

(Reprinted with amendments adopted on April 14, 2023)

FIRST REPRINT

A.B. 266

ASSEMBLY BILL NO. 266—ASSEMBLYMEN TORRES, DURAN,
GONZÁLEZ; D’SILVA, BRITTNEY MILLER AND NGUYEN

MARCH 7, 2023

JOINT SPONSORS: SENATORS FLORES, DONATE; AND NGUYEN

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 20-120)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 2, 3, 6, 7)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 governing body of certain counties and cities to ensure that public notices are issued in certain languages; requiring each such county and city to develop a language access plan; requiring the Office for New Americans created in the Office of the Governor to employ a person to perform certain duties related to language access; requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; 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 of the agency to be
- 3 responsible for developing and biennially revising a language access plan for the
- 4 agency that meets certain requirements. (NRS 232.0081) Similarly, **sections 3 and**
- 5 **6** of this bill, respectively, require each board of county commissioners and
- 6 governing body of a city to: (1) designate one or more employees of the county or
- 7 city, as applicable, to be responsible for developing and biennially revising a
- 8 language access plan for the county or city, as applicable, that meets certain



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requirements; and (2) on or before August 1 of each even-numbered year, submit the language access plan to the Office for New Americans created in the Office of the Governor.

Section 4 of this bill requires the Director of the Office for New Americans to, on or before September 30 of each even-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, setting forth any recommendations for legislation relating to language access plans of state agencies or local governments. **Section 4** further requires the Director of the Office to employ a person to serve as the language access coordinator to: (1) coordinate with each governing body required to create a language access plan; (2) provide oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans; (3) provide any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access requirements; (4) maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks; (5) train any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process; (6) receive and investigate complaints relating to language access against any state agency, board of county commissioners or governing body of a city and work with the Director to resolve such complaints; (7) implement an annual budget and procurement strategy for expenses related to state language access plans; and (8) provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

Sections 2 and 7 of this bill require the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city whose population is 25,000 or more located in such a county (currently the Cities of Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to ensure that any public notice which is issued by the planning commission of the county or city, as applicable, sets forth a link to the Internet website of the county or city, as applicable, that includes the public notice in every language in which voting materials are required to be prepared in the county pursuant to federal and state law. **Sections 2 and 7** further require such boards of county commissioners and such governing bodies of cities to make a good faith effort to find certified translators to translate such information. **Sections 2 and 7** provide that the respective county, county employees, city and city employees are not liable for any such translation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The board of county commissioners in a county whose population is 100,000 or more shall:*

(a) Ensure that any public notice issued by the planning commission of the county:



(1) Sets forth the link to the Internet website of the county and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the county in every language in which voting materials are required to be prepared in the county pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The county and employees of the county are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the county is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 3. 1. Each board of county commissioners shall designate one or more employees of the county to be responsible for developing and biennially revising a language access plan for the county that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of the residents of the county for language services and the degree to which the county has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the county. The plan must:

(a) Outline the compliance of the county and any contractors, grantees, assignees, transferees or successors of the county with existing federal and state laws and regulations and any requirements associated with funding received by the county concerning the availability of language services and accessibility of the services provided by the county or any contractors, grantees, assignees, transferees or successors to residents of the county who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the county, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the county in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

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

(3) Procedures and resources used by the county for outreach to persons with limited English proficiency who are residents of the county, including, without limitation, procedures



for building relationships with community-based organizations that serve such persons; and

(4) Any resources made available to employees of the county related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the county who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

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

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

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

(4) Communicating with the board concerning the needs of the residents served by and eligible to receive any services from the county for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county of the services available from the county in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the county, including, without limitation:

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

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

(3) Additional requirements necessary to ensure:

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

(II) That translators and interpreters used by the county adequately represent the preferred languages spoken by residents of the county; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county and ways to partner with entities involved in workforce development in imposing those



requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

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

4. Each board of county commissioners shall:

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

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the county as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the county.

5. On or before August 1 of each even-numbered year, each board of county commissioners shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

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

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 4. NRS 223.920 is hereby amended to read as follows:

223.920 The Director of the Office for New Americans created by NRS 223.910 shall ensure that the Office:

1. Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.



2. Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.

3. Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.

4. Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.

5. Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.

6. *Employs a person to serve as the language access coordinator who:*

(a) Coordinates with:

~~(a)~~ (1) *Each board of county commissioners and each governing body of a city required to develop a language access plan pursuant to section 3 or 6 of this act, as applicable;*

(2) *Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and*

~~(b)~~ (3) *State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State* ~~H~~;

(b) *Provides oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;*

(c) *Provides any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access plans;*

(d) *Maintains a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;*

(e) *Trains any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;*

(f) *Receives and investigates complaints relating to language access against any state agency, board of county commissioners or governing body of a city and works with the Director to resolve such complaints;*



(g) Implements an annual budget and procurement strategy for expenses related to state language access plans; and

(h) Provides any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

7. On or before September 30 of each even-numbered year, submits a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that sets forth any recommendations for legislation relating to language access plans of state agencies or local governments.

8. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. The governing body of a city shall designate one or more employees of the city to be responsible for developing and biennially revising a language access plan for the city that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of the residents of the city for language services and the degree to which the city has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the city. The plan must:

(a) Outline the compliance of the city and any contractors, grantees, assignees, transferees or successors of the city with existing federal and state laws and regulations and any requirements associated with funding received by the city concerning the availability of language services and accessibility of the services provided by the city or any contractors, grantees, assignees, transferees or successors to residents of the city who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the city, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the city in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

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

(3) Procedures and resources used by the city for outreach to persons with limited English proficiency who are residents of the city, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and



(4) Any resources made available to employees of the city related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the city who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

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

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

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

(4) Communicating with the governing body concerning the needs of the residents served by and eligible to receive any services from the city for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city of the services available from the city in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the city, including, without limitation:

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

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

(3) Additional requirements necessary to ensure:

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

(II) That translators and interpreters used by the city adequately represent the preferred languages spoken by residents of the city; and

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



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

4. The governing body of a city shall:

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

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the city as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the city.

5. On or before August 1 of each even-numbered year, the governing body of a city shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

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

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 7. 1. The governing body of a city whose population is 25,000 or more located in a county whose population is 100,000 or more shall:

(a) Ensure that any public notice issued by the planning commission of the city:

(1) Sets forth a link to the Internet website of the city and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the city in every language in which voting materials are required to be prepared in the city pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.



1 **2. The city and employees of the city are not liable for any**
2 **mistake made in translating the information required pursuant to**
3 **this section.**

4 **3. As used in this section, “public notice” means any notice**
5 **or other written matter that the planning commission of the city is**
6 **required to send by mail to a person or post in a public manner,**
7 **including, without limitation, by posting on an Internet website.**

8 **Sec. 8.** The provisions of subsection 1 of NRS 218D.380 do
9 not apply to any provision of this act which adds or revises a
10 requirement to submit a report to the Legislature.

11 **Sec. 9.** The provisions of NRS 354.599 do not apply to any
12 additional expenses of a local government that are related to the
13 provisions of this act.

