

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2301

Introduced by

Senators DeMers, Thompson

Representative Hoffner

1 A BILL for an Act to amend and reenact section 65-05-09 of the North Dakota Century Code,
2 relating to workers' compensation temporary total and permanent total disability.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-09 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **65-05-09. Temporary total or permanent total disability - Weekly and aggregate**
7 **benefit.** If an injury causes temporary total or permanent total disability, the fund shall pay to
8 the disabled employee during that disability a weekly benefit equal to sixty-six and two-thirds
9 percent of the gross weekly wage of the employee, subject to a minimum of sixty percent and a
10 maximum of one hundred percent of the average weekly wage in the state. In the case of an
11 injury that causes temporary total disability, the injured employee is deemed permanently totally
12 disabled if the injured employee is unable to return to work within seven years of the date of
13 injury. If an employee is disabled due to an injury, that employee's benefits will be based upon
14 the employee's wage and the bureau benefit rates in effect on the date of first disability.

- 15 1. If an employee suffers disability but is able to return to employment for a period of
16 twelve consecutive calendar months or more, that employee's benefits will be
17 based upon the wage in effect at the time of the recurrence of the disability or upon
18 the wage that employee received prior to the injury, whichever is higher. The
19 bureau benefit rates are those in effect at the time of that recurrence.
- 20 2. The disability benefit or the combined disability benefit and dependency award
21 may not exceed the weekly wage of the employee after deductions for social
22 security and federal income tax.
- 23 3. When an employee is permanently and totally disabled, must be maintained in a
24 nursing home or similar facility, and has no dependent parent, spouse, or children,

- 1 as much of that employee's weekly benefit as is necessary may be used by the
- 2 bureau to help defray the cost of the nursing home care.