



December 14, 2022

Governor Kathy Hochul
Majority Leader Andrea Stewart-Cousins
Minority Leader Robert G. Ort
Speaker Carl Heastie
Assembly Minority Leader William A. Barclay

Re: Any Salary Adjustment for the Legislature Must Include Limit on Outside Income

Dear Leaders,

We write in response to press reports that a special session may be called before the end of the year to consider salary increases for legislators. Any pay raise should include limits on outside income – something that Congress has had since the 1970s.

The NYS Legislature is technically a part-time body and lawmakers are allowed to have outside jobs. However, there can be a clear conflict of interest if lawmakers leverage their public position to advance their own private interests. Prior analysis of legislators' outside income revealed that a limited number of members earned income in ranges in excess of \$250,000. Constituents should never have to question the loyalty of their elected representatives to the public interest. Conflicts of interest, perceived or actual, erodes faith in our democratic institutions.

Recognition of the inherent conflict of legislators being able to earn outside income formed the basis of the recommendation of the 2018 salary commission: regular salary increases for legislators accompanied by a ban on income earned through certain professions and a cap of up to 15% on certain permissible outside income from select professions. The Compensation Commission's recommendations were a significant first step toward ensuring our elected officials earn a salary that is reflective of the job's demands and aligns outside income restrictions with the national standard and New Yorkers' expectations.

In addition, outside experts consider New York's Legislature "full time." The National Conference of State Legislatures is among them, arguing that full-time legislatures "require the most time of legislators, usually 80 percent or more of a full-time job. In most [such] states, legislators are paid enough to make a living without requiring outside income. These legislatures are more similar to Congress than are the other state legislatures."

Congress limits outside income because the members are full-time. The Congress limits outside income to nothing more than a small amount and bans income from any entity in which the Congressman has a “fiduciary” relationship with a client. Being a “fiduciary” means putting the interests of your client ahead of your own. When you’re an elected official whose constituents’ interests are paramount, how do you do that when you have clients? Can lawmakers serve two bosses? Both the Congress as well as the pay commission said no.

The Legislature should not take up consideration of any salary change without accompanying it with significant controls on outside income.

We urge Governor Hochul to include consideration of a ban on income earned through certain professions and a cap of up to 15% on certain permissible outside income from select professions in any proclamation calling for a special session addressing salaries and we urge both houses of the Legislature to pass such a measure. It remains our organizations' position that there must be a Congressional-style limit on outside income.

Susan Lerner, Executive Director
Common Cause/NY

John Kaehny, Executive Director
Reinvent Albany

Laura Ladd Bierman, Executive Director
League of Women Voters of NYS

Blair Horner, Executive Director
NY Public Interest Research Group

Betsy Gotbaum, Executive Director
Citizens Union