

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 any gravel within the county which is transported by truck.  
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  
17 this 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  
21 extracting or transporting gravel severed in the county imposing the  
22 surcharge.
- 23 4. The surcharge imposed under this section does not apply to incidental movement  
24 of gravel by a surface coal mining or reclamation operation.