



Ohio Revised Code

Section 101.55 Special counsel and intervention.

Effective: September 29, 2023

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

(A)(1) The speaker of the house of representatives, in the speaker's official capacity as the presiding officer of the house of representatives, may retain legal counsel other than from the attorney general for either of the following purposes:

(a) To represent, and intervene on behalf of, the house 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 house 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.

(b) To provide advice and counsel to the speaker on matters that affect the official business of the house.

(2) The speaker shall approve all terms of representation and authorize payment for all financial costs incurred under division (A)(1) of this section from the house of representatives' operating expenses appropriation line item or from a separate appropriation made for those costs.

(3) The house of representatives may rescind the retention of a particular legal counsel in a particular matter under division (A)(1) of this section by a resolution adopted by the affirmative vote of a majority of the members elected to the house.

(B)(1) The president of the senate, in the president's official capacity as the presiding officer of the senate, may retain legal counsel other than from the attorney general for either of the following purposes:

(a) To represent, and intervene on behalf of, the senate 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 senate 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.

(b) To provide advice and counsel to the president on matters that affect the official business of the senate.

(2) The president shall approve all terms of representation and authorize payment for all financial costs incurred under division (B)(1) of this section from the senate's operating expenses appropriation line item or from a separate appropriation made for those costs.

(3) The senate may rescind the retention of a particular legal counsel in a particular matter under division (B)(1) of this section by a resolution adopted by the affirmative vote of a majority of the members elected to the senate.

(C)(1) The speaker of the house of representatives and the president of the senate, acting jointly in their official capacities as the presiding officers of the houses of the general assembly, may retain legal counsel other than from the attorney general for either of the following purposes:

(a) To represent, and intervene on behalf of, the general assembly 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 general assembly 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.

(b) To provide advice and counsel to the speaker and the president, jointly, on matters that affect the official business of the general assembly.

(2) The speaker and the president shall jointly approve all terms of representation and authorize payment for all financial costs incurred under division (C)(1) of this section from the house of representatives' and the senate's operating expenses appropriation line items or from a separate appropriation made for those costs.

(3) The general assembly may rescind the retention of a particular legal counsel in a particular matter



under division (C)(1) of this section by a concurrent resolution adopted by the affirmative vote of a majority of the members elected to each house of the general assembly.

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

- (1) Constitute a waiver of the legislative immunity or legislative privilege of the speaker, the president, or any member, officer, or staff of either house of the general assembly;
- (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 speaker of the house of representatives, the president of the senate, the general assembly, or any member of the general assembly that is granted under the constitution of this state or under any other provision of law.