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## Revenue increase still short of budget

United Press International  
AUSTIN — A \$377.4 million increase in state revenue from the sales tax and taxes on oil and gas will not be enough to pay for the record \$19.78 billion spending bill pending in the Senate, Lt. Gov. Bill Hobby said Thursday.  
Comptroller Bob Bullock told Hobby, House Speaker Bill Clayton and Gov. Bill Clements that statistics compiled from the first six months of the current fiscal year provided a basis for him to raise his previous estimates of the amount of revenue available to the Legislature for the remainder of this year and the 1982-83 biennium.

"The result of these revisions is to increase my estimate of funds available for certification by \$137.9 million this year and an additional \$239.5 million during the 1982-83 biennium," Bullock said.  
Increases in anticipated sales tax revenue accounted for \$147.2 million of the increase. Bullock estimated President Reagan's decision to decontrol crude oil prices will result in an additional \$77.1 million in state taxes, and natural gas tax revenue will be \$101.3 million higher than Bullock had predicted.

Hobby said even with the additional revenue, the state will be \$134 million short of the \$19.78 billion needed in the preliminary spending bill pending in the Senate.  
Hobby said Bullock's latest revenue estimates reflect a projected surplus at the end of the current fiscal year Aug. 31 of \$526 million, and projected major fund revenues of \$19.1 billion for the 1982-83 biennium.  
The Legislature has already approved in this session \$80 million in emergency appropriation bills, Hobby said.

Legislators can expect Bullock to update his revenues again before the session ends June 2, and any significant increase then could cover the projected \$134 million deficit and allow the lawmakers to escape the decision of cutting spending or raising taxes.  
"As always, I will continue to watch the estimates closely and will inform you immediately should it be necessary to revise them any further," Bullock told the three top state leaders.

## Franchise cancellation requested

United Press International  
HOUSTON — Former Texas Democratic Chairman Billy Goldberg and his company want a federal judge to cancel a city cable television franchise given a competitor because a jury found the competitor violated antitrust law.  
Goldberg and Affiliated Capital Corp. filed the request Wednesday with U.S. District Judge Carl O. Bue. The request asks for cancellation of Gulf Coast Cable Television's franchise, one of five the city granted in 1978 and 1979. A jury in Bue's court last month found that Gulf Coast, the city and Mayor Jim McConn conspired in violation of antitrust laws to deny Affiliated a share of the cable television business in Houston.

The jury said McConn and Gulf Coast owed Goldberg and Affiliated \$6.3 million damages. Goldberg did not seek damages from the city. Bue has not yet affirmed the judgment. In such a federal civil case, the judge could alter the jury's decision. Only the judge can order injunctive relief such as cancellation of a franchise.

## Texan could lose home, acres

# Land may not be farmer's

United Press International  
JEWETT — An elderly Texas farmer may lose land he has worked more than 50 years because of the greed or miscalculations of a soldier who guarded baggage during a battle for Texas' independence.

And because the property is part of an area rich in oil and lignite coal, 81-year-old Jesse Johnson cannot purchase the land he believed was his for 53 years.

The tangled web threatening Johnson's home began in 1836, when Thornton P. Kuykendall was awarded 640 acres for guarding baggage at the Battle of San Jacinto, which led to the Republic of Texas' independence from Mexico.  
Kuykendall first located in 1853 and filed a claim for 320 acres in Leon County. A patent, or title, to that land was issued in 1857, along with a certificate for the unused balance.

Kuykendall eventually filed for patents to the entire 640 acres. Then, either through greed or miscalculation, he filed for patents to additional land in Leon County. Because Kuykendall already had filed on 640 acres, the land office did not issue a patent for the property.

Kuykendall apparently never realized a patent was not issued for his last claim, and he identified the land as patented property in later bills of sale.

In 1900, the Texas Legislature banned further issue of patents, giving all remaining public land to the state's public schools. Johnson bought 120 acres of the Leon County property in 1928. He built a home on the land and farmed it.

In 1978, Johnson was notified the land belonged not to him, but to the state. And, as one land office spokesman said, the state had to be compensated.

"Title has never passed from the state," said Herman Forbes, a land office spokesman. "Unfortunately, the people (Johnson and his wife, Malissie, 76) didn't go through an attorney when they bought the land. He could have told them they couldn't get good title to it. We're sympathetic with the plight of the people, but we can't give away state land."

"That (eviction) is what it will amount to if things get stirred up. It looks like we might be forced to take action to collect some rent or something. He can obtain agriculture leases or grazing lease. Of course, we may

decide to put it up for auction for minerals."

Houston attorney Coy Spawn contends title to the land became an issue only after oil was discovered near the east Texas farm.

"Two years ago, some people came upon Johnson's property and asked to lease or purchase it. Johnson said no," the attorney said. "Not long after that he got a letter from the General Land Office telling him to vacate."

Johnson maintains the land is his by virtue of the 1928 purchase.  
"We're real sorry, but Mr. Johnson got screwed," said Sara Speight, spokeswoman for Land Commissioner Bob Armstrong. "The constitution tells us what we're supposed to do, and it says the Legislature shall not pass any laws favorable to one single purchaser."

"The laws say we can't sell it (the land) except at market value, and the Legislature can't make an exception for Mr. Johnson," she said. "The law also says we can't sell anything within five miles of oil production, which Mr. Johnson's land is, so we can't even sell it to him at market value."

Johnson and his wife don't know where they will live if forced from the property.

## Ex-hostage leaves the Marine Corps

United Press International  
Sgt. Rodney "Rocky" Sickmann, one of the 52 Americans held hostage in Iran for 444 days, has quit the Marine Corps, effective Thursday.

He completed his four-year enlistment, and was in an 18-month extension when he decided to accept a Marine Corps' offer to cut all nine Marine hostages' military service short with honorable discharges.

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