

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1516

Introduced by

Representatives Kaldor, Wall

Senator Fiebiger

1 A BILL for an Act to amend and reenact section 65-10-01 of the North Dakota Century Code,
2 relating to district court appeals of workforce safety and insurance decisions.

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

4 **SECTION 1. AMENDMENT.** Section 65-10-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-10-01. Appeal from decision of organization.**

7 1. If the final action of the organization denies the right of the claimant to participate at
8 all in the fund on the ground that the injury was self-inflicted, or on the ground that
9 the accident did not arise in the course of employment, or upon any other ground
10 going to the basis of the claim, or if the organization allows the claimant to
11 participate in the fund to a lesser degree than that claimed by the claimant, if such
12 allowance is less than the maximum allowance provided by this title, the claimant
13 may appeal to the district court of the county wherein the injury was inflicted or of
14 the county in which the claimant resides. An employer may also appeal a decision
15 of the organization in any injury case or an organization decision issued under
16 chapter 65-04, in the manner prescribed in this section. An appeal involving
17 injuries allegedly covered by insurance provided under contracts with
18 extraterritorial coverage shall be triable in the district court of Burleigh County. ~~Any~~
19 2. Except as otherwise provided, an appeal under this section shall must be taken in
20 the manner provided in chapter 28-32. ~~Any~~ If a claimant is appealing an order of
21 the organization for which the organization did not accept the administrative law
22 judge's recommended findings of fact, conclusions of law, and order, the burden of
23 proof shifts to the organization to prove by a preponderance of the evidence the
24 claimant is not entitled to the benefits sought. An appeal to the district court shall

- 1 must be heard on the record, transmitted from the organization, and; in the
- 2 discretion of the court, additional evidence may be presented pertaining to the
- 3 questions of law involved in the appeal.