

Veto

THENCE TO
APPROPRIATIONS & FINANCE

HOUSE BILL 166

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

Gary K. J.

AN ACT

RELATING TO DEAF PERSONS; CHANGING SUPERVISORY CONTROL FOR
DEAF INTERPRETERS TO THE COMMISSION FOR DEAF AND HARD-OF-
HEARING PERSONS; AMENDING SECTIONS OF THE DEAF INTERPRETER
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-9-1 NMSA 1978 (being Laws 1979,
Chapter 263, Section 1) is amended to read:

"38-9-1. SHORT TITLE.--~~[This act]~~ Chapter 38, Article 9
NMSA 1978 may be cited as the "Deaf Interpreter Act"."

Section 2. Section 38-9-2 NMSA 1978 (being Laws 1979,
Chapter 263, Section 2) is amended to read:

"38-9-2. DEFINITIONS.--As used in the Deaf Interpreter
Act:

A. "appointing authority" means the presiding

1 judge, [~~or magistrate of any court and the hearing officer or~~
2 ~~other person authorized to administer oaths in any~~
3 ~~administrative proceeding before a board, commission, agency,~~
4 ~~institution, department or licensing authority of the state or~~
5 ~~any of its political subdivisions wherein an interpreter is~~
6 ~~required pursuant to the provisions of the Deaf Interpreter~~
7 ~~Act]~~ chief clerk or court administrator of any court;

8 B. "commission" means the commission for deaf and
9 hard-of-hearing persons;

10 [~~B-~~] C. "deaf person" means any person whose
11 hearing is totally impaired or whose hearing is so seriously
12 impaired as to prohibit him from understanding voice
13 communications;

14 [~~G-~~] D. "principal party in interest" means a
15 person in any judicial or administrative proceeding in which
16 he is a named party or who will or may be bound by the
17 decision or action or foreclosed from pursuing his rights by
18 the decision or action which may be taken in the proceeding;
19 and

20 [~~D-~~] E. "interpreter" means a person who may
21 through sign language, manual spelling or orally, through lip
22 reading, as required, translate and communicate between a
23 principal party in interest and other parties."

24 Section 3. Section 38-9-3 NMSA 1978 (being Laws 1979,
25 Chapter 263, Section 3) is amended to read:

1 "38-9-3. INTERPRETER REQUIRED.--

2 A. If a deaf person who is a principal party in
3 interest has provided notice and proof of disability, if
4 required, pursuant to Section [~~6 of the Deaf Interpreter Act~~]
5 38-9-6 NMSA 1978, the appointing authority shall [~~appoint~~]
6 obtain an interpreter, after consultation with the deaf
7 person, to interpret or to translate the proceedings to him
8 and to interpret or translate his testimony. Interpreters may
9 be [~~selected from current lists of interpreters provided by~~
10 ~~the vocational rehabilitation division for~~] obtained by
11 contacting the commission's statewide interpreter referral
12 service.

13 [~~A. interpreters certified by the national registry~~
14 ~~of interpreters for the deaf; or~~

15 [~~B. other interpreters qualified through joint~~
16 ~~action and agreement of the vocational rehabilitation~~
17 ~~division, the New Mexico registry of interpreters for the~~
18 ~~deaf, incorporated, and the New Mexico association of the~~
19 ~~deaf; or by nomination of a person by the deaf person or the~~
20 ~~appointing authority who is acceptable to both.]~~

21 B. Interpreters shall be:

22 (1) certified by the national registry of
23 interpreters for the deaf;

24 (2) qualified through the quality assurance
25 assessment program of the commission; or

1 (3) qualified by nomination of a person by
2 the deaf person or the appointing authority who is acceptable
3 to both."

4 Section 4. Section 38-9-5 NMSA 1978 (being Laws 1979,
5 Chapter 263, Section 5) is amended to read:

6 "38-9-5. INTERPRETER--SERVICES.--Whenever any deaf
7 person is requesting or receiving services from any health,
8 welfare or educational agency under the authority of the state
9 or any political subdivision of the state [~~or municipality~~],
10 an interpreter may be [~~appointed~~] scheduled to interpret or
11 translate the actions of any personnel providing the services
12 and to assist the deaf person in communicating with the
13 personnel."

14 Section 5. Section 38-9-6 NMSA 1978 (being Laws 1979,
15 Chapter 263, Section 6) is amended to read:

16 "38-9-6. NOTICE--PROOF OF DISABILITY.--Every deaf person
17 whose appearance at a proceeding entitles him to an
18 interpreter shall notify the appointing authority of his
19 disability at least two weeks prior to any appearance and
20 shall [~~then~~] request the services of an interpreter. An
21 appointing authority may require a person requesting the
22 [~~appointment~~] scheduling of an interpreter to furnish
23 reasonable proof of his disability when the appointing
24 authority has reason to believe that the person is not so
25 disabled. Reasonable proof shall include but not be limited

underscored material = new
[bracketed material] = delete

1 to a statement from a doctor, an audiologist, the vocational
 2 rehabilitation division of the state department of public
 3 education or a school nurse ~~[which]~~ who identifies the person
 4 as deaf or as having hearing so seriously impaired as to
 5 prohibit him from understanding voice communications."

6 Section 6. Section 38-9-7 NMSA 1978 (being Laws 1979,
 7 Chapter 263, Section 7) is amended to read:

8 "38-9-7. COORDINATION OF INTERPRETER REQUESTS.--

9 A. Whenever an appointing authority receives a
 10 valid request for the services of an interpreter, the
 11 appointing authority shall request the ~~[vocationa~~
 12 ~~l rehabilitation division to furnish him with a list of~~
 13 ~~interpreters]~~ commission to schedule the services with an
 14 interpreter provided by the state interpreter referral
 15 service.

16 ~~[B. The New Mexico association of the deaf and the~~
 17 ~~New Mexico registry of interpreters for the deaf are~~
 18 ~~authorized to assist the division to prepare and continually~~
 19 ~~update a listing of available interpreters. When requested by~~
 20 ~~an appointing authority to provide assistance in providing an~~
 21 ~~interpreter, the division shall supply a list of available~~
 22 ~~interpreters.]~~

23 B. The commission shall establish an interpreter
 24 advisory committee, which shall include representatives from
 25 the New Mexico association of the deaf, the New Mexico

1 registry of interpreters for the deaf and user agencies. The
2 interpreter advisory committee shall assist the commission in
3 conducting the quality assurance evaluation program. When
4 requested by an appointing authority to provide assistance in
5 obtaining an interpreter, the commission shall schedule an
6 available interpreter from the list of qualified interpreters
7 provided by the commission's statewide interpreter referral
8 service.

9 C. An interpreter who has been [~~appointed~~]
10 scheduled shall be reimbursed by the appointing authority at a
11 fixed rate reflecting a current approved fee schedule as
12 established by the [~~division~~] commission, with assistance from
13 the interpreter advisory committee. Nothing in this section
14 shall be construed to prevent any state department, board, in-
15 stitution, commission, agency or licensing authority or any
16 political subdivision of the state from employing an
17 interpreter on a full-time basis or under contract at a
18 mutually agreed upon compensation rate."

19 Section 7. Section 38-9-9 NMSA 1978 (being Laws 1979,
20 Chapter 263, Section 9) is amended to read:

21 "38-9-9. OATH OF INTERPRETER.--Every interpreter
22 [~~appointed~~] scheduled pursuant to the provisions of the Deaf
23 Interpreter Act, before entering upon his duties, shall take
24 an oath that he will make a true interpretation in an
25 understandable manner to the deaf person for whom he is

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1 appointed."

2 Section 8. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 1995.

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