

Rep. MacKenzie, Hills. 40
Sen. Long, Dist 20
Sen. Perkins Kwoka, Dist 21
February 13, 2025
2025-0419h
06/02

Amendment to HB 744-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Workers' Compensation; Compensation for Temporary Total Disability. Amend RSA 281-A:28,
4 II to read as follows:

5 II. If an employee's average weekly wage is over 30 percent of the state's average weekly
6 wage, weekly compensation shall be 60 percent **for injuries that occurred prior to January 1,**
7 **2026, and 66 2/3 percent for injuries occurring on or after January 1, 2026,** of that employee's
8 average weekly wage or 30 percent of the state's average weekly wage, whichever is greater, but in
9 no event shall weekly compensation exceed 150 percent of the state's average weekly wage rounded
10 off to the nearest dollar as the commissioner determines for the year in which the injury occurred.
11 In no event shall the maximum weekly compensation rate exceed 100 percent of the employee's after
12 tax weekly earnings as determined under RSA 281-A:15. For purposes of this section, the
13 department of employment security shall establish the state's average weekly wage for the
14 immediate preceding calendar year to be effective the following July 1.

15 2 Compensation for Permanent Total Disability. Amend RSA 281-A:28-a, II to read as follows:

16 II. If an employee's average weekly wage is over 30 percent of the state's average weekly
17 wage, weekly compensation shall be 60 percent **for injuries that occurred prior to January 1,**
18 **2026, and 66 2/3 percent for injuries occurring on or after January 1, 2026,** of the employee's
19 average weekly wage or 30 percent of the state's average weekly wage, whichever is greater, but in
20 no event shall weekly compensation exceed 150 percent of the state's average weekly wage rounded
21 off to the nearest dollar as determined by the commissioner for the year in which the injury occurred.
22 In no event shall the weekly compensation rate exceed 100 percent of the employee's after tax
23 weekly earnings as determined pursuant to RSA 281-A:15. For the purposes of this section, the
24 state's average weekly wage shall be established by the department of employment security for the
25 immediately preceding calendar year to be effective the following July 1.

26 3 Compensation for Temporary Partial Disability. Amend RSA 281-A:31 to read as follows:

27 281-A:31 Compensation for Temporary Partial Disability. If the disability for work resulting
28 from an injury is partial, and the employee is able to work but has not yet reached maximum
29 medical improvement, the employer, or the employer's insurance carrier, during such disability, but
30 not for the first 3 days of disability unless the disability continues for 14 days or longer, shall pay to

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1 the injured employee a weekly compensation equal to 60 percent *for injuries that occurred prior*
2 *to January 1, 2026, and 66 2/3 percent for injuries occurring on or after January 1, 2026*, of
3 the difference between the employee's average weekly wage before the injury and the average weekly
4 wage which he or she is able to earn thereafter; but in no instance shall the weekly compensation
5 exceed the amount set forth by the compensation schedule in RSA 281-A:28. Payments shall not
6 continue after the disability ends, nor longer than 262 weeks; and, if the partial disability begins
7 after a period of total disability, the period of total disability shall be deducted from such total period
8 of 262 weeks.

9 4 Compensation for Permanent Partial Disability. Amend RSA 281-A:31-a to read as follows:

10 281-A:31-a Compensation for Permanent Partial Disability. Where the disability for work
11 resulting from an injury is permanent but partial in nature, the employee has reached maximum
12 medical improvement, is able to return to work, and there is an impairment in accordance with the
13 "Guides to the Evaluation of Permanent Impairment" published by the American Medical
14 Association as set forth in RSA 281-A:32, the employer, or insurance carrier, during such disability
15 shall pay to the injured employee a weekly compensation equal to 60 percent *for injuries that*
16 *occurred prior to January 1, 2026, and 66 2/3 percent for injuries occurring on or after*
17 *January 1, 2026*, of the difference between his average weekly wage before the injury and the
18 average weekly wage which he is able to earn thereafter. However, in no instance shall the weekly
19 compensation exceed the amounts set forth by the compensation schedule in RSA 281-A:28.
20 Payments shall not continue after the disability ends, nor longer than 262 weeks; and if the partial
21 disability begins after a period of total disability, the period of disability shall be deducted from such
22 total period of 262 weeks.

23 5 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill changes the percentage of workers' compensation indemnity benefits to 66 2/3 percent for injuries that occurred on or after January 1, 2026.