

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 870

Introduced by Karpisek, 32.

Read first time January 11, 2010

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-149, Reissue Revised Statutes of Nebraska; to
3 provide for a temporary operating permit; and to repeal
4 the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-149, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-149 (1) A license shall be purely a personal
4 privilege, good for not to exceed one year after issuance unless
5 sooner revoked as provided in the Nebraska Liquor Control Act,
6 and shall not constitute property, nor shall it be subject to
7 attachment, garnishment, or execution, nor shall it be alienable
8 or transferable, voluntarily or involuntarily, or subject to being
9 encumbered or hypothecated.

10 (2) A license issued under the act terminates immediately
11 upon the sale of the licensed premises named in such license.
12 The purchaser or transferee may submit an application for a
13 license under the act prior to closing such sale or transfer.
14 While such application is pending, the purchaser may request and
15 obtain a temporary operating permit from the commission which
16 shall authorize the purchaser to continue the business which was
17 conducted on the purchased premises under the terms and conditions
18 of the terminated license for ninety days or until the purchaser
19 has obtained a license in its own name, whichever occurs sooner.
20 In the absence of such temporary operating permit, the purchaser
21 shall not manufacture, store, or sell alcoholic liquor on the
22 purchased premises until the purchaser has obtained a license in
23 the purchaser's own name.

24 ~~Such~~ (3) A license shall not descend by the laws of
25 testate or intestate devolution, but it shall cease upon the death

1 of the licensee, except that ~~(1)~~ (a) executors or administrators
2 of the estate of any deceased licensee, when such estate consists
3 in part of alcoholic liquor, or a partnership or limited liability
4 company upon the death of one or more of the partners or members,
5 may continue the business of the sale or manufacture of alcoholic
6 liquor under order of the appropriate court and may exercise the
7 privileges of the deceased or deceased partner or member after
8 the death of such decedent until the expiration of such license,
9 but if such license would have expired within two months following
10 the death of the licensee, the license may be renewed by the
11 administrators or executors with the approval of the appropriate
12 court for a period not to exceed one additional year; or ~~(2)~~ (b)
13 when a license is issued to a husband and wife, as colicensees with
14 rights of survivorship, upon the death of one spouse the survivor
15 may exercise all rights and privileges under such license in his or
16 her own name. The trustee of any insolvent or bankrupt licensee,
17 when such estate consists in part of alcoholic liquor, may continue
18 the business of the sale or manufacture of alcoholic liquor under
19 order of the appropriate court and may exercise the privileges of
20 the insolvent or bankrupt licensee until the expiration of such
21 license.

22 Sec. 2. Original section 53-149, Reissue Revised Statutes
23 of Nebraska, is repealed.