

Fight brews on staggered primary Criticized trade bill gets unanimous OK of Senate committee

United Press International
AUSTIN — A bill scheduling a March 11, 1980, presidential primary has won Senate committee approval, but lawmakers disagree over whether there is sufficient support to push the measure to the Senate floor.

Despite vociferous complaints from the heads of the Democratic and Republican parties, party regulars and Mexican-American spokesmen — including one who said separating presidential voting from the primary elections would confuse minority voters — the bill won 7-6 approval Monday from the

Senate State Affairs Committee. The legislation also calls for postponing party primaries for choosing candidates for state and local offices from May until June. However, Sen. Jack Ogg, D-Houston, indicated he would drop that provision to win additional votes for the early presidential primary, if necessary.

"We're very close to having the votes to run with it on the Senate floor," Ogg said of one of the most controversial bills before the 1979 Legislature.

But Sen. Ron Clower, D-Garland, disagreed, saying opponents have more than enough votes

to block the bill and may be able to kill the measure.

The bill — favored by Lt. Gov. Bill Hobby and House Speaker Bill Clayton — would allow conservative Democrats to vote in the Republican presidential primary and later participate in Democratic Party balloting for nominees to state and local offices.

Clower's bill to conduct presidential primaries in conjunction with regular party elections in May 1980, thus preventing such cross-over voting, was tabled along with legislation by Sen. Walter Mengden, R-Houston, to hold a March presi-

dential primary, and a May primary for other offices.

Rep. Ben T. Reyes, D-Houston, complained, saying a separate presidential primary would reduce the impact of voting by blacks and Hispanics and eventually run afoul of the U.S. Justice Department.

Reyes also protested provisions of Ogg's bill setting primary elections on Tuesdays instead of Saturdays — when party elections currently are conducted.

Ogg said he is considering changing his bill to move the primaries to Saturday in an effort to attract more votes.

Under the Senate's customary procedure, at least two-thirds of the senators present must agree to debate a bill before it can be considered on the floor and Clower said 13 of his 30 Senate colleagues have signed a letter opposing Ogg's bill.

"More than that have said they are against it, they just didn't want to go on record," Clower said.

Billy R. Goldberg and Ray Barnhart of Houston, state chairmen of the Democratic and Republican parties, both said separate primaries would be destructive to the two-party system.

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AUSTIN — Consumer advocates believe a "Consumer Destruction Act" would result from proposed changes in the Texas Deceptive Trade Practices Act, but a Senate committee has failed to heed their warnings.

A parade of consumer advocates — some of them wearing yellow

lapel buttons saying "Consumer Destruction Act is a Real Law" joined legal experts and attorneys criticizing a bill by Sen. Bill D-Eules.

However, the Senate Development Committee Thursday unanimously approved the bill as the 1973 law to eliminate damages and require disbelieving consumers to be protected from unscrupulous business.

"The act in its present form not only been inequitable, but sulted in windfall profits for consumer's attorneys," said whose bill now goes to the But the former dean of the university of Texas law school proposed changes were "gut" the law and deceived into believing consumers would be protected from unscrupulous business.

"Under this bill as written plaintiff would not be able to Deceptive Trade Practices," said Page Keeton, UT law professor and former dean.

"This is a deceptive bill where we were (before the adopted in 1973)," Keeton only works for lawyers.

Attorneys who have advised businessmen in such suits, ever, said juries are prejudiced in favor of consumers and award multimillion damages even when businessman did not intend to deceive.

"There is no burden on the plaintiff to prove anything more than perhaps dissatisfaction on with the goods that he purchased," said Austin defense attorney Coates. "The only practicality is the imagination of the sumer or his attorney."

"We have a situation here people can be penalized with damages for incorrect speed takes, errors of judgment, of the thing," said R. Jack Ayres, attorney who represents automobile dealers. "The act may have the intention of pressed purpose of shaking the businessman and under present law that's irrelevant."

Keeton said any business ing in good faith should have opportunity to refund an unhappy customer's money, but if the business refused to do so, a resolve a legitimate complaint should be subject to triple damages.

"The seller ought to be subject to triple damages if the house or the plumbing won't work, but man won't fix it," Keeton said. "The wise the consumer's remedy is worthless. If you take out damages that just pretty well the act."

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FOR MORE INFORMATION CALL 845-5141, ext. 27 10716

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MATH Department Curricula — ROOM 101 MILNER
PHYSICS Department Curricula — ROOM 301 PHYS

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