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Suit Claims Pay Hikes for Cuomo And Hochul Are Unconstitutional

BY DAN M. CLARK

A GROUP that successfully sued to strike down a pay raise for members of the New York Legislature is now challenging a salary hike given this year to Gov. Andrew Cuomo and Lt. Gov. Kathy Hochul.

The lawsuit filed Wednesday claims that neither Cuomo nor



Cameron Macdonald, executive director of Government Justice Center

Hochul can lawfully receive a pay raise in the middle of their term, and that the state has been illegally doling out that increase.

The challenge was brought in Albany County Supreme Court by the Government Justice Center, a nonprofit group that's been

involved in several lawsuits related to actions by the state's government.

Cameron Macdonald, the group's executive director and lead attorney, said the salary hikes enacted for Cuomo and Hochul this year violate a section of the state's constitution. According to that provision, Section 7 of Article XIII, the salary received by a statewide official at the start of their elected term "shall not be increased or diminished during the term for which he or she shall have been elected or appointed."

Ignoring that provision would set a dangerous precedent and threaten the rule of law in New York, Macdonald said.

"No one should be above the law, and we should expect more from the legislators and state officers who take oaths to support our constitution," Macdonald said.

The lawsuit was brought against state Comptroller Thomas DiNapoli, whose office is accused of unlawfully honoring the pay increases for Cuomo and Hochul. » Page 4

Pay Hikes

« Continued from page 1

When Cuomo took office in January at the start of his third term, his salary was \$179,000, and Hochul made \$151,500.

The state Legislature, in March, approved a joint resolution to raise Cuomo's salary to \$250,000 and Hochul's to \$220,000 by the start of 2021. Those increases were scheduled to be phased in, starting with an initial pay hike this year.

Under the resolution, Cuomo's salary was increased to \$200,000 this year and Hochul's increased to \$190,000.

According to the Government Justice Center, those raises were unlawful because they were approved and enacted after the

start of their most recent term. To be lawful, they would have had to take effect at the start of the next four-year term for both positions, starting in 2023, or have been approved last year.

But under the scheme for how those raises were decided, the Legislature wouldn't have been able to approve them before this year.

That's because they were born from a special report by a state-sanctioned committee, published about a year ago. That committee was created by lawmakers to decide whether the Legislature and statewide officials should receive a pay raise.

At the time, the committee determined it was allowed to enact a pay raise for members of the Legislature without any additional action, but that any pay increase

for Cuomo or Hochul would have to be approved by the Legislature because of legal limitations.

The committee's report was later challenged in court by the Government Justice Center, which was successful in striking down the salary increases scheduled to take effect for the Legislature in 2020 and 2021. The lawsuit also invalidated other parts of the committee's report.

The New York Attorney General's Office had initially sought to appeal that decision, but later dropped that effort in a letter to an appellate court in Albany.

Representatives for Cuomo and DiNapoli were not immediately available for comment on the lawsuit filed Wednesday.

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