

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1162

Introduced by

Industry, Business and Labor Committee

(At the request of the Workers Compensation Bureau)

1 A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code
2 and section 6 of chapter 556 of the 1999 Session Laws, relating to payment of supplementary
3 benefits for certain workers' compensation benefit recipients; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 65-05.2-02 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **65-05.2-02. Supplementary benefits - Amount.**

8 1. A claimant whose weekly benefit rate is less than sixty percent of the state's
9 average weekly wage, who is eligible for supplementary benefits and who is
10 receiving permanent total disability benefits, or death benefits regardless of the
11 date of death, is entitled to receive a weekly supplementary benefit that, when
12 added to the weekly permanent total disability benefit or death benefit, results in a
13 combined benefit of at least sixty percent of the state's average weekly wage on
14 July first of each year. equals the ratio of that claimant's weekly benefit to the
15 state's average weekly wage on the date of the claimant's first disability, times the
16 state's average weekly wage in effect at the date eligibility for supplementary
17 benefits is achieved. The bureau shall pay to a claimant who receives a
18 supplementary benefit under this subsection, subsequent annual supplementary
19 benefits equal to a percentage of that claimant's combined weekly benefit. That
20 percentage is equal to the annual percentage change in the state's average weekly
21 wage. For purposes of this section, combined weekly benefit means the weekly
22 benefit for which the claimant is eligible before any applicable social security offset
23 plus the amount of weekly supplementary benefits for which the claimant is eligible.

1 2. A claimant whose weekly benefit rate is greater than or equal to sixty percent of the
2 state's average weekly wage, who is eligible for supplementary benefits and who is
3 receiving permanent total disability benefits, or death benefits regardless of the
4 date of death, is entitled to receive a weekly supplementary benefit equal to a
5 percentage of that claimant's weekly benefit. That percentage is equal to the
6 annual percentage change in the state's average weekly wage. The bureau shall
7 pay to that claimant subsequent annual supplementary benefits equal to a
8 percentage of that claimant's combined weekly benefit. That percentage is equal
9 to the annual percentage change in the state's average weekly wage.

10 3. An annual recalculation of supplementary benefits may not result in a rate less
11 than the previous rate. If a claim has been accepted on an aggravation basis
12 under section 65-05-15 and the claimant is eligible for supplementary benefits, the
13 claimant's supplementary benefit must be proportionally calculated.

14 **SECTION 2. AMENDMENT.** Section 6 of chapter 556 of the 1999 Session Laws is
15 amended and reenacted as follows:

16 **SECTION 6. EFFECTIVE DATE.** Sections 2 and 3 ~~and the reduction in the waiting~~
17 ~~period in section 4~~ of this Act are effective for all claims for injuries occurring after July 31,
18 1999. The reduction in the waiting period in section 4 of this Act is effective August 1, 2006, for
19 all claims, regardless of the date of injury. The remainder of section 4 of this Act is effective
20 August 1, 1999, for all claims regardless of the date of injury.

21 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act is effective for all claims for
22 injuries occurring after July 31, 2001.