

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB870**

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**Hearing Date:** Monday February 01, 2010  
**Committee On:** General Affairs  
**Introducer:** Karpisek  
**One Liner:** Provide for a temporary operating permit under the Nebraska Liquor Control Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**  
Senator Russ Karpisek  
Hobert Rupe  
Mike Kelley  
Jim Moylan  
Kathy Siefken  
Tim Keigher

**Representing:**  
Introducer  
NE Liquor Control Commission  
Kelley and Jerram, P.C.  
NE Licensed Beverage Association  
NE Grocery Industry Association  
NE Petroleum Marketers and Convenience Store Association

**Opponents:**  
Diane Riibe  
Margie Magnuson  
Darryl Hutton

**Representing:**  
Project Extra Mile  
Alcohol Impact Coalition  
Self

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 870 amends section 53-149 of the Liquor Control Act by creating a temporary operator's permit. Under current law, a business owner with a liquor license may sell an establishment to a buyer who may then operate the establishment under the seller's liquor license until the buyer's application has been processed and the buyer qualifies for a regular liquor license. Any Liquor Control Act violations committed by the buyer then goes on the seller's liquor license.

Under this bill, once an establishment is sold, the seller's liquor license is immediately terminated and the buyer may apply for a temporary operator's permit to continue to operate the establishment until the buyer's application for a new license is processed. Any violations of the Liquor Control Act committed by the buyer would now go on the buyer's record and could impact the buyer's ability to qualify for a regular liquor license.

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**Explanation of amendments:**

AM 1938 requires the purchaser to provide the Liquor Control Commission with documentation that the seller is current on all accounts with any wholesaler. A seller who provides false information regarding such accounts is guilty of a Class

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VI misdemeanor for each offense. Also, If the application is withdrawn by the applicant or is denied by the Liquor Control Commission, the previous license may be reinstated at the discretion of the Liquor Control Commission upon request by the previous licensee.

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Russ Karpisek, Chairperson