

Amendment No. 92

Assembly Amendment to Assembly Bill No. 266 Proposed by: Assembly Committee on Government Affairs Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	(BDR 20-120)
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Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 266 (§§ 2, 3, 6, 7).

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.

SMH/HAC



Date: 4/11/2023

A.B. No. 266—Revises provisions relating to governmental administration.
(BDR 20-120)



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 ~~board of county commissioners in~~ **governing body of** certain counties and ~~the governing body of a city in certain counties~~ **cities** to ensure that public notices are issued in certain languages; requiring each **such** county and city to develop a language access plan ~~in coordination with~~ ; **requiring** the Office for New Americans created in the Office of the Governor ~~to~~ **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 the State
2 Government to designate one or more employees of the agency to be responsible for
3 developing and biennially revising a language access plan for the agency that meets certain
4 requirements. (NRS 232.0081) Similarly, **sections 3 and 6** of this bill, respectively, require
5 each board of county commissioners and governing body of a city to: (1) designate one or
6 more employees of the county or city, as applicable, to be responsible for developing and
7 biennially revising a language access plan for the county or city, as applicable, that meets
8 certain requirements; and (2) on or before ~~January~~ **August** 1 of each even-numbered year,
9 submit the language access plan to the ~~Director of the Legislative Counsel Bureau for~~
10 ~~transmittal to the Joint Interim Standing Committee on Government Affairs. Sections 3, 4 and~~
11 ~~6 of this bill require that such a language access plan be developed in coordination and~~
12 ~~collaboration with the~~ Office for New Americans created in the Office of the Governor.

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

36 **Sections 2 and 7** of this bill require the board of county commissioners in a county
 37 whose population is 100,000 or more (currently Clark and Washoe Counties) and the
 38 governing body of a city **whose population is 25,000 or more** located in such a county
 39 (currently ~~Boulder City and~~ the Cities of Henderson, Las Vegas, ~~Mesquite,~~ North Las
 40 Vegas, Reno and Sparks) to ensure that any public notice **which is issued by the planning**
 41 **commission of the county or city, as applicable, sets forth a link to the Internet website of**
 42 **the county or city, as applicable, that includes the public notice** in every language in which
 43 voting materials are required to be prepared in the county pursuant to federal and state law.
 44 **Sections 2 and 7 further require such boards of county commissioners and such**
 45 **governing bodies of cities to make a good faith effort to find certified translators to**
 46 **translate such information. Sections 2 and 7 provide that the respective county, county**
 47 **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:

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

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

5 **(a) Ensure that any public notice ~~is~~ issued by the planning commission of**
 6 **the county:**

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

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

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

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

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

5 **Sec. 3.** 1. Each board of county commissioners shall designate one or
6 more employees of the county to be responsible for developing and biennially
7 revising a language access plan for the county that meets the requirements of
8 subsection 2. ~~In developing and revising the language access plan, the employee~~
9 ~~or employees shall coordinate and collaborate with the Office for New Americans~~
10 ~~created in the Office of the Governor by NRS 223.910.~~

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

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

22 (b) ~~List the relevant demographics of persons residing in the county,~~
23 ~~including, without limitation:~~

- 24 ~~(1) The preferred language and literacy level of residents;~~
- 25 ~~(2) The ability of residents to access services the county provides~~
26 ~~electronically;~~
- 27 ~~(3) The number and percentage of residents in the county who are~~
28 ~~indigenous; and~~
- 29 ~~(4) The number and percentage of residents in the county who are~~
30 ~~refugees;~~

31 ~~(c)~~ Provide an inventory of language services currently provided by the
32 county, including, without limitation:

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

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

38 (3) ~~A comparison of the number of employees of the county who~~
39 ~~regularly have contact with the public to the number of employees who are fluent~~
40 ~~in more than one language, in aggregate and disaggregated by language;~~

41 ~~(4) A description of any position in the county designated for a dual role~~
42 ~~interpreter;~~

43 ~~(5)~~ Procedures and resources used by the county for outreach to persons
44 with limited English proficiency who are residents of the county, including,
45 without limitation, procedures for building relationships with community-based
46 organizations that serve such persons; and

47 ~~(6)~~ (4) Any resources made available to employees of the county related
48 to cultural competency;

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

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

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

3 ~~(3) Ensuring the competency of interpreters and translation services;~~
4 ~~(4) Recording in the electronic records of the county that a resident~~
5 ~~served by the county is a person with limited English proficiency, the preferred~~
6 ~~language of the person and his or her literacy level in English and in his or her~~
7 ~~preferred language;~~

8 ~~(5) (4) Communicating with the board concerning the needs of the~~
9 ~~residents served by and eligible to receive any services from the county for~~
10 ~~language services; and~~

11 ~~(6) (5) Notifying residents who are persons with limited English~~
12 ~~proficiency who are eligible for or currently receiving services from the county of~~
13 ~~the services available from the county in the preferred language of those~~
14 ~~residents at a literacy level and in a format that is likely to be understood by those~~
15 ~~residents; and~~

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

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

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

23 (3) Additional requirements necessary to ensure:

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

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

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

41 4. Each board of county commissioners shall:

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

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~~
48 ~~of residents who are persons with limited English proficiency served by the~~
49 ~~county as identified pursuant to paragraph (e) (d) of subsection 2, in the~~
50 ~~proposed budget for the county.~~

51 5. On or before ~~January~~ August 1 of each even-numbered year, each
52 board of county commissioners shall submit the language access plan developed
53 and revised pursuant to subsection 1 to the ~~Director of the Legislative Counsel~~

~~Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs~~ Office for New Americans created in the Office of the Governor pursuant to NRS ~~218E.320~~ 223.910.

6. As used in this section:

~~(a) "Dual role interpreter" has the meaning ascribed to it in NRS 232.0081.~~

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

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

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

~~(e)~~ (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)~~ (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 ~~5~~ 6 of this act, as applicable;

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

~~(b)(c)~~ (3) State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State ~~1~~;

(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;

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

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

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

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

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

15 7. On or before ~~(January 1)~~ September 30 of each ~~[odd-numbered]~~ even-
 16 numbered year, submits a report to the Director of the Legislative Counsel
 17 Bureau for transmittal to the Legislature or, if the Legislature is not in session, to
 18 the Legislative Commission, that sets forth any recommendations for legislation
 19 relating to language access plans of state agencies or local governments.

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

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

24 **Sec. 6.** 1. The governing body of a city shall designate one or more
 25 employees of the city to be responsible for developing and biennially revising a
 26 language access plan for the city that meets the requirements of subsection 2. ~~It~~
 27 ~~developing and revising the language access plan, the employee or employees~~
 28 ~~shall coordinate and collaborate with the Office for New Americans created in~~
 29 ~~the Office of the Governor by NRS 223.010.~~

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

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

41 (b) ~~List the relevant demographics of persons residing in the city, including,~~
 42 ~~without limitation:~~

43 ~~(1) The preferred language and literacy level of residents;~~

44 ~~(2) The ability of residents to access services the city provides~~
 45 ~~electronically;~~

46 ~~(3) The number and percentage of residents in the city who are~~
 47 ~~indigenous; and~~

48 ~~(4) The number and percentage of residents in the city who are refugees;~~

49 ~~(c) Provide an inventory of language services currently provided by the city,~~
 50 ~~including, without limitation:~~

51 (1) Procedures for designating certain information and documents as
 52 vital and providing such information and documents to residents served by the

1 *city in the preferred language of such persons, in aggregate and disaggregated by*
2 *language and type of service to which the information and documents relate;*

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

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

7 *~~[(4) A description of any position in the city designated for a dual role~~*
8 *~~interpreters;~~*

9 *~~[(5)]~~ (5) Procedures and resources used by the city for outreach to persons*
10 *with limited English proficiency who are residents of the city, including, without*
11 *limitation, procedures for building relationships with community-based*
12 *organizations that serve such persons; and*

13 *~~[(6)]~~ (4) Any resources made available to employees of the city related to*
14 *cultural competency;*

15 *~~[(d)]~~ (c) Provide an inventory of the training and resources provided to*
16 *employees of the city who serve residents who are persons with limited English*
17 *proficiency, including, without limitation, training and resources regarding:*

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

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

21 *(3) ~~[(Ensuring the competency of interpreters and translation services);~~*

22 *~~[(4)]~~ (4) Recording in the electronic records of the city that a resident served*
23 *by the city is a person with limited English proficiency, the preferred language of*
24 *the person and his or her literacy level in English and in his or her preferred*
25 *language;*

26 *~~[(5)]~~ (4) Communicating with the governing body concerning the needs*
27 *of the residents served by and eligible to receive any services from the city for*
28 *language services; and*

29 *~~[(6)]~~ (5) Notifying residents who are persons with limited English*
30 *proficiency who are eligible for or currently receiving services from the city of the*
31 *services available from the city in the preferred language of those residents at a*
32 *literacy level and in a format that is likely to be understood by those residents;*
33 *and*

34 *~~[(e)]~~ (d) Identify areas in which the services described in paragraph ~~[(e)]~~ (b)*
35 *and the training and resources described in paragraph ~~[(d)]~~ (c) do not meet the*
36 *needs of residents who are persons with limited English proficiency in the city,*
37 *including, without limitation:*

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

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

41 *(3) Additional requirements necessary to ensure:*

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

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

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

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

6 4. The governing body of a city shall:

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

9 ~~(b) [Make recommendations to the Legislature concerning any statutory~~
 10 ~~changes necessary to implement or improve a language access plan; and~~

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

16 5. On or before ~~[January]~~ August 1 of each even-numbered year, the
 17 governing body of a city shall submit the language access plan developed and
 18 revised pursuant to subsection 1 to the ~~[Director of the Legislative Counsel~~
 19 ~~Bureau for transmittal to the Joint Interim Standing Committee on Government~~
 20 ~~Affairs] Office for New Americans created in the Office of the Governor~~
 21 ~~pursuant to NRS ~~[218E.320.] 223.910.~~~~

22 6. As used in this section:

23 (a) ~~["Dual role interpreter" has the meaning ascribed to it in NRS 232.0081.~~

24 ~~—(b)] "Language services" has the meaning ascribed to it in NRS 232.0081.~~

25 ~~[(c)] (b) "Oral language services" has the meaning ascribed to it in NRS~~
 26 ~~232.0081.~~

27 ~~[(d)] (c) "Person with limited English proficiency" has the meaning ascribed~~
 28 ~~to it in NRS 232.0081.~~

29 ~~[(e)] (d) "Translation services" has the meaning ascribed to it in NRS~~
 30 ~~232.0081.~~

31 Sec. 7. 1. The governing body of a city whose population is 25,000 or
 32 more located in a county whose population is 100,000 or more shall ~~ensure~~;

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

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

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

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

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

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

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

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