

Budget

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promise contained an agreement to eliminate the tax in two years if the oil companies paid the 1980 levy. The new tax is supposed to generate about \$215 million a year.

The oil companies refused to pay the 1980 levy because of a provision barring them from passing its cost onto consumers. A court ruling in favor of the oil companies' position is now being appealed by the state.

Mrs. Connelly said that the \$300 million in budget restorations added on by legislators will make a big difference in services to the state's neediest residents.

"We're still going to have some cuts, but considering where we with the original budget proposal, we aren't bad off," said Mrs. Connelly, who chairs the Assembly Mental Health Committee.

Among the restorations are \$43 million to the state mental health

and mental retardation budgets, enough, she said, to avert many of the layoffs planned at state psychiatric and developmental centers.

In addition, she said, funding cut by Cuomo will be restored to community mental health programs run by private groups.

Senate Minority Leader Manfred Ohrenstein, D-Manhattan, said the restorations should save the jobs of all but 2,000 of the 7,587 workers slated to lose their jobs on April 7.

Cuomo said he would have a statement on layoffs later today. But he added that he expects everyone laid off to have the opportunity to return to the state payroll within the next 12 months.

The Senate, which sent its members home on Thursday, was scheduled to return into session this afternoon.

The Assembly remained in session yesterday, passing a bill proposed by Cuomo that would

increase the number of candidates a judicial screening committee can recommend to the governor for vacancies on the Court of Appeals. The number would be increased from five to seven under the bill.

Cuomo requested the legislation after the screening panel failed to submit the name of a woman jurist even though the governor had expressed an interest in making a woman his first appointment to the court. His first selection was upstate judge Richard Simons.

Simons, Appellate Division Justice Vito Titone and two other men were on the panel's list of well-qualified candidates.

Mrs. Connelly voted yes, even though she contends Court of Appeals justices should be elected by the people.

"Since I don't like the process, it really doesn't make that much difference," said Mrs. Connelly, who added that it is conceivable the change in the nominating pro-

cess will show how the appointive system can be manipulated. "Maybe, it will produce pressure to return to an elected system," she said.

Assemblyman Eric Vitaliano, D-West Brighton, voted no. He said the legislation appeared to be an effort to "diminish" merit selection by asking the panel to name more potential candidates — even if some might not be "highly qualified."

"With a man like Cuomo you don't worry that much," Vitaliano said. "But what about 10 years from now, or 20 years from now. You don't want to encourage a diminution of merit selection."

Assemblyman Robert A. Straniere, R-Dongan Hills, was absent for the vote.

The Assembly, meanwhile, put off a vote on a proposed constitutional amendment to merge the state's court system by allowing judges to be assigned statewide where the demand is heaviest.

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