

# House OKs its version of wine cooler bill

By Tim Richard  
staff writer

The state House of Representatives voted its own version of a wine cooler deposit law Thursday and sent it back to the state Senate.

The House version, however, was tie-barred to a second bill that allows wine cooler manufacturers to establish distributors' territories. When bills are "tie-barred," both must be passed for either to take effect.

The tie-bar displeased Thomas L. Washington, executive director of the Michigan United Conservation Clubs, MUCC, the sportsmen's group that spearheaded the drive for wine cooler deposits.

Washington said the distributorship bill was "a separate issue" that shouldn't have been tied to the de-

posit law. He called it "anti-competitive" for both consumers and retailers because it would reduce competition among distributors.

THE DEPOSIT bill, Senate Bill 761, was passed 101-2 with seven not voting. All area representatives supported it except W.V. Brotherton, R-Farmington, and David Hoenigman, R-West Bloomfield, both of whom were recorded as not voting.

The distributorship measure, House Bill 4931, was adopted 80-20. Opposing it were Reps. Justice Barnes, D-Westland, James Kesteva, D-Canton, and Judith Miller, R-Birmingham; absent was Hoenigman. All other area representatives favored it.

Rep. Mel Dunaskiss, R-Lake Orion, a member of the House Liquor Control Committee, said both deposit measures peg the charge at

**To keep pressure on the Legislature, the Michigan United Conservation Club will continue its petition drive to place a deposit law for wine coolers and mixed drinks on the 1988 ballot. It has 208,000 of the 240,000 signatures it must file by the Nov. 4 deadline.**

10 cents, but one key difference is that the Senate version didn't have the territorial bill tie-barred to it.

If the Senate fails to concur in the House change, the two versions will go to a joint House-Senate conference committee to iron out differences.

And if no compromise is worked out, the bill automatically dies at the end of the year.

DUNASKISS SAID an effort to shorten the effective date of the deposit law to 1½ years instead of June 1, 1989, was rejected 31-64.

"The rationale was that the Legislature's bill should have the same effective date as the petition proposal," Dunaskiss said.

MUCC is conducting a petition drive to place a deposit law for wine coolers and mixed drinks on the 1988 ballot. The group has until Nov. 4 to file some 240,000 valid signatures. The effective date of the MUCC proposal is six months after the 1988 election, or approximately June of 1989.

Washington said MUCC would continue its petition drive in order to keep up pressure on the Legislature. MUCC spearheaded the 1976 campaign to require deposits on bottles

and cans of beer and pop. It has 208,000 signatures in its new drive, he added.

THE HOUSE rejected a second amendment to extend the deposit law to all hard liquor, Dunaskiss said. The vote was 50-51, with 56 needed for passage on a record roll-call vote.

MUCC didn't include all hard liquor in its petition, Washington said, because such beverages are mostly consumed in homes, and empty bottles are less readily pitched out of car windows compared to beer, pop and wine coolers.

## Accident Fund wins in court

A decision by Ingham County Circuit Court Judge Carolyn Stell that Michigan has no equity interest in the assets of the Accident Fund of Michigan is "a major victory for our company's policyholders," said the Accident Fund's manager.

Edwin Lancaster said Judge Stell's recent court order stops the state from taking any of the Accident Fund's present or future assets.

In June, the state Senate unanimously passed three bills affirming the independent status of the Accident Fund. The bills remove any unclear statutory language involving

administration of the Accident Fund. The bills also make the Accident Fund subject to the same regulations as any other domestic insurer. They are before the House Labor Committee.

ACCIDENT FUND, with more than 24,000 policyholders, is the state's largest carrier of workers' compensation insurance. It is presently involved in litigation with state officials regarding its status.

The state claims the Accident Fund is a state agency. The Accident Fund claims it has never been a

state agency and was never intended to be a state agency when it began in 1912, through enabling legislation.

"Judge Stell's ruling means the state cannot take the Accident Fund's surplus and that it is held for the benefit of the company's contributing policyholders," said Lancaster.

The ruling contradicts the position of Attorney General Frank Kelley's Office of 1983 that the state has an equity interest in the Accident Fund and is entitled to some of the policyholders' equity.

LANCASTER insists the Accident Fund is independent of state control.

"We have several written attorney general and insurance commissioner opinions before 1976 that the Accident Fund is not and was never intended to be a state agency," said Lancaster.

Lancaster said he does not expect a final ruling on the lawsuit involving the Accident Fund's status before the end of the year, but is hopeful the issue will be resolved by the state Legislature before then.

LANCASTER insists the Accident Fund is independent of state control.

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