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INVESTIGATION COMMITTEE

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## CHAPTER 41.

[H. B. No. 48—State Affairs Committee.]

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## INVESTIGATION COMMITTEE.

A Joint Resolution Creating a Joint Investigation Committee; Defining Its Rights and Powers, and Authorizing It to Investigate All Efforts to Destroy or Injure the Property or Rights of Individuals, Corporations, or Any of the Industries, Enterprises or Utilities Owned by the State, or the Credit of the State, or to Unlawfully Influence or Corrupt Elections or Results Thereof and to Report the Results of Such Examination to the Governor, to the Legislative Assembly and State's Attorneys; and Making an Appropriation Therefor; and Providing for Bonds.

*Be It Resolved by the House of Representatives, the Senate Concurring:*

§ 1. A joint committee of the Legislative Assembly of the State of North Dakota, consisting of five members, two of whom shall be Members of the Senate, to be named by the presiding officer of the Senate, and three of whom shall be Representatives of the House, to be named by the Speaker of the House, is hereby created and shall be known as the committee for investigating conspiracies and conduct against law and order and government in North Dakota.

§ 2. It shall be the duty of this committee, and it is hereby directed and authorized, to examine and investigate, on the written complaint of any person, or on its own initiative, as a committee, any department or public office of this state, and all acts, efforts, attempts, transactions, proceedings and conspiracies to destroy or injure, or which were or are designed or intended to injure or destroy, the property, reputation, freedom, rights or business of any person, corporation, association, company or group of persons in the State of North Dakota, or any of the industries, enterprises or utilities owned by the State of North Dakota, or the credit of the State of North Dakota, or to influence, corrupt or control any election or primary, or the result of any election or primary, by force, violence, riot, libel, blacklist, blackmail, threat, coercion, fraud, misrepresentation, deceit, or by the use or abuse of legal process or official power or by any unlawful or oppressive means or method whatever, and report the results of such examination and investigation to the Governor of the State of North Dakota for such executive action as he may in his discretion take, and to the Senate and House of Representatives of the next regular assembly of the State of North Dakota, and to the respective State's Attorneys for criminal prosecution.

§ 3. The committee shall have power to hold sessions of the committee anywhere in North Dakota at any time until the next

regular session of the Legislature; to subpoena and compel the attendance of witnesses before it; to administer oaths to and question such witnesses under oath either by its own members or by its attorneys; to compel the production and exhibition before it of books, records, papers, vouchers, checks, contracts, letters or copies of letters of any person, committee, association, corporation or copartnership.

§ 4. The Committee shall have power to authorize and designate any one of its members to conduct investigation in the name of the committee, and such member while conducting such hearing shall have and exercise the full power of said committee. For the purposes of this resolution the committee, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, association, corporation or any officer of the State of North Dakota being investigated or proceeded against; and the committee shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the committee may sign subpoenas; may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the State of North Dakota, at any designated place of hearing. And in case of disobedience to a subpoena the committee may invoke the aid of any district court of the State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the State of North Dakota within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, association, corporation or any officer of the State, issue an order requiring such person, firm, association, corporation or officer of the State to appear before the committee, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as contempt thereof.

Upon the application of the attorney for the committee, at the request of the committee, the district courts of the State of North Dakota shall have jurisdiction to issue writs of mandamus commanding any person, firm, association, corporation or any officer of the State to comply with this resolution or any other order of the committee made in pursuance thereof.

The committee may order testimony to be taken by deposition in any proceeding or investigation pending under this resolution at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the committee and having power to administer oaths.

Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed

by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the committee as hereinbefore provided.

Witnesses summoned before the committee shall be paid the same fees and mileage that are paid witnesses in the courts of the State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the State.

No person shall be excused from attending and testifying or from producing documentary evidence before the committee or in disobedience to the subpoena of the committee on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the committee in obedience to a subpoena issued by it; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Complaints, orders and other processes of the committee may be served by anyone duly authorized by the committee, either (a) by delivering a copy thereof to the person to be served or to a member of the partnership to be served, or to the president, secretary or other executive officer of the corporation to be served; or (b) by leaving a copy thereof at the principal place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership or corporation at his or its principal office or place of business.

§ 5. Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or requirement of the committee, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than One Thousand nor more than Five Thousand Dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

§ 6. The committee shall have power and authority to employ attorneys, stenographers, and all other expert help necessary to assist in conducting its investigation, examining witnesses and making its report, and to fix the compensation therefor, provided same shall not exceed the appropriation herein.

§ 7. This committee shall meet within ten days after the adjournment of the special session of the Legislature, at the City of Bismarck, North Dakota, and organize by electing one of the members thereof chairman and selecting a secretary, and shall thereupon immediately commence such investigation.

The members of the committee shall serve without salary or

compensation, but shall receive their actual and necessary traveling expenses while engaged in conducting such investigation.

§ 8. There is hereby set aside out of any money appropriated for the expenses of the Legislative Assembly, the sum of \$25,000, for the purpose of carrying out the provisions of this resolution, which shall be paid to the chairman of such committee and by him deposited in the Bank of North Dakota and the expenses of the committee paid therefrom on orders signed by the chairman and approved by the committee. The chairman shall furnish bond in the State Bonding Department in the sum of \$27,000.

Approved 8:15 p. m. Dec. 11, 1919.

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## JOINT RESOLUTION

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### CHAPTER 42.

[H. B. No. 49—State Affairs.]

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#### SCOTT v. FRAZIER.

Joint Resolution Requesting the Supreme Court of the United States to Advance the Case of John W. Scott, et al., vs. Lynn J. Frazier, et al., on the Calendar.

WHEREAS, an action in equity in the District Court of the United States for the District of North Dakota has been begun under the title of John W. Scott, et al., against Lynn J. Frazier, et al., the purpose of which is to enjoin and prevent the operation of the laws enacted at the last session of this Legislative Assembly creating the Industrial Commission of North Dakota, the Bank of North Dakota, the Milling and Elevator Association and the Home Building Association, and providing for issuance of state bonds wherewith to finance those state enterprises; and whereas said action, after a hearing before the Hon. Charles F. Amidon, United States District Judge, was determined in favor of the defendants and against the plaintiffs, thereby holding the said laws to be valid and constitutional; and whereas the plaintiffs in said cause have appealed from the decision of the District Court of the United States to the Supreme Court of the United States and the appeal is now pending; and whereas this Legislative Assembly is advised that, in the usual course of business of the Supreme Court of the United States, in view of the large number of causes now waiting to be heard before that tribunal, the said case of Scott, et al., against Frazier, et al., will not be heard in the Supreme Court for a period of about one year from this time or longer; and

WHEREAS, the issues involved in said cause are of great public importance to the State of North Dakota and all its people, and