

Approved: Al Ramirez 3-4-93  
Date

## MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on February 25, 1993 in Room 531-N of the Capitol.

All members were present except: Senator Bogina - Excused  
Senator Vidricksen - Excused

Committee staff present: Julian Efird, Legislative Research Department

Fred Carman, Revisor of Statutes  
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The meeting was called to order by Chairman Ramirez. He directed the committee's attention to **SB 95**, regulation of private employment agencies. He read line (G) page 2, "any report published through use of a computerized database", and called on staff to add input.

Julian Efird referred to the meeting where Don Bruner, Department of Human Resources, Division of Labor Management Relations and Employment Services, was present to answer questions. Mr. Bruner indicated that there is a statute, 44-407, that sets an application fee maximum of \$2.00 on licensed employment agencies to accept applications from persons wishing to register. This particular provision in the bill does not set any limit on the amount of fees that might be charged. There is one public policy dealing with a \$2.00 application fee in another statute of a similar subject matter and this particular provision has no limit on the amount of fees that might be collected for providing these types of reports.

Comments were made and discussion held on newspaper job advertising and if an agency is actually job hunting for a person or simply putting names in a data base with no job search.

Senator Morris stated that he has a firm in his district that operates this way. They really operate more like a newspaper. If they were an employment service, they would have to go out and physically help try to help people find jobs, but they are more like a passive type arrangement, more of a clearinghouse. The Senator stated he believes they advertise through the computer. He read a description of the operation. Once an employer receives information on jobs openings (and the Senator believed this is through the computer database), it becomes his or her responsibility to contact by phone or mail employees who are trying to find jobs. This works both ways. They do not guarantee a job. For \$25.00 it would be a good deal if they could guarantee one, but there is no guarantee.

Don Bruner, Department of Human Resources, made a few statements. The newspaper does not charge the applicant any fees. In this case we have the applicant actually being charged. This is the only difference he sees.

The question of how to define an employment agency from a data base was discussed and also if there could be a cost per word. There should be some way to define this in legislation.

Senator Morris commented that the particular firm in his district is a livestock operation. It is not a franchise operation.

The statutes show that employment agencies have been regulated since 1911. This is, of course, for obvious reasons of protecting the job seeker.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION, Room 531-N  
Statehouse, at 1:30 p.m. on February 25, 1993.

The question of the difference between allowing someone to pay \$2.00 to put their name in the newspaper, and those who choose to put \$25.00 to put their name in a database was posed. Mr. Bruner answered that the difference is the \$2.00 is refundable if a person does not get a job.

Comments were made about people who will pay any amount to get a job. If they want to do this, it is their decision.

Another member commented that it is the lawmaker's responsibility to protect the public. Many unsophisticated people are out there looking for work. Senator Morris' operation is honorable, but there are many unscrupulous firms.

The Chairman thanked Senator Morris for appearing and directed attention to **SB 219** - interpreters. Costs will be borne by whatever entity is providing the qualified interpreter.

The question of who sets the qualifications was asked. The revisor replied that they are set by the Commission for the deaf and hearing which states this in New Sec. 4 of the bill. As the revisor understands it, there are two levels - one is a qualified interpreter and the other is a person that is not that well qualified. Only the qualified interpreters would be subject to the rule in New Sec. 3 and whereas the beginning interpreters would not necessarily be bound by that kind of a parameter. In line 43 on page 2 the word 'may' should be changed to 'shall', this is cleanup.

The Chairman stated that a representative of counties and cities said that this bill was placing mandates on local units of government to do something and not providing them with the appropriations to do it.

One of the members commented that we are dealing with a rather limited group of people in the process of due process and directed attention to Sec. 7 of the bill and read what the subsections contained.

Another committee member commented on line 43 on page 1 and lines 1 and 2 on page 2 of the bill which read, "At no time, shall the fees for interpreter services be assessed against the person receiving the services." and asked who this would be - the deaf person, the person receiving the services, or some other entity; it seems to depend on how the sentence is read.

The Chairman interpreted the sentence as meaning that if a person was deaf and required the services of an interpreter, that person would get the services, and not be required to pay. This is his interpretation.

Several lines on page 2 of the bill were discussed.

One of the members commented that what some deaf people feared was an interpreter that was not certified who would give the wrong interpretation of what the deaf person wanted to say, thereby leaving the deaf person in a bad situation.

Subsections (a) through (f) and what they defined were discussed. It was stated that this bill was meant for the public sector only and not for private enterprise.

After several other comments, the Chairman stated that since there were too many unanswered questions, he would visit with the president to have the bill referred to an exempt committee and then referred back to this committee.

The statement was made that the bill came from SRS.

The Chairman asked the committee to review the testimony on **SB 219**. He also stated that since SB 268 is exempt, it will be dealt with at a later time.

As there was no further business, the Chairman adjourned the meeting.

The next meeting is scheduled for March 8, 1993.

# GUEST LIST

COMMITTEE:

DATE:

[illegible]