

**SENATE BILL NO. 2351**

Introduced by

Senators Robinson, Cook, Kringstad

Representatives Amerman, N. Johnson, Porter

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 for retired injured employees.

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.** If an injured employee's benefits cease  
7 under subsection 2 of section 65-05-09.3, the organization shall pay to that employee every  
8 twenty-eight days a benefit based on the length of time the injured employee received disability  
9 benefits during the term of that claim. The organization shall pay the injured employee's  
10 additional benefits until the employee's death or for a period of time not to exceed the total  
11 length of time the employee received disability benefits under sections 65-05-08, 65-05-08.1,  
12 65-05-09, and 65-05-10, and a vocational rehabilitation allowance under chapter 65-05.1, for  
13 that claim, whichever occurs first. The benefit is based on the ~~disability benefit that was~~  
14 ~~discontinued under subsection 2 of section 65-05-09.3, which is the~~ injured employee's  
15 compensation rate ~~less~~ before any applicable social security offset. The percentage of that  
16 final payment payable as the additional benefit is:

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

Fifty-ninth  
Legislative Assembly

- 1           At least 17 years and less than 20 years of disability      45 percent of weekly benefit.  
2           Twenty or more years of disability                              50 percent of weekly benefit.  
3   However, the organization shall pay to an injured employee who has been determined to be  
4   catastrophically injured as defined by subdivision c of subsection 2 of section 65-05.1-06.1 an  
5   additional benefit, until the death of the employee, equal to one hundred percent of the final  
6   payment of the disability benefit that was discontinued under subsection 2 or 3 of section  
7   65-05-09.3.