



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

Committee on

Oversight, Analysis & Investigation

Edward C. Braunstein

Chair





EDWARD C. BRAUNSTEIN
Assemblyman 26TH District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Oversight, Analysis
and Investigation
Subcommittee on Trust and Estates

COMMITTEES
Aging
Cities
Health
Judiciary
Ways and Means
Asian Pacific American Task Force

December 15, 2018

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 2018 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 2018 legislative session, as well as the outlook for 2019.

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 2019 legislative session.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Braunstein", with a stylized flourish at the end.

Edward C. Braunstein
Chair, Assembly Committee on Oversight, Analysis and Investigation

2018 ANNUAL REPORT
OF THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON OVERSIGHT, ANALYSIS
AND INVESTIGATION

Edward Braunstein
Chair

COMMITTEE MEMBERS

William Magnarelli
Fred Thiele, Jr.
Michael Montesano
Joseph Errigo

COMMITTEE STAFF

Aaron Suggs, Assistant Secretary for Program and Policy
Brian Williams, Committee Analyst
Daniel Gordon, Committee Assistant
Teneesha Young, 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. 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 full payment for delivered and accepted materials pertaining to public work projects

A.358 Braunstein

The purpose of this bill is to require the full payment for delivered materials pertaining to public works projects and to prohibit the retention of any payment due or owed to a material supplier for a construction project. Retainage is withheld on construction projects to ensure that the owner is satisfied with the finished product. Retainage is withheld by the owner from the contractor, who, as a result of not receiving funds from the owner, withholds payment from the subcontractors and materialmen. Once a material supplier has delivered its goods and has been accepted by the contractor or subcontractor, the supplier has completed its job and should not be held liable for subsequent work performance. This legislation would remove materialmen from inclusion under current retainage laws.

Reported to the Assembly Floor.

Prohibiting the sale of consumer employment information

A.859-A, Braunstein

This bill would prohibit the sale of consumer data and employment information without express written consent. There have been instances of consumer credit reporting agencies selling employment records, including detailed health insurance and payroll information, to third parties such as debt collectors and other financial service corporations, often without employees' knowledge or consent. This is an invasion of consumers' and employees' privacy.

Passed the Assembly.

Establishing the crime of unlawful dissemination or publication of an intimate image

A.1118 Braunstein

This bill would create the crime of unlawful dissemination or publication of an intimate image. A person is guilty of this crime when, with intent to cause harm to another person, disseminates or publishes an intimate image of such other person, without such person's consent. The bill also creates a private right of action for an individuals to pursue damages and injunctive relief against someone who unlawfully disseminates or publishes an intimate image. An individual can also commence a special proceeding to obtain a court order to have an intimate image permanently removed from the internet.

Passed the Assembly.

PUBLIC HEARINGS

On May 17, 2018, Chairman Braunstein took part in a public hearing on the Availability of and Access to Naloxone. The purpose of the hearing was to examine access and availability of opioid reversal drugs, such as naloxone and to identify, if necessary, means by which to expand access and availability statewide. The opioid crisis has hit New York State hard with all opioid overdose deaths per 100,000 population in New York State doubling from 5.4 percent in 2010 to 10.8 percent in 2015. The State has taken steps to increase the availability and access to these medications such as passing a law in 2006 authorizing non-medical personnel to administer naloxone, and in 2014 expanding this legislation to allow the prescribing, dispensing, and distributing of opioid antagonists by a non-patient specific prescription. However, availability and access to potential lifesaving medications used in opioid and heroin overdose situations continues to be a critical issue facing New York State. This hearing examined the availability of and barriers to overdose medications and the steps that the State can take to get these medications into the hands of more individuals who need it. Chairman Braunstein and the Oversight committee will continue to monitor the availability and access of these types of medications and work on combating the opioid crisis that is facing New York State.

OUTLOOK FOR 2019

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored in 2018, 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 Metropolitan Transit Authority and the New York City Housing Authority.

Two other policy issues that the Committee will explore further in the upcoming legislative session are commonsense gun control legislation and New York City property tax reform. Chairman Braunstein recently testified before the New York City Advisory Commission on Property Tax Reform and will continue to look for ways to make property more affordable for New York City residents through sensible tax reforms. In addition, the Chairman will be continuing to explore ways that the committee can help keep all New Yorkers safe by examining any gun control legislation in the Assembly. The Committee will continue to strive to be informed of and engaged in the multitude of issues facing the Legislature in 2019.