

LEGISLATIVE BILL 179

Approved by the Governor May 17, 2019

Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1902, Reissue Revised Statutes of Nebraska; to authorize the appeal of certain motions as final orders; to harmonize provisions; to provide severability; and to repeal the original section.

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

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

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

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

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

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

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

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

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

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 Original section 25-1902, Reissue Revised Statutes of Nebraska, is repealed.