



NEW YORK STATE ASSEMBLY

ANNUAL

2012

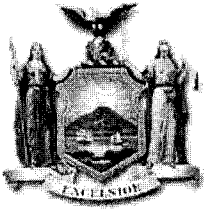
REPORT



**Committee on
Oversight, Analysis and Investigation**

Andrew Hevesi, Chair

SHELDON SILVER, SPEAKER



ANDREW HEVESI
Assemblyman 28th District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Oversight, Analysis, and
Investigations

CHAIRMAN
Subcommittee on
Renewable Energy

COMMITTEES
Energy
Health
Labor
Cities
Insurance
Alcoholism and Drug Abuse

December 15, 2012

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 2012 Annual Report of the Assembly Standing Committee on Oversight, Analysis and Investigation. Contained within are summaries of the Committee's major projects during 2012.

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

In 2012, the Committee:

- contacted thousands of municipalities throughout the State in a continued effort to identify municipal reporting requirements that are no longer necessary, or could be modified to be less burdensome;
- held a public hearing and a roundtable on the State's use of information technology to improve public access to government information and to increase government efficiency;
- began to examine the availability of social services for victims of human trafficking and held a roundtable in New York City to gather information on the topic;
- held a hearing on the State's oversight of legally-exempt childcare; and
- monitored State agency's attempts to improve oversight of group homes for people with developmental disabilities.

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 "Andrew Hevesi". The signature is fluid and cursive, with a prominent initial "A" and a long horizontal stroke 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 2012 ANNUAL REPORT

COMMITTEE MEMBERS

MAJORITY

Michael Kearns
William Magnarelli
Annette Robinson
Fred Thiele, Jr.

MINORITY

Michael Montesano
Raymond Walter

TABLE OF CONTENTS

LEGISLATIVE OVERSIGHT	1
• The Role of Legislative Oversight	
• The Function of the Oversight, Analysis and Investigation Committee	
COMMITTEE PROJECTS IN 2012	3
• Municipal Reporting Requirements	
• State’s Use of Information Technology	
• Social Services for Human Trafficking Victims	
• Legally Exempt Childcare	
• Group Homes for People with Developmental Disabilities	
COMMITTEE HEARINGS AND ROUNDTABLES	7
• State’s Use of Information Technology	
• Social Services for Human Trafficking Victims	
• State’s Information Technology Infrastructure	
• Utilization of Informal Child Care	
OUTLOOK FOR 2013	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, to ensure that the intent of the legislature is being followed.

The power of the New York State Legislature to conduct oversight activities is inherent in 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 2012

Municipal Reporting Requirements

In an effort to provide some mandate relief to municipalities, the Oversight Committee attempted to identify state-imposed reporting requirements that could either be eliminated or modified to improve efficiency.

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 helped to develop 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 Committee wrote to all general purpose governments in the State asking for their assistance in identifying burdensome reporting requirements. Many municipalities provided detailed answers with suggestions for changes, while others reported no problems with the current requirements.

The Committee is now reviewing these recommendations to determine if any changes to State law are necessary. Each report or other requirement is being checked for statutory or regulatory authority, and municipalities and other entities are providing additional background information.

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.

The Oversight Committee, in conjunction with the Committee on Governmental Operations and the Commission on Government Administration, held public events in 2012 to examine the State's use of information technology (IT) to improve government efficiency and public access to government information. The Committees held a hearing in May and a roundtable in November.

The public hearing focused on how New York State's agencies and municipalities currently use IT and how IT advances can help create jobs and efficiently and effectively serve the public. The Committees heard wide-ranging testimony from State agencies, academic experts, public interest groups, and others regarding some of the promises and

challenges resulting from new technologies. Witnesses included the Commissioner of the NYS Office of General Services and the Acting NYS Chief Information Officer/Acting Director of the Office of Information Technology Services. Both explained new State initiatives to streamline government operations. The NYS Archivist at the State Education Department, the Chief Information Officer of the Metropolitan Transportation Authority, and the Assistant Director of the NYS Committee on Open Government described how their agencies use IT, and they outlined some management and fiscal challenges. Representatives from the State University at Albany, Rensselaer Polytechnic Institute, and public interest groups provided perspectives on IT developments in other national, state, and municipal governments, and they suggested how New York might better utilize information technology.

Social Services for Victims of Human Trafficking

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

More specifically, participants, including representatives from State agencies, the NYS 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:

- Training currently provided to law enforcement and agency personnel to assist in identifying potential victims of human trafficking and its effectiveness.
- Ways 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).
- Special challenges in serving these persons (e.g., language barriers, differing customs, fear of reprisal).

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

Legally-Exempt Child Care

The Oversight Committee sponsored a hearing in 2012, along with the Committees on Children and Families and on Social Services, as well as the Assembly Task Force on Women's Issues, which examined the use of informal child care, otherwise referred to as legally-exempt care.

Informal child care is defined in State regulations as care provided for up to two children for less than 24 hours per day or for more than two children for less than three hours per day. Such care may be provided outside of the child's home and is known as "legally-exempt family child care" or inside the child's home and is known as "legally-exempt in-home child care." Providers must be enrolled with an enrollment agency and meet regulatory requirements, such as clearances through the Sex Offender Registry and the Child Welfare Database.

Informal child care providers are a critical source of child care for many low-income families who require subsidized care in order to maintain employment. According to the latest data from the Office of Children and Family Services, 42% of families receiving subsidized child care utilized informal child care in Federal Fiscal Year 2010. In this year, informal child care providers cared for a total of 83,415 children.

This hearing examined the quality of care that informal child care settings provide to families. Witnesses, including representatives from State agencies, service providers, and child care advocacy groups, testified about the critical need for accessible child care, how such informal care is structured, and areas in need of improvement that would benefit both providers and families. Witnesses recommended greater oversight of home care situations, more structure during the day, and enhanced learning opportunities.

Oversight of Group Homes for People with Developmental Disabilities

Throughout the year, the Oversight Committee continued to monitor the State's attempts to improve oversight of group homes for people with developmental disabilities, following up on a series of hearings held last year with the Committee on Mental Health and Developmental Disabilities and the Committee on Codes.

In 2011, *The New York Times* published an investigative report on the care and treatment of individuals served in facilities and programs licensed by the Office for People with Developmental Disabilities (OPWDD). The report described incidents of severe abuse and mistreatment of residents with ineffective enforcement actions taken against those who committed abuses.

In 2011, the Oversight Committee held four public hearings with the Assembly Standing Committees on Mental Health and Developmental Disabilities and on Codes to examine State and regulatory oversight of residential programs licensed by OPWDD, and current investigative policies and procedures as they relate to incident reporting, safety and quality measures to protect the State's most vulnerable residents. The Committee chairs also introduced a package of bills to help resolve some issues identified through the hearings.

In 2012, Governor Cuomo announced the creation of a new State agency, The Justice Center for the Protection of People with Special Needs, to better oversee group homes for people with developmental disabilities. The Committee will continue to monitor this issue.

PUBLIC HEARINGS AND ROUNDTABLES

Utilization of Informal Child Care – May 3, 2012, New York City

The Oversight Committee co-sponsored a hearing in 2012 with the Committees on Children and Families and Social Services, as well as the Task Force on Women's Issues, examining the use of informal child care, otherwise referred to as legally-exempt care.

State's Information Technology Infrastructure – May 22, 2012, Albany

The Oversight Committee, the Governmental Operations Committee, and the Commission on Government Administration held a public hearing to examine how New York State's agencies and municipalities are currently using advances in information technology and how such advances can be used to create jobs and serve the public more efficiently and more responsively.

Social Services for Human Trafficking Victims – October 16, 2012, New York City

The Oversight Committee, in conjunction with the Committees on Codes and on Social Services, held a roundtable to examine currently available outreach efforts and social services assistance statewide for human trafficking victims and to identify gaps, roadblocks and possible solutions.

State's Use of Information Technology Roundtables – November 29, 2012, Albany

The Oversight Committee, the Governmental Operations Committee, and the Commission on Government Administration held a roundtable to examine several of the issues raised in the May 22, 2012, public hearing. New York State's agencies and municipalities are currently using advances in information technology. The roundtable participants engaged in a conversation on a range of topics in regards to information technology uses and the direction of the state and its political subdivisions.

OUTLOOK FOR 2013

As a result of the review undertaken during 2012 on municipal reporting requirements, the Committee is in the process of compiling data and working to draft several bills for the 2013 Legislative Session, which would: eliminate certain reports; standardize reporting requirement language; require State agencies to develop reporting requirement lists and assess which reports are still necessary; and require the State to publish online all reports required by State law.

The Committee will continue to work with other Assembly Committees to examine programs and budget implementation.