

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2351

Introduced by

Senators Robinson, Cook, Kringstad

Representatives Amerman, N. Johnson, Porter

1 A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code,
2 relating to workers' compensation additional benefits for retired injured employees; and to
3 provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 65-05-09.4 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **65-05-09.4. Additional benefit payable.** If an injured employee's benefits cease
8 under subsection 2 of section 65-05-09.3, the organization shall pay to that employee every
9 twenty-eight days a benefit based on the length of time the injured employee received disability
10 benefits during the term of that claim. The organization shall pay the injured employee's
11 additional benefits until the employee's death or for a period of time not to exceed the total
12 length of time the employee received disability benefits under sections 65-05-08, 65-05-08.1,
13 65-05-09, and 65-05-10, and a vocational rehabilitation allowance under chapter 65-05.1, for
14 that claim, whichever occurs first. The benefit is based on the ~~disability benefit that was~~
15 ~~discontinued under subsection 2 of section 65-05-09.3, which is the~~ injured employee's
16 compensation rate ~~less~~ before any applicable social security offset. The percentage of that
17 final payment payable as the additional benefit is:

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| 18 | At least 1 year and less than 3 years of disability | 5 percent of weekly benefit. |
| 19 | At least 3 years and less than 5 years of disability | 10 percent of weekly benefit. |
| 20 | At least 5 years and less than 7 years of disability | 15 percent of weekly benefit. |
| 21 | At least 7 years and less than 9 years of disability | 20 percent of weekly benefit. |
| 22 | At least 9 years and less than 11 years of disability | 25 percent of weekly benefit. |
| 23 | At least 11 years and less than 13 years of disability | 30 percent of weekly benefit. |
| 24 | At least 13 years and less than 15 years of disability | 35 percent of weekly benefit. |

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| 1 | At least 15 years and less than 17 years of disability | 40 percent of weekly benefit. |
| 2 | At least 17 years and less than 20 years of disability | 45 percent of weekly benefit. |
| 3 | Twenty or more years of disability | 50 percent of weekly benefit. |

4 However, the organization shall pay to an injured employee who has been determined to be
5 catastrophically injured as defined by subdivision c of subsection 2 of section 65-05.1-06.1 an
6 additional benefit, until the death of the employee, equal to one hundred percent of the final
7 payment of the disability benefit that was discontinued under subsection 2 or 3 of section
8 65-05-09.3.

9 **SECTION 2. APPLICATION OF ACT.** This Act only applies to additional benefit
10 payments made pursuant to section 65-05-09.4 which are scheduled to be paid on or after the
11 effective date of this Act.