

HOUSE BILL NO. 1427

Introduced by

Representatives Thorpe, Onstad, Zaiser

Senators Bakke, Taylor

1 A BILL for an Act to amend and reenact section 65-05-04 of the North Dakota Century Code,
2 relating to an injured worker's request for workers' compensation to exercise continuing
3 jurisdiction.

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

5 **SECTION 1. AMENDMENT.** Section 65-05-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **65-05-04. Organization has continuing jurisdiction over claims properly filed.**

8 1. If the original claim for compensation has been made within the time specified in
9 section 65-05-01, the organization at any time, on its own motion or on application,
10 may review the award, and in accordance with the facts found on such review, may
11 end, diminish, or increase the compensation previously awarded, or, if
12 compensation has been refused or discontinued, may award compensation. ~~There~~
13 ~~is no appeal from an organization decision not to reopen a claim after the~~
14 ~~organization's order on the claim has become final.~~

15 2. Under this section, the organization may not deny without reason an application for
16 review if:

17 a. The order for which review is sought was not the subject of a rehearing under
18 subsection 8 of section 65-01-16; or

19 b. The applicant establishes there is relevant, material evidence that was not
20 available at the time the organization issued the order for which review is
21 sought.