

March 29, 1979

LB 394

January 17. It was referred to the Judiciary Committee. It was advanced to General File. There are committee amendments by Senator Nichol's Judiciary Committee.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this is the rights bill of Senator Landis and he has amendments which constitute the bill now and it is his bill so I will turn the floor over to Senator Landis and the amendments constitute the bill at this time.

PRESIDENT: Senator Nichol, you are speaking...he will carry the committee amendments then? He will discuss the committee amendments?

SENATOR NICHOL: Yes, sir. That is right.

PRESIDENT: All right. The Chair recognizes Senator Landis on the committee amendments first.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, if you will turn in your red backed books to LB 394 you will see committee amendments that have been adopted by the Judiciary Committee. After a rather long and extensive negotiation between all parties interested in this particular bill, I would like to run down the provisions for you. Much of the green copy of the bill is now found in those committee amendments and so, in fact, when you read the committee amendments you see the entire bill laid out for you. It does not go back into the green bill so you can just examine the committee amendments. It is the same as going over the green bill and there are about ten sections to the bill. Much of it as I say is found in the green copy but if you will refer to the white copy. Section 1 is simply a statement of intent, that the intention is to establish a right of privacy. Section 2 establishes one of those rights, one of those recoverable rights, and that is the actionable right for wrongful appropriation of someone's face or name. For example, the use of a photograph without consent, the use of one's name without consent for commercial purposes. If you recall the Johnny Carson case, this is the kind of situation that was trying to be addressed in that particular lawsuit, the use of a name and face for commercial purposes and this would provide plaintiffs with a form of recovery, a statement by the law that says this kind of action can be the subject of a lawsuit and damages can be found where wrongful appropriation takes place. That is section 2. Subsections 1, 2 and 3, which are found on the next page,