

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1455

Introduced by

Representatives Thorpe, Boucher, Ekstrom, Zaiser

Senator Bakke

1 A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota
2 Century Code, relating to workers' compensation benefits for surviving spouse of permanently
3 and totally disabled injured employee; and to provide for application.

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

5 **SECTION 1.** A new section to chapter 65-05 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Death of permanently and totally disabled employee - Surviving spouse.** In the
8 case of the death of an injured employee who is receiving permanent total disability benefits, or
9 additional benefits payable, if the injured employee was permanently and totally disabled for at
10 least ten years and was married to the surviving spouse for at least ten years, the decedent's
11 surviving spouse is eligible to receive no more than six months of the decedent's permanent
12 total disability benefits, supplementary benefits, and additional benefits payable in the same
13 manner as the deceased spouse would have been entitled to receive the benefits. A surviving
14 spouse is eligible for benefits under this section if the organization approved the decedent for
15 home health care services and reimbursed the surviving spouse for providing the home health
16 care services. The surviving spouse is not eligible for benefits under this section if the surviving
17 spouse is eligible for benefits under section 65-05-16. The eligibility of the surviving spouse to
18 receive benefits under this section terminates upon the remarriage of the surviving spouse.

19 **SECTION 2. APPLICATION.** This Act applies to surviving spouses of workforce safety
20 and insurance claimants who die on or after the effective date of this Act.