
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
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 twelve most common languages that are
11 spoken by persons with limited English proficiency in this State. **Section 1** further
12 requires, on or before February 1 of each year, the head of each such agency to
13 submit a report to the Governor and the Director of the Legislative Counsel Bureau
14 that includes, without limitation: (1) a list of the vital information and documents



15 that were available during the immediately preceding calendar year in the twelve
16 most common languages that are spoken by persons with limited English
17 proficiency in this State; and (2) an explanation of how the agency has made vital
18 information and documents available to persons with limited English proficiency
19 who are served by the agency. **Section 2** of this bill defines “vital information and
20 documents” to mean the information and documents that are necessary for a person
21 to understand in order for the person to access the services provided by the agency.

22 **Section 2** also makes a conforming change to clarify that the procedures for
23 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 twelve most common*
11 *languages that are spoken by persons with limited English*
12 *proficiency in this State, as determined by the last preceding*
13 *national decennial census conducted by the Bureau of the Census*
14 *of the United States Department of Commerce.*

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

20 *(a) A list of the vital information and documents that were*
21 *available during the immediately preceding calendar year in the*
22 *twelve most common languages that are spoken by persons with*
23 *limited English proficiency in this State; and*

24 *(b) An explanation of how the agency has made vital*
25 *information and documents accessible to persons with limited*
26 *English proficiency served by the agency, including, without*
27 *limitation, whether the vital information and documents are*
28 *available in the twelve most common languages that are spoken by*
29 *persons with limited English proficiency in this State:*

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:*



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

3 (b) *“Person with limited English proficiency” has the meaning*
4 *ascribed to it in NRS 232.0081.*

5 (c) *“Vital information and documents” has the meaning*
6 *ascribed to it in NRS 232.0081.*

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

8 232.0081 1. The head of each agency of the Executive
9 Department shall designate one or more employees of the agency to
10 be responsible for developing and biennially revising a language
11 access plan for the agency that meets the requirements of
12 subsection 2.

13 2. A language access plan must assess existing needs of
14 persons served by the agency for language services and the degree
15 to which the agency has met those needs. The plan must include
16 recommendations to expand language services if needed to improve
17 access to the services provided by the agency. The plan must:

18 (a) Outline the compliance of the agency and any contractors,
19 grantees, assignees, transferees or successors of the agency with
20 existing federal and state laws and regulations and any requirements
21 associated with funding received by the agency concerning the
22 availability of language services and accessibility of the services
23 provided by the agency or any contractors, grantees, assignees,
24 transferees or successors to persons with limited English
25 proficiency;

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

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

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

32 (3) The ability of such persons to access the services of the
33 agency electronically;

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

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

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

40 (1) Procedures for ~~designating~~ *the head of the agency to*
41 *designate* certain information and documents as vital *information*
42 *and documents pursuant to section 1 of this act* and providing such
43 *vital* information and documents to persons served by the agency in
44 the preferred language of such persons, in aggregate and



1 disaggregated by language and type of service to which the *vital*
2 information and documents relate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

5 (3) Additional requirements necessary to ensure:

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

9 (II) That translators and interpreters used by the agency
10 adequately represent the preferred languages spoken by persons
11 served by the agency or eligible to receive services from the agency;
12 and

13 (4) Additional requirements, trainings, incentives and
14 recruiting initiatives to employ or contract with interpreters who
15 speak the preferred languages of persons with limited English
16 proficiency who are eligible for or currently receiving services from
17 the agency and ways to partner with entities involved in workforce
18 development in imposing those requirements, offering those
19 trainings and incentives and carrying out those recruiting initiatives.

20 3. If there is insufficient information available to develop or
21 update the language access plan in accordance with the requirements
22 of this section, the employee or employees designated pursuant to
23 subsection 1 shall develop procedures to obtain that information and
24 include the information in any revision to the language access plan.

25 4. Each agency of the Executive Department shall:

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

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

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

37 5. As used in this section:

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

42 (b) "Dual-role interpreter" means a multilingual employee who:

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

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



1 (c) "Language services" means oral language services and
2 translation services.

3 (d) "Oral language services" means services to convey verbal
4 information to persons with limited English proficiency. The term:

5 (1) Includes, without limitation, staff interpreters, dual-role
6 interpreters, other multilingual employees, telephone interpreter
7 programs, audiovisual interpretation services and non-governmental
8 interpreters.

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

12 (e) "Person with limited English proficiency" means a person
13 who reads, writes or speaks a language other than English and who
14 cannot readily understand or communicate in the English language
15 in written or spoken form, as applicable, based on the manner in
16 which information is being communicated.

17 (f) "Translation services" means services used to provide written
18 information to persons with limited English proficiency. The term
19 does not include translation tools that are accessed using the
20 Internet.

21 (g) *"Vital information and documents" means the information*
22 *and documents that are necessary for a person to understand in*
23 *order for the person to assess the services provided by the agency.*

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

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

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

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

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

