

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3837

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Assembly Appropriations Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 3837.

This bill requires State government entities in the Executive Branch that provide direct services to the public to translate vital documents and information, including public documents such as forms and instructions provided to or completed by program beneficiaries or participants, in at least the seven most common non-English languages spoken by individuals with limited-English proficiency in this State, based on United States Census Bureau American Community Survey data, and relevant to services offered by each 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 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 as provided in the entity's language access plan. 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, in consultation with the Department of Human Services, Department of Law and Public Safety, and Office of Information Technology, to develop and publish a language access plan that must reflect how the entity will comply with the requirements of the bill, and document all progress since it last submitted a language access plan. The State government entity would issue the language access plan within one year of the bill's effective date, and update and publish the plan every three years thereafter. The State government entity must also post the language access plan on the entity's website. The State government entity would consult with community or stakeholder entities representing limited-English proficient populations in drafting and updating the plan.

Each language access plan would set forth, at a minimum: (1) when and by what means the government entity will provide or is already providing language assistance services; (2) how the government entity intends to keep track of the limited-English

proficient population requesting interpretation and translation services, and how the government entity determines the need for language assistance services for the limited-English proficient population; (3) a report on the frequency of requests for language assistance services, how the requests were met, whether language assistance services were requested in languages other than the required seven, and 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) 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; (6) a plan for how the agency will ensure the provision of language assistance services of the highest quality and in a culturally competent manner; (7) the manner and means by which the public may contact the entity's language access coordinator regarding language access issues; (8) the titles of all available translated documents and the languages into which they have been translated; (9) a website and document content describing the translation services, processes, and documents required by the bill; and (10) a plan for annual internal monitoring of the government entity's compliance with the bill.

Under the bill, if a State government entity already has a language access plan, the State government entity may continue to use that language access plan and may adjust that plan in accordance with the bill. A State government entity would be permitted to retain any additional languages already included in an existing language access plan. The bill also requires each State government entity that provides direct services to the public to designate a senior-level employee to serve as a language access coordinator to oversee the development and implementation of the entity's language access plan and compliance with the provisions of the bill.

The bill directs the Commissioner of Human Services, Attorney General, and Chief Technology Officer to provide guidance to the heads of State government entities and their respective language access coordinators in their implementation of the bill. The guidelines would include, but may not be limited to, production and distribution of "I Speak" cards; solicitation of feedback from various communities and stakeholders; development and transmission of an annual report, the first of which would be issued on January 10, 2026; a periodic review of the requirements of the bill; development of language access plan written guidance; and development of the list of seven languages that all State government entities must use in their implementation, which would be based on American Community Survey data and updated every year or every five years upon the release of that data.

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 seven most common non-English languages covered by the bill. Under the bill, failure to comply with its provisions would not give rise to a right of action against a State government entity, but nothing in the bill would be interpreted to impair or affect any right under the New Jersey Law Against Discrimination, P.L.1945, c.169 (C.10:5-1 et seq.), or any other obligation of a State government entity in the Executive Branch under State or federal law.

The bill takes effect immediately, but the required translations would be implemented on a rolling basis and would be completed no later than 12 months after the effective date of the bill for the five most common languages, and not later than 23 months after the effective date of the bill for the additional two most common languages and any other languages deemed necessary by the State government entity based on the populations served by the entity, except that any documents related to a public health emergency or state of emergency declared by the Governor after the effective date of the bill would be translated immediately.

As reported by the committee, Assembly Committee Substitute for Assembly Bill No. 3837 is identical to Senate Bill No. 2459 (2R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would result in a State cost increase of at least \$64,177 per 1,000 hours of video remote interpretation and per 10,000 words of document translation services in the first two years of the bill's implementation and at least \$53,400 per 1,000 hours of video remote interpretation in subsequent years. The additional annual cost of this bill is indeterminate and will depend on what interpretation and translation services are already being provided by State government entities.

The OLS estimate uses a State contractor's quoted price 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. The additional cost of the bill for posters, training, and website information would likely be minimal, or could potentially be implemented with existing resources.