

# Senate Ways and Means Committee

*Sonja Caldwell 271-2117*

**AMENDMENT # 2026-1482s, reducing the rate of the business enterprise tax and appropriating funds to the department of health and human services for licensed nursing facilities, to HB 155-FN, reducing the rate of the business enterprise tax.**

**Hearing Date:** April 22, 2026

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:13 a.m.

**Members of the Committee Present:** Senators Lang, Murphy, Sullivan, Rosenwald and Fenton

**Members of the Committee Absent :** None

**Bill Analysis:** This bill reduces the rate of the business enterprise tax for tax years ending on or after December 31, 2027.

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**Sponsors:**

Rep. Sweeney

Rep. Alexander Jr.

Rep. Berry

Rep. Osborne

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**Who supports the amendment:** Kate Horgan (NHAC), Brendam Williams (NHHCA), Brenda Buttrick (NH Catholic Charities), Sean Stevenson (603 Healthcare), Michael Johnson (Alpine Center), Melissa Castor (Alpine Healthcare), Kathryn Kindopp (NHHCA & NHAC)

**Who opposes the amendment:** Rep. Tom Schamberg

**Who is neutral on the amendment:** Nathan White (HHS)

**Summary of testimony presented in support:**

**Senator Rosenwald**

- Senator Rosenwald introduced amendment 1482s to HB155, which appropriates \$2.5 million of state funds to be matched with federal funds to help stop an emergency in the nursing home sector that occurred this winter when nursing home rates were recalculated.

- The state funds will come from excess Medicaid Enhancement Tax (MET) revenues beyond what was budgeted or general funds.
- The Department of Health and Human Services sets nursing home rates twice a year. In January, nursing homes realized there would be devastating reimbursement cuts. 33 nursing homes, including 10 of the county nursing homes, saw substantial rate cuts.
- We need to prevent losing more nursing home beds.
- For seniors who meet both the medical and financial criteria for Medicaid, which pays for 60% of long-term care in NH, nursing home care is the entitlement. Community based care is not an entitlement.
- If nursing homes, most of which are privately owned, cannot cover their costs when losing money from the largest payer, they face choices that have an impact on our overall healthcare system and people.
- They might close altogether, as a facility in North Conway did. A facility in Whitefield recently declared bankruptcy.
- They may stay open but close units to save money on staff and supplies. These scenarios result in patients remaining in hospitals. The end result is financial drain on hospitals and lack of available beds for those who do need hospital care and higher costs for Medicaid.
- The last option is that nursing homes might just cut staff, meaning residents receive less direct care. She said this happened 15 years ago during the great recession. Nursing homes were forced to reduce staffing and the impact on residents was hard. There were stories of residents ringing call bells and no one showing up. This risks someone who cannot get out of bed alone trying to get out of bed and falling.
- She expressed hope that the committee would agree the legislature has to do what it can to ensure the safety and wellbeing of the oldest and frailest Granite Staters.

Sen. Lang asked her if it was accurate that the reason for this amendment is that HHS is obligated to reassess long-term care Medicaid per diem rates every six months and in December, we had a shortfall, and the legislature supplemented funding to stabilize long-term care rates.

Sen. Rosenwald said that the Fiscal Committee transferred some money but there were still 33 nursing homes that experienced cuts.

Sen. Lang said if the legislature does not pass this amendment, we could see cost increases at the county level.

Sen. Rosenwald said yes.

Sen. Lang said according to the amendment, the first source of funds is the MET, which the DRA estimates has a \$3.5 million surplus, followed by line-item transfers, followed by GF appropriations.

Sen. Rosenwald confirmed this was correct, adding that the \$3.5 million is the part that would have been budgeted so there is actually more than that in projected excess MET revenue.

Sen. Murphy asked if she had discussed this amendment with the Finance Committee Chair, Senator Gray.

Sen. Rosenwald noted that Sen. Lang is also on the Finance Committee and regularly caucuses with Sen. Gray. She said there is still a small general fund surplus against projected revenues and spending so there is a bit of wiggle room if the legislature decides that frail, low-income seniors are worth its attention.

**Summary of testimony presented in opposition:  
Rep. Tom Schamberg**

- Rep. Schamberg spoke in opposition to the amendment because it conflicts with and alters the intent of HB155.
- HB155 was carefully constructed to establish a specific policy framework.
- NH faces real challenges that demand decisive action and honest debate.
- The amendment attempts to smooth over disagreements. Good policy requires clarity.
- The amendment appears to minimize controversy rather than confront it and attempts to placate competing interests.

Sen. Lang asked if he recognized the exigent circumstances regarding nursing homes and the need to act.

Rep. Schamberg said he believed this was an issue that should have been sent to the HHS committee.

Sen. Lang repeated his question, adding that this is an emergency that needs to be dealt with by June.

Rep. Schamberg said he did recognize that.

Sen. Rosenwald added that the Senate did recognize this problem. There was a late file bill because the problem did not arise until after the filing period had closed and it was sent to the Senate Finance Committee.

**Neutral Information Presented:**

**Nathan White – Chief Financial Officer, Department of Health and Human Services**

Sen. Lang mentioned that there was a new amendment that strikes certain language and that was the amendment the committee would likely take up.

Mr. White stated that he wanted to speak to the committee about the rate methodology, the legality of using MET, and the potential impact on the Medicaid budget. He offered to hold his comments until the committee discussed the new amendment in executive session.

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Date Hearing Report completed: April 24, 2026