

as a cause of action in Nebraska, but did not say the same about alienation of affections, and ordered the case be tried again on alienation of affections only on the damages issue, on the grounds that \$100,000 was excessive. That case went to the Nebraska Supreme Court. The Nebraska Supreme Court reversed the trial judge and reinstated the verdict. All right? Now that led to Senator Chambers' bill. Now after the Supreme Court reinstated the verdict, a motion for rehearing was filed in the Supreme Court. That motion for rehearing is pending now. So, technically that case is still continuing and the effect of this language here would be to retroactively vacate the verdict in that case, and any other case that is still pending, at whatever stage of the proceeding, not simply cases that have been instituted after January 9, 1986. My understanding is that it is the sense of the Legislature that if we are going to do this it should apply only to cases that are filed after January 9, 1986, not to any case that is anywhere in the process. So I view the language "or continue" in the bill is a drafting error. The purpose of this is to bring the bill back so we can strike that language. Thank you.

PRESIDENT: The Chair recognizes Senator Wesely. Then the speaking order is Senators Chambers and Labeledz.

SENATOR WESELY: Thank you. I would rise in support of the Hoagland amendment. I did bring this up to Senator Chambers because I noticed the same error and had a letter from an individual who had a case pending, who felt that they had filed that motion under the understanding that this was a valid case law, common law in the State of Nebraska, and now, after they went under that assumption, this would change the game in the middle of the playing of it. I guess I think Senator Hoagland is right. I will support the bill. I think that obviously we need to change this around because of the harassment technique used on this legislation. But despite the fact that I find it onerous in a lot of ways, that we go through this exercise with this alienation of affection, at the same time it isn't fair to stop those activities that have already taken place, motions that have been filed, activities that have already occurred under the old assumptions. I think even the fact that we set the date back to January 9 is okay because that tends to be the date at which this bill was filed, and people started to file motions after that, anticipating the passage of the bill. So I think maybe those are harassment efforts after the date