

ASSEMBLY, No. 1733

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires public bodies upon request to provide American Sign Language interpreter at public meetings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring public bodies upon request to provide an
2 American Sign Language interpreter at public meetings and
3 amending and supplementing P.L.1975, c.231 (C.10:4-6 et seq.).
4

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

8 1. (New section) A public body, at the request of any deaf
9 person or hearing impaired person, or of any other person acting on
10 behalf thereof, that is made to the clerk or chief administrative
11 officer of that public body at least 24 hours prior to a public
12 meeting of the public body, shall make available at that meeting the
13 services of an American Sign Language interpreter who shall
14 translate the words spoken at the meeting into American Sign
15 Language for the benefit of the requestor and any other deaf person
16 or hearing-impaired person present at the meeting. The interpreter
17 shall also translate into spoken words for the members of the public
18 body and members of the public present at the meeting any
19 questions or comments of any deaf person or hearing-impaired
20 person present at the public meeting during any part of the public
21 meeting that is open for questions or comments by members of the
22 public.

23 Every public body in this State shall include as part of adequate
24 notice, as defined in section 3 of P.L.1975, c.231 (C.10:4-8), for
25 any public meeting of that public body, as well as on the schedule
26 of regular meetings of the public body during the succeeding year
27 required to be posted pursuant to section 13 of P.L.1975, c.231
28 (C.10:4-18), written notice that translation services for deaf persons
29 or hearing impaired persons shall be made available at a public
30 meeting upon the request of such a person, or by any other person
31 acting on behalf thereof, that is made to the clerk or chief
32 administrative officer of such public body at least 24 hours prior to
33 the public meeting.

34 As used in this section:

35 "deaf person" means any person whose hearing is so severely
36 impaired that the person is unable to hear and understand normal
37 conversational speech through the unaided ear alone, and who must
38 depend primarily on a supportive device or visual communication
39 such as writing, lip reading, sign language, and gestures; and

40 "hearing impaired person" means a person whose hearing is
41 impaired so as to prohibit the person from understanding oral
42 communication and includes a person who, because of loss of
43 hearing, cannot communicate in spoken language.

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.

1 2. Section 3 of P.L.1975, c.231 (C.10:4-8) s amended to read as
2 follows:

3 3. As used in this act:

4 a. "Public body" means a commission, authority, board,
5 council, committee or any other group of two or more persons
6 organized under the laws of this State, and collectively empowered
7 as a voting body to perform a public governmental function
8 affecting the rights, duties, obligations, privileges, benefits, or other
9 legal relations of any person, or collectively authorized to spend
10 public funds including the Legislature, but does not mean or include
11 the judicial branch of the government, any grand or petit jury, any
12 parole board or any agency or body acting in a parole capacity, the
13 State Commission of Investigation, the Apportionment Commission
14 established under Article IV, Section III, of the Constitution, or any
15 political party committee organized under Title 19 of the Revised
16 Statutes.

17 b. "Meeting" means and includes any gathering whether
18 corporeal or by means of communication equipment, which is
19 attended by, or open to, all of the members of a public body, held
20 with the intent, on the part of the members of the body present, to
21 discuss or act as a unit upon the specific public business of that
22 body. Meeting does not mean or include any such gathering (1)
23 attended by less than an effective majority of the members of a
24 public body, or (2) attended by or open to all the members of three
25 or more similar public bodies at a convention or similar gathering.

26 c. "Public business" means and includes all matters which
27 relate in any way, directly or indirectly, to the performance of the
28 public body's functions or the conduct of its business.

29 d. "Adequate notice" means written advance notice of at least
30 48 hours, giving the time, date, location and, to the extent known,
31 the agenda of any regular, special or rescheduled meeting, which
32 notice shall accurately state whether formal action may or may not
33 be taken and which shall be (1) prominently posted in at least one
34 public place reserved for such or similar announcements, (2)
35 mailed, telephoned, telegraphed, or hand delivered to at least two
36 newspapers which newspapers shall be designated by the public
37 body to receive such notices because they have the greatest
38 likelihood of informing the public within the area of jurisdiction of
39 the public body of such meetings, one of which shall be the official
40 newspaper, where any such has been designated by the public body
41 or if the public body has failed to so designate, where any has been
42 designated by the governing body of the political subdivision whose
43 geographic boundaries are coextensive with that of the public body
44 and (3) filed with the clerk of the municipality when the public
45 body's geographic boundaries are coextensive with that of a single
46 municipality, with the clerk of the county when the public body's
47 geographic boundaries are coextensive with that of a single county,
48 and with the Secretary of State if the public body has Statewide

1 jurisdiction. For any other public body the filing shall be with the
2 clerk or chief administrative officer of such other public body and
3 each municipal or county clerk of each municipality or county
4 encompassed within the jurisdiction of such public body. Where
5 annual notice or revisions thereof in compliance with section 13 of
6 this act set forth the location of any meeting, no further notice shall
7 be required for such meeting.

8 The written advance notice provided for by this subsection shall
9 include a statement that the public body shall make available at that
10 public meeting the services of an American Sign Language
11 interpreter, as provided by section 1 of P.L. _____, c. _____ (C. _____)
12 (pending before the Legislature as this bill), upon the request of a
13 deaf or hearing impaired person, or of any other person acting on
14 behalf thereof, that is made to the clerk or chief administrative
15 officer of that public body at least 24 hours prior to a public
16 meeting of that public body.

17 (cf: P.L.1981, c.176, s.2)

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19 3. Section 13 of P.L.1975, c.231 (10:4-18) is amended to read
20 as follows:

21 13. At least once each year, within 7 days following the annual
22 organization or reorganization meeting of a public body, or if there
23 be no such organization or reorganization meeting in the year, then
24 by not later than January 10 of such year, every public body shall
25 post and maintain posted throughout the year in the place described
26 in subsection 3. d. (1), mail to the newspapers described in
27 subsection 3. d. (2), submit to the persons described in subsection
28 3. d. (3), for the purpose of public inspection a schedule of the
29 regular meetings of the public body to be held during the
30 succeeding year. Such schedule shall contain the location of each
31 meeting to the extent it is known, and the time and date of each
32 meeting. In the event that such schedule is thereafter revised, the
33 public body, within 7 days following such revision, shall post, mail
34 and submit such revision in the manner described above.

35 The schedule of regular meetings of a public body provided for
36 by this section shall include a statement that the public body shall
37 make available at its public meetings the services of an American
38 Sign Language interpreter, as provided by section 1 of P.L. _____,
39 c. _____ (C. _____) (pending before the Legislature as this bill), upon
40 the request of a deaf or hearing impaired person, or of any other
41 person acting on behalf thereof, that is made to the clerk or chief
42 administrative officer of that public body at least 24 hours prior to a
43 public meeting of that public body.

44 (cf: P.L.1975, c.231, s.13)

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46 4. This act shall take effect immediately.

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This bill would require a public body to make available at any public meeting of that public body the services of an American Sign Language interpreter upon the request of a deaf or hearing-impaired person that is made at least 24 hours prior to the meeting. It would also require public bodies to post notice of the availability of this service on written advance notice of meetings and on the annual notice of regularly scheduled meetings that under existing law public bodies are required to post.