

# Panel chills cooler-deposit drive

By Tim Richard  
staff writer

A state legislative committee stalled an environmentalist drive to require deposits on wine cooler bottles. It voted 9-1 to reject proposed Liquor Control Commission rules requiring 10-cent-a-bottle deposits.

"There's no authorization for this rule," said Sen. Patrick McCollough, D-Deerborn, who voted with the 9-1 majority.

"It's an exact replay of 1976 — only the faces have changed," said an angry Thomas L. Washington. He is executive director of the Michigan United Conservation Clubs (MUCC), the group which 10 years ago won voter approval of a deposit on beer and pop cans and bottles.

Washington charged the Joint House-Senate Administrative Rules Committee "ignored 99 percent of the people" by rejecting the LCC's proposed deposit on wine coolers — mixtures of wine and soft drinks that have made a big hit with young people in the last three years.

THE MUCC spokesman, known as one of the most potent lobbyists in the State Capitol, said he would seek the support of the Michigan Farm Bureau in pursuing two courses of action:

First, it will support bills in both the House and Senate to require the deposits.

Second, it will start an initiatory petition drive to place such a law before voters — possibly on Nov. 4 — if the state Legislature fails to act, as it did in 1976.

"We did it (got petition signatures) in 45 days in 1976," Washington said, adding, "This is a ringing endorsement for a part-time Legislature."

The Farm Bureau entered the picture earlier this year after many farmers complained broken wine cooler bottles were harming their livestock and machinery. The groups are scheduled to meet May 2 to plan strategy.

BUT TO SEN. McCollough, the issue wasn't a matter of being for or against liquor. It was strictly a question of legal powers.

"Policy is decided by the people or the people's Legislature — not by unelected commissioners," said McCollough.

"We go through this every week. It's not whether we like or dislike a (regulatory agency) rule but whether it's authorized by statute."

McCollough, whose district includes Garden City, said he would vote for wine cooler deposits in a legislative bill. "It think it would pass overwhelmingly once it got out

of committee," he predicted.

Such bills have been introduced in the House by H. Lynn Jondahl, D-East Lansing, and in the Senate by Lana Pollack, D-Ann Arbor.

UNDER MICHIGAN'S Constitution, all regulatory agency rules may be reviewed — and suspended — by a joint legislative committee.

McCollough is among five senators on that panel. Others are Chairman Ed Fredricks, R-Holland, Jack Welborn, R-Kalamazoo, Kirby Holmes, R-Utica, and Michael O'Brien, D-Detroit.

House members are Michael Griffin, D-Jackson, Tom Alley, D-West Branch, Dennis Duiko, D-Warren, Charles Mueller, R-Linden,

and Ernest Nash, R-Dimondale.

All but Fredricks voted to reject the rule. Fredricks wanted to hear testimony from MUCC and the beverage industry, whose lobbyists packed the meeting room, before rejecting the rule.

THE HANGUP, according to committee lawyers, was over the 1976 "Bottle Bill" itself. The Constitution allows a law passed by voters to be amended only by the voters or by a three-quarters vote of the Legislature.

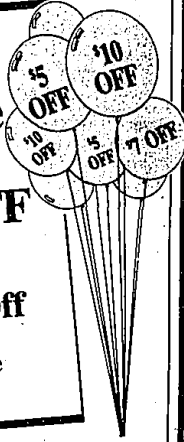
The question, said committee counsel, was whether the LCC rule covering wine coolers amounted to an amendment of the 1976 Bottle Bill. If so, LCC couldn't amend the law to include wine coolers.

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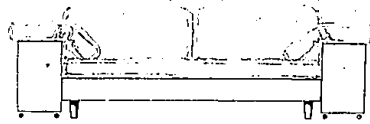
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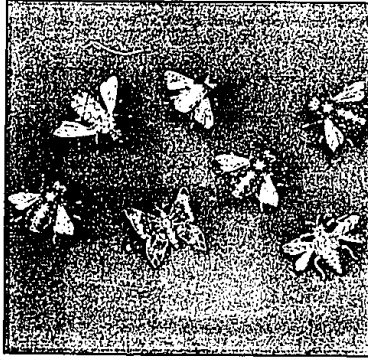
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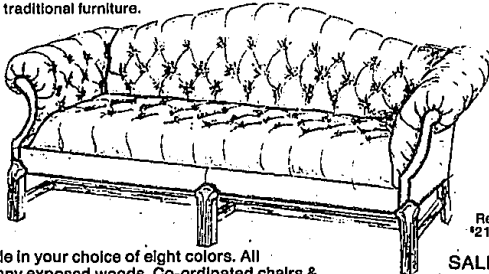
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