

COMMENTARY | STATE SEN. TOM O'MARA, R-BIG FLATS

March toward a new state budget

It's been a long, hard winter. So the appearance of the word "March" on the calendar helps turn at least a few thoughts toward warmer things, like the first day of spring, baseball's Opening Day and trout season.

In Albany, however, March is all about the final push toward the enactment of a new state budget by the April 1st start of New York's new fiscal year. That's what's going to dominate the March headlines in state government.

There'll be plenty of barometers to gauge the contentiousness and timeliness of this new budget. For example, how hard will Governor Cuomo push to include his highly controversial college-for-inmates plan as part of the budget? Can we stop the Cuomo administration plan to shut down Monterey Shock? Will the final budget include our "Jobs for Heroes" program to provide economic assistance to disabled veterans? How about a stronger state commitment to the deteriorating condition of local roads and bridges? How do we make sure that our upstate, small city and rural school districts are treated equitably and fairly? Is this going to be the year that New York State truly cuts taxes? What are we going to do for the upstate economy? Mandate relief?

I'm currently serving as a member on Senate budget subcommittees examining the Taxes/Economic Development and Mental Hygiene sections of the upcoming fiscal plan. You can bet I'll keep pushing for tax relief that I believe can help revitalize our upstate manufacturing sector and bring back some of these good jobs for local workers and their families. And you can be sure that I'm keeping a close watch on the future of the state's mental health system, with one particular goal of continuing to protect the rightful place of the Elmira Psychiatric Center in the delivery of regional mental health programs and services.

So there'll be a lot to keep an eye on. But, for now, let's stay focused on the budget adoption process itself, which gets started in a big way this week when the Senate and Assembly budget subcommittees start to finalize respective in-house budget plans and stake out final priorities. That, in turn, sets the stage for legislative action on these separate proposals, which is immediately followed by the start of what's called the "joint budget conference committee process" that's largely been a touchstone of New York's yearly budget-making since the Budget Reform Act of 2007.

I don't want to overstate the value of conference committees, but I do believe they remain a worthwhile



SEN. TOM O'MARA

fixture of the process. We're better off with them than without them. This year's joint conference committees will likely be underway at the same time that the news media and other organizations across the country celebrate "Sunshine Week," beginning on March 16th, a nationally recognized initiative to promote the importance of open government and freedom of information (read more about it at www.sunshineweek.org). The conference committee process is consistent with the goal of heightening the public's understanding and awareness of budget and public finance-related matters.

Each bipartisan conference committee includes 10 senators and assembly members and meets in public to examine specific portions of the budget — education, local assistance, health and human services, public protection, taxes and job creation, and several others. The agreements reached by these committees are followed by final budget negotiations to produce a new budget by the beginning of the new fiscal year on Tuesday, April 1, 2014.

Few would say it's the be-all and end-all of successful state budgeting, but conference committees do facilitate openness and public scrutiny. They can and do bring to light outstanding controversies and serve to pinpoint the differences that can make or break a final budget. And the process can serve up debates that were often kept behind closed doors in the past. Many of these debates are worth watching and you can view them, daily, through the following Senate website: <http://www.nysenate.gov/live> — today.

Just recall that during a 20-year period from 1984 to 2004, when there was no consistent use of conference committees, not a single state budget was adopted on time. Not one. One culprit for this dysfunction was the lack of public scrutiny, and it helped facilitate a long line of unsustainable tax-and-spend state budgets. Conference committees help ensure a process that's more accountable and more devoted to public clarity — something that's especially important in years like this one when we're potentially facing so many substantive changes.

And I'm hoping that these committees will again be useful in helping us enact a fourth consecutive on-time state budget by the end of the month.

UNION MOVEMENT

Wage fight takes worker from KFC to White House

By Karen Matthews
Associated Press

NEW YORK | Naquasia LeGrand was frying chicken, sweeping floors and serving customers for \$7.25 an hour when she was recruited by union organizers to join a campaign for higher pay.

In the 15 months since, the 22-year-old KFC employee from Brooklyn has become one of the most visible faces of a movement that has staged strikes across the country demanding a \$15-an-hour wage and union representation for fast-food workers.

She promoted the cause on "The Colbert Report," joined a strategy session with congressional Democrats and visited President Barack Obama at the White House.

"We never thought it would even get this far," LeGrand said. "We're just sick and tired of being sick and tired."

When LeGrand was first approached by organizers of the group Fast Food Forward, her grandmother told her to stay away from unions. "She just heard 'union' and thought maybe, like, I was going to lose my job or something."

"But you know, sometimes kids don't listen to their grandmas."

Her life has been a whirlwind since. She started organizing small fast-food protests and flash strikes in the city, and eventually in more than 100 cities across the country. A newspaper profile of her led to the Jan. 16 appearance on "Colbert," and that led to her trip to Washington.

She laughed when host Stephen Colbert asked, "Are you at all afraid the colonel might come after you?"

But she stuck to her talking points.

"I worked at two KFCs and still couldn't make it," she told him. "These corporations are making billions and billions of dollars," she added later.



Naquasia LeGrand walks to catch a subway for work in the Carnarsie section of Brooklyn. ASSOCIATED PRESS PHOTO/BEBETO MATTHEWS

"It's an opportunity for me to represent all of the workers around the country," she said in an interview last week. "So I got to make sure I do things right, make sure I get our message out there, what we want, what's our demands and, you know, set it straight."

While these have indeed been heady days, the reality for LeGrand is as close as her next shift at KFC, where she tries to make enough to get by in one of the nation's most expensive cities.

Six feet tall with cheeks that dimple when she smiles, LeGrand was interviewed near the two-bedroom apartment in Canarsie she shares with her grandmother and other family members. She said she was tired after closing the store at 1:40 a.m. and making it home at around 4 a.m. thanks to a complicated subway commute.

Most weeks LeGrand works just 15 hours. She had a second job at another KFC but it closed, so now she has lots of time for organizing other fast-food employees.

"The first thing I ask them is 'What's your biggest issue?'" LeGrand said. "Talk to me first."

Kendall Fells, the organizing director of Fast Food

Forward, said LeGrand runs citywide meetings and deserves credit for building much of the campaign in New York.

Last month, LeGrand was invited along with other fast food workers to watch as Obama signed an executive order requiring federal contractors to pay \$10.10 an hour.

"I don't care if I was in the back, I was in the White House with the president in front of me!" she said.

She also attended the House Democratic Retreat in Cambridge, Md., and spoke at a workshop on raising the minimum wage moderated by Rep. Keith Ellison of Minnesota.

"Movements will throw up leaders," Ellison said. "This low-wage worker movement has thrown up Naquasia."

Restaurant industry representatives say the campaign's demands are unrealistic. "Economics won't allow for a \$15-an-hour wage," said Jay Perron, vice president of government affairs and public policy for the International Franchise Association, which represents franchise owners.

Perron would not address LeGrand's specific situation but said entry-level fast food

jobs can lead to something better.

"These jobs can turn into really good, high-paying jobs if you go from an hourly worker to a manager," he said.

KFC spokesman Rick Maynard said franchisees pay competitive wages and provide training and development so employees have an opportunity to build their careers.

Backers of Fast Food Forward say the chance to advance in the industry is minuscule. The National Employment Law Project, citing data collected by the Bureau of Labor Statistics, says just 2.2 percent of jobs in the fast food industry are in managerial, professional, or technical occupations.

LeGrand said she likes serving people but never planned a career at KFC.

She once thought of studying graphic design but now sees herself more as an organizer. She even won over her once-skeptical grandmother, who now proudly introduces LeGrand as "my granddaughter, the activist."

"I have a good way of talking to people," LeGrand said. "So maybe that's why the movement kind of worked out. I talk too much."

MENTAL DISABILITY

Supreme Court considers case of death row inmate with low IQ

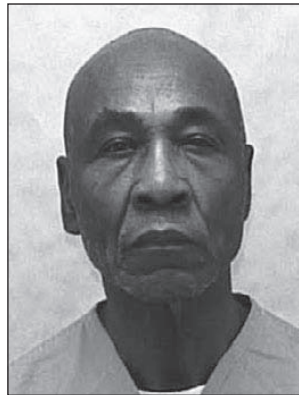
By Mark Sherman
The Associated Press

WASHINGTON — A Floridian with an IQ as high as 75 may be diagnosed as mentally disabled and be eligible for help getting a job. But on death row, the state says having an IQ higher than 70 categorically means an inmate is not mentally disabled and may be executed.

The Supreme Court barred states from executing mentally disabled inmates in 2002, but until now has left the determination of who is mentally disabled to the states.

In arguments Monday, 68-year-old Florida inmate Freddie Lee Hal is challenging the state's use of a rigid IQ cutoff to determine mental disability.

Florida is among a few states that use a score of 70, as measured by IQ tests, as the threshold for concluding an inmate is not mentally disabled, even when other evidence indicates he is.



Florida death row inmate Freddie Lee Hal, with an IQ as high as 75 is not considered mentally disabled and may be executed, according to the state. ASSOCIATED PRESS FILE PHOTO

"Simply put, IQ tests are not a perfect measure of a person's intellectual ability," Hal's lawyers told the court in written arguments.

In nine tests administered between 1968 and 2008, Hal scored as low as 60 and as high as 80, with his most recent scores between 69 and 74, according to the state.

A judge in an earlier phase of the case concluded

Hall "had been mentally retarded his entire life." Psychiatrists and other medical professionals who examined him said he is mentally disabled.

As far back as the 1950s, Hall was considered "mentally retarded" — then the commonly accepted term for mental disability — according to school records submitted to the Supreme Court.

He was sentenced to death for murdering Karol Hurst, a 21-year-old pregnant woman who was abducted leaving a Florida grocery store in 1978.

Hall also has been convicted of killing a sheriff's deputy and has been imprisoned for the past 35 years. He earlier served a prison term for assault with intent to commit rape and was out on parole when he killed Hurst.

Hall's guilt is not at issue before the high court.

Florida's regulatory code says individuals with IQs as high as 75 may be diagnosed

as mildly intellectually disabled, potentially allowing them to receive state aid. The code relies on the Diagnostic and Statistical Manual of Mental Disorders, the authoritative manual of the American Psychiatric Association, setting an IQ of 70, plus or minus 5, as the upper range of intellectual disability.

The range reflects something that is true of all standardized testing — results are generally reliable, but not 100 percent so, and they are reported along with a margin of error.

Psychiatrists and psychologists who are supporting Hall also say that an IQ test alone is insufficient for a diagnosis of mental disability. The groups say there's a consensus among the mental health professions that an accurate diagnosis also must include evaluating an individual's ability to function in society, along with finding that the mental disability began in childhood.

DEATH NOTICES

Irene Gruczkowski

Irene Gruczkowski, 85, of Saint Clairsville, Ohio, formerly of Corning, died Thursday, Feb. 27, 2014, at Forrest Hill Nursing Home.

Calling hours are 4-7

p.m. Thursday at Haughey Funeral Home, 216 E.

First St., Corning.

A Mass of Christian Burial will be celebrated at 10 a.m. Friday at St. Mary's Church.

Burial will be in St. Mary's Cemetery.

Edith Winfield

Edith Winfield, 83, of Lindley died Saturday, March 1, 2014, at Corning Hospital.

Calling hours are 4-6 p.m. Tuesday at Acly-Stover Funeral Home, 327 E.

Second St., Corning.

Services will be held there at the conclusion of calling hours at 6 p.m. Tuesday.

Burial will be in Elmwood Cemetery, Caton.

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