

DIVERSIFY LIQUOR COMMISSION

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For years, the state liquor commission has been dominated by teetotaling Mormon lawyers. Currently, four of the five members fit that category. So it's not surprising that the people whose businesses sell liquor have asked for representation on the board.

Current state law does not allow direct representation. A conflict-of-interest statute within the liquor laws prohibits anyone with a business interest in alcoholic beverages from serving on the liquor commission. Gov. Mike Leavitt cited that law last week as a reason why he did not appoint someone from the hospitality industry to fill the latest vacancy on the board.

It is clear from the governor's statements that he would not have made such an appointment even if the law had allowed it. "I don't think the industry ought to be regulating itself," the governor said in his monthly televised news conference. That's a fair point, although to be consistent, the governor should remove industry representatives from other state regulatory boards. Perhaps legislators should not be allowed to sponsor bills that regulate their own businesses, either.

So much for idealism. To return to reality, the governor is right that the public interest would not be served if the private club owners in the state and the national sales representatives of distilleries ran the liquor commission. But there should be a reasonable middle ground between this scenario and the other extreme, the status quo in which the commission is ruled by members of a faith which preaches that drinking any alcohol is a sin.

As an example of such a compromise, the governor could appoint someone to the commission who has experience running a private club, tavern or restaurant with a liquor license but does not have any current business interest in such an enterprise. Such an appointment would meet the demands of the conflict-of-interest law.

A person with practical expertise in the arcana of Utah's liquor laws could bring that perspective to the board's deliberations, to its rule-making, enforcement hearings and recommendations to the Legislature. Someone who had actually managed a business that serves liquor might have an idea of which regulations work to keep patrons from overindulging and which do not, which keep businesses honest, and which amount to bureaucratic harassment.

Of course, if the Legislature decided that it wanted a person currently involved in the business on the board, it could amend the law to designate such a seat on the commission.