

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 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
Oversight, Analysis, and
Investigations

COMMITTEES

Energy
Health
Labor
Insurance

December 15, 2014

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 2014 Annual Report of the Assembly Standing Committee on Oversight, Analysis and Investigation. Contained within are summaries of the Committee's major initiatives and activities during the 2014 legislative session, as well as an outlook for 2015.

Rigorous 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.

In 2014, the Committee:

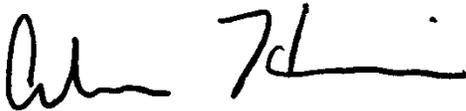
- co-sponsored roundtables to discuss: developing a state open data plan; improving the Statewide Central Register of Child Abuse and Maltreatment (SCR); and enhancing Child Protective Services (CPS) Investigations;
- co-sponsored a public hearing to examine homelessness prevention and services in New York State;
- continued its efforts to compile, review, and analyze statutory reporting requirements with the goal of identifying ways to reduce unnecessary or obsolete reports;
- continued to monitor the availability of social services for victims of human trafficking, including reviewing the activities of the Task Force on Human Trafficking;

- introduced legislation, which passed the Assembly, that would achieve efficiencies for local governments by expanding access to “single audits” submitted by local governments to the Federal Clearinghouse;
- introduced legislation that would authorize the Office of the State Comptroller to establish an “enterprise fraud program” to help detect and prevent fraud, waste, and abuse in state government and to detect and prevent improper payments of public moneys.

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

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, and meeting the challenges of the 2015 legislative session.

Sincerely,

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

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

2014 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON OVERSIGHT, ANALYSIS AND INVESTIGATION

Andrew Hevesi
Chair

COMMITTEE MEMBERS

William Magnarelli
Annette Robinson
Fred Thiele, Jr.
Michael Kearns
Michael Montesano
Phillip Palmesano

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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 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."

Activities of 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. The role of the Committee helps 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 is charged with reviewing 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 in-depth, and may involve financial and historical data collection, field investigations, on-site state agency visits, interviews, 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**

With expertise in 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. Additionally, each member 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 INITIATIVES IN 2014

Municipal and State Reporting Requirements

In an ongoing effort to review reporting requirements imposed upon local governments and State agencies, the Oversight, Analysis, and Investigation Committee has launched a wholesale review of statutory reporting requirements to determine if any reports can either be eliminated or modified to improve efficiency and provide mandate relief.

The Committee initiated a dialogue with municipalities and local government associations to identify reporting requirements that can be repealed or modified in order to achieve efficiencies. All local government entities that receive federal funds in excess of an aggregate sum of \$500,000 annually must file a “single audit” with the Federal Clearinghouse and individually with appropriate state agencies to account for the expenditures of those funds. The Federal Clearinghouse is a digital repository for single audit documents that all Federal agencies can access online. **A.9090A/Hevesi** was introduced to provide a mechanism to ease the burden of these filing requirements on local governments. This bill would require municipalities to designate state agencies as “authorized viewers” in the Federal Clearinghouse rather than individually filing single audits with various entities, thereby satisfying their state filing requirements electronically. This bill would take effect when the Federal Office of Management and Budget updates the Federal Clearinghouse system to support the new authorized viewer function. This bill passed the Assembly in 2014.

The Committee is pleased to report that **A.7187/Hevesi** passed the Assembly and the Senate in 2014. This bill came about as the result of the Committee’s review of reporting requirements imposed on local governments. This bill would repeal various sections of law that established and governed The Board of Railroad Commissioners, and the Temporary State Commission on Local Government Ethics. Both of these entities are defunct and obsolete.

The Committee will continue to work closely with other Assembly committee chairs to analyze all the various statutory reporting requirements with the goal of identifying those reports that can be repealed or modified.

Enterprise Fraud Detection

The Committee, with the support of the Office of the State Comptroller, initiated an effort to establish the statutory authority for the State Comptroller to create an enterprise fraud detection program. This program would include the utilization of state of the art software to proactively prevent fraud, waste, and abuse in state government, and to detect and prevent improper payments of public moneys. **A.6988-A/Hevesi** would authorize the Comptroller to develop and implement techniques and technologies to detect and prevent fraud and improper payments. The Committee is encouraged that this bill was reported from the Governmental Operations Committee in 2014.

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, have continued to examine social services assistance available statewide for human trafficking victims and to identify gaps, roadblocks, and possible improvements.

With the information gathered from roundtables and other outreach, and in consultation with professionals from State agencies, advocacy and non-governmental groups, the Committees examined the role of New York State in both combating human trafficking and providing needed services for victims.

The Oversight, Analysis, and Investigation Committee is pleased that **A.9348-A/Titus** passed the Assembly in 2014. This bill would mandate the establishment of a standard uniform anti-trafficking recognition training program and would require employees of hotel and gaming facilities to undergo such training.

Improving the Statewide Central Register of Child Abuse and Maltreatment (SCR)

The Oversight, Analysis, and Investigation Committee and the Committee on Children and Families are exploring the SCR and are interested in improving the process of taking reports of suspected child abuse and neglect, and improving the communication between the SCR and local social services districts in order to better protect children from harm. The committees hosted a roundtable to further examine the SCR, and will continue to seek input from various stakeholders and to communicate concerns and ideas with the Office of Children and Family Services.

Enhancing Child Protective Services (CPS) Investigations

The Oversight, Analysis, and Investigation Committee and the Committee on Children and Families are also exploring Child Protective Services (CPS) investigations to determine if processes can be improved to help ensure the safety of children and caseworkers. Child Protective Services workers are the front line in protecting children from abuse and neglect. They are responsible for investigating allegations, gathering information and making crucial and sometimes life-saving decisions in a timely manner. It is imperative that caseworkers are assisted in their efforts with appropriate support and information. The committees held a roundtable to better understand what caseworkers need to adequately investigate allegations of abuse while at the same time protecting children's safety.

Homeless Services in New York State

The Oversight, Analysis, and Investigation Committee and the Committee on Social Services are looking into homeless services in New York State. Homelessness continues to be one of the most significant crises facing New York State. Over the years, the state has taken steps towards providing assistance to its homeless residents and preventing vulnerable residents from becoming homeless. The Fiscal Year 2014-15 Budget allocated \$30 million to support a myriad of homeless services funded through the New York State Supportive Housing Program (NYSSHP), the Solutions to End Homelessness Program (STEHP), and Operational Support for AIDS Housing (OSAH). These services include supportive housing for vulnerable populations, eviction prevention, relocation services, and services to promote housing retention and self-sufficiency. Additionally, the Enacted Budget authorized New York City to utilize TANF funding to create a rental subsidy program for homeless people living in New York City upon state approval. The committees are evaluating the effectiveness of these programs and held a public hearing to solicit input from interested parties.

PUBLIC HEARINGS AND ROUNDTABLES

Roundtable on Developing an Open Data Plan for New York State – February 12, 2014

The Committees on Oversight, Analysis, and Investigation, and Governmental Operations, and the Assembly Commission on Government Administration held a roundtable to discuss ways for the State to proceed with an open data plan. The roundtable provided valuable information related to the challenges and advantages of making as much data as possible readily available to the public.

Roundtable on Improving the Statewide Central Register of Child Abuse and Maltreatment (SCR) – October 21, 2014

The Oversight, Analysis, and Investigation Committee and the Children and Families Committee hosted a roundtable to discuss the SCR's processes of taking reports of suspected child abuse and neglect, and explored ways to improve the communication between the SCR and local social services districts. The roundtable produced useful insight that could be implemented to ultimately better protect children from harm.

Roundtable on Enhancing Child Protective Services (CPS) Investigations – November 19, 2014

The Oversight, Analysis, and Investigation Committee and the Children and Families Committee hosted a roundtable to explore Child Protective Services (CPS) investigations to determine if processes can be improved to help ensure the safety of children and caseworkers. The roundtable resulted in a robust discussion as to what caseworkers need to adequately investigate allegations of abuse and neglect while at the same time protecting children and their own safety and well-being.

Public Hearing on Homelessness Services – December 9, 2014

The Oversight, Analysis, and Investigation Committee and the Committee on Social Services hosted a public hearing to examine homeless services in New York State. The committees heard valuable information that will be used to evaluate the effectiveness of the various homeless prevention and service programs funded by the State.

OUTLOOK FOR 2015

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored 2014, including: repealing unnecessary or outdated reporting requirements; achieving efficiencies for local governments with a more flexible single audit filing process; preventing government fraud, waste, abuse, and mistakes; establishing a state open data policy; enhancing the awareness of—and increasing access to—social services for victims of human trafficking; protecting children and caseworkers with a more efficient and responsive SCR intake and CPS investigation process; and improving upon the state’s response to homelessness. The Committee will also continue to strive to be informed of and engaged in the multitude of issues facing the Legislature in 2015. The Committee will seek to find additional ways to improve the effectiveness of all levels of government for the benefit of the people of the state.