



COMMITTEE ON  
Oversight, Analysis and Investigation

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

THOMAS J. ABINANTI, *Chair*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES

Codes

Health

Environmental

Conservation

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THOMAS J. ABINANTI  
Assemblyman 92<sup>nd</sup> District

CHAIR  
Assembly Committee on  
Oversight, Analysis and Investigation

December 15, 2019

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 2019 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 2019 legislative session, as well as the outlook for 2020.

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 2020 legislative session.

Sincerely,

Thomas Abinanti  
Chair, Assembly Committee on Oversight, Analysis and Investigation

**2019 ANNUAL REPORT**  
OF THE NEW YORK STATE ASSEMBLY  
**STANDING COMMITTEE ON OVERSIGHT, ANALYSIS  
AND INVESTIGATION**

Thomas Abinanti  
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  
Nathan Kerstein, Committee Counsel  
Brian Williams, Committee Analyst  
Benjamin Piccolo-Evans, 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

### **Creating a remedy for an inconsistency in the law for issuance of letters of administration**

#### **A.795 (Abinanti)**

This chapter remedies an apparent inconsistency in the surrogate's court procedure act for issuance of letters of administration and letters of administration with the will annexed. This will bring the law into accord with certain recent judicial interpretations.

#### **Chapter 319 of 2019**

### **The State shall be liable for damages suffered by any person from defects in state highways**

#### **A. 1235 (Abinanti)**

Current State law limits claims by motorists who suffer damages due to defects in State roads to incidents which occur between May 15 and November 15. This bill would expand the State's liability and allow motorists to pursue damages due to defects in State roads all year-round, when the State has actual or constructive notice of such defects. This bill would encourage the prompt repair of roads in the State, particularly those that are in the poorest condition, reduce motorists' vehicle operating costs and better protect the health and safety of all who drive or are passengers in cars on State roads.

#### **Vetoed by the Governor**

### **Enacting the "Toll Payer Protection Act"**

#### **A. 7587-A (Abinanti)**

This bill would establish in law a tolls by mail program to improve the process for notifying drivers about tolls and fines incurred; to ensure that fines are fair; and that motor vehicle registrations are not suspended because of an outstanding bill for a cashless toll fee. This will encourage better communication between the State and drivers to make sure that people are aware of potential fines. People should not be penalized for a lack of knowledge of a fine or other issue with a cashless toll. The Chairman of the committee issued a report substantiating the need for the Toll Payer Protection Act. The report highlights the absence of statutory authority for the current tolls by mail system. The report references the functional irregularities of the current system which has resulted in a significant number of uncollected tolls resulting in revenue losses. The report also highlights the penalties imposed on motorists who fail to pay a toll – often without notice and without due process.

#### **Vetoed by the Governor.**

## **PUBLIC HEARINGS**

On November 22, 2019, the Assembly Standing Committees on Local Governments, Corporations, Authorities, and Commissions, and Oversight, Analysis and Investigation held a public hearing to examine the role and effectiveness of Industrial Development Agencies (IDAs) and Local Development Corporations (LDCs). The purpose of the hearing was to review the effectiveness and the role of IDAs and LDCs including issues related to oversight and accountability. At a local government level, economic development is frequently facilitated by IDAs which are public benefit corporations created by the state, and LDCs which are not for profit corporations, created by or for the local government. In 2020, members of the Assembly will continue to monitor the effectiveness and impacts of LDCs and IDAs as used by local governments for economic development. Assembly members will continue to consider whether legislation is necessary to modify statutory authorizations for LDCs and IDAs.

## **REFERRALS**

The Committee Chair reviewed 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 are still being reviewed. Some may be forwarded to the Office of the Attorney General or the Office of the New York State Comptroller.

## **OUTLOOK FOR 2020**

The Oversight, Analysis and Investigation Committee will continue to examine and take an active role in the issues it explored in 2019, 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 Chair 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 2020.