

Testimony of Assemblymember Rodneyse Bichotte
Of the
Member of the New York State Assembly
Before the
New York State Commission on Legislative, Judicial, and
Executive Compensation
Regarding
New York State Executive and Legislative Compensation
New York, NY
September 22, 2016
(submitted September 20, 2016)

New York State Commission on Legislative, Judicial, and Executive Compensation:

This is a formal request to express my desire to testify before the panel. My name is Assemblymember Rodneyse Bichotte, a freshman legislator representing Flatbush Brooklyn, in NYC. I am among over 67% of legislators with little to no outside income.

I write this request not from the perspective of any “good governance” group or in the words of Ezekial Bacon, while debating legislator’s salaries during the 1821 convention for amending the constitution of the State, one of many “pedaling politicians,”¹ with any particular agenda. I write to you on behalf of the many hard working legislators who may be silent because they are either in a heated election year and do not wish to make their pay an election issue, did not get invited to testify, or just trust in the work and the recommendations of this commission as there was no direction on whether or not we were allowed to testify. But after viewing the livestream hearing held by the Commission panel, in particular the concern of Ms. Fan Reiter that very few Assemblymembers came to testify, I would like to say that I am willing and open to come before the panel to testify the contents of this request in favor of a pay increase.

¹Retrieved August 19, 2016, Politico Blog, <http://www.politico.com/states/new-york/albany/story/2016/08/a-history-of-legislative-pay-raises-in-new-york-104883>

I write to you as someone who takes their job seriously, and as someone who has lived the true reality of the struggle to make ends meet. I am sympathetic to Mr. Tim Sullivan, a former State legislator in the early 1900s, who expressed his struggle to maintain a decent quality of life on a low salary, while in a 1909 finance committee meeting. I write to you as a legislator that has suffered from the ill perception that people have of those who hold elected office, particularly in light of the recent scandals that have plagued both houses of the New York State (NYS) legislature, namely, those of former Speaker Sheldon Silver, and Senate Leader Dean Skelos; both the former Speaker, and Senate Leader, created elaborate schemes to benefit themselves and their families. It is this type of behavior that has created a climate where some people believe that all legislators are undeserving of a raise and that all legislators can access fictitiously high outside income opportunities. I work hard for my constituents both in Albany as well as in my home district. I did not seek office for personal gain, but rather to advance the interests of my constituents and other New Yorkers. Consequently, I also witnessed the biases even from the panel when discussing pay raises for already high earning salaried executives versus low paid legislators.

The face of Albany has changed dramatically with people of color approaching 50% and women topping at 25% of the legislature. What you will find is that there is a major discrepancy in terms of where outside incomes are a factor and where they are not. For example, they tend not to be a factor amongst members of color, women, although there are a few that have substantial outside income, the majority of legislators are not independently wealthy and struggle to pay their bills like many of their constituents.

In addition, many of the legislators who are women are also mothers that live in NYC and have high expenses. We cannot allow those that benefit from what has become the perception of the status quo, and who earn significant outside income to dictate the incomes of the majority of legislators whom are living off a relatively low base salary that has not been touched for decades. I myself have five degrees that span the fields of math, engineering and finance. Many people cannot fathom why I would have forfeited the opportunity to be a “one percenter” to be a public servant. I do it because it is meaningful, and because it is fulfilling. I live in one of the highest rental market environments in the country. Thankfully I was able to buy a co-op from the savings

of previous jobs otherwise eventually I would not have been able to afford to rent in my district due to the rapid gentrification that is occurring. I am also a mother-to-be, and with one income I find it almost impossible to live on the stagnant wages set by those who seemingly do not understand the same struggle. Like former legislator Tim Sullivan once said, “a legislator cannot feed their family with honor” In the case of present-day elected officials our wages are not commensurate with the work we do, the hours invested, the miles traveled, and the myriad of other responsibilities associated with our work. In examining the pay raise calculation, it is evident that the calculations did not take into account the cost of living, rate of inflation, and all other elements to make a good sound raise. Rather, it was structured and influenced by political deals like the deal with charter school supporters. For example, \$59,500 in 1980 is not equivalent to \$79,500 in 2016. According to the Furman Center, arguably the preeminent institute on housing in NYC (NYC), which states, in regard to NYC’s housing prices,² “overall, prices increased by 250% from 1974 to 2006” and since then they have increased even more. The figures to increase the legislature’s salaries are not based in reality. The increase is based on figures that show that for almost two decades the legislature’s salaries were not increased proportionally and with regard to the rate of inflation, the cost of living, and as a measure of the type of work we do as executive leaders.

When one conducts a deeper analysis, one finds that the NYS legislator’s salaries are not on par with those of SUNY/CUNY professors, executive branch members, or members of the NYC Council. None of these government bodies have the same issues with weekly travel from NYC and points beyond -- often in treacherous weather -- that state legislators have. This is all while being away from their families for at least half the week, and then needing to travel to constituent events on weekends and any time they are available, not to mention the large volume of law making with one of the highest State budgets in the country. As the Honorable James Lacks, and Dr. Roman Hedges of the Commission panel clearly pointed out, the reality for the majority of the legislators is that the work we do is full-time. Our priority is to answer to our constituents and their issues do not only exist six months out of the year. This requires that we be at the

² Retrieved on August 19, 2016, http://furmancenter.org/files/Trends_in_NYC_Housing_Price_Appreciation.pdf

forefront of the issues that our constituents face all-year-round. Although, at one point in time, the NYS legislator's position was part-time, to say that legislator's jobs are part-time now would be egregiously inaccurate. The time when there is no session is the time that many legislators spend building relationships in their communities, going to community events, and getting to see issues up front and on the ground. This is far from downtime for legislators.

Legislators in NYC, Westchester, and Long Island in particular have really high costs of living. Rent in Utica cannot be compared to rent in Brooklyn, and in fact State employees living downstate often get higher salaries for the same exact position due to location. In the hearing it was argued by both the Chairperson, Ms. Sheila Birnbaum, and Ms. Reiter that executive pay has been extremely low with a large disparity between NYC and NYS Commissioners. That same argument is certainly not made when it comes to legislative pay. The City Council before becoming full-time was making \$112,000, which was even more of a disparity between State legislators and City Council members. Please keep in mind that executive members like commissioners do not generally have events on the weekends, or the amount of travel that NYS legislators do, yet they are in line to get salaries that are more than double of that of NYS legislators. In other big states, like California and Pennsylvania, which like New York are states that also have urban and rural areas, the urban areas tend to have higher costs of living than the rural areas and the legislators in both California and Pennsylvania make significantly more than their peers in NYS and have done so for many years. Legislators are *forced* to take on additional work to get additional income, as they have the same rents, mortgage, food, and childcare expenses to pay like the constituents they represent, which makes many of us acutely and intimately aware of these struggles. The New York Public Interest Research Group (NYPIRG), Reinvent Albany, and Common Cause, suggested as one of its recommendations in a recent report that, "New York State should dramatically restrict outside employment income for lawmakers and enact strong disclosure and conflict-of-interest rules for allowed income and for income earned by lawmakers' family members."³ Outside income starts a slippery slope for legislators, which is very dangerous. We cannot forget the scandals that have made the State legislature look bad in recent months where the leaders of both the Senate, and Assembly were

³ Retrieved, August 19, 2016, *Serving Two Masters: Outside Income and Conflict of Interest in Albany*, February 2015, p. 2

convicted of huge improprieties all stemming from a desire to do “business” on the side whilst dealing with State matters. These are things that might have started from a desire to “supplement” their income at the time. If State legislators were to have solid incomes, it might discourage this type of activity, thereby avoiding situations such as these. As NYPIRG in their testimony to the Commission in Albany in March of this year stated “we are also deeply concerned by the public's growing cynicism over its own democracy.”⁴ People need to have some level of trust in their government and Albany has been cleaning house, but we also need to give legislators the tools necessary to avoid getting involved in questionable matters such as outside income and one way is by having proper compensation.

Part of the goal in the recent City Council pay raises was for legislators to work full-time so that they do not have to seek outside income, and often deal with questionable parties that might fall under the umbrella of a conflict of interest. When the NYC Council increased their salaries they limited the ability to earn outside income, even though the majority of the Council Members did not have any outside income. This demonstrated that the issue of outside income is secondary to the discussion of raising salaries. According to the summary of the NYPIRG 2015 report on outside income it was found that, “An overwhelming majority of New York State lawmakers reported having generated no, or very little, outside earned income. Over two-thirds of current state lawmakers who filed financial disclosure forms in 2014 as members of either the Senate or Assembly reported either no outside employment income or employment income that did not exceed \$20,000.”⁵ Notwithstanding, the fact remains that the Council gave itself a raise to their current salary of \$148,000 -- almost double the current salary of NYS legislators. State legislators deal with larger issues than Council Members and often are the first line of approval for any legislation that the City Council approves. So in addition to having a State budget and State legislation, State legislators also deal with much legislation effecting NYC. If the legislature were to get a salary equal to the City Council it would have to get an increase of about

⁴ Retrieved, August 19, 2016, *Testimony of the New York Public Interest Research Group to Before the New York State Commission on Legislative, Judicial, and Executive Compensation, Regarding New York State Executive and Legislative Compensation, Albany, NY, March 23, 2016*, p. 2
<http://www.nyscommissiononcompensation.org/pdf/BlairHorner-NYPIRG.pdf>

⁵ Retrieved, August 19, 2016, *Serving Two Masters: Outside Income and Conflict of Interest in Albany*, February 2015, p. 1

86%! It is important to decipher and consider some of the ideas that are being proposed for increasing salaries. The current salary is \$79,500 and has not been changed in almost two decades. We all know how many times cost of living allowances (COLAs) have been increased in that time. Just like the lack of outside income for the majority of the City Council Members did not interfere with their raises, the same I believe should apply to the State legislature. The lack of outside income, in particular in the Assembly does not change the fact that there is a need to increase our salaries. To me it seems fair to increase salaries to \$140,000 - \$160,000 so that all aspects that I have discussed are covered, including cost of living adjustments, future adjustments, and efforts to make legislators formally full-time. It would be in line with legislators in the NYC Council and Congress as good comparable models regardless of the status, lulus (money received for chairing a committee or holding a leadership role), and outside income since the vast majority of us are not receiving any of the three. This would ensure that legislators living in one of the highest cost cities and states in the country are fairly compensated in line with excepted salaries for their level of expertise. NYPIRG stated in its testimony to the Commission earlier this year that “a simple CPI [Consumer Price Index] adjustment would raise legislative salaries to over \$ 113,000.”⁶ This would also encourage more quality and competent people to run for office. If this option were to be considered, it would not have any significant budgetary impact.

As Dr. Hedges pointed out, during his testimony at the July public hearing held by the Commission, in the book, *Heavy Lifting* by, Alan Rosenthal, a leading scholar on the NYS legislature, the role of the legislator is three-fold:⁷

- Representation
- Law Making, and
- Resisting the Executive Branch

Representation of over 130,000 – 260,000 people is a much heavier lift than an executive operator, especially, when we don’t have sufficient staff to address all matters. In many cases, I write my own legislation, I call my own constituents, and address these matters upfront. In

⁶ Ibid, p. 1

⁷ Retrieved, August 19, 2016, Transcript, *Public Meeting: Commission on Legislative, Judicial, and Executive Compensation, July 26, 2016*, lines 10 – 25, http://www.nyscommissiononcompensation.org/pdf/PublicMeeting072616_F.pdf

regard to law making, we make law far more than the City Council who earns \$148,000. In regard to resisting the executive branch, we are fighting for what is right for the people of New York even taking the risk of getting arrested as I did when housing laws were being compromised. .

The job of a NYS legislator is full-time, and we need salaries that are fair, and equitable. The base salary of \$79,500 is so low that a rate of inflation raise would still not measure up to a salary that would be deemed fair and equitable. We are executives that have to manage a population of 130,000 – 260,000 people. If we are to use a model, let us start with a real comparison with our City Council and Congressional peers that has parity with the work that we do, which is the work for the people. Thank you for your time and consideration.

Sincerely,

Rodneyse Bichotte
Member, New York State Assembly