

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1140

Introduced by

Representative Keiser

Senator Klein

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 a workers' compensation inflationary adjustment for injured
3 employees with long-term temporary partial disabilities; 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 **Long-term temporary partial disability inflation adjustment.** This benefit only
8 applies to claims with a date of first disability or date of successful reapplication occurring after
9 June 30, 1991. For these claims, beginning on the first day of July immediately following the
10 fifth full year of partial disability and every year thereafter, an injured employee who has
11 received a waiver of the five-year cap on partial disability benefits under section 65-05-10 is
12 eligible for a lump sum inflation adjustment. The organization shall calculate the lump sum
13 inflation adjustment under this section on July first of each year by multiplying the previous
14 year's percent increase in the state's average weekly wage, if any, by the total amount of partial
15 disability payments paid to the injured employee in the preceding twelve months, including the
16 preceding year's inflationary adjustment award.

17 **SECTION 2. APPLICATION.** This Act applies to all workforce safety and insurance
18 claimants who are eligible for benefits on or after the effective date of this Act, regardless of the
19 date of injury.