

ONE HUNDRED EIGHTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 336

Introduced by Dungan, 26; Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the method of funding for court interpreters and determine a stable or permanent funding arrangement to ensure Nebraska courts have qualified interpreters providing interpreting services. The study should also consider legislative or judicial policies that maintain and promote effective and professional interpreting services for courts and litigants in Nebraska.

It is a matter of fundamental fairness and due process of law that when a litigant, a witness, or a victim do not understand or speak English well enough to adequately comprehend or communicate in legal proceedings, a qualified interpreter should be provided. In order to accommodate the rights of participants who do not speak English, the Nebraska Supreme Court, through the State Court Administrator, maintains a statewide register of interpreters consisting of certified and noncertified interpreters. All such interpreters must satisfy minimum requirements and be able to interpret simultaneously and consecutively and provide sight translation from English into the language of the non-English-speaking person and from the language of that person into English.

Interpreters are not employees of the Nebraska Supreme Court or the state. Instead, interpreters are paid an hourly rate set by the State Court Administrator. The rate is higher for certified interpreters than for non-certified. The hourly rates have not permanently changed since 2004, despite numerous attempts to increase the rates. In 2023, the Legislature appropriated funds to the Nebraska Supreme Court budget to increase the number of certified and non-certified interpreters and to provide for an automatic annual increase. Governor Jim Pillen vetoed this increase and the Legislature did not override

the veto. As a consequence, many interpreters refused to work in Nebraska courts, opting to work in other legal interpreting services, such as in federal court or for courts in neighboring states, or in other interpreting services not related to law. Ultimately, the State Court Administrator was able to use residual money in its budget to increase the payment rate for interpreters on a temporary basis in order that interpreters would work in Nebraska courts.

Legislative Bill 864 was introduced in the One Hundred Eighth Legislature of Nebraska, Second Session, to continue the temporary increase arranged by the State Court Administrator. This appropriation, if signed into law, would only extend through the end of fiscal year 2024-25.

On January 25, 2024, in his State of the Judiciary to the Legislature, Chief Justice Mike Heavican of the Nebraska Supreme Court noted the historic increase in interpreter demand, not simply in the increased numbers of those who need interpreting services, but also the increase in the diversity of interpreted languages. The Chief Justice also stated that the Nebraska Supreme Court anticipates that the number of limited English proficient, deaf, and hard of hearing court and probation users to steadily increase in the coming years and that increased funding for language-access initiatives, including interpreters, is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.