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MEMORANDUM

To: Chairman Huebert
Members of the House Committee on Education

From: Jason B. Long, Senior Assistant Revisor

Date: March 11, 2020

Subject: SB 230 – Registration of sign language interpreters by the Kansas Commission for the Deaf and Hard of Hearing.

Senate Bill No. 230 (SB 230) would expand the requirement for registration for sign language interpreters with the Kansas Commission for the Deaf and Hard of Hearing (KCDHH). The bill also provides clarification as to the duties of the KCDHH and its administration.

New Section 1 of SB 230 would require sign language interpreters to register with the KCDHH if the interpreter is secured for the purpose of providing interpreting services in any court proceeding or in compliance with any state or federal law. Registration requirements include: (1) Obtaining a high-school diploma; (2) being 18 years of age or older; (3) having no record of disqualifying conduct; and (4) obtaining certification or other appropriate credentials. The KCDHH could grant reciprocal registration or temporary registration to interpreters who are licensed or registered in another state.

Section 1 also authorizes the KCDHH to charge and collect fees associated with the registration process. Additionally, the bill provides requirements relating to registration renewal, including renewal of an expired registration, the establishment of late fees for renewing an expired registration and continuing education requirements.

The KCDHH would also be authorized to require applicants to be fingerprinted and submit to a criminal history records check. Local and state law enforcement agencies would be required to assist the KCDHH in this task and would be authorized to charge a fee for such services.

Registrations could be denied or revoked if the individual: (1) Has been found incompetent or negligent in the practice of interpreting; (2) has been convicted of a crime and

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does not merit the public trust; (3) provides false, misleading or incomplete information on an application; (4) fails to provide any information requested by the commission; (5) fails to pay any required fees; (6) is listed on a child abuse registry or an adult protective services registry as a result of abuse or neglect; or (7) has had another state suspend, revoke or deny registration.

Finally, Section 1 authorizes the executive director of the KCDHH to adopt rules and regulations concerning the registration process and oversight of registered interpreters including: Registration fees; interpreter certification categories and endorsements; continuing education; a code of professional conduct; supervision and mentorship of interpreters with provisional registration; suspension and revocation of registrations; and any other necessary rules and regulations deemed necessary by the executive director.

New Section 2 would make it unlawful for any person who is not registered with the KCDHH to: (1) Practice as an interpreter; (2) hold oneself out as having the intention, authority or skill to interpret; (3) provide video remote interpreting services; or (4) indicate that a person is registered with the KCDHH.

This section would also make it unlawful for any entity to: (1) Cause or permit an unregistered person to interpret; (2) represent that an unregistered person is a registered interpreter; (3) hold out to the public that an unregistered person has the authority, skill or authority to interpret; or (4) accept payment for securing a court appointed interpreter if the person is not registered.

The prohibitions provided by this section would not apply for any person or entity that: (1) Interprets during a religious event; (2) interprets as a volunteer without compensation if approved by the KCDHH; (3) interprets during an emergency until the services of a registered interpreter can be obtained; or (4) students who are training to be an interpreter under the supervision of a registered interpreter.

The KCDHH is authorized under Section 2 to file suit in district court for an injunction against any person or entity found to have violated this section.

New Section 3 would require the KCDHH to develop and oversee a program to provide guidelines for the utilization of communication access services, communication access service providers and interpreter service agencies. The bill would authorize the executive director of the KCDHH to adopt rules and regulations that may include provisions relating to: Program fees; qualifications of communication access service providers; minimum training standards for communication access service providers; registration of communication access service providers and interpreter service agencies; a code of professional conduct for communication access

service providers; standards for equipment and technology supporting communication access services; a system of statewide coordination of communication access services; and any other rules and regulations deemed necessary by the executive director.

The KCDHH would also be authorized to require fingerprinting and criminal history records checks of communication access service providers. Local and state law enforcement agencies would be required to assist the KCDHH in this task and would be authorized to charge a fee for such services.

New Section 4 would establish the Commission for the Deaf and Hard of Hearing Fee Fund. Any moneys collected pursuant to registration fees, charges or penalties would be remitted to such fund. SB 230 authorizes the KCDHH to use such moneys to carry out the powers, duties and functions of the KCDHH.

New Section 5 provides relevant definitions for the provisions of sections 1 through 5 and in K.S.A. 75-4355a through 75-4355d. These include "communication access services," "interpreter," "interpreter service agency," and "video remote interpreter."

Sections 6 and 7 make conforming amendments to K.S.A 75-4355a and 75-4355b, respectively.

Section 8 amends K.S.A. 75-5391 to include in the KCDHH's statutory powers and duties the authority to: (1) Develop and oversee programs concerning interpreters, interpreter service agencies and communication access services; (2) affiliate with any professional organization related to the functions of the KCDHH; and (3) undertake any other actions as necessary to administer the KCDHH's statutory functions.

Section 9 amends K.S.A. 75-5393 to require that the executive director provide a statewide coordination program for communication access services and service providers.

Section 10 amends K.S.A. 75-5397a to require that the fees collected by KCDHH for providing interpreter services, communication access services and sign language instruction, be deposited in the Kansas department for children and families enterprise fund.

SB 230 passed the Senate on final action by a vote of 35-3. If enacted, SB 230 would become effective on July 1, 2020.