

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 179

Introduced by Hilgers, 21.

Read first time January 11, 2019

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902,
- 2 Reissue Revised Statutes of Nebraska; to authorize the appeal of
- 3 certain motions as final orders; to harmonize provisions; to provide
- 4 severability; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1902, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1902 (1) The following are final orders which may be vacated,
4 modified, or reversed:

5 (a) An order affecting a substantial right in an action, when such
6 order in effect determines the action and prevents a judgment; ~~τ~~

7 (b) An ~~and an~~ order affecting a substantial right made during ~~in~~ a
8 special proceeding; ~~τ~~

9 (c) An order affecting a substantial right made on ~~or upon~~ a summary
10 application in an action after a judgment is entered; and ~~, is a final~~
11 order which may be vacated, modified or reversed, as provided in this
12 chapter.

13 (d) An order denying any of the following motions when such motions
14 are based on the assertion of sovereign immunity or the immunity of a
15 government official: (i) A motion to dismiss; (ii) a motion for judgment
16 on the pleadings; or (iii) a motion for summary judgment.

17 (2) An order under subdivision (1)(d) of this section may be
18 appealed pursuant to section 25-1912 within thirty days after the entry
19 of such order or within thirty days after the entry of judgment.

20 Sec. 2. If any section in this act or any part of any section is
21 declared invalid or unconstitutional, the declaration shall not affect
22 the validity or constitutionality of the remaining portions.

23 Sec. 3. Original section 25-1902, Reissue Revised Statutes of
24 Nebraska, is repealed.