

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1440

Introduced by

Representatives S. Kelsh, Boe, Mueller, Zaiser

Senators Heckaman, O'Connell

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 payable.

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

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

6 **65-05-09.4. Additional benefit payable.**

7 If an injured employee's benefits cease under subsection 2 of section 65-05-09.3, the
8 organization shall pay to that employee every twenty-eight days a benefit based on the amount
9 of the final payment payable and 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 amount is based on the injured employee's
15 compensation rate ~~before~~after any applicable social security offset. The percentage of that final
16 payment payable as the additional benefit is:

17 At least 1 year and less than 3 years of disability	5 <u>10</u> percent of weekly benefit.
18 At least 3 years and less than 5 years of disability	40 <u>25</u> percent of weekly benefit.
19 At least 5 years and less than 7 years of disability	45 <u>50</u> percent of weekly benefit.
20 At least 7 years and less than 9 <u>10</u> years of disability	20 <u>75</u> percent of weekly benefit.
21 At least 9 <u>10</u> years and less than 11 years of disability	25 <u>100</u> percent of weekly
22 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.