

[Second Reprint]

SENATE, No. 2459

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Co-Sponsored by:

Senators Johnson, Codey, Assemblymen Schaer, Atkins, Assemblywoman Reynolds-Jackson, Assemblyman McKeon, Assemblywomen Jasey, McKnight, Carter, Assemblyman Mukherji, Assemblywoman Swain, Assemblymen Sampson, Guardian, Assemblywoman Haider, Assemblyman Karabinchak, Assemblywomen Pintor Marin and Quijano

SYNOPSIS

Requires State government entities provide vital documents and translation services in at least seven most common non-English languages.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning the requirement for State government entities
2 to provide for the translation of certain documents and services
3 in languages other than English and supplementing chapter 14 of
4 Title 52 of the Revised Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 ²1. The Legislature finds and declares:

10 a. Census figures show that one in four New Jersey households
11 speak a language other than English at home.

12 b. Nearly a third of New Jerseyans age five and older speak a
13 language other than English, according to the 2020 U.S. Census
14 American Community Survey, and of those 2.6 million people, more
15 than 38 percent speak English “less than very well.”

16 c. Hawaii, California, and New York all require state documents to
17 be translated into the states’ 10 most frequently spoken languages.
18 Under federal law, if an individual is seeking services from a
19 government agency or an organization funded by the U.S. government,
20 they must be provided with assistance in their language. While
21 agencies impacted by the federal requirement are not required to
22 submit language access plans, the U.S. Department of Justice strongly
23 suggests doing so.

24 d. The State’s FY 2024 budget includes \$500,000 in language
25 access funding for State agencies to implement this bill.²

26
27 ²[1.] 2. a.² Notwithstanding the provisions of any other law,
28 rule, or regulation to the contrary, each State government entity in
29 the Executive Branch that provides direct services to the public
30 shall translate vital documents and information, including public
31 documents such as forms and instructions provided to or completed
32 by program beneficiaries or participants, pursuant to the provisions
33 of this act, P.L. , c. (C.) (pending before the Legislature as this
34 bill). The translations of vital documents and information shall be
35 in ²at least² the ²[15] seven² most common non-English languages
36 spoken by individuals with limited-English proficiency in this State,
37 based on United States Census Bureau ¹American Community
38 Survey¹ data, and shall be relevant to services offered by each State
39 government entity. ²[¹The Department of State shall update the list
40 of 15 languages every year or every five years, upon the release of
41 the American Community Survey data.¹]² The translations required
42 under this section shall be implemented on a rolling basis and shall
43 be completed no later than ¹[365 days] ²[one year¹] 12 months²

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted March 6, 2023.

²Assembly ASL committee amendments adopted January 4, 2024.

1 after the effective date of this act for the ¹~~10~~ five¹ most common
2 languages, ¹~~and~~¹ ²and² not later than ¹~~730 days~~ ²two years¹
3 23 months² after the effective date of this act for the ¹~~additional 5~~
4 ²next five¹ ¹~~additional two~~² most common languages ²~~1~~, and not
5 later than three years after the effective date of this act for the
6 remaining five most common languages¹, except that applications,
7 notices of rights, or privacy protections shall be translated
8 immediately. If an application or form has not been translated as
9 required by the provisions of this act, the State government entity or
10 contractor shall provide oral translation of the application or form
11 and a certification by the limited-English proficient individual
12 indicating that the application or form was translated and completed
13 by an interpreter. The State government entity shall make all
14 reasonable efforts to provide language assistance services in person
15 by bilingual personnel] and any other languages deemed necessary
16 by the State government entity based on the populations served by the
17 entity, except that any documents related to a public health emergency
18 or state of emergency declared by the Governor after the effective date
19 of this act shall be translated immediately².

20 ²b.² As used in this act:

21 “Cultural competence” means and includes the understanding
22 that different populations and communities are impacted differently
23 by historical bias, racism, and other forms of discrimination and
24 stigmatization. Cultural competence also includes self-awareness
25 of how one’s own needs, values, practices, and verbal and
26 nonverbal communication styles may impact others.

27 “Interpretation” means the oral translation of information from
28 one language into another.

29 “Limited English Proficiency” means that a person speaks, reads,
30 writes, or understands the English language less than “very well,” in
31 accordance with Census Bureau data, and as self-reported by that
32 person to the State government entity.

33 “State government entity” means any State department or agency
34 in the Executive Branch and any commission, board, bureau,
35 division, office, or instrumentality thereof providing direct services
36 to the public.

37 “Translation” means the conversion of written words from one
38 language to another in a manner that conveys the intent and
39 essential meaning of the original text and communication.
40 “Translation” does not mean the use of automatic electronic
41 translation services. ¹“Translation” may include professional
42 translation software, provided the State government entity conducts
43 a quality control to ensure that the software has correctly translated
44 the documents.

45 “Vital documents” means documents that affect ²or provide
46 legal information about² access to, retention of, termination of, or
47 exclusion from program services or benefits; which are required by

1 law; or which explain legal rights. “Vital documents” include, but
 2 are not limited to: applications; consent forms; complaint forms;
 3 intake forms; letters or notices pertaining to eligibility for services
 4 or benefits; and letters or notices pertaining to rights or to the
 5 reduction, denial, or termination of services or benefits or that
 6 require a response from the person who has limited English
 7 proficiency.¹ ²“Vital documents” shall not include vital records or
 8 certified copies thereof, such as birth certificates, death certificates,
 9 or marriage licenses, or government-issued forms of identification,
 10 such as driver’s licenses or non-driver identification cards; or
 11 newsletters, data reports, and releases when such newsletters, data
 12 reports, and releases are unrelated to program services or benefits.²

13
 14 ²**[2.] 3.**² Each State government entity in the Executive Branch
 15 ²that provides direct services to the public² shall ²within 12 months
 16 of the effective date of P.L. , c. (C.) (pending before the
 17 Legislature as this bill),² provide interpretation services between the
 18 entity and an individual in that person’s primary language with
 19 respect to the provision of services or benefits ²as provided in its
 20 language access plan adopted pursuant to section 4 of P.L. , c. (C.)
 21 (pending before the Legislature as this bill)² . ¹Each State
 22 government entity shall have the option to provide interpretation
 23 services in the manner specified in the entity’s language access
 24 plan, which may include in person by a qualified interpreter,
 25 interpretation by phone, or video interpretation services.¹

26 Each State government entity shall prepare an informational
 27 poster for use and display at each service location in an area that is
 28 highly visible ¹**[to the]**¹ to the public seeking services or benefits.
 29 The poster shall describe the language interpretation and translation
 30 services available and a person’s right to receive those services
 31 under this act, P.L. , c. (C.) (pending before the Legislature as
 32 this bill). The poster shall include the same information in, at a
 33 minimum, the ²**[15] seven**² most common non-English languages
 34 spoken by individuals with limited-English proficiency in this State.
 35

36 ²**[3.] 4.**² a. Each State government entity in the Executive
 37 Branch ²that provides direct services to the public, in consultation
 38 with the Department of Human Services, Department of Law and
 39 Public Safety, and Office of Information Technology,² shall ²develop
 40 and² publish a language access plan that shall reflect how the entity
 41 will comply with the provisions of this act, P.L. , c. (C.)
 42 (pending before the Legislature as this bill), and document all
 43 progress since it last submitted a language access plan. The State
 44 government entity shall issue the language access plan required by
 45 this section within ¹**[90]** ²**[180]**¹ days] one year² of the effective
 46 date of this act, and shall update and publish the plan every ²**[two]**

1 three² years thereafter. ¹The State government entity shall also post
2 the language access plan on the entity's website.¹ The State
3 government entity shall consult with community or stakeholder
4 entities representing limited-English proficient populations in
5 drafting and updating the plan.

6 b. Each language access plan shall set forth, at a minimum:

7 (1) when and by what means the government entity will provide
8 or is already providing language assistance services;

9 (2) ¹[a description of the limited-English proficient population
10 in each geographic service area of the government entity, the
11 number of limited-English proficient individuals who speak any
12 language even if that language is not among the 15 most common
13 non-English languages] how the government entity intends to keep
14 track of the limited-English proficient population requesting
15 interpretation and translation services¹, and how the government
16 entity determines the need for language assistance services for the
17 limited-English proficient population;

18 (3) ¹a report on the frequency of requests for language
19 assistance services, how the requests were met, whether language
20 assistance services were requested in languages other than the
21 required ²[15] seven² , and¹ how the government entity intends to
22 notify the limited-English proficient populations of the available
23 language assistance services;

24 (4) how the government entity documents the actual provision
25 of language assistance services to individuals with limited-English
26 proficiency;

27 (5) ¹[the number of public contact positions in the government
28 entity, and the qualified bilingual or multi-lingual employees in
29 public contact positions, including the languages they speak;

30 (6)¹ a training plan for government entity employees who will
31 be involved in the implementation of this act which includes, at
32 minimum, annual training on the language access policies of the
33 government entity, how to provide language assistance services, and
34 follow any applicable State and federal confidentially protocols;

35 ¹[(7)] (6)¹ a plan for how the agency will ensure the provision
36 of language assistance services of the highest quality and in a
37 culturally competent manner;

38 ¹[(8)] (7)¹ ²[the name and contact information of]² ¹[the
39 language access coordinator] ²[an employee¹ at the government
40 entity, who shall be publicly identified ¹as the point of contact¹] the
41 manner and means by which the public may contact the entity's
42 language access coordinator regarding language access issues²;

43 ¹[(9)] (8)¹ the titles of all available translated documents and the
44 languages into which they have been translated;

1 ¹[(10)] (9)¹ a website and document content describing the
2 translation services, processes, and documents required by this act;
3 and

4 ¹[(11)] (10)¹ a plan for annual internal monitoring of the
5 government entity's compliance with this act.

6 ¹c. ²As part of the development of the initial language access
7 plan required by this section, each State government entity shall
8 assess the interpretation needs of members of the public with
9 limited English proficiency that the entity serves, estimate the cost
10 associated with providing interpretation services to those
11 individuals, and incorporate the provision of interpretation services
12 into the entity's language access plan.

13 d.² Notwithstanding any provision of this section to the
14 contrary, if a State government entity already has a language access
15 plan on the effective date of this act, the State government entity
16 may continue to use that language access plan and may adjust that
17 plan in accordance with the provisions of this section. A State
18 government entity shall be permitted to retain any additional
19 languages already included in an existing language access plan.¹

20 ²e. Each State government entity that provides direct services to
21 the public shall designate a senior-level employee to serve as a
22 language access coordinator to oversee the development and
23 implementation of the entity's language access plan and compliance
24 with the provisions of this act.²

25

26 ¹[4. Each State government entity in the Executive Branch shall
27 assign a new or existing employee to serve as a language access
28 coordinator, whose duty shall be to monitor the government entity's
29 compliance with the provisions of this act, P.L. , c. (C.)
30 (pending before the Legislature as this bill), by annually collecting
31 data on the provision of language assistance services, the
32 availability of translated materials, whether signage is properly
33 posted, and any other relevant measures deemed necessary for the
34 implementation of the provisions of this act. Each language access
35 coordinator shall compile the findings in an annual report, which
36 shall be available to the public. The annual report shall also include
37 the frequency of requests for language assistance services and how
38 the requests were met, such as through in-person, live translation or
39 via remote or virtual services. The report shall also include whether
40 language assistance services in languages other than the 15 required
41 by the bill were requested. A State government entity may adjust
42 the language access services provided, or expand those services to
43 include additional languages, based upon the demonstrated need for
44 services, regional differences, or the needs of unique populations.]¹

45

46 ¹[5.] ²[4.¹ The Secretary of State]² ¹[, or the appropriate State
47 agency or agencies, or both,]¹ ²[shall oversee, coordinate, and] 5.

1 The Commissioner of Human Services, Attorney General, and Chief
 2 Technology Officer shall² provide guidance to ²the heads of² State
 3 government entities² and their respective language access
 4 coordinators² in their implementation of this act, P.L. , c. (C.)
 5 (pending before the Legislature as this bill) ²], so that the State
 6 meets acceptable standards of translation or interpretation. The
 7 Secretary]² ¹], or the appropriate State agency or agencies, or
 8 both,]² ¹[of State¹ shall advise each State government entity that is
 9 not following the guidelines on measures for improvement. The
 10 Secretary of State's]² ¹[or State agency's]¹ ²[activities] . The
 11 guidelines² for implementing the provisions of this section shall
 12 include, but may not be limited to:

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

18 b. solicitation of feedback and comments from ¹[the language
 19 access coordinators at]¹ each State government entity, the
 20 immigrant and refugee communities, and translation and
 21 interpretation contractors annually on the effectiveness of this act;

22 c. development and transmission of an annual report to the
 23 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
 24 c.164 (C.52:14-19.1), with recommendations for how each State
 25 government entity is performing and implementing the provisions
 26 of this act, including a list of agencies that required a corrective
 27 plan ², with the first report to be issued on January 10, 2026²; ¹[and]¹

28 d. a periodic review of the provisions of this act to develop
 29 recommendations for adjustments, as appropriate, based on
 30 changing demographics and other factors, which shall be included
 31 in the annual report required under subsection c. of this section ¹;

32 e. development of ²[a]² language access plan² [template]
 33 written guidance² based on the provisions of this act, for distribution
 34 to all State government entities for their use in developing,
 35 implementing, and reporting on their language access plans, and
 36 ensuring that each State government entity submits a language
 37 access plan when due that contains the required content; and

38 f. development of the list of ²[15]² seven² languages that all State
 39 government entities shall use in their implementation of this act,
 40 which shall be based on American Community Survey data¹ ²and
 41 updated every year or every five years upon the release of that data².

42
 43 ¹[6.]² ¹[5.1]² 6. a.² A State government entity may partner with
 44 community-based organizations or other agencies for the provision
 45 of translation ²and interpretation² services in specific instances. To
 46 the extent that these partnerships meet the requirements for

1 accuracy and cultural competency, State government entities shall
2 not be prohibited from entering into partnerships.

3 ²b. Nothing in this act, P.L. , c. (C.) (pending before the
4 Legislature as this bill), shall be interpreted to prohibit a State
5 government entity in the Executive Branch that provides direct
6 services to the public from utilizing an existing or future contract to
7 effectuate the provisions of this act.²

8
9 ¹[7.] ²[6.1] 7.² Nothing in this act, P.L. , c. (C.) (pending
10 before the Legislature as this bill), shall be interpreted to remove any
11 requirements by any State government entity to provide for direct in-
12 person translation services to a member of the public, or for the
13 translation of any materials in the Spanish language or any additional
14 languages, as may be required by law. Nothing in this act shall
15 prevent a State government entity from providing interpretation and
16 translation services to any limited-English proficient individuals who
17 speak any language, even if that language is not among the ²[15]
18 seven² most common non-English languages spoken in this State.
19 ²Failure to comply with this act shall not give rise to a right of action
20 against a State government entity, but nothing in this act shall be
21 interpreted to impair or affect any right under the New Jersey Law
22 Against Discrimination, P.L.1945, c.169 (C.10:5-1 et seq.), or any
23 other obligation of a State government entity in the Executive Branch
24 under State or federal law.²

25
26 ¹[8.] ²[7.1] 8.² A State government entity may require that an
27 applicant for its benefits or services or any person assisting such
28 applicant in seeking benefits or services provide only the
29 information strictly necessary to determine eligibility for or to
30 administer such benefits or services. ²Nothing in this act, P.L. , c.
31 (C.) (pending before the Legislature as this bill), shall require
32 that a State government entity accept responses to an application,
33 form, or other document submitted to that entity in a language other
34 than English unless otherwise required by law.²

35
36 ²[9.] 8.¹ There is appropriated from the funds received by the
37 State from the federal government under the “American Rescue
38 Plan Act of 2021,” Pub. L. 117-2, to each State government entity
39 the sums necessary to implement the provisions of this act, and such
40 additional sums from the General Fund as the State Treasurer and
41 the Director of the Division of Budget and Accounting in the
42 Department of the Treasury deem necessary. ²]²

43
44 ¹[10.] 9.¹ This act shall take effect immediately.