Ohio Senate overrides six Kasich vetoes

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The Senate on Tuesday voted to override six of Gov. John Kasich’s budget vetoes, and more overrides could come in the future if compromises with the administration can’t be reached.

Tuesday marked the first successful veto overrides since December 2006, when GOP lawmakers and a few Democrats overrode Gov. Bob Taft’s veto of a bill prohibiting cities from imposing their own gun control laws. Prior to Tuesday, lawmakers had taken only two successful override votes in the past 38 years.

The Senate had the ability to approve as many as 11 overrides that the House approved in July, shortly after Kasich signed the new two-year, $65.5 billion budget into law. In all, Kasich vetoed 47 budget items, his highest total of any budget.

Senate Republican leaders chose not to take up five House overrides, though any one could be brought up again later in this session.

A three-fifths vote, 20 in the Senate, is needed for an override. Outside of Sen. John Eklund, R-Chardon, Republicans supported the overrides. A look at which vetoes were approved, and what did not get a vote:

− Nursing homes. Voted 32-1 to override a provision that changes the formula for Medicaid payments to nursing homes, providing an additional $237 million. This continues an ongoing struggle over Kasich’s efforts to curtail payments to nursing homes.

− Controlling Board. Voted 23-10 to override a provision limiting the amount of unanticipated revenue that the Controlling Board can approve to 0.5 percent of general revenue funds for that year. Kasich argued it could impede the ability of state agencies to respond to urgent situations.
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‒ Medicaid coverage. Voted 23-10 to override a provision prohibiting the state from covering any new or optional Medicaid groups unless lawmakers have approved it in law. Kasich said it imposes on the Medicaid director’s authority to manage the program.

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‒ Neonatal rates. Voted 33-0 to override a provision that requires Medicaid rates for certain neonatal and newborn services equal 75 percent of rates paid by Medicare.

‒ Behavioral health. Voted 33-0 to override a provision that delays the addition of behavioral health services into Medicaid managed care until July 1, 2018. Kasich argued this care coordination has been under development since 2014, and a delay would impose additional costs and hurt those benefiting from the services.

‒ Medicaid spending. Voted 23-10 to override a provision that requires the administration to get Controlling Board permission to spend about $227 million of state-share Medicaid expansion funding, and blocks such approval if the federal matching rate is changed.

‒ Medicaid rates. Declined to vote on a provision that would have required the Department of Medicaid to submit rate payment increases to the legislative Joint Medicaid Oversight Committee for approval. Kasich said it obstructs the director’s authority to manage the Medicaid program.

‒ Managed care. Declined to vote on a provision that would have prohibited nursing homes and most community-based waiver services from being added to Medicaid managed care unless authorized by lawmakers.

‒ Money for counties. Declined to vote on a provision that would have asked the federal government for approval to increase franchise fees on Medicaid managed care services to make up for the $207 million per year that counties and transit authorities are losing from no longer being able to apply sales tax to those
services. Lawmakers are still looking for solutions to this lost funding, and could bring up this override again in early September if county commissioners and Kasich cannot reach a deal.

– Healthy Ohio program. Declined to vote on a provision that would have required the administration to request a federal Medicaid waiver requiring certain Medicaid enrollees to pay into a modified health savings account.

– Drilling in parks. Declined to vote on a provision that would have turned over authority to the legislature to appoint members of the Oil and Gas Leasing Commission, which would issue permits for fracking on public lands.

Some GOP senators predicted that they would return at a later date to take additional override votes — either out of the batch the House approved in July, or for new overrides that the House decides to take up later this session.

Kasich gave the Senate action a mixed response.

“The Senate deserves credit for saying no to efforts that would have risked the future sustainability of Ohio’s health care system in order to seek a 24 percent tax hike on health plans,” he said in a statement. “I also applaud the Senate for choosing a different path on additional counterproductive health care provisions. I stand by my vetoes on other health care items and am disappointed with today’s actions on them, but am committed to working to manage changes with the least possible disruption in order to continue providing taxpayers with value and needy Ohioans with quality care.”

Senate President Larry Obhof, R-Medina, said he thinks progress is being made on the items the Senate chose not to override. That includes expectations that Kasich will name members to the leasing commission, and that Kasich will make a good-faith effort to help counties and transit authorities with its lost money.

“I’m not sure what kind of compromise, if any, is possible,” Obhof said. “That is one for which there is substantial support in both caucuses.”

Senate Minority Leader Kenny Yuko, D-Richmond Heights, said “a fix cannot come soon enough” for counties and transit authorities, including COTA, that stand to lose millions.

For example, the House declined to override Kasich’s veto of a provision that would have frozen Medicaid expansion enrollment starting in July 2018, a move the administration projected would bump 500,000 low-income Ohioans off the health insurance program within 18 months. But GOP leaders in both chambers have suggested that could be revisited.

Kasich also is the first governor since James Rhodes in 1977 to endure multiple overrides. Rhodes was overridden a total of 11 times, which still puts him well behind Gov. Victor Donahey, who, according to the Ohio Politics Almanac, earned the nickname “Veto Vic” for his battles with the Republican-controlled legislature. He was overridden 58 times from 1923 to 1927.

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