

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 202

Representative Hall, T.

To amend section 9.27 and to enact sections 101.37, 1
125.074, and 126.024 of the Revised Code to 2
establish the Joint Legislative Information 3
Technology Oversight Committee and to expressly 4
authorize state procurement of services and 5
supplies through online marketplaces. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.27 be amended and sections 7
101.37, 125.074, and 126.024 of the Revised Code be enacted to 8
read as follows: 9

Sec. 9.27. (A) As used in this section, "state" and "state 10
agency" mean the state of Ohio, including the governor, 11
lieutenant governor, secretary of state, auditor of state, 12
attorney general, and treasurer of state, and all departments, 13
boards, offices, commissions, agencies, institutions, and other 14
instrumentalities of the state of Ohio, but not including the 15
general assembly or any legislative agency, or any court or 16
judicial agency. 17

(B) Except as otherwise required or permitted by state or 18
federal law, a contract entered into by the state for the 19
procurement of goods or services shall not include any of the 20

following:	21
(1) A provision that requires the state to indemnify or hold harmless another person.	22 23
(2) A provision by which the state agrees to binding arbitration or any other binding extra-judicial dispute resolution process.	24 25 26
(3) A provision that names a venue for any action or dispute against the state other than a court of proper jurisdiction in Franklin county, Ohio.	27 28 29
(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state.	30 31 32 33 34 35 36
(5) A provision that requires the state to be bound by a term or condition that is unknown to the state at the time of signing a contract, that is not specifically negotiated with the state, that may be unilaterally changed by the other party, or that is electronically accepted by a state employee.	37 38 39 40 41
(6) A provision that provides for a person other than the attorney general to serve as legal counsel for the state or for any state agency, unless allowed for under the process set forth in section 109.07 of the Revised Code.	42 43 44 45
(7) A provision that is inconsistent with the state's obligations under section 149.43 of the Revised Code.	46 47
(8) A provision for automatic renewal such that state	48

funds are or would be obligated in subsequent fiscal years. 49

(9) A provision that limits the state's ability to recover 50
the cost of cover for a replacement contractor. 51

(10) With respect to a purchase in which a state agency 52
receives a license to use a software application designed to run 53
on generally available desktop or server hardware or cloud 54
platforms, a requirement that the state agency install or run 55
the software on hardware or in a cloud platform dedicated solely 56
to the state agency, or a provision that otherwise restricts the 57
state agency from installing or running the software on hardware 58
or in a cloud platform of the state agency's choosing. 59

(C) If a contract contains a term or condition described 60
in division (B) of this section, the term or condition is void 61
ab initio, and the contract containing that term or condition 62
otherwise shall be enforceable as if it did not contain such 63
term or condition. 64

(D) A contract that contains a term or condition described 65
in division (B) of this section shall be governed by and 66
construed in accordance with Ohio law notwithstanding any term 67
or condition to the contrary in the contract. 68

(E) This section does not apply to a contract in effect 69
~~before the effective date of this section~~ September 30, 2021, or 70
to the renewal or extension of a contract in effect before ~~the~~ 71
~~effective date of this section~~ that date. 72

Sec. 101.37. (A) As used in this section, "information 73
technology systems and services" includes all of the following: 74

(1) Internet service; 75

(2) Information technology hardware, software, security, 76

<u>services, and staff;</u>	77
<u>(3) Contracts with respect to any services related to</u>	78
<u>maintaining and repairing information technology systems;</u>	79
<u>(4) Projects undertaken with respect to information</u>	80
<u>technology.</u>	81
<u>(B) The joint legislative information technology oversight</u>	82
<u>committee is created. The committee shall review the annual</u>	83
<u>report of the director of budget and management that is prepared</u>	84
<u>under section 126.024 of the Revised Code. The committee may</u>	85
<u>require the director of budget and management, and the state</u>	86
<u>chief information officer appointed under section 125.18 of the</u>	87
<u>Revised Code, to appear and testify before the committee.</u>	88
<u>(C) The joint legislative information technology oversight</u>	89
<u>committee consists of the following members:</u>	90
<u>(1) Three members of the senate appointed by the president</u>	91
<u>of the senate, two of whom are members of the majority party and</u>	92
<u>one of whom is a member of the minority party;</u>	93
<u>(2) Three members of the house of representatives</u>	94
<u>appointed by the speaker of the house of representatives, two of</u>	95
<u>whom are members of the majority party and one of whom is a</u>	96
<u>member of the minority party.</u>	97
<u>(D) The term of each committee member shall begin on the</u>	98
<u>day of appointment to the committee and end on the last day of</u>	99
<u>the member's term in the general assembly during which the</u>	100
<u>member was appointed to the committee. The president of the</u>	101
<u>senate and speaker of the house of representatives shall make</u>	102
<u>appointments not later than fifteen days after the commencement</u>	103
<u>of the first regular session of each general assembly. A vacancy</u>	104
<u>shall be filled in the same manner as the original appointment.</u>	105

(E) In odd-numbered years, the speaker of the house of representatives shall designate one of the majority members from the house of representatives as the chairperson of the committee. In even-numbered years, the president of the senate shall designate one of the majority members from the senate as the chairperson of the committee. 106
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(F) In appointing members from the minority, and in designating ranking minority members, the president of the senate and speaker of the house of representatives shall consult with the minority leader of their respective houses. 112
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(G) The committee shall meet at the call of the chairperson. The chairperson shall call the committee to meet not less often than once every six months. 116
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Sec. 125.074. (A) As used in this section, "online marketplace" has the same meaning as in section 1349.65 of the Revised Code. 119
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(B) Whenever the director of administrative services determines that the procurement through an online marketplace is advantageous to the state, the director, in accordance with rules the director shall adopt under Chapter 119. of the Revised Code, may purchase services via the online marketplace. 122
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(C) The director, by rule, may authorize a state agency that is authorized to procure services or supplies directly to purchase them via an online marketplace in the same manner as this section and the rules adopted under this section authorize the director to do. 127
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(D) Procurement through an online marketplace shall comply with section 125.05 of the Revised Code. 132
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Sec. 126.024. (A) As used in this section, "information 134

technology systems and services" has the same meaning as in 135
section 101.37 of the Revised Code. 136

(B) The director of budget and management annually shall 137
prepare a report that includes the total expenditures of each 138
state agency on information technology systems and services for 139
the previous fiscal year. The report also shall include any 140
additional information requested by the chairperson of the joint 141
legislative information technology oversight committee under 142
section 101.37 of the Revised Code. The report shall be provided 143
to the general assembly in the manner specified in division (B) 144
of section 101.68 of the Revised Code. 145

(C) Each state agency shall submit to the director of 146
budget and management any information the director requires for 147
the compliance of this section, in such form and at such times 148
as the director prescribes. 149

Section 2. That existing section 9.27 of the Revised Code 150
is hereby repealed. 151