

HOUSE BILL NO. 1193

Introduced by

Representative Klemin

1 A BILL for an Act to amend and reenact section 28-26-06 of the North Dakota Century Code,
2 relating to the assessment of legal fees following a judgment.

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

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

6 **28-26-06. Disbursements taxed in judgment.** In all actions and special proceedings,
7 the clerk of district court shall tax as a part of the judgment in favor of the prevailing party ~~his~~
8 the following necessary disbursements ~~as follows~~:

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