

STATE OF OHIO
Executive Department

OFFICE OF THE GOVERNOR

Columbus

VETO MESSAGES

**STATEMENT OF THE REASONS FOR THE VETO OF ITEMS IN
AMENDED SUBSTITUTE HOUSE BILL 153**

JUNE 30, 2011

Pursuant to Article II, Section 16 of the Ohio Constitution, which states that the Governor may disapprove any items in a bill making an appropriation of money, I hereby disapprove the following items contained in Amended Substitute House Bill 153 and set forth below the reasons for so doing. The text I am disapproving is identified in this message by reference to the corresponding page and boxed text of the bill.

ITEM NUMBER 1

On page 3095, delete the boxed text.

Facilities Establishment Fund Transfer

As set forth in the Ohio Revised Code, moneys in the Facilities Establishment Fund may only be appropriated for economic development purposes, but this provision inappropriately redirects economic development funds into the General Revenue Fund (GRF). The budget amendment which establishes this transfer was associated with an increase in GRF appropriations for mental health services. This veto does not decrease mental health funding levels which continue to be supported out of the GRF, and therefore, this veto is in the public interest.

ITEM NUMBER 2

On page 3221, delete the boxed text.

Privatized Prison Repurchase Price

This provision provides inappropriate restrictions on the ability of the state to execute the sale of state prisons as authorized in the bill. The item specifies that if one of the facility purchasers wished to sell the facility in the future, the state has a right of first refusal to re-purchase the facility at the price for which it was sold by the state. In the real estate market, values of real estate depend on market conditions at the time of sale. This provision would dramatically decrease the current purchase price of the facility and increase the fees paid by the state for prison management. Therefore, this veto is in the public interest.

ITEM NUMBER 3

On page 3038, delete the boxed text.

Hattie Larlham Community Living

This item would earmark a specified level of funding from line 600-525 for a specific Medicaid provider. This will interfere with the Administration's ability to manage Medicaid spending and impede the establishment of a person-centered, long-term care delivery system that bases spending decisions on the services and settings that Medicaid beneficiaries choose rather than specific line item appropriations. Among other things, the item gives a preferential benefit to a single facility, and therefore, this veto is in the public interest.

ITEM NUMBER 4

On page 5, delete the following boxed text "3770.03".

On page 9, delete the following boxed text "3370.031".

On page 14, delete the following boxed text "3770.03".

On page 17, delete the following boxed text "3370.031".

On page 1699, delete the boxed text.

On page 1701, delete the boxed text.

On page 2846, delete the following boxed text "3770.03".

Lottery Notice Information

This item would place new and expensive requirements on the Lottery Commission regarding the reporting on tickets and advertising of the percentage of education funding provided by the Lottery. The section will also require the additional expenditure of funds to replace and update advertising and print materials each time the calculation changes. The item is burdensome,

inefficient, and would decrease funds the Lottery is able to provide for education. Therefore, the veto of this item is in the public interest.

ITEM NUMBER 5

On page 4, delete the following boxed text “3318.011” and “3318.36”.
On page 14, delete the following boxed text “3318.011” and “3318.36”.
On page 1325, delete the boxed text.
On page 1326, delete the boxed text.
On page 1340, delete the boxed text.
On page 1341, delete the boxed text.
On page 1342, delete the boxed text.
On page 1343, delete the boxed text.
On page 1344, delete the boxed text.
On page 1345, delete the boxed text.
On page 1346, delete the boxed text.
On page 2845, delete the following boxed text “3318.011” and “3318.36”.
On page 3152, delete the boxed text.
On page 3256, delete the following boxed text “3318.011” and “3318.36”.

School Facilities Assistance Ranking

These provisions make several changes to statutes that determine funding and eligibility for the School Facilities Commission building assistance programs. It would allow districts that have previously agreed to a local percentage share through the Expedited Local Partnership Program to reduce that percentage, thereby increasing costs to the state. It also creates a new alternative equity list that would advance select districts ahead of other districts expecting funding in the upcoming year, potentially increasing costs and causing the state to serve fewer districts than previously expected. It also establishes a new definition and calculation of the state and local share of a project for certain school districts, which would increase the state share of project costs in future years. The changes in this program, while beneficial to select districts, have adverse impacts on others, and therefore, this veto is in the public interest.

ITEM NUMBER 6

On page 3208, delete the boxed text.
On page 3257, delete the following boxed text “701.20”

Health Care Pooling Program

The health care pooling initiative contained in the bill requires a study to analyze costs related to public employee health care benefits provided by existing political subdivision, public school district, and state institution plans. The study concept was amended during the legislative

process and provisions regarding the study were inadvertently included in both the codified and uncodified law sections of the bill. The purpose of this veto is to remove duplicative language from the uncodified section of the bill, thereby clarifying that only one study is necessary. Therefore, this veto is in the public interest.

ITEM NUMBER 7

On page 4, delete the following boxed text “3302.032”.
On page 13, delete the following boxed text “3302.032”.
On page 1032, delete the boxed text.
On page 1034, delete the boxed text.
On page 2845, delete the following boxed text “3302.032”.

Body Mass Index

This item would remove a voluntary body mass index (BMI) screening program in Ohio schools that was enacted in 2010 in an effort to combat childhood obesity. Childhood obesity is one of the most important public health issues in Ohio with more than one in three children and adolescents classified as overweight or obese. Seventy percent of health care costs are related to chronic disease, with obesity being a major contributing factor. A balanced diet and regular exercise are essential to a child’s health and academic success. This program helps ensure that parents and/or guardians of children who may be at risk for health problems are made aware of the issue and encouraged to follow-up with a health care provider who is equipped to work with the family. While I understand the concerns that legislators and other interested parties have with the existing program, I look forward to considering reforms that would improve the BMI screening program and reduce the rates of childhood obesity. Therefore, the veto of this item is in the public interest.



IN WITNESS WHEREOF, I have
hereunto subscribed my name and
caused the Great Seal of the State of
Ohio to be affixed at Columbus this
30th day of June, Two Thousand
Eleven.



John R. Kasich, Governor

This will acknowledge the receipt of a copy of this veto Message of Amended Substitute House Bill 153 that was disapproved in part by Governor John R. Kasich on June 30, 2011.

Laura P. Clemens
Name and Title of Officer Clerk

6.30.11 8:05 pm
Date and Time of Receipt