

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2426

Introduced by

Senator 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 benefit payable; and to provide for application.

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 1. If an injured employee's benefits cease under subsection 2 of section 65-05-09.3,  
8 the organization shall pay to that employee every twenty-eight days a benefit  
9 based on the length of time the injured employee received disability benefits during  
10 the term of that claim. The organization shall pay the injured employee's additional  
11 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,  
13 65-05-08.1, 65-05-09, and 65-05-10, and a vocational rehabilitation allowance  
14 under chapter 65-05.1, for that claim, whichever occurs first. The benefit is based  
15 on the injured employee's compensation rate before any applicable social security  
16 offset. The percentage of that final payment payable as the additional benefit is:

|                                                           |                                                    |
|-----------------------------------------------------------|----------------------------------------------------|
| 17 At least 1 year and less than 3 years of disability    | 5 <u>15</u> percent of weekly benefit.             |
| 18 At least 3 years and less than 5 years of disability   | <del>10</del> <u>20</u> percent of weekly benefit. |
| 19 At least 5 years and less than 7 years of disability   | <del>15</del> <u>25</u> percent of weekly benefit. |
| 20 At least 7 years and less than 9 years of disability   | <del>20</del> <u>30</u> percent of weekly benefit. |
| 21 At least 9 years and less than 11 years of disability  | <del>25</del> <u>35</u> percent of weekly benefit. |
| 22 At least 11 years and less than 13 years of disability | <del>30</del> <u>40</u> percent of weekly benefit. |
| 23 At least 13 years and less than 15 years of disability | <del>35</del> <u>45</u> percent of weekly benefit. |
| 24 At least 15 years and less than 17 years of disability | <del>40</del> <u>50</u> percent of weekly benefit. |

1 At least 17 years and less than 20 years of disability ~~45~~ 55 percent of weekly benefit.

|   |                                    |                                                    |
|---|------------------------------------|----------------------------------------------------|
| 2 | Twenty or more years of disability | <del>50</del> <u>60</u> percent of weekly benefit. |
|---|------------------------------------|----------------------------------------------------|

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

8           **SECTION 2. APPLICATION.** This Act applies to additional benefit payable payments  
9   made on or after the effective date of this Act.