

## Budgeteers stymied by education funding ruling

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ALBANY - In years past, a breakdown in talks over the state budget would have legislative leaders heading off for ice cream at a Ben & Jerry's shop up the street from the state Capitol.

It appears to be time for some Cherry Garcia or some Chubby Hubby if Wednesday's fruitless budget talks between Gov. George E. Pataki and legislative leaders are any indication.

"Nobody is happy with the way the discussions are going, because we're not getting there," said Senate Majority Leader Joseph Bruno, who described the secretive budget talks as "difficult and testy."

As they have been for months, Bruno, Assembly Speaker Sheldon Silver and Pataki are stalled over how to accommodate a state court ruling last year that is forcing them to retool the way in which financial aid to public schools is distributed in the state. In the end, it will mean pumping more money into schools, all sides agree.

But Bruno said Wednesday the stalemate may require a punt. "We ought to get on to do some of the other legislative things that we're elected to do and let the courts who created this situation take a look at what they think is appropriate," he said.

The Court of Appeals gave state officials until July 30 to come up with a new financing system or a special master would be appointed by a judge to impose one on Albany. Silver, a Manhattan Democrat with dozens of upstate and Long Island Democrats to protect, has said such a route would benefit only New York City because, technically, the education lawsuit did not pertain to areas outside the city.

Pataki sided with Silver in rejecting the notion of letting the courts decide the issue and just moving on to approve the 2004 budget without the education component. But he criticized Silver for offering an education funding plan to meet the terms of the court decision that he called unaffordable.

"It seems there are those who don't appreciate the financial realities of this state," Pataki said. He would not say how much Silver proposed to spend, but Silver aides later said the lawmaker was only tossing out the range of funding plans - which stretch from nearly \$3 billion to nearly \$10 billion - that have already been proposed by various sides in the education debate.

The budget was due April 1. The education issue has delayed agreement on not only the budget, but on virtually all major proposals pending at the Capitol. The governor wants to add at least \$2 billion a year to education funding in future years, financed through a dedicated stream of revenues coming from the opening of eight new casinos across the state.

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