

Amendment No. 475

Senate Amendment to Senate Bill No. 373	(BDR 18-1034)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





SENATE BILL NO. 373—SENATORS FLORES, DONATE,  
NGUYEN AND NEAL

MARCH 23, 2023

JOINT SPONSORS: ASSEMBLYMEN GONZÁLEZ,  
D’SILVA AND TORRES

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to language access. (BDR 18-1034)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; requiring the head of each agency of the Executive Department of the State Government to designate certain information and documents as vital information and documents; requiring the head of each such agency to ensure that such vital information and documents are translated and made available in certain languages; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the head of each agency of the Executive Department of the State  
2 Government to designate one or more employees to develop and biennially revise a language  
3 access plan. The language access plan must include, without limitation, procedures for  
4 designating certain information and documents as vital and providing such information and  
5 documents to persons served by the agency in the preferred language of such persons. (NRS  
6 232.0081) **Section 1** of this bill requires the head of each such agency to: (1) using such  
7 procedures, designate the information and documents related to the services of the agency that  
8 are vital information and documents; and (2) ensure that all vital information and documents  
9 are translated and made available in the 12 most common languages that are ~~spoken~~ **used** by  
10 persons with limited English proficiency in this State ~~and~~ **, including, without limitation,**  
11 **auditory, visual, manual or spoken languages.** **Section 1** further requires, on or before  
12 February 1 of each year, the head of each such agency to submit a report to the Governor and  
13 the Director of the Legislative Counsel Bureau that includes, without limitation: (1) a list of  
14 the vital information and documents that were available during the immediately preceding  
15 calendar year in the 12 most common languages that are ~~spoken~~ **used** by persons with  
16 limited English proficiency in this State ~~and~~ **, including, without limitation, auditory, visual,**  
17 **manual or spoken languages;** and (2) an explanation of how the agency has made vital  
18 information and documents available to persons with limited English proficiency who are  
19 served by the agency. **Section 2** of this bill defines “vital information and documents” to mean  
20 the information and documents that are necessary for a person to understand in order for the  
21 person to access the services provided by the agency.

22           **Section 2** also makes a conforming change to clarify that the procedures for designating  
23 information and documents as vital apply to **section 1**.

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

1           **Section 1.** Chapter 232 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3           **1. The head of each agency of the Executive Department shall:**

4           **(a) Using the procedures included in the language access plan pursuant to**  
5 **paragraph (c) of subsection 2 of NRS 232.0081, designate the information and**  
6 **documents related to the services of the agency that are vital information and**  
7 **documents.**

8           **(b) Ensure that all vital information and documents are translated and made**  
9 **available in the 12 most common languages that are ~~[spoken]~~ used by persons**  
10 **with limited English proficiency in this State, including, without limitation,**  
11 **auditory languages, visual languages, manual languages and spoken languages,**  
12 **as determined by the last preceding national decennial census conducted by the**  
13 **Bureau of the Census of the United States Department of Commerce.**

14           **2. On or before February 1 of each year, the head of each agency shall**  
15 **submit a report to the Governor and the Director of the Legislative Counsel**  
16 **Bureau for transmittal to the Legislature or, if the Legislature is not in session, to**  
17 **the Legislative Commission, that includes, without limitation:**

18           **(a) A list of the vital information and documents that were available during**  
19 **the immediately preceding calendar year in the 12 most common languages that**  
20 **are ~~[spoken]~~ used by persons with limited English proficiency in this State ~~++~~,**  
21 **including, without limitation, auditory languages, visual languages, manual**  
22 **languages and spoken languages; and**

23           **(b) An explanation of how the agency has made vital information and**  
24 **documents accessible to persons with limited English proficiency served by the**  
25 **agency, including, without limitation, whether the vital information and**  
26 **documents are available in the 12 most common languages that are ~~[spoken]~~**  
27 **used by persons with limited English proficiency in this State ~~++~~, including,**  
28 **without limitation, auditory languages, visual languages, manual languages and**  
29 **spoken languages;**

30           **(1) At each location of the agency in this State; and**

31           **(2) On the Internet website of the agency.**

32           **3. As used in this section:**

33           **(a) “Agency of the Executive Department” has the meaning ascribed to it in**  
34 **NRS 232.0081.**

35           **(b) “Auditory language” means a language used by persons with a speech**  
36 **impairment, auditory processing disorder or any other ongoing language**  
37 **deficiency.**

38           **(c) “Manual language” means Braille or other tactile communication used**  
39 **by a person who is blind, visually impaired or deaf.**

40           **(d) “Person with limited English proficiency” has the meaning ascribed to it**  
41 **in NRS 232.0081.**

42           **(e) “Spoken language” means a language used by a person without a**  
43 **disability or auditory impairment.**

44           **(f) “Visual language” means a language used by a person that is deaf or**  
45 **hard of hearing, such as American Sign Language or any other signed language.**

1 ~~(e)~~ (g) *“Vital information and documents” has the meaning ascribed to it*  
2 *in NRS 232.0081.*

3 **Sec. 2.** NRS 232.0081 is hereby amended to read as follows:

4 232.0081 1. The head of each agency of the Executive Department shall  
5 designate one or more employees of the agency to be responsible for developing  
6 and biennially revising a language access plan for the agency that meets the  
7 requirements of subsection 2.

8 2. A language access plan must assess existing needs of persons served by the  
9 agency for language services and the degree to which the agency has met those  
10 needs. The plan must include recommendations to expand language services if  
11 needed to improve access to the services provided by the agency. The plan must:

12 (a) Outline the compliance of the agency and any contractors, grantees,  
13 assignees, transferees or successors of the agency with existing federal and state  
14 laws and regulations and any requirements associated with funding received by the  
15 agency concerning the availability of language services and accessibility of the  
16 services provided by the agency or any contractors, grantees, assignees, transferees  
17 or successors to persons with limited English proficiency;

18 (b) List the relevant demographics of persons served by or eligible to receive  
19 services from the agency, including, without limitation:

20 (1) The types of services received by such persons or for which such  
21 persons are eligible;

22 (2) The preferred language and literacy level of such persons;

23 (3) The ability of such persons to access the services of the agency  
24 electronically;

25 (4) The number and percentage of such persons who are indigenous; and

26 (5) The number and percentage of such persons who are refugees;

27 (c) Provide an inventory of language services currently provided, including,  
28 without limitation:

29 (1) Procedures for ~~designating~~ *the head of the agency to designate*  
30 *certain information and documents as vital information and documents pursuant*  
31 *to section 1 of this act* and providing such *vital* information and documents to  
32 persons served by the agency in the preferred language of such persons, in  
33 aggregate and disaggregated by language and type of service to which the *vital*  
34 information and documents relate;

35 (2) Oral language services offered by language and type;

36 (3) A comparison of the number of employees of the agency who regularly  
37 have contact with the public to the number of such employees who are fluent in  
38 more than one language, in aggregate and disaggregated by language;

39 (4) A description of any position at the agency designated for a dual-role  
40 interpreter;

41 (5) Procedures and resources used by the agency for outreach to persons  
42 with limited English proficiency who are served by the agency or eligible to receive  
43 services from the agency, including, without limitation, procedures for building  
44 relationships with community-based organizations that serve such persons; and

45 (6) Any resources made available to employees of the agency related to  
46 cultural competency;

47 (d) Provide an inventory of the training and resources provided to employees  
48 of the agency who serve persons with limited English proficiency, including,  
49 without limitation, training and resources regarding:

50 (1) Obtaining language services internally or from a contractor;

51 (2) Responding to persons with limited English proficiency over the  
52 telephone, in writing or in person;

53 (3) Ensuring the competency of interpreters and translation services;

1 (4) Recording in the electronic records of the agency that a person served  
2 by the agency is a person with limited English proficiency, the preferred language  
3 of the person and his or her literacy level in English and in his or her preferred  
4 language;

5 (5) Communicating with the persons in charge of the agency concerning  
6 the needs of the persons served by and eligible to receive the services from the  
7 agency for language services; and

8 (6) Notifying persons with limited English proficiency who are eligible for  
9 or currently receiving services from the agency of the services available from the  
10 agency in the preferred language of those persons at a literacy level and in a format  
11 that is likely to be understood by such persons;

12 (e) Review the ability of the agency to make language services available during  
13 the emergency described in the Declaration of Emergency for COVID-19 issued on  
14 March 12, 2020; and

15 (f) Identify areas in which the services described in paragraph (c) and the  
16 training and resources described in paragraph (d) do not meet the needs of persons  
17 with limited English proficiency served by the agency, including, without  
18 limitation:

19 (1) Estimates of additional funding required to meet those needs;

20 (2) Targets for employing persons who are fluent in more than one  
21 language;

22 (3) Additional requirements necessary to ensure:

23 (I) Adequate credentialing and oversight of translators and interpreters  
24 employed by or serving as independent contractors for the agency; and

25 (II) That translators and interpreters used by the agency adequately  
26 represent the preferred languages ~~spoken~~ used by persons, including, without  
27 limitation, auditory languages, visual languages, manual languages and spoken  
28 languages, served by the agency or eligible to receive services from the agency;  
29 and

30 (4) Additional requirements, trainings, incentives and recruiting initiatives  
31 to employ or contract with interpreters who speak the preferred languages of  
32 persons with limited English proficiency who are eligible for or currently receiving  
33 services from the agency and ways to partner with entities involved in workforce  
34 development in imposing those requirements, offering those trainings and  
35 incentives and carrying out those recruiting initiatives.

36 3. If there is insufficient information available to develop or update the  
37 language access plan in accordance with the requirements of this section, the  
38 employee or employees designated pursuant to subsection 1 shall develop  
39 procedures to obtain that information and include the information in any revision to  
40 the language access plan.

41 4. Each agency of the Executive Department shall:

42 (a) Solicit public comment concerning the language access plan developed  
43 pursuant to this section and each revision thereof;

44 (b) Make recommendations to the Legislature concerning any statutory  
45 changes necessary to implement or improve a language access plan; and

46 (c) Include any funding necessary to carry out a language access plan,  
47 including, without limitation, any additional funding necessary to meet the needs of  
48 persons with limited English proficiency served by the agency as identified  
49 pursuant to paragraph (f) of subsection 2, in the proposed budget for the agency  
50 submitted pursuant to NRS 353.210.

51 5. As used in this section:

52 (a) "Agency of the Executive Department" means an agency, board,  
53 commission, bureau, council, department, division, authority or other unit of the

1 Executive Department of the State Government. The term does not include the  
2 Nevada System of Higher Education.

3 (b) *“Auditory language” means a language used by persons with a speech*  
4 *impairment, auditory processing disorder or any other ongoing language*  
5 *deficiency.*

6 (c) “Dual-role interpreter” means a multilingual employee who:

7 (1) Has been tested for language skills and trained as an interpreter; and

8 (2) Engages in interpreting as part of his or her job duties.

9 ~~(e)~~ (d) “Language services” means oral language services and translation  
10 services.

11 (e) “Manual language” means Braille or other tactile communication used  
12 *by a person who is blind, visually impaired or deaf.*

13 ~~(f)~~ (f) “Oral language services” means services to convey verbal information  
14 to persons with limited English proficiency. The term:

15 (1) Includes, without limitation, staff interpreters, dual-role interpreters,  
16 other multilingual employees, telephone interpreter programs, audiovisual  
17 interpretation services and non-governmental interpreters.

18 (2) Does not include family members, friends and other acquaintances of  
19 persons with limited English proficiency who have no formal training in  
20 interpreting.

21 ~~(g)~~ (g) “Person with limited English proficiency” means a person who reads,  
22 writes or speaks a language other than English and who cannot readily understand  
23 or communicate in the English language in written or spoken form, as applicable,  
24 based on the manner in which information is being communicated.

25 (h) “Spoken language” means a language used by a person without a  
26 *disability or auditory impairment.*

27 ~~(i)~~ (i) “Translation services” means services used to provide written  
28 information to persons with limited English proficiency. The term does not include  
29 translation tools that are accessed using the Internet.

30 (j) “Visual language” means a language used by a person that is deaf or  
31 *hard of hearing, such as American Sign Language or any other signed language.*

32 ~~(k)~~ (k) *“Vital information and documents” means the information and*  
33 *documents that are necessary for a person to understand in order for the person*  
34 *to assess the services provided by the agency.*

35 **Sec. 3.** The provisions of subsection 1 of NRS 218D.380 do not apply to any  
36 provision of this act which adds or revises a requirement to submit a report to the  
37 Legislature.

38 **Sec. 4.** 1. This section becomes effective upon passage and approval.

39 2. Sections 1, 2 and 3 of this act become effective:

40 (a) Upon passage and approval for the purpose of performing any preparatory  
41 administrative tasks that are necessary to carry out the provisions of this act; and

42 (b) On October 1, 2023, for all other purposes.