

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB179

Hearing Date: Wednesday March 06, 2019
Committee On: Judiciary
Introducer: Hilgers
One Liner: Authorize the appeal of certain motions as final orders

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

Vote Results:

Aye: 8 Senators Brandt, DeBoer, Chambers, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Mike Hilgers
Dave Lopez
Brandy Johnson

Meghan Bothe

Representing:

Introducer
Attorney General's Office
Nebraska Intergovernmental Risk Management Association
Nebraska County Attorneys Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 179 addresses situations where motions to dismiss and others that are denied, where the motion was based on sovereign immunity or government official immunity. Under LB 179 the denial of the motion is considered a final order that may be appealed within 30 days.

Section 1 Amends section 25-1902 addressing final orders that can be vacated, modified or reversed. The proposal adds situations where motions to dismiss, judgement on the pleadings, or summary judgement are denied and the motion is based on sovereign immunity or the immunity of a government official. The bill would allow an appeal within thirty days of the order or entry of judgement.

Section 2 Severability clause.

Section 3 Repeals original sections

Explanation of amendments:

The Committee Amendment to LB 179, AM 736, eliminates motions to dismiss and judgement on the pleadings as final orders when involving sovereign or governmental official immunity. The amendment retains an order on a motion for

summary judgement involving sovereign or governmental official immunity as a final order that can be vacated, modified or reversed.

Steve Lathrop, Chairperson