

CHAPTER 88

AN ACT

SB 1543

Relating to universal representation; and declaring an emergency.

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

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

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

(3) Moneys in the fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of disbursement to the fiscal agent described in section 2 (1) of this 2022 Act for providing a statewide integrated, universal navigation and representation system for immigration matters.

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

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

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

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

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

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

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

(b) All individuals seeking services through the universal representation program must be enrolled and are subject to an income and pro-

gram eligibility screening and a priority recommendation through the clearinghouse described in paragraph (a) of this subsection.

(c) Information provided to the clearinghouse described in paragraph (a) of this subsection is subject to the lawyer-client privilege under ORS 40.225.

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

(a) Create a uniform method of reporting grant outcomes to facilitate comparison of results between grant recipients;

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

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

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

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

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

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

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

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

(b) Conduct a performance audit at the conclusion of the second year after the Universal Representation Fund established under section 1 of this 2022 Act is operative and every two years thereafter; and

(c) Conduct a financial audit at the conclusion of the second year after the fund is operative and every two years thereafter.

(4)(a) The Chief Justice of the Supreme Court shall transfer funds appropriated for this purpose to the Oregon State Bar for use by the Legal Services Program established under ORS 9.572 to provide legal services to individuals on immigration matters and related matters, including but not limited to the provision of general legal information and legal referral services designed to increase access to the justice system.

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

(5) The fiscal agent described in subsection (1) of this section shall convene an advisory committee for the universal representation pro-

gram. The advisory committee shall meet periodically and make recommendations relating to the coordination of services, standards and guidelines, the development of best practices and other matters related to universal representation. The committee shall be chaired by:

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

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

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

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

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

(b) How many individuals have accepted wraparound assistance from community-based organizations;

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

(d) The counties in which the community-based organizations have provided services;

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

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

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

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

(a) 70 percent of available funds to the Universal Representation Fund established under section 1 of this 2022 Act; and

(b) 30 percent of available funds to the Judicial Department for purposes of transfer to the Oregon State Bar under subsection (4) of this section.

(8) As used in this section:

(a) "Community-based organization" means a nonprofit organization registered in this state

that provides culturally responsive services to immigrant and refugee communities in Oregon.

(b) "Culturally responsive service" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, and that has the capacity to respond to the issues of diverse communities and to require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

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

SECTION 3. The fiscal agent described in section 2 (1) of this 2022 Act shall make the first report described in section 2 (6) of this 2022 Act no later than August 31, 2024.

SECTION 4. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$10,500,000, for deposit in the Universal Representation Fund established under section 1 of this 2022 Act and disbursement to Oregon Worker Relief as the fiscal agent under section 1 of this 2022 Act.

(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Judicial Department, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$4,500,000, for the purposes of implementing section 2 (4) of this 2022 Act.

SECTION 5. Notwithstanding any other law limiting expenditures, the amount of \$10,500,000 is established for the biennium ending June 30, 2023, as the maximum limit for payment of expenses by the Oregon Department of Administrative Services for the Universal Representation Fund established in section 1 of this 2022 Act.

SECTION 6. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Approved by the Governor March 23, 2022

Filed in the office of Secretary of State March 30, 2022

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