

**Fifty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1193  
(Representative Klemin)

AN ACT to amend and reenact section 28-26-06 of the North Dakota Century Code, relating to the assessment of legal fees following a judgment.

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

**SECTION 1. AMENDMENT.** Section 28-26-06 of the North Dakota Century Code is amended and reenacted as follows:

**28-26-06. Disbursements taxed in judgment.** In all actions and special proceedings, the clerk of district court shall tax as a part of the judgment in favor of the prevailing party his the following necessary disbursements ~~as follows~~:

1. The legal fees of witnesses; sheriffs; clerks of district court; the clerk of the supreme court, if ordered by the supreme court; process servers; and of referees and other officers;
2. The necessary expenses of taking depositions and of procuring evidence necessarily used or obtained for use on the trial;
3. The legal fees for publication, when publication is made pursuant to law;
4. The legal fees of the court reporter for a transcript of the testimony when such transcript is used on motion for a new trial or in preparing a statement of the case; and
5. The fees of expert witnesses. ~~Such~~ The fees must be reasonable fees as determined by the court, plus ~~his~~ actual expense expenses. The following are nevertheless in the sole discretion of the trial court:
  - a. The number of expert witnesses who are allowed fees or expenses;
  - b. The amount of fees to be paid such allowed expert witnesses, including an amount for time expended in preparation for trial; and
  - c. The amount of costs for actual expenses to be paid ~~such~~ the allowed expert witnesses.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1193.

House Vote:      Yeas    86      Nays    9      Absent    3

Senate Vote:    Yeas    48      Nays    0      Absent    1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State