

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 179**

FINAL READING

Introduced by Hilgers, 21.

Read first time January 11, 2019

Committee: Judiciary

- 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; 7

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

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 7, is a final  
11 order which may be vacated, modified or reversed, as provided in this  
12 chapter.

13 (d) An order denying a motion for summary judgment when such motion  
14 is based on the assertion of sovereign immunity or the immunity of a  
15 government official.

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

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

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23 Nebraska, is repealed.