

JAN 12 2018

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

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North Dakota Legislative Assembly,)
Senator Ray Holmberg, Representative)
Al Carlson, Senator Rich Wardner,)
Senator Joan Heckaman, and)
Representative Corey Mock,)

Petitioners,)

vs.)

State of North Dakota ex rel. Wayne K.)
Stenehjem, in his capacity as Attorney)
General of the State of North Dakota;)
North Dakota Governor Doug Burgum,)

Respondent and)
Cross-Petitioners.)

**CROSS-PETITION FOR
DECLARATORY JUDGMENT**

Supreme Court No. 20170436

[¶1] Pursuant to N.D.C.C. § 54-12-02, Cross-Petitioner Attorney General Wayne Stenehjem hereby joins Respondent and Cross-Petitioner Governor Burgum in petitioning the Court to exercise its original jurisdiction under Article VI, § 2 of the North Dakota Constitution on the grounds that the issues raised in this cross-petition “involve[] questions affecting the sovereign rights of this state” and are “of strictly public concern.” N.D.C.C. § 27-02-04.

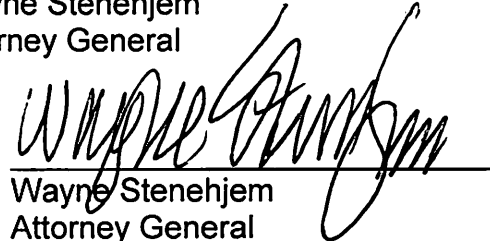
[¶2] Cross-Petitioners pray for relief in the form of a declaratory judgment declaring that Section 5 of House Bill No. 1020, 2017 N.D. Leg.; and Section 12 of Senate Bill, 2017 N.D. Leg.; are unconstitutional in violation of the non-delegation doctrine and the separation of powers doctrine because both bills grant to the Budget Section Committee, a subset of the Legislative Assembly, unfettered discretion to determine whether a law passed by the entire Legislative Assembly takes effect or not, and

authorize the Budget Section to veto a law passed by the Legislative Assembly, thereby usurping the power to veto legislation that belongs exclusively to the Governor.

Dated this 12th day of January, 2018.

State of North Dakota
Wayne Stenehjem
Attorney General

By:



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