

APRIL 2011 REGULAR SESSION OF THE CROW TRIBAL LEGISLATURE

LEGISLATIVE RESOLUTION LR11-05

Introduced by the Ethics Committee of the Crow Tribal Legislature

A Legislative Resolution Titled:

**A LEGISLATIVE RESOLUTION ESTABLISHING THE BRANCH POLICY AND
PROCEDURE FOR OPERATION AND USE OF LEGISLATIVE BRANCH
MOTOR VEHICLES**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, and

WHEREAS, the Crow Legislative Branch has acquired motor vehicles for the purpose of conducting Crow Legislative Branch business, and

WHEREAS, the Legislative Branch motor vehicles are currently covered by a Crow Tribal insurance policy with certain terms and conditions, and

WHEREAS, the Legislative Branch has determined there is a need to establish a policy and procedure for the operation and use of the Branch motor vehicles.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL
LEGISLATURE IN REGULAR SESSION:**

The Policy and Rules of Operation and Procedure of the Crow Legislature as to all motor vehicles owned, leased, or otherwise controlled by the Branch is as follows:

Legislative Branch Motor Vehicle Pool Policy and Procedure

1. All Crow Legislative Branch motor vehicles shall be used only and exclusively for Crow Legislative Branch business purposes.
2. Crow Legislative Branch Elected Senators and staff are the only authorized operators of the Crow Legislative Branch motor vehicles. Any operation or use of Branch motor vehicles by any other person is prohibited; *provided that*, either the Speaker of the House or Secretary of the Legislature, upon receiving a concurrence with the Sergeant at Arms, may authorize a Branch motor vehicle to be used by a person not associated with the Branch, for emergency purposes only.

3. The Crow Legislative Branch Sergeant at Arms is hereby authorized to administer and enforce the Policies and Procedure as to the Branch Motor Vehicle Pool. In exercise of his duties, the Sergeant at Arms shall adhere to the following:
 - a. The Sergeant at Arms shall be responsible for all maintenance safety checks and accounting of all Branch motor vehicles;
 - b. The Sergeant at Arms shall record, check, and accept return of Branch motor vehicles;
 - c. The Sergeant at Arms shall maintain security of the Branch motor vehicles in possession at all times and shall maintain a log of vehicles in possession as well as report immediately to the proper police authorities all harm or damage. Additionally, the Sergeant at Arms shall make a separate written report to the Speaker of the House;
 - d. The Sergeant at Arms shall submit a monthly written report with mileage logs of all activity relating to the Branch Motor Pool;
 - e. The Sergeant at Arms shall take all necessary steps to safely secure and maintain the Branch motor vehicles in possession at all times including but not limited to a secure, safe storage lot or facility.
4. When not in official, authorized Branch use, all Legislative Branch motor vehicles shall be stored at all times in a secured fenced enclosed lot or shall be stored in a secure garage building.
5. Each motor vehicle under the control of the Crow Legislative Branch shall be licensed and shall be fully insured. Such insurance shall include but not be limited to: 1. Damage by acts of nature 2. Damage by operator 3. Damage to others and property for liability in case of accident and 4. Uninsured motorist.
6. All Legislative Branch motor vehicles shall be operated at all times in a lawful, safe manner, including but not limited to the following:
 - a. All Operators must be licensed, insured or insurable drivers with proof of insurance, if applicable, and held strictly responsible for compliance with all tribal, city, county and state traffic regulations;
 - b. The use, sale, purchase, transfer, possession, distribution, or being under the influence of alcohol or any illegal drug by a Senator or staff while performing Legislative Branch business is prohibited. Violation of this policy may result in Legislative Branch sanction;
 - c. Operators shall not use cell phones while driving. Safety shall come before all other concerns.

7. Only authorized persons, Senators, or staff are allowed to travel in the Legislative Branch motor vehicle(s). All passengers who are not a Senator or member of the staff must be pre-authorized in writing by the Speaker in advance of the vehicle being checked out. Such authorization from the Speaker, or the Sergeant at Arms in the Speaker's unavailability, must identify and describe the person(s) accompanying the authorized Operator, relation to the Operator, and purpose of accompaniment. *Provided that*, where no pre-authorization from the Speaker is made, an Operator may, in his or her sound discretion, allow a non-authorized person to travel in a Branch motor vehicle when warranted by emergency circumstances. All such emergencies shall be immediately reported in writing to the Speaker in a form acceptable to the Speaker.
8. Authorized use and operation of Legislative Branch motor vehicles is a privilege and not a right. Thus, for violation of law or for unsafe operation of a Legislative Branch motor vehicle the privilege to operate Branch motor vehicles may be revoked.
9. Official Legislative Branch use of motor vehicles is authorized under this Policy and Procedure under the following terms and conditions:
 - a. All Operators of Branch motor vehicles shall possess a current Montana driver's license;
 - b. All Operators of Branch motor vehicles shall be lawfully insured according to the standards of motor vehicle operation in the State of Montana;
 - c. All Operators shall fully cooperate and agree in writing and shall follow the Policies and Procedures contained herein;
 - d. All Operators must submit for examination their vehicle use request and indicate their compliance with the Policy and Procedures contained herein and the Speaker and/or Secretary and Sergeant at Arms must authorize the use and operation of the Branch Motor Vehicles;
 - e. All Operators must refrain from smoking tobacco while inside of a Branch motor vehicle;
 - f. [Reserved for further amendment relating to driving under the influence of drugs or alcohol, and other ethical violations].
10. The Sergeant at Arms is directed to follow the following procedure as to Legislative Branch Motor Vehicle release and return by a Senator or staff of a Branch motor vehicle:
 - a. If a Senator or staff person has a business need for a motor vehicle, the requestor shall complete a request form as soon as possible with a minimum of 24 hours prior to intended pick up and use of the vehicle;

- b. The request form shall contain the following items:
 - i. Full name of requestor
 - ii. Driver's license number and date of expiration (a full color copy of the drivers license shall be attached to the request)
 - iii. List the intended purpose(s) of the use of the motor vehicle
 - iv. List the dates and time of pick up and return of the motor vehicle
 - v. List the name of the insurance company from whom the requestor is insured (where applicable, a copy of a valid insurance card shall be provided with the application form at submittal to the Sergeant at Arms)
 - vi. An estimate of the miles expected to be covered in the use and operation of the motor vehicle
 - vii. A list of the city/state where the requestor intends to travel to and return from
 - viii. A signature line placed under a paragraph which contains an agreement by the signatory to agree to cooperate and comply with the policy and procedure written herein
- c. Upon receipt of the completed form the Sergeant at Arms shall examine the form and if complete shall sign and date the form as received and authorized and shall provide a copy to the requestor;
- d. At the time of requesting possession of the motor vehicle the Sergeant at Arms shall have the requestor examine the vehicle and shall require the signature of the requestor confirming the good acceptable condition of the motor vehicle. The signed form shall indicate any concerns discovered in the examination of the motor vehicle by the requestor;
- e. The Sergeant at Arms shall sign a form releasing the motor vehicle to the Senator or staff person. The form shall indicate the time and date released. The form shall indicate the mileage on the motor vehicle odometer. The requestor shall be provided a copy of the signed release form. The requestor shall secure the form and return the release form with the vehicle when returned;
- f. The Sergeant at Arms shall provide a mileage log form to the Senator/staff Operator. The Operator shall complete the log in detail for each location of the trip traveled with the motor vehicle. The Operator shall provide the completed log to the Sergeant at Arms upon return of the motor vehicle;
- g. The log form shall contain a statement that the Operator, should he or she have an accident, must immediately contact the proper law enforcement authorities and report the accident and shall contact the Sergeant at Arms providing details such that the Sergeant at Arms shall complete and file a accident report form;

- h. The log form shall contain a statement requiring the Operator to report any and all stops, warnings, or tickets for traffic violations to the Sergeant at Arms within 24 hours of the stop, warning, or ticket;
- i. The log form shall contain a statement requiring the Operator to contact the Sergeant at Arms if the proposed return scheduled of the motor vehicle is not going to be returned at the identified time and date;
- j. The Sergeant at Arms shall make a written report of any of the contacts reported above. The written incident report shall become part of a permanent Legislative Motor Pool file;
- k. When the Operator returns the motor vehicle the Sergeant at Arms shall examine the vehicle for condition and shall report as determined proper. Upon determination that all paperwork is returned and is in proper order, the Sergeant at Arms shall sign a receipt with one copy being provided to the Operator and the originals shall be filed;
- l. The Sergeant at Arms shall keep a permanent record of all actions within the operation of the Legislative Branch Motor Pool;
- m. The Sergeant at Arms shall have full, exclusive authority to determine whether or not an Operator has violated this Legislative Branch Policy and Procedure. Should the Sergeant at Arms determine an Operator has violated this Legislative Branch Policy and Procedure, the following sanctions shall be mandatory:
 - i. First Violation ----- Use of a Legislative Branch Motor Vehicle is prohibited for ONE month
 - ii. Second Violation ----- Use of a Legislative Branch Motor Vehicle is prohibited for THREE months
 - iii. Third Violation ----- Use of a Legislative Branch Motor Vehicle is prohibited for SIX months
 - iv. Fourth Violation ----- Permanent loss of Legislative Branch Motor Vehicle Privileges

Conclusion

This Policy shall take effect immediately upon passage and signature by the Speaker of the House and the Secretary of the House.

This Legislative Resolution may be amended following the proper and applicable rules of procedure in the Legislative Rules of Order.

Upon passage this policy shall be clearly posted in the Legislative Branch Administrative Office.

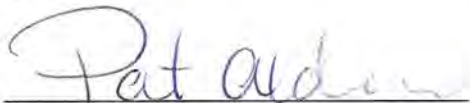
CERTIFICATION

I hereby certify that this **LR 11-05** "A LEGISLATIVE RESOLUTION ESTABLISHING THE BRANCH POLICY AND PROCEDURE FOR OPERATION AND USE OF LEGISLATIVE BRANCH MOTOR VEHICLES" was duly approved by the Crow Tribal Legislature with a vote of **16** in favor, **0** opposed, and **0** abstained and that a quorum was present on this **13TH** day of **April** 2011.



Senator Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Pat Alden, Jr.
Secretary
Crow Tribal Legislature



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MOTOR VEHICLES

Bill or Resolution: LR11-05 **Introduced by:** Ethics Committee **Date of Vote:** 4/13/2011
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:

Passed

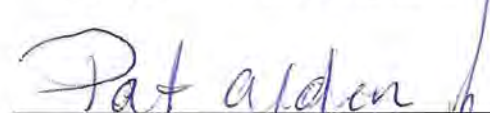
 Not Passed

 Tabled

 Veto-Override



 Senator Manuel Covers Up, Sr. Date
 Speaker of the House



 Senator Pat Alden, Jr. Date
 Secretary of the House