

February 26, 1979

LB 316

move the E & R amendments to LB 316.

SPEAKER MARVEL: You have heard the motion. Is there any further discussion? All those in favor of the adoption of the E & R amendments to LB 316 say aye, opposed no. Motion carried.

CLERK: Mr. President, I now have an amendment offered by Senator Nichol. The amendment may be found on page 620 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 316 is a sensitive bill and another sensitive issue that has been thrown in here recklessly is the general right of privacy. We have a slight problem that my little amendment will solve to the satisfaction of all of you I believe. What the bill is talking about in DeCamp's white copy, page 3, is that the written consent by the minor be retained for no more than ten years by the attending physician. There is no problem with that. Next, no person shall disclose any information in the written consent including her name without her written consent. So far, it is still okay. Now comes the hooker. We create, let me reiterate, we create the general right of privacy law in the State of Nebraska. Now several in this body have tried many times to get the right of privacy bill passed including Senator John DeCamp. Senator Landis has a bill in this year. Nebraska never has had a general right of privacy. Now here we are throwing in a very major piece of legislation just by a single sentence. I think we should wake up and have a look at this. A delicate bill like LB 316 is not the place to try this. The purpose of this legislation is to make laws. By simply passing such a bill without my amendment would hand over to the courts the decisions as to what would be the specific violations of the right of privacy law. We should be the ones making the decisions, not the courts. That is what we are here for. That is what we are paid for is to make these decisions. What are some of the categories that we should be defining: For example, the use of someone's name for profit. Two, physical intrusion into a private place. Three, where can one's picture be taken. Four, public disclosure of private information. Five, dissemination of false information. Six, penalty for any violations. We should be making the decisions, not the courts. We, this Legislature, should spell out a privacy right law and have a hearing, have a resolution holding hearings across the state. We should be doing this. We should not create a