

February 15, 1995 LB 20

SENATOR SCHROCK: Mr. Speaker, members of the Legislature, Senator Day certainly gave some powerful testimony there. But, Senator Chambers, would you yield to a question?

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Yes, I will.

SENATOR SCHROCK: I certainly don't relish the idea of getting into a debate with you, Senator Chambers.

SENATOR CHAMBERS: Then I won't debate with you, I'll just answer the question.

SENATOR SCHROCK: What criteria are you going to use to determine whether the employer is recruiting non-English speaking people?

SENATOR CHAMBERS: Senator Schrock, as I stated earlier, those of us who have worked on this, Senators Matzke and Bromm and Landis, we were trying to come up with a definition of what actively recruit means. But in the law there's a principle, if you begin to itemize things, anything not included is excluded. And as we were going through all the ways that this recruitment could occur, we decided that the best thing to do is let the Department of Labor, through its rules and regulations, define what that term means. But what we would put in the bill is the requirement that the company must have done some affirmative act. It couldn't be a situation where a company has a good reputation that spreads by word of mouth, and they don't agents on this...500 miles away, they're not posting placards or anything and people just come. Well that is a case where the company passively benefitted from its good reputation. That is not active recruitment. They are going to have to have done something, they or their agent, which will show that they through their act reached out to entice people to come work for them. And rather than try to define or list every type of thing that could constitute active recruitment in the bill, we left it to rules and regs by the Department of Labor.

SENATOR SCHROCK: Then you would admit it is difficult to define.

SENATOR CHAMBERS: Well it's difficult to define, but it's not difficult if somebody comes up with a specific act and they say,