

# Senate Executive Departments and Administration Committee

*Kevin Condict 271-7875*

**HB 282-FN**, increasing the maximum benefits for first responders critically injured in the line of duty.

**Hearing Date:** April 23, 2025

**Time Opened:** 9:44 a.m.

**Time Closed:** 10:02 a.m.

**Members of the Committee Present:** Senators Pearl, McGough, Gannon and Reardon

**Members of the Committee Absent :** Senator Altschiller

**Bill Analysis:** This bill increases the maximum total compensation paid to all claimants for first responder's critical injury benefits from \$500,000 to \$1,000,000 per biennium.

---

**Sponsors:**

Rep. Trottier

Rep. Bordes

Rep. S. Pearson

Rep. Proulx

Rep. Soucy

Sen. Prentiss

Sen. Rosenwald

---

**Who supports the bill:** Rep. Mark Proulx (Hills. 15), Brian Ryll (PFFNH), Rep. Janet Lucas (Graf. 7), Sheila Donahue, Nancy Donahue, and Armand Peters.

**Who opposes the bill:** None.

**Who is neutral on the bill:** Danielle Albert (NHDOL), and Rep. Steve Pearson (Rock. 13).

**Summary of testimony presented:**

**Representative Steve Pearson, Rockingham 13**

- Rep. Pearson introduced House Bill 282-FN.
- Rep. Pearson said this bill takes a theoretical pot of available funding and modifies it to a realistic circumstance. He stated that this bill does not affect a single person's individual benefit.
- Rep. Pearson said the Department of Transportation has changed the requirements for dealing with motor vehicle accidents. He said the requirements

have brought more people onto the scene of accidents than ever before. He said there could be ten to twelve first responders on the scene of a simple motor vehicle accident.

- Rep. Pearson said that if a motorist were to plow into an emergency scene, then we would be dealing with a catastrophe. He noted that there have been some close calls, and that such a catastrophic event would expend the fund in one shot. He said this is not a budget item, instead money is available in the event of a catastrophe.
- Rep. Pearson reiterated that individuals' benefits would not change. He stated that this bill would allow immediate action and funding and would cover a gap built into workers' compensation.
- Sen. Pearl asked if the key is that this fund pays out for all claimants if there are multiple claimants for a single incident.
  - o Rep. Pearson said the total amount of annual funding could be used up in many smaller incidents or one large incident.
- Sen. Pearl asked if this fund was for one or two years.
  - o Rep. Pearson explained that it is on the budget cycle.
- Sen. McGough asked if this is in addition to workers' compensation.
  - o Rep. Pearson said that is correct.
- Sen. McGough asked how this critical injury bucket is accessed.
  - o Rep. Pearson said it is under the workers' compensation standard. He said those are not being modified. He explained that workers' compensation has a review process that moves slowly. He stated that this money becomes available faster. He voiced hope that this would never be used, but it is a reality of response to accidents. He said this could be used in a situation where law enforcement gets into a firefight.
- Sen. McGough asked what makes an injury rise to the level of critical injury. He asked if illness was included.
  - o Rep. Pearson said he would defer to Mr. Ryll to answer that question.

### **Bryan Ryll, Professional Fire Fighters of New Hampshire**

- Mr. Ryll explained that the critical injury benefit encapsulates any critical injury that does permanent damage to an internal organ or one of the five senses. This benefit is specific to those injuries.
- Mr. Ryll explained that this bill would put New Hampshire more in line with what is happening throughout the country. He noted that the frequency of catastrophic incidents has increased.
- Mr. Ryll said that once the maximum funding of \$50,000 is hit the benefit is done for the biennium. He said they have not ever reached the maximum; the most that has been used was \$350,000 in 2023-2024.
- Mr. Ryll said this is an instance where he would love to see the State be proactive. He echoed that this is not a needed budget item. He explained that the Governor would draw a warrant on this money.

- Sen. Reardon noted that this statute is ten years old. She asked if this had been used every year.
  - o Mr. Ryll said he is not sure. He guessed that there have been years when this funding was not used.

### **Danielle Albert, New Hampshire Department of Labor**

- Ms. Albert stated that this benefit is in addition to all other workers' compensation benefits. She said payment of this benefit to an eligible individual would not impact or offset in any way the payment of time out of work benefits, the other traditional permanency benefit that any injured worker is entitled to receive, or medical benefits.
- Ms. Albert explained that the statute sets specific eligibility criteria. If there is an individual who is a group II retirement system member and there has been a determination by the Department of Labor (DOL) that that individual is at what is called "maximum medical improvement at less than one hundred percent" then they may be entitled to or eligible for this benefit.
- She said that typically the worker and/or their attorney file a petition with the DOL. They provide the medical documentation that supports the claim. The DOL reviews all the documentation and the group II status, and after confirmation they forward the petition to the Governor for that warrant. She reiterated that the money comes from the general fund.
- Ms. Albert explained that there are three categories of injuries this benefit covers: permanent loss or impairment of internal organs, loss of one of the five senses, and permanent damage to the heart, lung, or brain. If an individual is found to fall into one of those categories, then the statute ascribes a set number of weeks at that individual's compensation rate.
- Damage of the heart, lung, or brain entitles an individual to two hundred and eight weeks worth of compensation rate.
- Ms. Albert said the statute has a cap on what an injured worker can be paid out. That cap is \$125,000 per claimant. This bill does not change that cap.
- Ms. Albert stated that all this bill is changing is the pot of money available per biennium. This bill doubles that pot of money. She said the DOL believes they can administer that under the current construction.
- Ms. Albert explained that this has been used over the years, at a slightly increasing rate. She said the only year without someone filing for this benefit was 2020-2021. She said that three claims have been processed this biennium, with a fourth claim pending. She stated that they have not reached the cap for the current biennium.