



Ohio Revised Code

Section 107.13 Special counsel and intervention.

Effective: September 29, 2023

Legislation: Senate Bill 21, House Bill 33 - 135th General Assembly

(A) The governor, in the governor's official capacity as the supreme executive of this state, may retain legal counsel other than from the attorney general for either of the following purposes:

(1) To represent, and intervene on behalf of, the governor in any judicial proceeding that involves a challenge to the constitution or laws of this state and that is an important matter of statewide concern. The governor may intervene in any such judicial proceeding at any time as a matter of right. Intervention under this division shall be in accordance with Rule 24 of the Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules of Civil Procedure, as applicable.

(2) To provide advice and counsel to the governor on matters that affect the official business of the office of the governor.

(B) The governor shall approve all terms of representation and authorize payment for all financial costs incurred under division (A) of this section from the office of the governor's operating expenses appropriation line item or from a separate appropriation made for those costs. The requirements of sections 125.05 and 127.16 of the Revised Code do not apply to a representation agreement entered into under division (A) of this section.

(C) Notwithstanding any contrary provision of law, nothing in this section shall be construed to do any of the following:

(1) Constitute a waiver of any executive privilege of the governor or any executive officer or staff;

(2) Permit any violation of section 9.58 of the Revised Code;

(3) Permit the retention of counsel, or intervention, in any criminal proceeding;

(4) Limit any authority of the governor that is granted under the constitution of this state or under



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any other provision of law.
