



Senate Fiscal Agency
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House Bill 5029 (Substitute H-2 as reported without amendment)
House Bill 5672 (as reported without amendment)
Sponsor: Representative Dudley Spade
House Committee: Regulatory Reform
Senate Committee: Economic Development and Regulatory Reform

Date Completed: 3-26-10

RATIONALE

Public Acts 23 and 24 of 2007 made various changes to the Deaf Persons' Interpreters Act and codified certification and examination fees at increased levels. Because the 2007 legislation did not designate where fee revenue was to be deposited, any unspent revenue will lapse to the General Fund rather than being retained in a specific fund for the operation of the Division on Deaf and Hard of Hearing within the Commission on Disability Concerns. The Division is responsible for certifying interpreters, supplying lists of qualified interpreters to entities that are required to provide an interpreter, and performing other functions. Some people believe that fee revenue generated under the Act should be deposited into the Division on Deafness Fund and be designated for the Division on Deaf and Hard of Hearing.

CONTENT

House Bills 5029 (H-2) and 5672 would amend the Deaf Persons' Interpreters Act and the Division of Deafness Act, respectively, to require fees for certification as a qualified interpreter to be deposited in the Division on Deafness Fund for costs associated with the Division on Deaf and Hard of Hearing.

The bills are tie-barred.

House Bill 5029 (H-2)

The bill would require that money received under Sections 8c and 8e of the Deaf

Persons' Interpreters Act be deposited into the Division on Deafness Fund established in the Division of Deafness Act, and spent as described in that Act.

Money deposited into the Fund under the bill would have to be spent to cover costs associated with the Division on Deaf and Hard of Hearing.

(Section 8c requires that a State certification be issued to a person who is certified through, and is in good standing with, the National Registry of Interpreters for the Deaf when that person files an application and submits a \$30 application fee.

Under Section 8e, a person who is a qualified interpreter, upon presenting national certification credentials and without examination, must pay a \$30 application fee, which also fulfills the initial certification requirement. The Division must collect a \$30 annual renewal fee for issuing State certification credentials for all qualified interpreters. The Division also must collect a \$125 examination fee from each Michigan resident applying to take an examination for certification and a \$175 examination fee from out-of-State applicants.)

House Bill 5672

The Division of Deafness Act requires the Division to receive and forward to the State Treasurer for deposit in the Division on Deafness Fund all money received under Section 7 of the Act (which authorizes the Division to solicit and accept gifts, grants, or

other aid from any source). Under the bill, the Division also would have to receive and forward to the State Treasurer for deposit in the Fund money received under Sections 8c and 8e of the Deaf Persons' Interpreters Act.

The Division of Deafness Act requires that revenue in the Fund be spent only for the implementation of the Act. Under the bill, revenue in the Fund also would have to be spent to cover costs associated with the Division (as provided in House Bill 5029 (H-2)).

Proposed MCL 393.508f (H.B. 5029)
MCL 408.208 (H.B. 5672)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Fee revenue generated from an occupational certification or licensure requirement generally is designated to support the programs regulating that certification or licensure. Public Acts 23 and 24 of 2007, however, did not specify where fee revenue raised from certification of deaf interpreters should be deposited. Although fees collected currently support the Division on Deaf and Hard of Hearing, if any fee revenue remained at the end of a fiscal year, it would lapse to the General Fund. By requiring fee revenue to be deposited into the Division on Deafness Fund, the bills would ensure that all of the money generated from fees for certification of interpreters for the deaf would be used to support programs in the Division on Deaf and Hard of Hearing.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would require the deposit of deaf interpreters' certification and examination fees into the existing Division on Deafness Fund, thereby allowing unspent revenue to carry forward.

Certification and examination fees paid by interpreters for the deaf or hard of hearing support the Division on Deaf and Hard of Hearing within the Commission on Disability Concerns, paying a portion of the costs of administering the certification program. The

interpreter fees, established by Public Act 23 of 2007, are shown in Table 1 below:

Table 1

Schedule of Interpreter Fees	
Type of Fee	Amount
Application fee	\$30
Examination fee (resident)	\$125
Examination fee (nonresident)	\$175
Renewal fee	\$30

For FY 2008-09, the fees generated approximately \$9,000 in revenue. The line item for the Commission on Disability Concerns includes expenditure authority of \$90,000 in FY 2009-10 for this fee revenue. The current revenue, however, is considerably below the appropriated amount and is insufficient to cover the cost of the interpreters program. Costs in excess of fee revenue are paid from the line item for the Commission on Disability Concerns. In FY 2009-10, the year-to-date appropriation for the Commission is \$1,157,000, including \$392,700 General Fund/General Purpose revenue.

Fiscal Analyst: Elizabeth Pratt
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.