

(Reprinted with amendments adopted on April 21, 2023)

FIRST REPRINT

S.B. 373

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 ~~for mitted 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
2 the State Government to designate one or more employees to develop and
3 biennially revise a language access plan. The language access plan must include,
4 without limitation, procedures for designating certain information and documents
5 as vital and providing such information and documents to persons served by the
6 agency in the preferred language of such persons. (NRS 232.0081) **Section 1** of this
7 bill requires the head of each such agency to: (1) using such procedures, designate
8 the information and documents related to the services of the agency that are vital
9 information and documents; and (2) ensure that all vital information and documents
10 are translated and made available in the 12 most common languages that are used
11 by persons with limited English proficiency in this State, including, without
12 limitation, auditory, visual, manual or spoken languages. **Section 1** further requires,
13 on or before February 1 of each year, the head of each such agency to submit a
14 report to the Governor and the Director of the Legislative Counsel Bureau that



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15 includes, without limitation: (1) a list of the vital information and documents that
16 were available during the immediately preceding calendar year in the 12 most
17 common languages that are used by persons with limited English proficiency in this
18 State, including, without limitation, auditory, visual, manual or spoken languages;
19 and (2) an explanation of how the agency has made vital information and
20 documents available to persons with limited English proficiency who are served by
21 the agency. **Section 2** of this bill defines “vital information and documents” to
22 mean the information and documents that are necessary for a person to understand
23 in order for the person to access the services provided by the agency.

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

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
2 thereto a new section to read as follows:

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

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

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

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

22 *(a) A list of the vital information and documents that were*
23 *available during the immediately preceding calendar year in the*
24 *12 most common languages that are used by persons with limited*
25 *English proficiency in this State, including, without limitation,*
26 *auditory languages, visual languages, manual languages and*
27 *spoken languages; and*

28 *(b) An explanation of how the agency has made vital*
29 *information and documents accessible to persons with limited*
30 *English proficiency served by the agency, including, without*
31 *limitation, whether the vital information and documents are*



1 available in the 12 most common languages that are used by
2 persons with limited English proficiency in this State, including,
3 without limitation, auditory languages, visual languages, manual
4 languages and spoken languages:

- 5 (1) At each location of the agency in this State; and
6 (2) On the Internet website of the agency.

7 3. As used in this section:

8 (a) "Agency of the Executive Department" has the meaning
9 ascribed to it in NRS 232.0081.

10 (b) "Auditory language" means a language used by persons
11 with a speech impairment, auditory processing disorder or any
12 other ongoing language deficiency.

13 (c) "Manual language" means Braille or other tactile
14 communication used by a person who is blind, visually impaired
15 or deaf.

16 (d) "Person with limited English proficiency" has the meaning
17 ascribed to it in NRS 232.0081.

18 (e) "Spoken language" means a language used by a person
19 without a disability or auditory impairment.

20 (f) "Visual language" means a language used by a person that
21 is deaf or hard of hearing, such as American Sign Language or
22 any other signed language.

23 (g) "Vital information and documents" has the meaning
24 ascribed to it in NRS 232.0081.

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

26 232.0081 1. The head of each agency of the Executive
27 Department shall designate one or more employees of the agency to
28 be responsible for developing and biennially revising a language
29 access plan for the agency that meets the requirements of
30 subsection 2.

31 2. A language access plan must assess existing needs of
32 persons served by the agency for language services and the degree
33 to which the agency has met those needs. The plan must include
34 recommendations to expand language services if needed to improve
35 access to the services provided by the agency. The plan must:

36 (a) Outline the compliance of the agency and any contractors,
37 grantees, assignees, transferees or successors of the agency with
38 existing federal and state laws and regulations and any requirements
39 associated with funding received by the agency concerning the
40 availability of language services and accessibility of the services
41 provided by the agency or any contractors, grantees, assignees,
42 transferees or successors to persons with limited English
43 proficiency;



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

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

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

7 (3) The ability of such persons to access the services of the
8 agency electronically;

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

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

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

15 (1) Procedures for ~~designating~~ *the head of the agency to*
16 *designate* certain information and documents as vital *information*
17 *and documents pursuant to section 1 of this act* and providing such
18 *vital* information and documents to persons served by the agency in
19 the preferred language of such persons, in aggregate and
20 disaggregated by language and type of service to which the *vital*
21 information and documents relate;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

24 (3) Additional requirements necessary to ensure:

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

28 (II) That translators and interpreters used by the agency
29 adequately represent the preferred languages ~~[spoken]~~ *used* by
30 persons, *including, without limitation, auditory languages, visual*
31 *languages, manual languages and spoken languages*, served by
32 the agency or eligible to receive services from the agency; and

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

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

45 4. Each agency of the Executive Department shall:



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

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

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

12 5. As used in this section:

13 (a) "Agency of the Executive Department" means an agency,
14 board, commission, bureau, council, department, division, authority
15 or other unit of the Executive Department of the State Government.
16 The term does not include the Nevada System of Higher Education.

17 (b) *"Auditory language" means a language used by persons*
18 *with a speech impairment, auditory processing disorder or any*
19 *other ongoing language deficiency.*

20 (c) "Dual-role interpreter" means a multilingual employee who:

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

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

24 ~~[(e)]~~ (d) "Language services" means oral language services and
25 translation services.

26 (e) *"Manual language" means Braille or other tactile*
27 *communication used by a person who is blind, visually impaired*
28 *or deaf.*

29 ~~[(d)]~~ (f) "Oral language services" means services to convey
30 verbal information to persons with limited English proficiency. The
31 term:

32 (1) Includes, without limitation, staff interpreters, dual-role
33 interpreters, other multilingual employees, telephone interpreter
34 programs, audiovisual interpretation services and non-governmental
35 interpreters.

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

39 ~~[(e)]~~ (g) "Person with limited English proficiency" means a
40 person who reads, writes or speaks a language other than English
41 and who cannot readily understand or communicate in the English
42 language in written or spoken form, as applicable, based on the
43 manner in which information is being communicated.

44 (h) *"Spoken language" means a language used by a person*
45 *without a disability or auditory impairment.*



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

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

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

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

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

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

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

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

