

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2459 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 22, 2023

SUMMARY

- Synopsis:** Requires State government entities provide vital documents and translation services in 15 most common non-English languages.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** All State Executive Branch departments and agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Rates</u>
State Cost -	
(1) Video Remote Interpretation	Rate of \$53,400 per 1,000 hours
(2) Document Translation Services	Rate of \$23,093 per 10,000 Words/ 15 Languages/ Desktop Publishing
(3) Posters, Training, Website Information	Minimal or No Additional Cost

This estimate provides only rates per 1,000 hours of video remote interpretation and 10,000 words of document translation in 15 languages. The actual interpretation hours and translation words that will be needed are unknown.

- The Office of Legislative Services (OLS) determines that this bill will result in annual cost increases for State government entities. The total annual cost of this bill will depend on what interpretation and translation services are already being provided by State government entities and the additional services needed to meet the bill's requirements.
- The OLS notes that interpretation and translation costs can be estimated using a State contractor's quoted prices of \$0.89 per minute for video remote interpretation services, \$0.15 per word for document translation services, and \$39.50 per hour for desktop publishing services for translated documents. This estimate represents a rate for each 1,000 hours of video remote interpretation and for each 10,000 words of document translation in 15 languages.

However, the number of interpretation hours and translation words that will be needed in the 15 most common non-English languages is unknown. Actual costs at these rates will vary by each entity's interpretation hours and translation words undertaken each year.

- The OLS notes that the bill's costs for document translation would be the greatest during the first three years of implementation, within which all State government entities would be required to undertake document translations at a rate of five languages per year, and immediately translate applications, notices of rights, or privacy protections.
- The additional cost of the bill for posters, training, and website information would likely be minimal, or could potentially be implemented with existing resources.

BILL DESCRIPTION

This bill requires all departments and agencies in the Executive Branch of State government, and any commission, board, bureau, division, office, or instrumentality thereof providing direct services to the public, to provide for the translation of vital documents and interpretation services in the 15 most common non-English languages spoken by individuals with limited English proficiency and relevant to the services offered by the State government entity, based on United States Census Bureau American Community Survey data.

The bill requires the document translations to be implemented on a rolling basis, to be completed within one year of the bill's effective date for the five most common languages required by the bill, within two years for the next five most common languages, and within three years for the remaining five most common languages. However, the bill requires applications, notices of rights, or privacy protections to be translated immediately. In addition, if an application or form has not been translated, the State government entity or a contractor would be required to provide oral translation of the application or form and a certification by the limited-English proficient individual indicating that the application or form was translated and completed by an interpreter.

Under the bill, the State government entity is required to make all reasonable efforts to provide language assistance services in person by bilingual personnel. However, the bill allows the State government entity to contract for the provision of translation and interpretation services, and to partner with community-based organizations or other agencies. The bill also allows the entity to use translation software under certain circumstances, and use video remote interpretation and over the phone translation services.

In addition to document translation and oral interpretation services, the bill requires each State government entity to prepare and disseminate informational posters describing the available language access services, provide training for public facing employees, and produce and maintain an informational website. The Secretary of State would oversee all State government entities in their compliance with the provisions of the bill.

The bill requires the appropriation of funds received by the State from the federal government under the American Rescue Plan Act of 2021, to each State government entity to cover implementation costs, and such additional sums from the General Fund as the State Treasurer and the Director of the Division of Budget and Accounting deem necessary.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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The OLS is unable to estimate the costs of the document translation and oral interpretation services each State government entity will utilize. However, the OLS solicited interpretation and translation rates from one provider serving State government entities. That provider charges \$.57 per minute for over the phone interpretation, and \$0.89 per minute (\$1.99 per minute for American Sign Language) for video remote interpretation. That same provider charges \$0.10 per word to translate documents into Spanish, and \$0.15 per word to translate documents into that vendor's 12 most requested languages of Chinese (Mandarin and Cantonese), Arabic, Russian, Farsi, Vietnamese, Swahili, Somali, Korean, French, Portuguese, German, and Italian. A language such as Filipino/Tagalog, Hindi, Gujarati, or Polish, which are among the most commonly spoken in New Jersey, would cost either \$0.16 or \$0.17 per word. Document translations also incur an additional cost of \$39.50 per hour for desktop publishing.

The OLS submitted a sample three-page application to that contractor for a translation quote, and the approximate cost for translating that document was \$115, consisting of \$75 for the translation and \$39.50 for the desktop publishing.

Based on the aforementioned interpretation and translation rates, below is an estimate of interpretation costs per each 1,000 hours or oral interpretation, and an estimate of document translation costs per each 10,000 words multiplied by 15 languages. Actual costs at these rates will vary by each entity's number of interpretation hours and translation words undertaken each year.

Interpretation

- $\$0.57 \times 60 \text{ minutes} = \$34.2 \text{ per hour} \times 1,000 \text{ hours} = \$34,200 \text{ per } 1,000 \text{ if over the phone interpretation hours}$
- $\$0.89 \times 60 \text{ minutes} = \$53.4 \text{ per hour} \times 1,000 \text{ hours} = \$53,400 \text{ per } 1,000 \text{ if video remote interpretation hours}$

Translation

- $\$0.15 \times 10,000 \text{ words} = \$1,500 + \$39.50 \text{ desktop publishing (assumes one hour)} = \$1,539.50$
- $\$1,539.50 \times 15 \text{ languages} = \$23,092.50 \text{ per each } 10,000 \text{ word document}$

The OLS notes that the bill's costs for document translation would be the greatest during the first three years of implementation, within which all State government entities would be required to undertake document translations at a rate of five languages per year, and immediately translate applications, notices of rights, or privacy protections. Assuming applications and other documents

do not drastically change, the initial document translation costs should be significantly reduced or negligible after the third implementation year. The same is the case for the informational posters and the initial training of public facing employees. The development and maintenance of the informational website would also be an ongoing cost. Concerning the immediate and ongoing duty to provide interpretation services, the costs would vary depending on whether internal staff provide interpretation, or whether those services are provided under an agency or Statewide contract.

The OLS notes that the costs of providing the required language translation and interpretation services would vary depending on whether the agency already provides translation and interpretation in multiple languages. For example, at NJHelps.org, the website interface and applications for programs such as the Supplemental Nutrition Assistance Program, Work First New Jersey, which includes Temporary Assistance for Needy Families and General Assistance, and NJ FamilyCare/Medicaid appear to be available in Spanish but not in other non-English languages. In contrast, on the New Jersey Motor Vehicle Commission's website, members of the public can access information such as the New Jersey Driver Manual in Spanish, Tagalog, and Chinese. Other agencies, such as the New Jersey Division of Pensions and Benefits, currently seem to offer forms only in English.

In summary, the key costs components of the bill include, for each State government entity in the 15 most common non-English languages spoken by individuals with limited English proficiency and relevant to the services offered by the State government entity:

- the provision of interpretation services (oral translation);
- the translation of vital documents, such as application forms and instructions (paper translation);
- the preparation and dissemination of informational posters;
- the training of public facing employees; and
- the production and maintenance of an informational website.

The OLS notes that in April 2022 New York State appropriated \$2 million for a substantively similar requirement in the State Operations Appropriations bill, part of its FY 2023 Enacted Budget. The \$2 million is for the establishment of the Office of Language Access, which oversees each agency's provision of language assistance services. That office is responsible for maintaining New York State's contract through which agencies access the vendors that provide translation and interpretation services. According to a press release from the governor of that State, "[t]he new language access law codifies and expands New York's statewide language access policy by requiring all executive State agencies that provide direct services or benefits to provide interpretation services in any language. In addition, applicable agencies must translate vital agency documents into the top 12 most commonly spoken non-English languages based on data published by the Census Bureau."

Section: State Government

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).