

5333

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 13, 2009

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Introduced by M. of A. ESPAILLAT -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the  
"access to public services for non-English speakers act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known as the "Access to  
2     Public Services for Non-English Speakers Act".

3     S 2. Legislative findings and purpose. The legislature hereby finds  
4     and declares that:

5     1. thousands of residents cannot access the public services provided  
6     by state departments, agencies and programs because of their inability  
7     or limited ability to speak, understand or read the English language;  
8     and

9     2. non-English speakers must have access to these important state  
10    programs.

11    The purpose of this act is to provide individuals with limited English  
12    proficiency equal access to state departments, agencies and programs.

13    S 3. The executive law is amended by adding a new article 14-A to read  
14    as follows:

15                                    ARTICLE 14-A

16                    ACCESS TO PUBLIC SERVICES FOR NON-ENGLISH SPEAKERS ACT

17    SECTION 280. DEFINITIONS.

18                    281. LANGUAGE ACCESS REQUIRED.

19                    282. SCHEDULE IMPLEMENTATION.

20    S 280. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS  
21    SHALL MEAN THE FOLLOWING:

22    1. "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND BENEFIT  
23    FROM PUBLIC SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR PROGRAM,  
24    AT A LEVEL EQUAL TO ENGLISH PROFICIENT INDIVIDUALS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 2. "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO ADEQUATELY  
2 UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN ENGLISH LANGUAGE.

3 3. "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE VERBAL  
4 INFORMATION AND INTERPRETATIONS SUCH AS STAFF INTERPRETERS, BILINGUAL  
5 STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE INTERPRETER PROGRAMS.

6 4. "VITAL DOCUMENTS" MEANS APPLICATIONS OR INFORMATIONAL MATERIALS,  
7 NOTICES AND COMPLAINT FORMS OFFERED BY STATE DEPARTMENTS, AGENCIES AND  
8 PROGRAMS. "VITAL DOCUMENTS" DOES NOT INCLUDE APPLICATIONS AND EXAMINA-  
9 TIONS RELATED TO THE LICENSURE, CERTIFICATION OR REGISTRATION OF BUSI-  
10 NESSES AND PROFESSIONALS.

11 S 281. LANGUAGE ACCESS REQUIRED. 1. EACH STATE DEPARTMENT SHALL TAKE  
12 REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES FOR INDIVID-  
13 UALS WITH LIMITED ENGLISH PROFICIENCY.

14 2. REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES  
15 INCLUDE:

16 (A) IN-HOUSE ORAL LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED  
17 ENGLISH PROFICIENCY, IF CONTACT BETWEEN ANY AGENCY AND INDIVIDUALS WITH  
18 LIMITED ENGLISH PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS.

19 (B) THE TRANSLATION OF VITAL DOCUMENTS ORDINARILY PROVIDED TO THE  
20 PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPU-  
21 LATION THAT CONSTITUTES AT LEAST THREE PERCENT OF THE OVERALL POPULATION  
22 WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE OF A STATE AGENCY,  
23 AS MEASURED BY THE U.S. CENSUS.

24 (C) ANY ADDITIONAL METHODS OR MEANS NECESSARY TO ACHIEVE EQUAL ACCESS  
25 TO PUBLIC SERVICES.

26 3. EACH STATE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE  
27 REQUIREMENTS OF THIS ARTICLE AT LEAST SIX MONTHS PRIOR TO THE DATE OF  
28 FULL IMPLEMENTATION FOR THAT DEPARTMENT.

29 4. THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY  
30 GENERAL, SHALL PROVIDE CENTRAL COORDINATION AND TECHNICAL ASSISTANCE TO  
31 DEPARTMENTS AND AGENCIES TO HELP THEM COMPLY WITH THIS ARTICLE.

32 S 282. SCHEDULE IMPLEMENTATION. THE PROVISIONS OF THIS ARTICLE SHALL  
33 BE FULLY IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

34 1. THE DEPARTMENT OF LABOR, THE DEPARTMENT OF HEALTH AND THE OFFICE OF  
35 CHILDREN AND FAMILY SERVICES ON OR BEFORE JANUARY FIRST, TWO THOUSAND  
36 TEN.

37 2. THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DEPARTMENT OF  
38 TRANSPORTATION AND THE OFFICE FOR THE AGING ON OR BEFORE JANUARY FIRST,  
39 TWO THOUSAND ELEVEN.

40 3. ALL OTHER DEPARTMENTS OR AGENCIES ON OR BEFORE JANUARY FIRST, TWO  
41 THOUSAND TWELVE.

42 S 4. This act shall take effect immediately.