

HOUSE BILL NO. 1390

Introduced by

Representatives Huether, DeKrey, Kempenich

Senator Tallackson

1 A BILL for an Act to allow imposition by counties of a surcharge on gravel.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. County surcharge on gravel.**

- 4 1. a. The board of county commissioners may impose by resolution a surcharge at
5 a rate not to exceed ten cents per cubic yard [.76 cubic meters] upon the
6 activity of severing gravel within the county.
- 7 b. For gravel that is stockpiled near the site of severance, the surcharge under
8 this section does not apply until it is removed from the stockpile and
9 transported away from the site.
- 10 2. The board of county commissioners may provide by resolution for administration,
11 collection, enforcement, and penalties for any surcharge imposed under this
12 section.
- 13 3. a. Revenues from a surcharge imposed under this section must be used for
14 construction, maintenance, or repair of county roads, bridges, and culverts
15 except as otherwise provided by this section.
- 16 b. A political subdivision other than the county imposing the surcharge under this
17 section may be granted a portion of revenue from the surcharge imposed
18 under this section upon terms approved by the board of county
19 commissioners if the political subdivision demonstrates that roads maintained
20 by that political subdivision are adversely impacted by the activity of extracting
21 or transporting gravel severed in the county imposing the surcharge.
- 22 4. The surcharge imposed under this section does not apply to incidental movement
23 of gravel by a surface coal mining or reclamation operation.