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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3294

02/13/2020 Authored by Daniels
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to occupational licensing; creating the Board of Sign Language Interpreters
1.3 and Transliterators; requiring licensure; authorizing rulemaking; amending
1.4 Minnesota Statutes 2018, section 546.44, subdivision 1; proposing coding for new
1.5 law as Minnesota Statutes, chapter 156B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 156B.01 DEFINITIONS.

1.8 (a) For the purposes of this chapter, the following terms have the meanings given.

1.9 (b) "Board" means the Board of Sign Language Interpreters and Transliterators established
1.10 under this chapter.

1.11 (c) "Department" means the Department of Health.

1.12 (d) "Interpreter training program" means a postsecondary education program training
1.13 individuals to interpret or transliterate.

1.14 (e) "Interpreting" means facilitating communication between individuals who
1.15 communicate by sign language and other individuals using sign language, spoken words,
1.16 and printed words.

1.17 (f) "Licensee" means any person licensed by the state to practice interpreting or
1.18 transliterating for deaf, deafblind, hard-of-hearing, and hearing individuals in this state.

1.19 (g) "Transliterating" means facilitating communication between individuals who
1.20 communicate via spoken words from one language into another, including printed words.

2.1 Sec. 2. **[156B.05] BOARD OF INTERPRETERS AND TRANSLITERATORS**

2.2 **CREATED; TERMS.**

2.3 (a) A Board of Interpreters and Transliterators is established to consist of seven members,
2.4 appointed by the governor as follows:

2.5 (1) two interpreters, one of whom is hearing and one of whom is deaf, and both of whom
2.6 are recommended by a professional association of interpreters;

2.7 (2) one postsecondary instructor of an interpreting training program in the state;

2.8 (3) one individual representing a large employer or business that generates a high volume
2.9 of interpreter requests; and

2.10 (4) three individuals, two of whom are deaf users of interpreting services and one of
2.11 whom is a deafblind user of interpreting services.

2.12 (b) Membership terms, compensation of members, removal of members, the filling of
2.13 membership vacancies, and fiscal year and reporting requirements shall be as provided in
2.14 sections 214.07 to 214.09. The provision of staff, administrative services, and office space;
2.15 the review and processing of complaints; the setting of board fees; and other provisions
2.16 relating to board operations shall be as provided in chapter 214.

2.17 (c) Members appointed to fill vacancies caused by death, resignation, or removal shall
2.18 serve during the unexpired term of their predecessors.

2.19 Sec. 3. **[156B.10] BOARD DUTIES.**

2.20 The board shall administer this chapter. The board shall:

2.21 (1) adopt rules consistent with this chapter and chapter 14 that are necessary for the
2.22 performance of the board's duties;

2.23 (2) act on matters concerning licensure and the process of applying for, granting,
2.24 suspending, imposing supervisory or probationary conditions upon, reinstating, and revoking
2.25 a license;

2.26 (3) administer the provisions of this chapter regarding documentation required to
2.27 demonstrate competence as an interpreter or a transliterator, and process of applications for
2.28 licenses and license renewals;

2.29 (4) establish and maintain as a matter of public record a registry of interpreters and
2.30 transliterators licensed under this chapter;

2.31 (5) develop continuing education requirements as a condition of license renewal; and

3.1 (6) evaluate requirements for licensure in other states to determine if reciprocity may
3.2 be granted.

3.3 Sec. 4. [156B.15] REQUIREMENTS FOR LICENSURE.

3.4 (a) Every person providing interpreting or transliterating services for compensation shall
3.5 be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapter 14
3.6 establishing procedures for the licensing of new and existing interpreters. Prior to obtaining
3.7 licensure, an applicant shall successfully pass an examination prescribed and approved by
3.8 the board, demonstrating the competencies in this section. The board shall adopt rules
3.9 regarding application procedures and license terms, which must be renewed annually. The
3.10 requirements of this chapter are in addition to those in section 122A.31.

3.11 (b) The board shall establish by rulemaking standards for competency to be licensed
3.12 under this section, including a method of offering endorsements or license specializations
3.13 in different types of transliterating or interpreting services. The board may establish
3.14 alternatives to examination requirements including but not limited to:

3.15 (1) recognition of certification by the Registry of Interpreters for the Deaf (RID) or the
3.16 National Association of the Deaf (NAD);

3.17 (2) recognition of a minimum assessment score on the educational interpreter performance
3.18 assessment (EIPA); and

3.19 (3) recognition of another existing licensure examination in another state.

3.20 (c) The board shall adopt by rulemaking professional conduct guidelines that require a
3.21 license applicant to demonstrate:

3.22 (1) proficiency in functioning as a communicator of messages between the sender and
3.23 receiver and educating users of interpreting and transliterating services about the functions
3.24 and logistics of the interpreting process;

3.25 (2) an impartial demeanor, refraining from interjecting opinions or advice and from
3.26 aligning with one party over another. An applicant shall treat all people fairly and respectfully
3.27 regardless of their relationship to the interpreting assignment, and present a professional
3.28 appearance that is not visually distracting and is appropriate to the setting. An applicant
3.29 shall exhibit knowledge and application of federal and state laws pertaining to the interpreting
3.30 profession; and

4.1 (3) proficiency in understanding and applying ethical behavior and integrity appropriate
4.2 for a licensee. An applicant shall demonstrate discretion in accepting and meeting interpreter
4.3 services requests, and shall engage actively in lifelong learning.

4.4 Sec. 5. **[156B.20] FEES.**

4.5 Subdivision 1. Fees. (a) Beginning July 1, 2023, the initial and renewal fees for
4.6 interpreters licensed under section 156B.15 or 156B.25 is \$60.

4.7 (b) The renewal late fee for the registry is \$30.

4.8 Subd. 2. Nonrefundable. The fees in this section are nonrefundable.

4.9 Subd. 3. Fee proration. The board shall not prorate the fees required under this section.

4.10 Subd. 4. Deposit; appropriation. Fees received under this chapter shall be deposited
4.11 in the state government special revenue fund and are appropriated to the board for purposes
4.12 of section 156B.10.

4.13 Sec. 6. **[156B.25] TEMPORARY LICENSE.**

4.14 Beginning July 1, 2023, an individual who does not meet the requirements for licensure
4.15 pursuant to section 156B.15 may apply for or renew a temporary license. The temporary
4.16 license shall authorize the licensee to practice as a sign language interpreter or transliterator
4.17 under the direct supervision of a sign language interpreter or transliterator licensed under
4.18 section 156B.15. The temporary license shall be valid for one year and may only be renewed
4.19 three times in accordance with standards established by rule. An individual shall not practice
4.20 for more than a total of four years under a temporary license. The board may revoke a
4.21 temporary license if it determines that the temporary licensee has violated standards
4.22 established by rule. The board may adopt rules for temporary licensure to implement this
4.23 section.

4.24 Sec. 7. **[156B.30] EXCEPTIONS.**

4.25 This chapter does not prohibit any of the following:

4.26 (1) any person residing outside the state holding a current license from another state that
4.27 meets Minnesota's requirements from providing interpreting or transliterating services in
4.28 this state for up to 14 days per calendar year without a license issued under this chapter;

4.29 (2) any person from interpreting or transliterating solely in a religious setting with the
4.30 exception of those working in schools that receive government funding; and

5.1 (3) volunteers working without compensation, including emergency situations, until a
5.2 licensed interpreter is obtained.

5.3 Sec. 8. Minnesota Statutes 2018, section 546.44, subdivision 1, is amended to read:

5.4 Subdivision 1. **Qualifications.** No person shall be appointed as a qualified interpreter
5.5 pursuant to sections 546.42 to 546.44 unless that person is licensed under chapter 156B,
5.6 readily able to communicate with the disabled person, translate the proceedings for the
5.7 disabled person, and accurately repeat and translate the statements of the disabled person
5.8 to the officials before whom the proceeding is taking place.