

A-Engrossed
House Bill 3230

Ordered by the House April 23
Including House Amendments dated April 23

Sponsored by Representatives ALONSO LEON, SALINAS; Representatives CAMPOS, DEXTER, HUDSON, MEEK, NOSSE, PHAM, POWER, SANCHEZ, VALDERRAMA, WILDE, Senators FREDERICK, GORSEK, JAMA (at the request of CAUSA, PCUN, Innovation Law Lab, Fair Shot, Latino Network)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes universal representation program in Oregon Department of Administrative Services. Directs department to contract with nonprofit organization to serve as fiscal agent to award grants to organizations providing services related to universal representation of persons in immigration matters.]

[Appropriates moneys to department to implement program.]

Provides for nonprofit organization that addresses and executes worker relief to serve as fiscal agent to award grants to organizations to provide services related to immigration matters through universal representation program. Requires fiscal agent to report annually to appropriate committee or interim committee of Legislative Assembly, Oregon Department of Administrative Services and Legislative Fiscal Office.

Directs Chief Justice of Supreme Court to transfer funds to Oregon State Bar for use by Legal Services Program to provide legal services to individuals on immigration matters and related matters.

Establishes Universal Representation Fund in State Treasury. Appropriates moneys to department for purposes of deposit in fund.

Appropriates moneys to Judicial Department for purposes of transfer to Oregon State Bar.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to universal representation; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Universal Representation Fund is established in the State Treasury,**
5 **separate and distinct from the General Fund.**

6 **(2) Interest earned by the Universal Representation Fund shall be credited to the fund.**

7 **(3) Moneys in the Universal Representation Fund are continuously appropriated to the**
8 **Oregon Department of Administrative Services for the purpose of disbursement to the fiscal**
9 **agent described in section 2 (1) of this 2021 Act for providing a statewide integrated, uni-**
10 **versal navigation and representation system for immigration matters.**

11 **SECTION 2. (1)(a) A nonprofit organization registered in this state for at least the pre-**
12 **ceding six months that addresses and executes worker relief as the organization's primary**
13 **purpose shall serve as the fiscal agent to award grants to organizations to provide services**
14 **related to immigration matters through a universal representation program. Funds must be**
15 **allocated for, but are not limited to, the following purposes:**

16 **(A) Attorneys working at community-based organizations to provide culturally responsive**
17 **services to members of the immigrant and refugee community;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Navigators working at community-based organizations to guide persons who are at
2 risk of deportation or need assistance with immigration matters into the universal repre-
3 sentation program;

4 (C) Development of capacity and training to support navigation efforts through
5 community-based organizations into the universal representation program and culturally
6 responsive services carried out by community-based organizations;

7 (D) A client service fund to assist with fees associated with filings, interpretation and
8 related costs in immigration matters;

9 (E) A statewide universal navigation and support system, including a call center, to pro-
10 vide direct contacts and streamlined access for those seeking assistance with immigration
11 matters; and

12 (F) A clearinghouse to provide logistical support, income and program eligibility screen-
13 ing, navigation review, case placement and technical assistance, and referral coordination,
14 mentoring and supervision of attorneys working for community-based organizations.

15 (b) All individuals seeking services through the universal representation program must
16 be enrolled and are subject to an income and program eligibility screening and a priority
17 recommendation through the clearinghouse described in paragraph (a) of this subsection.

18 (c) Information provided to the clearinghouse created under paragraph (a) of this sub-
19 section is subject to the lawyer-client privilege under ORS 40.225.

20 (2) For all grants awarded under this section by the fiscal agent described in subsection
21 (1) of this section, the fiscal agent shall:

22 (a) Create a uniform method of reporting grant outcomes to facilitate comparison of re-
23 sults between grant recipients;

24 (b) Require that grant recipients provide services free of charge;

25 (c) Require grant recipients to prioritize legal services to detained individuals and indi-
26 viduals at imminent risk of deportation before other immigration matters when applicable;

27 (d) Require all individuals seeking services to be enrolled and subject to a uniform income
28 and program eligibility screening and a priority recommendation through the clearinghouse
29 described in subsection (1) of this section;

30 (e) Provide services to all income and program eligible individuals subject to reasonably
31 measured capacity;

32 (f) Encourage the use of best practices to design the delivery of legal services to the
33 immigrant and refugee population; and

34 (g) Ensure that a person denied services receives notice of the reasons for denial and
35 that the notice is provided to the fiscal agent.

36 (3) The fiscal agent described in subsection (1) of this section shall:

37 (a) Issue grants through a request for proposal process;

38 (b) Conduct a performance audit at the conclusion of the second year after the Universal
39 Representation Fund established under section 1 of this 2021 Act is operative and every two
40 years thereafter; and

41 (c) Conduct a financial audit at the conclusion of the second year after the fund is op-
42 erative and every two years thereafter.

43 (4)(a) The Chief Justice of the Supreme Court shall transfer funds appropriated for this
44 purpose to the Oregon State Bar for use by the Legal Services Program established in ORS
45 9.572 to provide legal services to individuals on immigration matters and related matters,

1 including but not limited to the provision of general legal information and legal referral
2 services designed to increase access to the justice system.

3 (b) The Legal Services Program shall adopt standards and guidelines for the provision
4 of services under this subsection that are consistent with the requirements set forth in
5 subsection (2) of this section.

6 (5) The fiscal agent described in subsection (1) of this section shall convene an advisory
7 committee for the universal representation program. The advisory committee shall meet
8 periodically and make recommendations relating to the coordination of services, standards
9 and guidelines, the development of best practices and other matters related to universal
10 representation. The committee shall be chaired by:

11 (a) The administrative head or the designee of the administrative head of the fiscal agent
12 described in subsection (1) of this section;

13 (b) The administrative head or the designee of the administrative head of a grantee under
14 subsection (1) of this section; and

15 (c) The administrative head or the designee of the administrative head of a legal services
16 provider providing services under subsection (4) of this section.

17 (6) No later than August 31 of each year, the fiscal agent described in subsection (1) of
18 this section shall submit a report to a committee or interim committee of the Legislative
19 Assembly dealing with legal services, the Oregon Department of Administrative Services and
20 the Legislative Fiscal Office on the grants awarded under this section by the fiscal agent
21 under this section. The report must specify, but is not limited to:

22 (a) How many people have entered the universal representation program;

23 (b) How many people have accepted wraparound assistance from community-based or-
24 ganizations;

25 (c) The number and types of cases and matters in which legal services were delivered,
26 disaggregated by grantee;

27 (d) Which counties community-based organizations provided services in;

28 (e) A comparison of programs offering services and recommendations to improve service
29 delivery for community-based organizations receiving funds from the fiscal agent;

30 (f) The findings of audits described in subsection (3)(b) and (c) of this section; and

31 (g) Other matters as recommended by the advisory committee.

32 (7) In appropriating moneys for programs under this section, the Legislative Assembly
33 shall endeavor to allocate funding as follows:

34 (a) Seventy percent of available funds to the Universal Representation Fund established
35 in section 1 of this 2021 Act; and

36 (b) Thirty percent to the Judicial Department for purposes of transfer to the Oregon
37 State Bar under subsection (4) of this section.

38 (8) As used in this section:

39 (a) "Community-based organization" means a nonprofit organization registered in this
40 state for at least six months prior to any grant award that provides culturally responsive
41 services to immigrant and refugee communities in Oregon.

42 (b) "Culturally responsive service" means a service that is respectful of, and relevant to,
43 the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations
44 and communities whose members identify as having particular cultural or linguistic affil-
45 iations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred lan-

1 guage or language spoken at home, and that has the capacity to respond to the issues of
2 diverse communities and require knowledge and capacity at systemic, organizational, pro-
3 fessional and individual levels of intervention.

4 (c) "Immigration matter" has the meaning given that term in ORS 9.280.

5 **SECTION 3.** The fiscal agent described in section 2 (1) of this 2021 Act shall make the
6 first report described in section 2 (6) of this 2021 Act no later than August 31, 2023.

7 **SECTION 4.** (1) In addition to and not in lieu of any other appropriation, there is appro-
8 priated to the Oregon Department of Administrative Services, for the biennium beginning
9 July 1, 2021, out of the General Fund, the amount of \$10,500,000, for deposit in the Universal
10 Representation Fund created under section 1 of this 2021 Act.

11 (2) In addition to and not in lieu of any other appropriation, there is appropriated to the
12 Judicial Department, for the biennium beginning July 1, 2021, out of the General Fund, the
13 amount of \$4,500,000, for the purposes of implementing section 2 (4) of this 2021 Act.

14 **SECTION 5.** This 2021 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
16 on its passage.

17 _____