



AIA New York State

Testimony on the 2018-19 Executive Budget Proposal

Higher Education

Tuesday, January 23rd
9:30 AM

Legislative Office Building
Hearing Room B

Presented Before:

New York Senate Finance Committee
Chair, Hon. Catharine M. Young

&

New York State Assembly Ways & Means Committee
Chair, Hon. Helene E. Weinstein

Presented by:

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The American Institute of Architects New York State

I. Introduction

On behalf of the American Institute of Architects New York State's (AIANYS) Board of Directors and our membership, I would like to thank Chairwoman Young, Chairwoman Weinstein, and the members of the Senate Finance and Assembly Ways & Means Committees for allowing me the opportunity to discuss the 2018-19 Executive Budget proposal.

Founded in 1931, AIANYS has a statewide membership of 8,900-plus members in 13 chapters. Its parent organization, The American Institute of Architects (AIA), is a nationwide, member-based organization consisting of 90,000 members. It is the Mission of AIANYS to represent architects and the profession of architecture in government and provide services to the membership. AIANYS is the voice of the architectural community and a resource for its members in service to society.

While AIANYS has various interests and concerns related to the 2018-19 Executive Budget proposal, the information provided herein shall be confined to issues related to funding for the State Education Department's Office of the Professions.

II. State Education Department's Office of the Professions Funding

The New York State Education Department's Office of the Professions (OP) is empowered through law and regulation to manage the licensure and registration process of 54 licensed professions and the enforcement of laws and regulations governing Title 8 professions. Further, the Office of the Professions is entrusted to protect the health, safety and welfare of the public and consumers of professional services. OP is supported solely by the fees it collects, therefore, it is imperative that OP receives the authority to spend these funds to meet the needs of the public, the consumer, and licensees.

In 2009, AIANYS supported bill (A.8219/S.4200) which went on to be signed as Chapter 396 of the Laws of 2009. This law authorized the State Education Department (SED) to assess a 15% surcharge on licensee triennial registrations to help support OP staffing and regulatory obligations. Since the enactment of this law, funds from the surcharge have been deposited into the OP account, but SED has been unable to secure the authority to spend the funds, despite annual authorization requests.

Over the past few years, SED has requested authorization to appropriate \$4.3 million of existing revenue in the OP account to begin building a new electronic licensing and document

management system to replace its obsolete COBOL-based mainframe licensing system. The proposed e-licensing system will be designed to streamline the licensure process for applicants and make it easier to document and transmit education and experience requirements. Additionally, these upgrades would be used to provide for electronic case management of disciplinary cases.

The governor has included the \$4.3 million appropriation in his 2018-19 Executive Budget proposal. We respectfully request that the Assembly and Senate support this appropriation and include it in their Budget Resolutions.

III. Office of the Professions Staffing

Since 1990, SED OP has experienced a 23% decrease in staff coupled with a 59% increase in licensed professionals. By the numbers, OP had 397 positions and oversaw 30 professions comprised of 575,000 registered licensees in 1990. Today, OP has 304 positions and oversees 54 professions comprised of 913,502 licensees.

Why does this matter? First, despite the collection of the 15% surcharge, the promise of increased staffing and OP resources has not been fulfilled by the State of New York. Without the appropriate regulatory staffing and modern technology, OP is unable to keep pace with the exponential increase in licensees and is faced with a backlog of misconduct complaints and open cases. Secondly, the lack of resources may reduce OP's effectiveness in addressing complaints in a timely manner and from pursuing more illegal practice allegations. Additionally, the hemorrhaging of positions due to the lack of spending authority, in combination with the vast increase in responsibilities, has made OP vulnerable to criticism by the media, the Legislature, and the State Comptroller.

This criticism opened the door for the introduction of legislation aimed at the licensed professions and encouraged encroachment upon SED's regulatory domain. For example, in 2007 the Legislature passed bill (S.4603/A.7746) and the governor signed it into law as Chapter 542 of the Laws of 2007. This law ceded unprecedented regulatory and disciplinary authority to New York City over the architecture and engineering professions. This law allows the Commissioner of the Department of Buildings for New York City to serve as the judge, jury and executioner for architects and engineers who have been accused of wrongdoing, without any of the oversight or due process protections provided under the Education Law. This law sets a dangerous precedent for the intrastate practice of a Title 8 profession, whereby municipalities feel empowered to decide

“who can” and “who cannot” practice within their jurisdiction. SED is, and should continue to be, the preeminent authority on matters of professional licensure and disciplinary enforcement.

The premise of this law was centered around the perception that SED was not acting in a manner which met New York City’s needs in a timely manner. While this premise is contrary to SED’s record of enforcement, the perception of an unresponsive SED persists due to the lack of support for its operations and increased responsibilities. In reality, SED OP is doing much more with much less. It is not an exaggeration to suggest that the consumers of professional services, as well as licensed professionals, have suffered due to the inability of the State to appropriate the money it’s collecting from architects and other licensed professionals.

A strong and well-staffed SED OP is crucial to upholding the standards of the licensed professions and consumer protection. It is in the interest of the State, the public, and licensees to ensure registration fees are being used in a manner which benefits the public and the professions. As competitors in a profession, architects do not wish to compete with bad actors who skirt the law to advance their own self-interest at the expense of others. Regardless of the number of laws passed to increase the power of SED, or subsequently cede it to municipal governments, these problems will persist in the absence of a properly equipped, staffed, and funded OP.

Again, AIANYS strongly supports the inclusion of the \$4.3 million being requested by SED OP to begin building its new e-licensing system, and supports the hiring of more investigators to help manage the current caseload and respond to new complaints. These dedicated funds, contributed solely by licensees, are readily available to be spent for their intended purpose.

IV. Conclusion

I would like to thank Chairwoman Young, Chairwoman Weinstein, and members of the Senate and Assembly for providing me some time to discuss our 2018-19 Executive Budget priorities as they relate to higher education concerns. If you have any questions I would be glad to answer them now or at some other point during the budget process. Thank you.