



New York State Assembly

Sheldon Silver
Speaker



2013

**ANNUAL
REPORT**

Committee on
**Oversight, Analysis
and Investigation**

Andrew Hevesi
Chair





ANDREW HEVESI
Assemblyman 28th District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on
Oversight, Analysis and
Investigation
Subcommittee on
Renewable Energy
COMMITTEES
Energy
Health
Labor
Insurance

December 15, 2013

The Honorable Sheldon Silver
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Silver:

It is with pleasure that I present you with the 2013 Annual Report of the Assembly Standing Committee on Oversight, Analysis and Investigation. Contained within are summaries of the Committee's major projects during 2013.

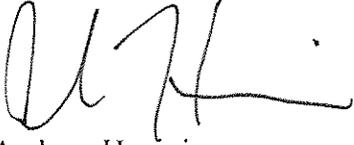
Oversight is crucial to an efficient and responsible government. The Oversight, Analysis and Investigation Committee analyzes the implementation of the laws and investigates whether State agencies are acting effectively, efficiently, and in compliance with legislative intent.

In 2013, the Committee:

- contacted thousands of municipalities and coordinated with local government organizations throughout the State in a continuing effort to identify municipal reporting requirements and mandates that are no longer necessary, or have the potential to be modified to reduce the burden on local governments;
- coordinated with Assembly committee staff to compile, review, and analyze state government reporting requirements in an effort to reduce unnecessary reports at the state level, and introduced initial legislation to repeal several outdated reporting requirements;
- held a roundtable on the State's use of "cloud computing" to improve public access to government information and to increase government efficiency; coordinated with state agencies, advocates, and non-government organizations on the continuing implementation of the Open Data Initiative; and
- examined the availability of social services for victims of human trafficking requested an accounting of the activities of the Task Force on Human Trafficking, and introduced several bills to improve services to victims.

I have been honored to chair this Committee as it continues to fulfill its mandate to strengthen the accountability and efficiency of New York State government.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hevesi', with a stylized flourish at the end.

Andrew Hevesi
Chair, Assembly Committee on Oversight, Analysis and Investigation

THE NEW YORK STATE ASSEMBLY
**COMMITTEE ON OVERSIGHT, ANALYSIS
AND INVESTIGATION**

Andrew Hevesi
Chair

THE 2013 ANNUAL REPORT

COMMITTEE MEMBERS

MAJORITY

Michael Kearns
William Magnarelli
Annette Robinson
Fred Thiele, Jr.

MINORITY

Michael Montesano
Phillip Palmesano

TABLE OF CONTENTS

LEGISLATIVE OVERSIGHT 2

- The Role of Legislative Oversight
- The Function of the Oversight, Analysis and Investigation Committee

COMMITTEE PROJECTS IN 2013 4

- Municipal Reporting Requirements and Local Government Mandate Relief
- State Government Reporting Requirements
- State’s Use of Information Technology
- Social Services for Human Trafficking Victims

PUBLIC HEARINGS AND ROUNDTABLES 7

OUTLOOK FOR 2014 8

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.

The power of the New York State Legislature to conduct oversight activities is contained within Article III of the State Constitution. The Constitution allows the Legislature to appoint committees to investigate matters relating to the property and affairs of government and the State. The Constitution empowers the Legislature to modify existing roles and assign new functions and powers to executive departments.

Several laws and rules reinforce the Legislature's mandate to conduct oversight. The Legislative and Civil Rights Laws allow a legislative committee to require the appearance of witnesses at a hearing. The State Finance Law strengthens the Legislature's "power of the purse" by requiring legislative appropriations before any State monies are spent and by limiting the ability of the Executive to move money within and between agencies.

The Assembly's oversight role was strengthened when its House Rules were amended to allow standing committees more time to focus on oversight. Specifically, House 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, of departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within its jurisdiction." Also, House Rule IV, §4(b) was amended in 2005 to require all standing committees to 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."

Investigations by the Committee on Oversight, Analysis and Investigation help shed light on governmental and non-governmental actions and promote honesty and efficiency in the administration of laws. They help identify whether programs operate as required and if State funds are effectively spent, which is the foundation for making sound policy decisions.

The Function of the Oversight, Analysis and Investigation Committee

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

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

The Committee is charged with reviewing the implementation and adequacy of laws and programs to ensure compliance by State governmental agencies. Through its assistance to standing committees and lawmakers and its own investigative activities, the Committee seeks to determine whether programs operate as required and whether program funds are spent effectively, efficiently, and in accordance with Legislative intent.

- **Conducts program and budget reviews**

The Committee conducts targeted program and budget reviews both jointly with other Committees and individually based on suggestions of the Speaker, the Committee Chair, individual members, governmental sources, or the public. Projects can be short-term, involving only a few telephone calls, in-depth, financial and historical data collection, field investigations, on-site State agency visits, interviews, and public hearings.

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

Findings are often compiled in a report or memorandum and distributed publicly to help create a climate for necessary 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**

With expertise in research and data collection, the Committee acts as a resource to other Assembly standing committees, lawmakers, and staff by providing technical assistance and guidance during program reviews. Additionally, each lawmaker is provided with a copy of the Committee's "A Guide to Legislative Oversight," which explains how effective oversight reviews are conducted and sets forth the Assembly's authority to perform oversight activities

COMMITTEE PROJECTS IN 2013

Municipal and State Reporting Requirements

In an effort to provide mandate relief to municipalities, the Oversight, Analysis, and Investigation Committee has continued to investigate state mandated reporting requirements that can either be eliminated or modified to improve efficiency. Furthermore, the Committee added the task of reviewing the effectiveness of reporting requirements for state government to the overall project.

The Committee sought to identify an existing database in State government that listed statutorily-required municipal reporting requirements, but after contacting the Governor's office and multiple agencies, it was determined that no such database exists. The Committee manually searched State law, but found that reporting requirement language is inconsistent throughout State law. The Legislative Bill Drafting Commission assisted in developing a list of relevant reporting requirements, but the resulting list of legal citations was not definitive and included many duplications and citations with no reporting requirements, while it excluded many other significant reporting requirements.

As a next step, in cooperation with the Local Governments Committee, the Oversight, Analysis, and Investigation Committee wrote to municipalities in the State asking for their assistance in identifying reporting requirements. Many municipalities provided detailed answers with suggestions for changes, while others reported no problems with the current requirements. Additionally, the Committee held several meetings with local government organizations including New York State Association of Counties (NYSAC), New York Conference of Mayors (NYCOM), and New York Association of Towns to help target burdensome local government mandates for the oversight committee to review. The Committee is now reviewing these recommendations to determine what, if any changes, to State law can be made.

With the goal of reducing reporting requirements for state government, the Oversight, Analysis, and Investigation Committee has initiated an examination of all sections of New York State law in an effort to target unnecessary or redundant statutory requirements at the state level. The Committee has begun the process of compiling a comprehensive list of reporting requirements for all sections of New York State law. The Committee has worked closely with Assembly committee staff with experience in each relevant section of law to provide further analysis and expertise on various existing statutory reporting requirements.

Within the mission of reducing unnecessary reporting requirements, Chair Andrew Hevesi introduced a bill to repeal several outdated requirements in 2013 (**A.7187** – Passed the Assembly). This bill repeals reporting requirements and several other provisions pertaining to The Board of Railroad Commissioners and its related proceedings. The initial enabling legislation and the overall practices of this board are no longer relevant. The bill also repeals the provisions of the general municipal law with

regard to the temporary state commission on local government ethics and its reporting requirements.

Access to State Government Information through Technology and Social Media

New advances in information technology may make it possible to achieve significant enhancements in government efficiency, fiscal responsibility, and openness while providing enhanced services to the public and businesses, and reducing regulatory burdens.

On October 17, 2013, the Assembly Standing Committees on Governmental Operations, Oversight, Analysis, and Investigation, and the Commission on Governmental Administration held a roundtable that examined the potential advantages and challenges for the State as it begins its transitions to "cloud computing." The roundtable examined how state and local governments can most effectively utilize this emerging technology, and if this new technology can provide more efficient and cost-effective government interaction with the public.

Social Services for Victims of Human Trafficking

The Oversight, Analysis, and Investigation Committee, along with the Assembly Standing Committees on Codes and on Social Services, held a roundtable in October 2012 in New York City to examine currently available social services assistance statewide for human trafficking victims and to identify gaps, roadblocks, and possible solutions.

Participants, including representatives from State agencies, the New York State Defenders Association, service providers, anti-trafficking advocacy groups, and Hofstra University, which published a study on the social service needs of human trafficking victims, spoke about the following:

- The training currently provided to law enforcement and agency personnel to assist in identifying potential victims of human trafficking and its effectiveness;
- Ways in which agencies and organizations learn of trafficking victims and outreach efforts currently employed to identify and encourage them to accept assistance;
- The effect of laws mandating official certification of victim status as a precondition for certain types of benefits and services;
- Areas in which it is particularly difficult to provide services to human trafficking victims (e.g. safe housing, medical services, counseling services); and
- Special challenges in serving these persons (e.g., language barriers, differing customs, fear of reprisal).

Most attendees confirmed the overall need for more funding to provide an array of services, especially long-term housing, which is virtually non-existent, for victims of human trafficking.

With the information gathered in consultation with professionals from State agencies, advocacy and non-governmental groups, the Committee researched the role of New York State in combating sex trafficking, and providing needed services for victims. Additionally, Committee Chair Hevesi requested information from the Office of Temporary Disability (OTDA) and the Department of Criminal Justice Services (DCJS) for an overview of the Task Force's work since its creation in 2007.

Several bills were introduced in the 2013 legislative session by Oversight Chair Andrew Hevesi addressing the issue of sex trafficking, including:

A.5538-A Hevesi (Passed the Assembly)

This bill would extend and expand upon the Interagency Task Force on Human Trafficking, originally established in 2007 and set to expire this year, until 2017. The task force, created in 2007 at the behest of the governor, was charged with: coordinating the implementation of the new law; studying issues that may need further reform, including ensuring that victims are properly protected and assisted; collecting data on the extent of trafficking in the state; and recommending best practices for training and community outreach to help law enforcement, social service providers, prosecutors, defense attorneys, and the general public to recognize trafficking situations. The Task Force was also charged with measuring and evaluating the state's progress in preventing trafficking and prosecuting persons engaged in such trafficking.

Though still a technically active task force through 2013, the Interagency Task Force on Human Trafficking has not issued a report since 2008. Additionally, the task force has failed to provide the legislature with any recommendations or updates on access to social services for victims of sex trafficking.

In order to enhance the performance and efficiency of this task force, this bill codifies the following enhancements: seven new members of the task force would be appointed by the legislature and governor; the Chairman of the task force would be required to create sub committees to meet, gather specific information, formulate recommendations and report back to the general task force on specific elements of this multi-faceted problem. Each subcommittee would include at least one of the seven new members. The task force would now be required to meet at least three times per year and issue a report at least annually. This bill passed the Assembly unanimously in 2013.

PUBLIC HEARINGS AND ROUNDTABLES

Hearing on Increasing the Efficiencies in Interaction Between Government Agencies and Small Businesses - June 26, 2013

The Oversight, Analysis, and Investigation Committee co-chaired a hearing with the Committees on Small Business, Banks, Economic Development, Job Creation, Commerce and Industry, and Governmental Operations to examine areas to improve state agency interactions with small businesses and municipalities. This hearing reviewed municipal practices regarding fines and fees that are assessed on small businesses, and discussed alternative methods of government interaction that will lead to further economic growth in small business.

Roundtable on Cloud Computing in New York State - On October 17, 2013

The Oversight, Analysis, and Investigation and Governmental Operations committees co-hosted a roundtable that examined the potential advantages and challenges for the State as it begins its transitions to "cloud computing." Additionally, the roundtable examined how state and local governments can most effectively utilize this emerging technology and if this new technology can provide more efficient and cost-effective government and better interaction with the public. The Oversight and Governmental Operations Committees will hold an additional roundtable in January of 2014 on New York State's continued efforts to implement its "Open Data Initiative".

Early Intervention Funding Hearing – October 22, 2013

The Oversight, Analysis, and Investigation Committee co-chaired a hearing with the Committees on Health and Insurance in order to evaluate and remediate the ongoing problem of Early Intervention (EI) provider reimbursement. Changes imposed by the State Department of Health have caused payments to lag for more than six months. Additionally, the hearing sought to reveal solutions for clearing up the back log and repairing the glitches that have plagued this process. The hearing brought impediments in the payment structure to light that are causing delays in reimbursements to EI providers for services.

The Department of Health's Bureau of Early Intervention, the Department of Financial Services, service providers, parents, and insurance plan representatives all testified at this hearing regarding changes to the state's billing system for EI.

Child Protective Services Hearing – November 14, 2013

The Oversight, Analysis, and Investigation Committee co-chaired a public hearing with the Children and Families Committee, to review the effectiveness of existing policies that regulate Child Protective Services (CPS). The hearing sought to examine the role current

administrative and statutory policies play in ensuring proper care of participants in the Child Protective Services, both in Erie County and throughout New York State. The Committees received testimony on CPS procedural practices in response to a series of child fatalities in Erie County. Hearing participants included agency leaders, caseworkers, advocates, and private residents with experience in the CPS system. Legislators and participants reviewed challenges faced within the OCFS and CPS. The hearing provided valuable insight into the system, which may be addressed in the coming legislative session.

Child Protective Services Hearing – December 5, 2013

The Oversight, Analysis, and Investigations, and Children and Families committees co-chaired a public hearing to review Child Protective Service (CPS) practices in New York City. Testimony was given by the New York City Administration for Children’s Services (ACS), along with other non-profit and private parties. The goal of the hearing was to highlight ACS procedures that could help to strengthen the CPS system throughout New York State. ACS has been at the forefront of CPS reforms over the last few years. Since 2006, ACS has cut worker caseloads from 16.7 per day to an average of 8 according to the agency Commissioner Ronald Richter. This reduced caseload has correlated with higher instances of detection in cases where abuse and mistreatment are present. Additionally, trainings, curriculums, and GPS monitoring device requirements for caseworkers are all recent changes within ACS that have brought increased accountability and effectiveness to the program. The Committee on Oversight, Analysis, and Investigations will continue to work with the Assembly and Senate Standing Committees on Children and Families to increase the transparency, accountability, and effectiveness of the CPS program in New York State.

OUTLOOK FOR 2014

The Oversight, Analysis, and Investigation Committee will continue to build off of the successes achieved in 2013. It will continue to examine both state and local government reporting requirements and statutory mandates to explore the possibility of repeal or modification to state law. The Committee will continue to support and facilitate New York State’s commitment to increasing transparency and access to government through open data, “cloud computing,” and other information technology initiatives. In addition, the Committee will remain committed to an active role in enhancing the awareness of, and increasing access to social services for victims of sexual trafficking, as well as ensuring that state resources currently directed to this issue are being appropriately utilized. Importantly, the Committee will take a more proactive role in several of the areas addressed at legislative hearings in 2013, including addressing the funding mechanism for the Early Intervention (EI) program and providing adequate oversight of the Child Protective Services (CPS) Program.