive care from the influx of patients and the management of safety for employees. The Assembly and the Senate sought for recommendations to help prepare the hospital system and the employees for potential future pandemics. In 2021, members of the Assembly will examine the state's response to the COVID-19 outbreak, and the effectiveness of the policies. Assembly members will continue to consider hospital safety, preparedness and how to improve systems for hospital workers and patients.

Joint Hearing on the Impact on the Workforce during the COVID-19 Pandemic

On August 13, 2020, the Assembly Standing Committees on Labor, Banks and Oversight, Analysis and Investigation and the Senate Standing Committees on Labor, Banks and Investigations and Government Operations held a joint virtual public hearing to examine the impact of COVID-19 on the workforce, including unemployment insurance, workplace safety standards, and the impact of the federal Paycheck Protection Program on maintaining

employment. The purpose of the hearing was to review the effects of the federal response and aid to COVID-19, the 2020 CARES Act, on New York State. This hearing allowed members to hear from New York State essential businesses open during the peak of the pandemic about the safety and security challenges workers faced due to the lack of personal protective equipment and proper safety precautions and guidance. This hearing served to provide input from stakeholders related to the handling of unemployment benefits, worker safety requirements and standards, and the effectiveness of stimulus programs that included the Paycheck Protection Program to keep workers employed and businesses open. In 2021, members of the Assembly will monitor the effectiveness of the safety protocols and guidance for businesses. In addition members of the Assembly will work on a remedy for the influx of unemployment and stimulus program issues in New York State. Assembly members will continue to consider how to improve systems, protocols and practices to keep workers employed and safe.

OUTLOOK FOR 2021

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored in 2020, 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 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 2021.