
PUBLIC SERVICE COMMISSION

CHAPTER 194.

[S. B. No. 340—Pierce and Koffel]

PUBLIC SERVICE INQUIRY COMMISSION.

A JOINT RESOLUTION.

WHEREAS, Much time and labor has been fruitlessly expended and much expense in like manner incurred by the tenth legislative assembly in its endeavors to prepare and enact laws calculated for the better, safer and more efficient regulation of the operation of public service corporations within the state, and to fairly and equitably adjust and regulate the charges and schedules which should be made and adopted by such public service corporations in the performance of their duties as such; and

WHEREAS, It is manifest that the greatest hindrance to the enactment of such laws lies in the lack of knowledge or information on the part of the legislative assembly touching the actual cash value of the properties of such public service corporations, used in the transaction of their various lines of business, their capitalization and bonded indebtedness, their earnings and expenses, properly creditable to and chargeable to business done within the state of North Dakota; and

WHEREAS, It is manifestly the desire and intent of the legislative body to avoid expensive experiments, and to enact such just, equitable and efficient laws as will encourage the investment of capital and the extension of development of the state and of the public service corporations therein and at the same time provide adequate compensation for adequate service, no more and no less; now, therefore,

Be It Resolved by the Legislative Assembly of the State of North Dakota:

§ 1. COMMISSION CREATED.] A special commission is hereby created to be known as "the public service inquiry commission," to consist of the governor, the president of the senate and the speaker of the house of representatives of the tenth legislative assembly, which commission shall exist until the convening of the eleventh legislative assembly unless sooner dissolved by law.

§ 2. DUTIES.] The duties of such commission shall be to ascertain and report to the eleventh legislative assembly, in the form of an itemized, detailed report:

(a) The actual cash value of all property, real and personal, within and without the state of North Dakota (separately stated), of all railroad, steamboat, sleeping car, refrigerator or other special car corporations, express, telegraph and telephone corporations, doing business within the state.

(b) The mileage of railway, telephone and telegraph lines of such corporations within the state, and separately elsewhere.

(c) The capitalization and bonded indebtedness of such corporations.

(d) Their gross earnings in detail, including in this, not only business beginning and ending within the state, but the just and equitable share or proportion of interstate and other business which should in the opinion of the commission be credited to the operation of their lines within the state.

(e) Their expense of operation and fixed charges separately, and such proportion thereof as should be justly and equitably charged against their earnings as herein specified.

(f) A deduction showing the net cost per mile of transporting the different classes of property, persons and communications.

(g) The nature and cause of accidents and interruptions of service, and of the inefficiency thereof where such inefficiency existed, and remedies therefor.

(h) The inquiry, investigations and deductions to cover, extend over, and be made up from the experience of the five years next preceding the making of the report of the commission.

§ 3. POWERS OF COMMISSION.] Such commission, and the several members thereof, are hereby empowered to administer oaths, to issue subpoenas and to compel the attendance of witnesses and the production of books, papers and records, and to punish for contempt in case of refusal of any person to comply with its orders or requirements.

§ 4. ORGANIZATION.] Such commission shall meet for organization at such time and place as the governor may designate, adopt such rules and regulations as may be necessary and proper for the prompt and orderly conduct of its business and may hold its sessions at such times and places and under such regulations as it may from time to time decide, but its sessions during the biennial period shall not exceed one hundred days in all.

§ 5. DUTY OF ATTORNEY GENERAL.] The attorney general shall be the legal advisor and counselor of such commission and it shall have the power to employ a stenographer or reporter and such other assistance as in its judgment may be required.

§ 6. COMPENSATION.] The members of said commission shall serve without other compensation than that now allowed them by law, but shall be allowed and paid the sum of ten dollars each per diem to cover and in lieu of all personal expenses while actually engaged in the sessions of said commission and while going to and returning from the same.

§ 7. EXPENSES ALLOWED.] The expense of said commission and of the members thereof shall be audited and allowed the same as other expenses of the state administration and paid out of the general fund.

§ 8. FILE REPORT.] In order that the information obtained by such commission shall be available for the state board of equalization, as well as for the legislative assembly, at the earliest possible

date, the said commission shall file with the secretary of state a report of its findings up to and on the first day of July, 1907, and a like report on the first day of July, 1908.

§ 9. PERSON TESTIFYING IMMUNE.] No person shall be privileged from testifying in relation to anything herein contained, but no such person shall thereafter be prosecuted for any offense concerning which he may have been required to testify, and the testimony so given shall not be used in the prosecution of any such person in any criminal action whatever, except in actions for perjury in giving such testimony.

Approved March 19, 1907.

PURE FOODS AND DRUGS

CHAPTER 195.

[S. B. No. 57—Hanna]

PURE FOOD LAW.

AN ACT to Prevent the Adulteration and Misbranding of Foods and Beverages, the Selling of Adulterated and Unwholesome Foods and Beverages, and Providing for the Proper Labeling of All Foods and Beverages.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ADULTERATING AND MISBRANDING FOODS AND BEVERAGES.] It shall be unlawful for any person, either himself or while acting as agent or servant of any other person or corporation, to manufacture for sale, sell, offer or to have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this act. The having in possession of such adulterated, unwholesome, misbranded or insufficiently labeled article or articles shall be deemed as prima facie evidence of the violation thereof. For the purpose of this act all condiments, extracts, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed as articles of food.

§ 2. WHAT CONSTITUTES ADULTERATION.] Any article of food or beverage shall be considered as misbranded, unwholesome, adulterated or insufficiently labeled within the meaning of this act: