S T A T E O F N E W Y O R K

5333--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ESPAILLAT -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

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

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

ARTICLE 14-A

ACCESS TO PUBLIC SERVICES FOR NON-ENGLISH SPEAKERS ACT

SECTION 280. DEFINITIONS.
281. LANGUAGE ACCESS REQUIRED.
282. SCHEDULE IMPLEMENTATION.

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

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

LBD02321-05-0

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

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

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

4. "VITAL DOCUMENTS" MEANS APPLICATIONS OR INFORMATIONAL MATERIALS, NOTICES AND COMPLAINT FORMS OFFERED BY STATE DEPARTMENTS, AGENCIES AND PROGRAMS. "VITAL DOCUMENTS" DOES NOT INCLUDE APPLICATIONS AND EXAMINATIONS RELATED TO THE LICENSURE, CERTIFICATION OR REGISTRATION OF BUSINESSES AND PROFESSIONALS.

S 281. LANGUAGE ACCESS REQUIRED. 1. EACH STATE DEPARTMENT SHALL TAKE REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

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

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

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

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

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

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

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

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

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

3. ALL OTHER DEPARTMENTS OR AGENCIES ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN.

S 4. This act shall take effect immediately.