Sixty-second Legislative Assembly of North Dakota

Introduced by

- 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; and to provide for application.

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

SECTION 1. AMENDMENT. Section 65-05-09.4 of the North Dakota Century Code is
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 injured employee's 14 compensation rate before any applicable social security offset. The percentage of that final 15 payment payable as the additional benefit is:

16 At least 1 year and less Less than 3 years of disability 17 At least 3 years and less than 5 years of disability 18 At least 5 years and less than 7 years of disability 19 At least 7 years and less than 9 years of disability 20 At least 9 years and less than 11 years of disability 21 At least 11 years and less than 13 years of disability 22 At least 13 years and less than 15 years of disability 23 At least 15 years and less than 17 years of disability 24 At least 17 years and less than 20 years of disability

5 percent of weekly benefit.
10 percent of weekly benefit.
15 percent of weekly benefit.
20 percent of weekly benefit.
25 percent of weekly benefit.
30 percent of weekly benefit.
35 percent of weekly benefit.
40 percent of weekly benefit.
45 percent of weekly benefit.

Sixty-second Legislative Assembly

Twenty or more years of disability 50 percent of weekly benefit.
 However, the organization shall pay to an injured employee who has been determined to be
 catastrophically injured as defined by subdivision c of subsection 2 of section 65-05.1-06.1 an
 additional benefit, until the death of the employee, equal to one hundred percent of the final
 payment of the disability benefit that was discontinued under subsection 2 or 3 of section
 65-05-09.3.
 SECTION 2. APPLICATION. This Act applies to an injured employee who attains

8 retirement age for purposes of social security retirement on or after the effective date of this
9 Act.