

Mr. Clerk.

ASSISTANT CLERK: (Read record vote as found on page 1488 of the Legislative Journal.) 39 ayes, 5 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: A majority having voted in the affirmative, LB 820 is declared passed. We next proceed to LB 877.

CLERK: Mr. President, I have a motion on the desk. Senator Hoagland, you want to offer that first amendment that we had printed earlier, Senator?

SENATOR HOAGLAND: Withdraw that amendment.

CLERK: Withdraw that one. Mr. President, Senator Hoagland would move to return the bill for a specific amendment. (Read Hoagland amendment as found on page 1489 of the Legislative Journal.)

SENATOR HOAGLAND: It's page 2, the only page of the bill.

CLERK: Okay, page 2, line 3, strike the language "or continue".

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: I apologize, colleagues, for having discovered what I view to be a drafting error in LB 877 just this morning. Unfortunately I was absent when the bill passed, advanced from Select to Final Reading. I thought this had been taken care of. But, as I see the bill, it has not. If you will read the bill carefully you will see the language "or continue" gives this bill retroactive effect far earlier than is intended by the amendment that has it apply to suits brought after January 9, 1986. Let me explain specifically the suit I'm worried about. This bill was brought to the Judiciary Committee, in part, because of the decision in Vacek v. Ames. It was tried before Judge James Buckley, in Omaha, last summer and the jury returned a \$100,000 verdict against a vice-president of a large Omaha corporation that the jury found guilty, I guess for lack of a better word, of having seduced his secretary away from her husband. The jury returned the verdict of \$100,000 in that case. And the trial judge then vacated the verdict on the grounds that criminal conversation should not be recognized