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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 31  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Schaffer

Kailey Henry, Research Analyst

### SUMMARY

- Allows the General Assembly to disapprove, by adopting a concurrent resolution, any agreement entered into or special or standing order issued by the Governor or the Director of Job and Family Services implementing a new voluntary federal unemployment compensation program.

### DETAILED ANALYSIS

#### Legislative oversight of new federal unemployment programs

The bill allows the General Assembly to disapprove, by adopting a concurrent resolution, any agreement entered into or special or standing order issued by the Governor or the Director of Job and Family Services to implement a voluntary program created on or after the bill's effective date under any federal law providing for an increase in the weekly benefit amount, duration of benefits, total benefits payable, or other compensation, assistance, or allowances with respect to unemployment. The General Assembly may disapprove an agreement or order in whole or in part. If the General Assembly adopts a concurrent resolution, the Governor or the Director must rescind the agreement or special or standing order as soon as practicable.<sup>1</sup>

Currently, the Director must cooperate with the U.S. Department of Labor (which enforces federal unemployment law) to the fullest extent consistent with Ohio's Unemployment Compensation Law, and take any action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to Ohio and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the

<sup>1</sup> R.C. 4141.433.

Wagner-Peyser Act, the Federal-State Extended Unemployment Compensation Act of 1970, and the Workforce Innovation and Opportunity Act.<sup>2</sup>

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## COMMENT

The bill allows the General Assembly to disapprove an agreement or order by adopting a concurrent resolution. Because the Ohio Constitution specifies that, “The General Assembly shall enact no law except by bill,”<sup>3</sup> the bill might be vulnerable to a constitutional challenge on the grounds that the legislature cannot take such an action by resolution. A reviewing court might find that the General Assembly cannot take an action with legal effect except by passing a bill, which must be presented to the Governor for approval and which, unless an exception applies, is subject to the referendum.

In addition, a separation of powers concern may arise by authorizing the General Assembly to disapprove an agreement or order via resolution rather than bill. The Constitution gives the General Assembly the power to enact laws, and gives the Governor the power to execute them.<sup>4</sup> A reviewing court might examine whether the bill attempts to give the General Assembly a legislative veto power in violation of the separation of powers among the governmental branches.

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## HISTORY

Action	Date
Introduced	01-26-23

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<sup>2</sup> R.C. 4141.43(I), not in the bill.

<sup>3</sup> Ohio Constitution, Article II, Section 15.

<sup>4</sup> Ohio Const., art. II, sec. 1 and art. III, sec. 6. See also *South Euclid v. Jemison*, 28 Ohio St.3d 157, 158 (1986).