

# *An Overview of State and Local Gov't Policy Clinic and Possible Commission Topics*

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# *Agenda*

- Overview of State and Local Government Policy Clinic
  - Structure
  - Examples of Past work
- Overview of Potential Topics for Tribal Code Commission
- Overview of Potential Workflow Plan
- Discussion and Next Steps

## *Intro to Clinic:*

The State and Local Government Policy Clinic at the Law School provides non-partisan legal and policy research support to state and local government officials in Virginia.

- Students take the Clinic, which is year long, for academic credit.
- Students matched with Clinic clients and supervised by Clinic Faculty.
- Perform agreed-upon research tasks and, when appropriate, advocacy.

## *Examples of Clinic work*

The Clinic has worked for a range of government actors since launching in the fall of 2020.

- Reports and Presentations for Behavioral Health Commission
- Research, presentations, and report writing for Governor Northam's Commission to Examine Racial Inequity in Virginia Law.
- Helped legislators of both parties secure passage of more than 25 different pieces of legislation.

# *Potential Topics for Commission Review*

- **DEFINITIONS** : The Commission could review the Code for examples of unclear, inaccurate, inconsistent, or pejorative language in definitions for “Native American” or “American Indian” or “tribe” or “tribal government.”
- **MEMBERSHIP ON BOARDS AND COMMISSIONS**: Review the Virginia Code for places where tribal representation could be added to various state commissions to ensure tribal expertise and engagement on public bodies that advise the General Assembly and state agencies.
- **GRANT ELIGIBILITY**: Review the Code and propose ways of adding tribal governments as eligible grant applicants for grants that are currently open to municipal governments and state agencies.
- **ALIGNMENT WITH INDIAN CHILD WELFARE ACT (“ICWA”)**: Review the Code for places where state law could be updated to more clearly align with ICWA – such as the federal requirement for recording judicial decisions in JDR courts, which are not courts of record.
- **TRIBAL CORPORATIONS**: Review the Virginia Commercial Code to account for tribal businesses, the development of tribal corporate codes, and tribal jurisdiction over tribally chartered corporations.

# *More Potential Topics for Commission Review*

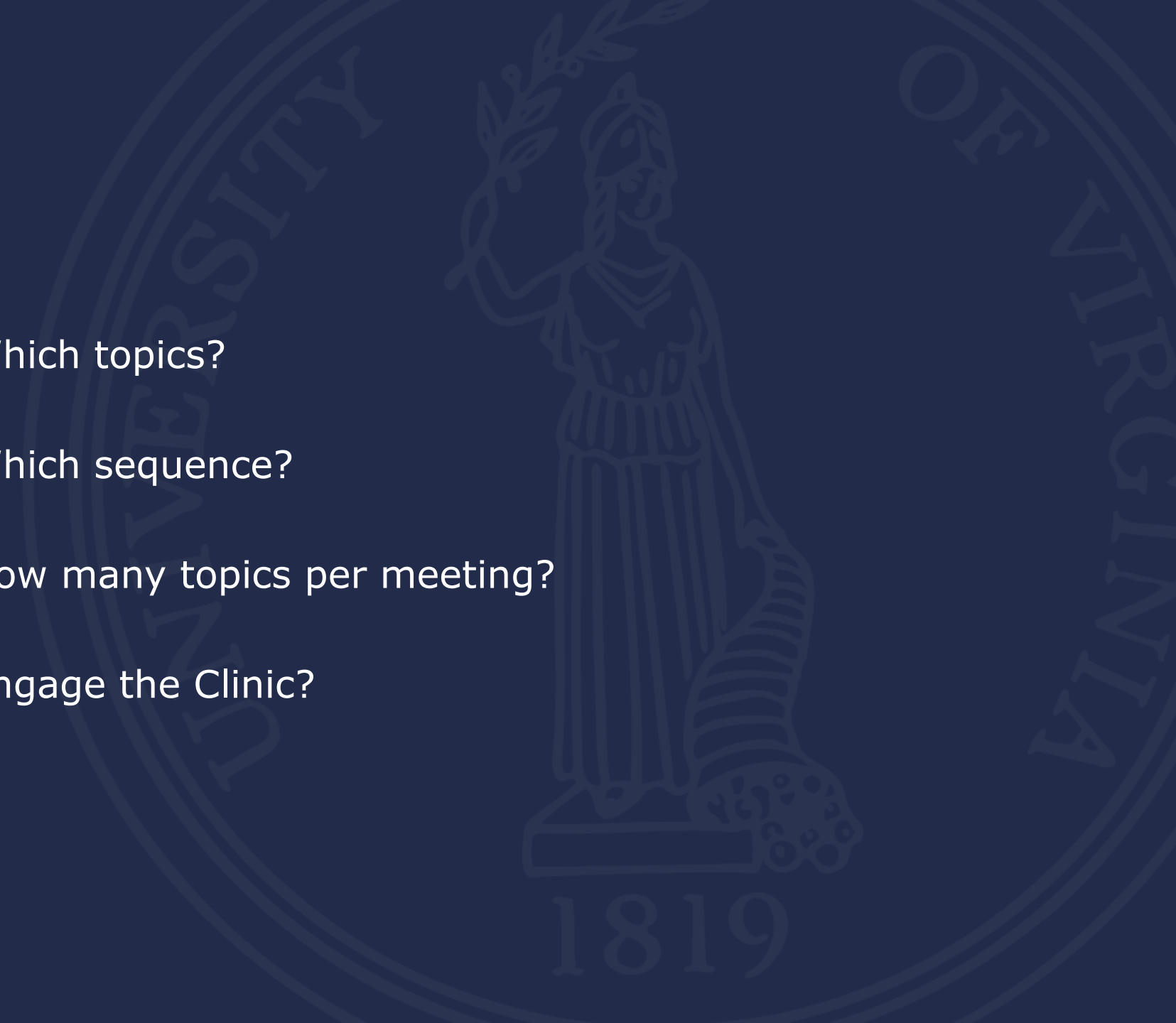
- **CONSULTATION:** Review Code for places where Virginia tribes could be consulted, as municipalities already are, on projects that affect their governments, reservations, and initiatives.
- **JUDICIAL SYSTEMS/TRIBAL COURTS:** Review the Code for places that mention judicial systems but do not currently contemplate the potential existence of tribal courts within the Commonwealth.
- **SOVEREIGNTY:** Review the Code for places where tribal sovereignty over tribal land and resources should be acknowledged and accounted for.
- **ALIGNMENT WITH TREATY OF MIDDLE PENINSULA;** Review Code to make sure it is consistent with the Treaty of Middle Plantation and incorporates, as appropriate, treaty obligations.
- **ENVIRONMENTAL LAWS:** Review Code to account for tribal participation, consultation, and/or eligibility with permitting, land use, energy generation, and other potential topics.

## *Potential Work Flow*

- Identify and sequence topics for each meeting and create a tentative meeting sequence beginning in summer of 2024 and extending to fall of 2025.
- Clinic and Commission staff provide research and potential policy choices for selected topics in advance of meeting.
- At each meeting, Commissioners review and select policy choices, where appropriate, for each topic, or ask for further research.
- Once topics have been exhausted and reviewed, staff and Clinic help turn the approved policy choices into draft legislation for Commissioner's further review and approval, prior to, respectively, the '25 and '26 sessions.
- Individual Commission members, with support of Clinic and staff, patron and advocate for the selected bills for each respective session.

## *Discussion and Next Steps:*

- Which topics?
- Which sequence?
- How many topics per meeting?
- Engage the Clinic?





# *Potential Topics for Commission Review*

- Definitions
- Membership on Boards and Commissions
- Grant Eligibility
- Tribal Corporations
- Alignment with Indian Child Welfare Act
- Consultation
- Judicial Systems/Tribal Courts
- Sovereignty
- Alignment with Treaty of Middle Peninsula
- Environmental Laws

*Thank you!!*