Requires State government entities provide vital documents and translation services in 15 most common non-English languages.
AN ACT concerning the requirement for State government entities to provide for the translation of certain documents and services in languages other than English and supplementing chapter 14 of Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, each State government entity in the Executive Branch that provides direct services to the public shall translate vital documents and information, including public documents such as forms and instructions provided to or completed by program beneficiaries or participants, pursuant to the provisions of this act, P.L. , c. (C. ) (pending before the Legislature as this bill). The translations of vital documents and information shall be in the 15 most common non-English languages spoken by individuals with limited-English proficiency in this State, based on United States Census Bureau data, and shall be relevant to services offered by each State government entity. The translations required under this section shall be implemented on a rolling basis and shall be completed no later than 365 days after the effective date of this act for the 10 most common languages, and not later than 730 days after the effective date of this act for the additional 5 most common languages, except that applications, notices of rights, or privacy protections shall be translated immediately. If an application or form has not been translated as required by the provisions of this act, the State government entity or contractor shall 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. The State government entity shall make all reasonable efforts to provide language assistance services in person by bilingual personnel.

As used in this act:
“Cultural competence” means and includes the understanding that different populations and communities are impacted differently by historical bias, racism, and other forms of discrimination and stigmatization. Cultural competence also includes self-awareness of how one’s own needs, values, practices, and verbal and nonverbal communication styles may impact others.
“Interpretation” means the oral translation of information from one language into another.
“Limited English Proficiency” means that a person speaks, reads, writes, or understands the English language less than “very well,” in accordance with Census Bureau data, and as self-reported by that person to the State government entity.
“State government entity” means any State department or agency in the Executive Branch and any commission, board, bureau,
division, office, or instrumentality thereof providing direct services
to the public.

“Translation” means the conversion of written words from one
language to another in a manner that conveys the intent and
essential meaning of the original text and communication.

“Translation” does not mean the use of automatic electronic
translation services.

2. Each State government entity in the Executive Branch shall
provide interpretation services between the entity and an individual
in that person’s primary language with respect to the provision of
services or benefits.

Each State government entity shall prepare an informational
poster for use and display at each service location in an area that is
highly visible to the to the public seeking services or benefits. The
poster shall describe the language interpretation and translation
services available and a person’s right to receive those services
under this act, P.L. , c. (C. ) (pending before the Legislature as
this bill). The poster shall include the same information in, at a
minimum, the 15 most common non-English languages spoken by
individuals with limited-English proficiency in this State.

3. a. Each State government entity in the Executive Branch
shall publish a language access plan that shall reflect how the entity
will comply with the provisions of this act, P.L. , c. (C. )
(pending before the Legislature as this bill), and document all
progress since it last submitted a language access plan. The State
government entity shall issue the language access plan required by
this section within 90 days of the effective date of this act, and shall
update and publish the plan every two years thereafter. The State
government entity shall consult with community or stakeholder
entities representing limited-English proficient populations in
drafting and updating the plan.

b. Each language access plan shall set forth, at a minimum:
   (1) when and by what means the government entity will provide
       or is already providing language assistance services;
   (2) a description of the limited-English proficient population in
each geographic service area of the government entity, the number
of limited-English proficient individuals who speak any language
even if that language is not among the 15 most common non-
English languages, and how the government entity determines the
need for language assistance services for the limited-English
proficient population;
   (3) how the government entity intends to notify the limited-
       English proficient populations of the available language assistance
services;
(4) how the government entity documents the actual provision of language assistance services to individuals with limited-English proficiency;

(5) the number of public contact positions in the government entity, and the qualified bilingual or multi-lingual employees in public contact positions, including the languages they speak;

(6) a training plan for government entity employees who will be involved in the implementation of this act which includes, at minimum, annual training on the language access policies of the government entity, how to provide language assistance services, and follow any applicable State and federal confidentially protocols;

(7) a plan for how the agency will ensure the provision of language assistance services of the highest quality and in a culturally competent manner;

(8) the name and contact information of the language access coordinator at the government entity, who shall be publicly identified;

(9) the titles of all available translated documents and the languages into which they have been translated;

(10) a website and document content describing the translation services, processes, and documents required by this act; and

(11) a plan for annual internal monitoring of the government entity’s compliance with this act.

4. Each State government entity in the Executive Branch shall assign a new or existing employee to serve as a language access coordinator, whose duty shall be to monitor the government entity’s compliance with the provisions of this act, P.L. , c. (C. ) (pending before the Legislature as this bill), by annually collecting data on the provision of language assistance services, the availability of translated materials, whether signage is properly posted, and any other relevant measures deemed necessary for the implementation of the provisions of this act. Each language access coordinator shall compile the findings in an annual report, which shall be available to the public. The annual report shall also include the frequency of requests for language assistance services and how the requests were met, such as through in-person, live translation or via remote or virtual services. The report shall also include whether language assistance services in languages other than the 15 required by the bill were requested. A State government entity may adjust the language access services provided, or expand those services to include additional languages, based upon the demonstrated need for services, regional differences, or the needs of unique populations.

5. The Secretary of State, or the appropriate State agency or agencies, or both, shall oversee, coordinate, and provide guidance to State government entities in their implementation of this act, P.L. , c. (C. ) (pending before the Legislature as this bill), so
that the State meets acceptable standards of translation or interpretation. The Secretary, or the appropriate State agency or agencies, or both, shall advise each State government entity that is not following the guidelines on measures for improvement. The Secretary of State’s or State agency’s activities for implementing the provisions of this section shall include, but may not be limited to:

a. production and distribution of “I Speak” cards available to the public on a designated website in a downloadable and printable format for those who speak limited or no English to obtain the appropriate card for their language and carry it with them to request language services at State government entities;

b. solicitation of feedback and comments from the language access coordinators at each State government entity, the immigrant and refugee communities, and translation and interpretation contractors annually on the effectiveness of this act;

c. development and transmission of an annual report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with recommendations for how each State government entity is performing and implementing the provisions of this act, including a list of agencies that required a corrective plan; and

d. a periodic review of the provisions of this act to develop recommendations for adjustments, as appropriate, based on changing demographics and other factors, which shall be included in the annual report required under subsection c. of this section.

6. A State government entity may partner with community-based organizations or other agencies for the provision of translation services in specific instances. To the extent that these partnerships meet the requirements for accuracy and cultural competency, State government entities shall not be prohibited from entering into partnerships.

7. Nothing in this act, P.L. , c. (pending before the Legislature as this bill), shall be interpreted to remove any requirements by any State government entity to provide for direct in-person translation services to a member of the public, or for the translation of any materials in the Spanish language or any additional languages, as may be required by law. Nothing in this act shall prevent a State government entity from providing interpretation and translation services to any limited-English proficient individuals who speak any language, even if that language is not among the 15 most common non-English languages spoken in this State.

8. A State government entity may require that an applicant for its benefits or services or any person assisting such applicant in
seeking benefits or services provide only the information strictly necessary to determine eligibility for or to administer such benefits or services.

9. There is appropriated from the funds received by the State from the federal government under the “American Rescue Plan Act of 2021,” Pub. L. 117-2, to each State government entity the sums necessary to implement the provisions of this act, and such additional sums from the General Fund as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary.

10. This act shall take effect immediately.

STATEMENT

This bill requires State government entities to provide vital documents and translation services in the 15 most common non-English languages spoken by individuals with limited-English proficiency in this State, based on United States Census Bureau data, and relevant to the services offered by the State government entity.

Under the bill, any State department or agency in the Executive Branch and any commission, board, bureau, division, office, or instrumentality thereof providing direct services to the public would be required to provide these language access services and interpretation services between the State government entity and an individual in that person’s primary language with respect to the provision of services or benefits. Each State government entity would be required to produce an informational poster describing the available interpretation and translation services in multiple languages for display in a visible location.

The bill requires each State government entity to publish a language access plan within 90 days of its effective date, and to update the plan every two years thereafter. At a minimum, each plan would describe (1) when and how the State government entity will provide or is already providing language assistance services; (2) the limited-English proficient population in each geographic service area, including those who speak any language even if that language is not among the 15 most common non-English languages, and how the need for translations is determined; (3) how the entity will notify the eligible population; (4) how the entity documents the actual service provision; (5) the number of public contact positions, qualified bilingual or multi-lingual employees in those positions, and the languages they speak; (6) a training plan for government entity employees who will be involved in the implementation of the bill which includes, at minimum, annual training on the language
access policies of the government entity, how to provide language
assistance services, and follow any applicable State and federal
confidentially protocols; (7) a plan for how the agency will ensure
the provision of language assistance services of the highest quality
and in a culturally competent manner; (8) the name and contact
information of the entity’s language access coordinator; (9) the
titles of all available translated documents and the languages into
which they have been translated; (10) a website and document
content describing the required translation services, processes, and
documents; and (11) a plan for annually monitoring internal
compliance. The bill requires the employment or assignment of a
language access coordinator by each State entity to monitor the
government entity’s compliance and develop annual reports. The
bill directs the Secretary of State, or a State agency, or both to
oversee, coordinate, provide guidance to State government entities
in their implementation.

Various provisions of current law may already require certain
State government entities to provide certain documents and
translation services to the public, most commonly in the Spanish
language. However, under this bill, its provisions would not be
interpreted to remove any requirements by any State entity to
provide for direct in-person translation services to a member of the
public, or for the translation of any materials in the Spanish
language or any additional languages, as may be required by law.
The bill would also not be interpreted to prevent a State government
entity from providing interpretation and translation services to any
limited-English proficient individuals who speak any language,
even if that language is not among the 15 most common non-
English languages. Under the bill, a State government entity may
require that an applicant for its benefits or services or any person
assisting such applicant in seeking benefits or services provide only
the information strictly necessary to determine eligibility for or to
administer such benefits or services.

Under the bill, there is appropriated from the funds received by
the State from the federal government under the “American Rescue
Plan Act of 2021,” Pub. L. 117-2, to each State government entity
the sums necessary to implement its provisions, and such additional
sums from the General Fund as the State Treasurer and the Director
of the Division of Budget and Accounting in the Department of the
Treasury deem necessary.

The bill takes effect immediately, but the required translations
would be implemented on a rolling basis and would be completed
no later than 365 days after its effective date for the 10 most
common languages, and not later than 730 days after its effective
date for the additional 5 most common languages, except that
applications, notices of rights, or privacy protections would be
translated immediately. If an application or form has not been
translated, the State government entity or contractor would 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.