

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 477

Representative Claggett

To amend section 109.02 and to enact section 9.243 1
of the Revised Code to require state agencies to 2
compensate the Attorney General for legal 3
representation. 4

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

Section 1. That section 109.02 be amended and section 5
9.243 of the Revised Code be enacted to read as follows: 6

Sec. 9.243. (A) As used in this section: 7

(1) "Fair market rate for legal services" means a 8
reasonable rate calculated in consideration of the time the 9
legal services are provided, the type of legal services 10
provided, and the cost of comparable legal services in the 11
county in which the action is heard. 12

(2) "Recipient" means a person that enters into or is 13
awarded a contract with a state agency for the provision of 14
goods, services, or construction. 15

(3) "State agency" means any organized body, office, 16
agency, institution, or other entity established by the laws of 17
the state for the exercise of any function of state government 18
to which the general assembly has appropriated funds to operate 19
programs. 20

(B) (1) A state agency involved in any legal action arising 21
out of a contract dispute with a recipient in which the agency 22
is represented by the attorney general shall reimburse, at a 23
fair market rate for legal services, the attorney general for 24
the cost of legal services arising out of the representation. 25

(2) The attorney general may refuse to represent any state 26
agency that has an outstanding reimbursement balance under this 27
section unless required to provide representation by the 28
governor or general assembly. If the attorney general refuses to 29
provide representation to a state agency pursuant to this 30
section, the attorney general shall provide written notification 31
of the refusal, including a statement of the reason for the 32
refusal, to the governor, president of the senate, and speaker 33
of the house of representatives within one business day after 34
notice of the refusal is transmitted to the agency. 35

(3) The attorney general may waive the reimbursement 36
requirement under this section, as well as outstanding 37
reimbursement balances, at the attorney general's discretion. 38

Sec. 109.02. The attorney general is the chief law officer 39
for the state and all its departments and shall be provided with 40
adequate office space in Columbus. Except as provided in 41
division (E) of section 120.06 and in sections 101.55, 107.13, 42
and 3517.152 to 3517.157 of the Revised Code, no state officer 43
or board, or head of a department or institution of the state 44
shall employ, or be represented by, other counsel or attorneys 45
at law. ~~The~~ Subject to section 9.243 of the Revised Code, the 46
attorney general shall appear for the state in the trial and 47
argument of all civil and criminal causes in the supreme court 48
in which the state is directly or indirectly interested. When 49
required by the governor or the general assembly, the attorney 50

general shall appear for the state in any court or tribunal in a 51
cause in which the state is a party, or in which the state is 52
directly interested. Upon the written request of the governor, 53
the attorney general shall prosecute any person indicted for a 54
crime. 55

Section 2. That existing section 109.02 of the Revised 56
Code is hereby repealed. 57