

SENATE OVERRIDES HANDFUL OF GOVERNOR'S BUDGET VETOES

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This week the Ohio Senate convened to discuss the vetoes that Governor John Kasich issued as part of his signing of the biennium budget bill, House Bill 49. As you'll recall, Governor Kasich vetoed [47](#) items from the bill using line item authority which he has on all legislation that contains an appropriation.

The House met in early July [to override eleven of the vetoes](#). According to state law, the Senate can only address those issues in which the House has already acted. This is due to the bill originating in the House; the originating chamber must act first on vetoes. Additionally, only those items that both chambers agree to will revert back to the language created in the bill. If only one chamber votes to override a veto, the veto will remain in place. The legislature has until the end of the current General Assembly (December 31, 2018) to act on overrides.

The Senate did not act on all eleven veto overrides that the House did, but did vote to override the following vetoes:

- Limit the power to the Controlling Board to determine amounts by which appropriations are adjusted and to create new funds. (Veto Item #3)
 - This override reinstates language that will allow Controlling Board to cap the amount of unexpected money appropriated at \$160 million.
- Prohibit the Ohio Department of Medicaid (ODM) from covering new groups unless permitted by statute. (Veto Item #23)
 - This override will ensure legislative approval for the state to cover any

new or optional Medicaid groups.

- Require ODM to set neonatal and newborn services rates at 75 percent of Medicare. (Veto Item #26)
 - Department of Medicaid will now be required to set neonatal and newborn services rates at 75 percent of rates paid by Medicare.
- Change the formula used to determine Medicaid payment rates for nursing facility services. (Veto Item #27)
 - This item will allow nursing homes to receive additional funds under Medicaid.
- Require ODM to delay implementation of the behavioral health redesign into managed care until July 1, 2018. (Veto Item #31)
 - The Governor's administration has been working on a redesign to managed care since 2014 and did not want a delay in implementing those changes. This override delays those changes from going into effect.
- Restrict the Controlling Board from releasing funds if Congress amends federal law regarding medical assistance that reduces the percentage. (Veto Item #34)
 - This item would have required the Governor to get Controlling Board (a legislative committee) approval to spend the state's share of the Medicaid expansion funds.

The remaining items, vetoes 25, 30, 33, 36 and 37 were "laid on the table" meaning that the Senate may revisit these items in a later session day. Senator Scott Oelslager, Chair of the Senate Finance Committee, indicated that he expects discussion and conversations to continue on these items throughout both chambers and the administration.

This is the first time in more than three decades that a legislature has overridden multiple vetoes that a governor makes in a budget bill.

The Senate does not have any plans to meet the rest of the summer and like the House will reconvene in late September to resume normal schedules and activity.

Should you have any questions about these veto overrides or other legislative issues please do not hesitate to contact one of our professionals.

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