



**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

***A Resolution Entitled:” Adoption of Civil Motor Vehicle Code”***

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribe generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and
- WHEREAS,** Article VI, Section 3 of the Constitution grants the Tribal Business Council all necessary sovereign authority, both legislative and judicial for the purpose of exercising the jurisdiction granted by Article I of the Constitution ; and
- WHEREAS,** The rapid development of the oil industry on the Fort Berthold Indian Reservation due to oil exploration and production has resulted in a myriad of public safety concerns, including traffic safety due to the increased commercial traffic; and
- WHEREAS,** The majority of the oil Industry motor vehicle operators are non- Indian for whom the Tribe has no criminal jurisdiction to enforce criminal traffic and motor vehicle laws or regulations against; and
- WHEREAS,** non-Indian operators are aware of the jurisdictional gap and have engaged in blatant violations of motor vehicle laws and there is no deterrent to violating motor vehicle laws; and
- WHEREAS,** Enforcement of motor vehicle and traffic regulations by state and local law enforcement is limited by the high volume of traffic coupled with the limited number of state and local law enforcement officers available and the inability of tribal law enforcement officers to become cross deputized to enforce state laws against non- members; and





**WHEREAS,** the increase in traffic and limited law enforcement has lead to increased accidents and increased motor vehicle fatalities and traffic safety has become a number one public safety concern for the Three Affiliated Tribes and the Fort Berthold Reservation that must be addressed by the Tribal Business Council through the alternative means; and

**WHEREAS,** The United States Supreme Court held in *Montana v. United States* 450 U.S. 544, 1980, that Indian Tribes may have inherent power to exercise civil authority over the conduct of non- Indians on fee lands within a reservation when that conduct threatens or has some direct effect on the political integrity, the economic security or the health and welfare of the Tribe; and

**WHEREAS,** The Tribal Business Council has determined that that traffic violations by non-members particularly those operating in the oil and gas industry is conduct that has direct effect on the political integrity, the economic security and the health and welfare of the Tribe and its members and therefore adoption of a civil motor vehicle code is necessary to ensure enforcement of motor vehicle laws on the Reservation and provide a deterrent for violations of motor vehicle laws on the Reservation.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the attached Civil Motor Vehicle Code which shall be codified as Chapter 3 of Title X of the Three Affiliated Tribes Law and Order Code.

**BE IT FURTHER RESOLVED,** that the Tribal Business Council finds that an emergency exists and therefore waives the reading, public notice and comment period required by Resolution #08\_56\_VJB and these code provisions shall take effect immediately upon adoption and certification of this Resolution





**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a **Regular** Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> day of September, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ **X** ] Voting. [ ] Not Voting.

Dated this 14<sup>th</sup> day of September, 2011.

**ATTEST:**

Tribal Secretary Y. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

Tribal Chairman Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes

