

HB 292 -- Redline

As Passed by the House to Enrolled -- Establish the Ohio Defense Commission

Deletions ~~struck~~ · Insertions underlined

As(136th PassedGeneralAssembly) by(Substitute House Bill Number 292) ANACT To enact sections 122.952, 122.953, and 122.954 of the HouseRevised 136thCode Generalto Assemblyestablish Regularthe SessionOhio Sub-Defense and Space Advisory Commission and the Defense and Aerospace Industries Expansion Program, under which the Department of Development may make grants, and to make an appropriation.

H-Be it enacted by the General Assembly of the State of Ohio:

B-S ECTION 1.

No-That sections 122.952, 122.953, and 122.954 of the Revised Code be enacted to read as follows:

202Sec. -2025-2026 Representatives Mathews, T., Santucci Cosponsors:

Representatives Fischer, Newman, Click, Hoops, Hall, T., Deeter, Workman, Richardson, Craig, Dovilla, Ghanbari, Hall, D., Holmes, Lampton, Abrams, Brennan, Brownlee, Daniels, Hiner, John, King, Klopfenstein, Lawson Rowe, Lear, Lorenz, Mathews, A., Miller, J., Miller, K., Miller, M., Odioso, Plummer, Ritter, Roemer, Rogers, Schmidt, Sigrist, Stephens, Stewart, Thomas, C., Thomas, D., Tims, White, A., Willis, Young To amend section 121.22 and to enact sections 1 113.052, 122.952, 122.953, and 122.954 of the 2 Revised Code to establish the Ohio Defense and 3 Space Commission.

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

Section 1-

That section 121.22 be amended and sections 5 113.052, 122.952, 122.953, and 122.954 of the Revised Code be 6 enacted to read as follows:

7 Sec-

113.052-

Any revenue from interest earned on bonds of 8 the State of Israel, whenever such bonds exist in the state 9 treasury, shall be deposited, by the treasurer of state, into 10 the Ohio defense fund established in section 122.952 of the 11 Revised Code.

12 Sec-

121.22-

(A) This section shall be liberally construed 13 to require public officials to take official action and to 14 conduct all deliberations upon official business only in open 15 meetings unless the subject matter is specifically excepted by 16 Sub-

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No-

202 Page 2 As Passed by the House law-

17 (B) As used in this section-

18 (1) "Public body" means any of the following-

19 (a) Any board, commission, committee, council, or similar 20 decision-making body of a state agency, institution, or 21 authority, and any legislative authority or board, commission, 22 committee, council, agency, authority, or similar decision 23 making body of any county, township, municipal corporation, 24 school district, or other political subdivision or local public 25 institution;

26 (b) Any committee or subcommittee of a body described in 27 division (B)(1)(a) of this section;

28 (c) A court of jurisdiction of a sanitary district 29 organized wholly for the purpose of providing a water supply for 30 domestic, municipal, and public use when meeting for the purpose 31 of the appointment, removal, or reappointment of a member of the 32 board of directors of such a district pursuant to section 33 6115.10 of the Revised Code, if applicable, or for any other 34 matter related to such a district other than litigation 35 involving the district.

As used in division (B)(1)(c) of this 36 section, "court of jurisdiction" has the same meaning as "court" 37 in section 6115.01 of the Revised Code.

38 (2) "Meeting" means any prearranged discussion of the 39 public business of the public body by a majority of its members.

40 (3) "Regulated individual" means either of the following-

41 (a) A student in a state or local public educational 42 institution;

43 (b) A person who is, voluntarily or involuntarily, an 44 Sub-

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~~202 Page 3 As Passed by the House inmate, patient, or resident of a state or local institution 45 because of criminal behavior, mental illness, an intellectual 46 disability, disease, disability, age, or other condition 47 requiring custodial care.~~

~~48 (4) "Public office" has the same meaning as in section 49 149.011 of the Revised Code.~~

~~50 (C) All meetings of any public body are declared to be 51 public meetings open to the public at all times.~~

~~A member of a 52 public body shall be present in person at a meeting open to the 53 public to be considered present or to vote at the meeting and 54 for purposes of determining whether a quorum is present at the 55 meeting.~~

~~56 The minutes of a regular or special meeting of any public 57 body shall be promptly prepared, filed, and maintained and shall 58 be open to public inspection.~~

~~The minutes need only reflect the 59 general subject matter of discussions in executive sessions 60 authorized under division (G) or (J) of this section.~~

~~61 (D) This section does not apply to any of the following:~~

~~62 (1) A grand jury;~~

~~63 (2) An audit conference conducted by the auditor of state 64 or independent certified public accountants with officials of 65 the public office that is the subject of the audit;~~

~~66 (3) The adult parole authority when its hearings are 67 conducted at a correctional institution for the sole purpose of 68 interviewing inmates to determine parole or pardon and the 69 department of rehabilitation and correction when its hearings 70 are conducted at a correctional institution for the sole purpose 71 of making determinations under section 2967.271 of the Revised 72 Code regarding the release or maintained incarceration of an 73 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~202 Page 4 As Passed by the House offender to whom that section applies;~~

~~74 (4) The organized crime investigations commission 75 established under section 177.01 of the Revised Code;~~

~~76 (5) Meetings of a child fatality review board established 77 under section 307.621 of the Revised Code, meetings related to a 78 review conducted pursuant to guidelines established by the 79 director of health under section 3701.70 of the Revised Code, 80 and meetings conducted pursuant to sections 5153.171 to 5153.173 81 of the Revised Code;~~

~~82 (6) The state medical board when determining whether to 83 suspend a license or certificate without a prior hearing 84 pursuant to division (C) of either section 4730.25 or 4731.22 of 85 the Revised Code;~~

~~86 (7) The board of nursing when determining whether to 87 suspend a license or certificate without a prior hearing 88 pursuant to division (B) of section 4723.281 of the Revised 89 Code;~~

~~90 (8) The state board of pharmacy when determining whether 91 to do either of the following:~~

~~92 (a) Suspend a license, certification, or registration 93 without a prior hearing, including during meetings conducted by 94 telephone conference, pursuant to Chapters 3710., 3706., 4720., 95 and 4752. of the Revised Code and rules adopted thereunder;~~

~~or 96 (b) Restrict a person from obtaining further information 97 from the drug database established in section 4720.75 of the 98 Revised Code without a prior hearing pursuant to division (C) of 99 section 4720.86 of the Revised Code.~~

~~100 (9) The state chiropractic board when determining whether 101 Sub.~~

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~~No.~~

~~202 Page 5 As Passed by the House to suspend a license without a hearing pursuant to section 102 4734.37 of the Revised Code;~~

~~103 (10) The executive committee of the emergency response 104 commission when determining whether to issue an enforcement 105 order or request that a civil action, civil penalty action, or 106 criminal action be brought to enforce Chapter 3750.~~

~~of the 107 Revised Code;~~

~~108 (11) The board of directors of the nonprofit corporation 109 formed under section 187.01 of the Revised Code or any committee 110 thereof, and the board of directors of any subsidiary of that 111 corporation or a committee thereof;~~

~~112 (12) An audit conference conducted by the audit staff of 113 the department of job and family services with officials of the 114 public office that is the subject of that audit under section 115 5101.37 of the Revised Code;~~

~~116 (13) The occupational therapy section of the occupational 117 therapy, physical therapy, and athletic trainers board when 118 determining whether to suspend a license without a hearing 119 pursuant to division (E) of section 4755.11 of the Revised Code;~~

~~120 (14) The physical therapy section of the occupational 121 therapy, physical therapy, and athletic trainers board when 122 determining whether to suspend a license without a hearing 123 pursuant to division (F) of section 4755.47 of the Revised Code;~~

~~124 (15) The athletic trainers section of the occupational 125 therapy, physical therapy, and athletic trainers board when 126 determining whether to suspend a license without a hearing 127 pursuant to division (E) of section 4755.64 of the Revised Code;~~

~~128 (16) Meetings of the pregnancy-associated mortality review 129 board established under section 5180.27 of the Revised Code;~~

~~130 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~202 Page 6 As Passed by the House (17) Meetings of a fetal-infant mortality review board 131 established under section 3707.71 of the Revised Code;~~

~~132 (18) Meetings of a drug-overdose fatality review committee 133 described in section 307.631 of the Revised Code;~~

~~134 (19) Meetings of a suicide fatality review committee 135 described in section 307.641 of the Revised Code;~~

~~136 (20) Meetings of the officers, members, or directors of an 137 existing qualified nonprofit corporation that creates a special 138 improvement district under Chapter 1710.~~

~~of the Revised Code, at 139 which the public business of the corporation pertaining to a 140 purpose for which the district is created is not discussed;~~

~~141 (21) Meetings of a domestic violence fatality review board 142 established under section 307.651 of the Revised Code;~~

~~143 (22) Any nonprofit agency that has received an endorsement 144 under section 5101.315 of the Revised Code.~~

~~145 (E) The controlling board, the tax credit authority, or 146 the minority development financing advisory board, when meeting 147 to consider granting assistance pursuant to Chapter 122.~~

~~or 166.~~

~~148 of the Revised Code, in order to protect the interest of the 149 applicant or the possible investment of public funds, by 150 unanimous vote of all board or authority members present, may 151 close the meeting during consideration of the following 152 information confidentially received by the authority or board 153 from the applicant:~~

~~154 (1) Marketing plans;~~

~~155 (2) Specific business strategy;~~

~~156 (3) Production techniques and trade secrets;~~

~~157 Sub.~~

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~~B.~~

~~No.~~

~~202 Page 7 As Passed by the House (4) Financial projections;~~

~~158 (5) Personal financial statements of the applicant or 159 members of the applicant's immediate family, including, but not 160 limited to, tax records or other similar information not open to 161 public inspection.~~

~~162 The vote by the authority or board to accept or reject the 163 application, as well as all proceedings of the authority or 164 board not subject to this division, shall be open to the public 165 and governed by this section.~~

~~166 (F) Every public body, by rule, shall establish a 167 reasonable method whereby any person may determine the time and 168 place of all regularly scheduled meetings and the time, place, 169 and purpose of all special meetings.~~

~~A public body shall not 170 hold a special meeting unless it gives at least twenty-four 171 hours' advance notice to the news media that have requested 172 notification, except in the event of an emergency requiring 173 immediate official action.~~

~~In the event of an emergency, the 174 member or members calling the meeting shall notify the news 175 media that have requested notification immediately of the time, 176 place, and purpose of the meeting.~~

~~177 The rule shall provide that any person, upon request and 178 payment of a reasonable fee, may obtain~~

~~reasonable advance 179 notification of all meetings at which any specific type of 180 public business is to be discussed.~~

~~Provisions for advance 181 notification may include, but are not limited to, mailing the 182 agenda of meetings to all subscribers on a mailing list or 183 mailing notices in self-addressed, stamped envelopes provided by 184 the person.~~

~~185 (G) Except as provided in divisions (G)(8) and (J) of this 186 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~202 Page 8 As Passed by the House section, the members of a public body may hold an executive 187 session only after a majority of a quorum of the public body 188 determines, by a roll call vote, to hold an executive session 189 and only at a regular or special meeting for the sole purpose of 190 the consideration of any of the following matters:~~

~~101 (1) To consider the appointment, employment, dismissal, 102 discipline, promotion, demotion, or compensation of a public 103 employee or official, or the investigation of charges or 104 complaints against a public employee, official, licensee, or 195 regulated individual, unless the public employee, official, 196 licensee, or regulated individual requests a public hearing.~~

~~197 Except as otherwise provided by law, no public body shall hold 198 an executive session for the discipline of an elected official 199 for conduct related to the performance of the elected official's 200 official duties or for the elected official's removal from 201 office.~~

~~If a public body holds an executive session pursuant to 202 division (G)(1) of this section, the motion and vote to hold 203 that executive session shall state which one or more of the 204 approved purposes listed in division (G)(1) of this section are 205 the purposes for which the executive session is to be held, but 206 need not include the name of any person to be considered at the 207 meeting.~~

~~208 (2) To consider the purchase of property for public 209 purposes, the sale of property at competitive bidding, or the 210 sale or other disposition of unneeded, obsolete, or unfit for 211 use property in accordance with section 505.10 of the Revised 212 Code, if premature disclosure of information would give an 213 unfair competitive or bargaining advantage to a person whose 214 personal, private interest is adverse to the general public 215 interest.~~

~~No member of a public body shall use division (G)(2) 216 of this section as a subterfuge for providing covert information 217 Sub.~~

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~~B.~~

~~No.~~

~~202 Page 9 As Passed by the House to prospective buyers or sellers.~~

~~A purchase or sale of public 218 property is void if the seller or buyer of the public property 219 has received covert information from a member of a public body 220 that has not been disclosed to the general public in sufficient 221 time for other prospective buyers and sellers to prepare and 222 submit offers.~~

~~223 If the minutes of the public body show that all meetings 224 and deliberations of the public body have been conducted in 225 compliance with this section, any instrument executed by the 226 public body purporting to convey, lease, or otherwise dispose of 227 any right, title, or interest in any public property shall be 228 conclusively presumed to have been executed in compliance with 229 this section insofar as title or other interest of any bona fide 230 purchasers, lessees, or transferees of the property is 231 concerned.~~

~~232 (3) Conferences with an attorney for the public body 233 concerning disputes involving the public body that are the 234 subject of pending or imminent court action;~~

~~235 (4) Preparing for, conducting, or reviewing negotiations 236 or bargaining sessions with public employees concerning their 237 compensation or other terms and conditions of their employment;~~

~~238 (5) Matters required to be kept confidential by federal 239 law or regulations or state statutes;~~

~~240 (6) Details relative to the security arrangements and 241 emergency response protocols for a public body or a public 242 office, if disclosure of the matters discussed could reasonably 243 be expected to jeopardize the security of the public body or 244 public office;~~

~~245 (7) In the case of a county hospital operated pursuant to 246 Sub.~~

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~~No.~~

~~202 Page 10 As Passed by the House Chapter 339.~~

~~of the Revised Code, a joint township hospital 247 operated pursuant to Chapter 513.~~

~~of the Revised Code, or a 248 municipal hospital operated pursuant to Chapter 749.~~

~~of the 249 Revised Code, to consider trade secrets, as defined in section 250 1333.61 of the Revised Code;~~

~~251 (8) To consider confidential information related to the 252 marketing plans, specific business strategy, production 253 techniques, trade secrets, or personal financial statements of 254 an applicant for economic development assistance, or to 255 negotiations with other political subdivisions respecting 256 requests for economic development assistance, provided that both 257 of the following conditions apply:~~

~~258 (a) The information is directly related to a request for 259 economic development assistance that is to be provided or 260 administered under any provision of Chapter 715., 725., 1724., 261 or 1728, or sections 122.953, 701.07, 3735.67 to 3735.70, 262 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 263 5709.77 to 5709.81 of the Revised Code, or that involves public 264 infrastructure improvements or the extension of utility services 265 that are directly related to an economic development project.~~

~~266 (b) A unanimous quorum of the public body determines, by a 267 roll call vote, that the executive session is necessary to 268 protect the interests of the applicant or the possible 269 investment or expenditure of public funds to be made in 270 connection with the economic development project.~~

~~271 If a public body holds an executive session to consider 272 any of the matters listed in divisions (G)(2) to (8) of this 273 section, the motion and vote to hold that executive session 274 shall state which one or more of the approved matters listed in 275 those divisions are to be considered at the executive session.~~

~~276 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~202 Page 11 As Passed by the House A public body specified in division (B)(1)(c) of this 277 section shall not hold an executive session when meeting for the 278 purposes specified in that division.~~

~~279 (H) A resolution, rule, or formal action of any kind is 280 invalid unless adopted in an open meeting of the public body.~~

~~A 281 resolution, rule, or formal action adopted in an open meeting 282 that results from deliberations in a meeting not open to the 283 public is invalid unless the deliberations were for a purpose 284 specifically authorized in division (G) or (J) of this section 285 and conducted at an executive session held in compliance with 286 this section.~~

~~A resolution, rule, or formal action adopted in an 287 open meeting is invalid if the public body that adopted the 288 resolution, rule, or formal action violated division (F) of this 289 section.~~

~~290 (I)(1) Any person may bring an action to enforce this 291 section.~~

~~An action under division (I)(1) of this section shall 292 be brought within two years after the date of the alleged 293 violation or threatened violation.~~

~~Upon proof of a violation or 294 threatened violation of this section in an action brought by any 295 person, the court of common pleas shall issue an injunction to 296 compel the members of the public body to comply with its 297 provisions.~~

~~298 (2)(a) If the court of common pleas issues an injunction 299 pursuant to division (I)(1) of this section, the court shall 300 order the public body that it enjoins to pay a civil forfeiture 301 of five hundred dollars to the party that sought the injunction 302 and shall award to that party all court costs and, subject to 303 reduction as described in division (I)(2) of this section, 304 reasonable attorney's fees.~~

~~The court, in its discretion, may 305 reduce an award of attorney's fees to the party that sought the 306 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~202 Page 12 As Passed by the House injunction or not award attorney's fees to that party if the 307 court determines both of the following:~~

~~308 (i) That, based on the ordinary application of statutory 309 law and case law as it existed at the time of violation or 310 threatened violation that was the basis of the injunction, a 311 well-informed public body reasonably would believe that the 312 public body was not violating or threatening to violate this 313 section;~~

~~314 (ii) That a well-informed public body reasonably would 315 believe that the conduct or threatened conduct that was the 316 basis of the injunction would serve the public policy that 317 underlies the authority that is asserted as permitting that 318 conduct or threatened conduct.~~

~~319 (b) If the court of common pleas does not issue an 320 injunction pursuant to division (I)(1) of this section and the 321 court determines at that time that the bringing of the action 322 was frivolous~~

~~conduct, as defined in division (A) of section 323 2323.51 of the Revised Code, the court shall award to the public 324 body all court costs and reasonable attorney's fees, as 325 determined by the court.~~
~~326 (3) Irreparable harm and prejudice to the party that 327 sought the injunction shall be conclusively and irrebuttably 328 presumed upon proof of a violation or threatened violation of 329 this section.~~
~~330 (4) A member of a public body who knowingly violates an 331 injunction issued pursuant to division (I)(1) of this section 332 may be removed from office by an action brought in the court of 333 common pleas for that purpose by the prosecuting attorney or the 334 attorney general.~~

~~335 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~292 Page 13 As Passed by the House (J)(1) Pursuant to division (C) of section 5901.09 of the 336 Revised Code, a veterans service commission shall hold an 337 executive session for one or more of the following purposes 338 unless an applicant requests a public hearing:~~

~~339 (a) Interviewing an applicant for financial assistance 340 under sections 5901.01 to 5901.15 of the Revised Code;~~

~~341 (b) Discussing applications, statements, and other 342 documents described in division (B) of section 5901.09 of the 343 Revised Code;~~

~~344 (c) Reviewing matters relating to an applicant's request 345 for financial assistance under sections 5901.01 to 5901.15 of 346 the Revised Code.~~

~~347 (2) A veterans service commission shall not exclude an 348 applicant for, recipient of, or former recipient of financial 349 assistance under sections 5901.01 to 5901.15 of the Revised 350 Code, and shall not exclude representatives selected by the 351 applicant, recipient, or former recipient, from a meeting that 352 the commission conducts as an executive session that pertains to 353 the applicant's, recipient's, or former recipient's application 354 for financial assistance.~~

~~355 (3) A veterans service commission shall vote on the grant 356 or denial of financial assistance under sections 5901.01 to 357 5901.15 of the Revised Code only in an open meeting of the 358 commission. The minutes of the meeting shall indicate the name, 359 address, and occupation of the applicant, whether the assistance 360 was granted or denied, the amount of the assistance if 361 assistance is granted, and the votes for and against the 362 granting of assistance.~~

~~363 Sec.~~

(A) The Ohio defense and space advisory commission is 364 created Sub. within the department of development.

The commission shall consider strategies to promote the defense and aerospace industries in this state.

(B) The duties of the Ohio defense and space advisory commission include the following:

(1) Advising the department of development on administration of the defense and aerospace industries expansion program under section 122.953 of the Revised Code, which may include recommending specific projects for grant consideration;

(2) Studying and developing comprehensive strategies to promote the defense and aerospace industries throughout the state;

(3) Encouraging communication and resource-sharing among individuals and organizations involved in the defense and aerospace industries, including business, the military, and academia;

(4) Issuing recommendations to the department of development regarding how to prepare the state for favorable outcomes related to federal military base realignment and closure processes and how to recruit international businesses to invest in the state for defense and aerospace industry purposes;

(5) Promoting research, development, and manufacturing of technology to counter unmanned aerial vehicle systems in the state;

(6) Considering policies intended to improve quality of life for service members and veterans.

(C) Meetings of the Ohio defense and space advisory commission shall comply with section 121.22 of the Revised Code.

Commencing in calendar year 2027, the commission shall meet at least six times per year.

(D) The Ohio defense and space advisory commission shall consist of the following members:

(1) The director of development, who shall serve as the chairperson of the commission;

Sub.

~~292 Page 136th 14G.A. As Passed by the House created.~~

~~(2) The commission adjutant shall general; consider strategies to promote the 365 defense and aerospace industries in this state.~~

~~366 (3) (B) Two The members duties of the senate appointed by the president of the Ohio senate, defense one of whom shall be of the majority party and space one commission of 367 whom include shall be of the~~

~~following minority party;~~

~~368 (4) (1) Two Administering members of the defense house industry of expansion representatives~~
~~program appointed 369 by under the section speaker 122.053 of the house of representatives, one of whom shall~~
~~be of the Revised majority Code; party and one of whom shall be of the minority party;~~

~~370 (5) (2) One Administering individual and with approving a the background expenditure in or for money a~~
~~371 knowledge from of the Ohio defense fund or in aerospace compliance industries, with appointed this by~~
~~section; the governor;~~

~~372 (6) (3) One Studying individual and with developing a comprehensive background strategies in to or 373 a~~
~~promote knowledge the of defense and or aerospace industries industries, throughout appointed by the~~
~~374 president state; of the senate;~~

~~375 (7) (4) One Encouraging individual communication with and a resource-sharing background among in 376 or~~
~~individuals a and knowledge organizations of involved in the defense and or 377 aerospace industries,~~
~~including appointed business, by the military, speaker and of 378 the academia; house of representatives.~~

~~379 Appointed (5) members Preparing shall the have state no for conflict favorable of outcomes interest~~
~~related with to the 380 position. federal military base realignment and closure processes;~~

~~381 For (6) purposes Recruiting of international this businesses section, to "conflict invest of in interest"~~
~~the means 382 taking state any for action defense that and violates aerospace any industry provision purposes; of~~
~~Chapter 102.~~

~~383 or (7) 2921. Promoting research, development, and manufacturing of 384 technology to counter unmanned~~
~~aerial vehicle systems in the 385 state;~~

~~386 (8) Considering policies intended to improve quality of 387 the life Revised for Code. service members~~
~~and veterans.~~

~~388 A (C) member The of Ohio the defense commission and is space deemed commission a shall public consist official~~
~~of for 389 purposes the of following Chapter members: 2921.~~

~~390 of (1) the The Revised adjutant Code. general, to serve ex officio as a 391 Sub.~~

~~H. No other individuals shall serve on the Ohio defense and space advisory commission ex officio.~~

~~B. (E) The commission members are not entitled to compensation.~~

~~No. All commission members are entitled to their actual and necessary expenses incurred in the~~
~~performance of their duties as such members, payable from the appropriations for the commission.~~

~~292 (F) Page Appointed 15 commission As members Passed shall by serve the two House year nonvoting terms. member;~~
~~392 Members (2) of One the member general from assembly the who office are of appointed to the~~
~~governor, commission appointed shall 393 serve by on the governor, commission to for serve the as duration a of~~
~~nonvoting the member; member's legislative term.~~

~~394 (3) The chief investment officer of the nonprofit 395 corporation formed under section 187.01 of the~~
~~Revised Code, or 396 the officer's designee, to serve as a nonvoting member;~~

~~397 (4) One member to represent the Ohio chamber of commerce, 398 appointed by the governor, to serve as~~
~~a nonvoting member;~~

~~399 (5) Three members of the senate appointed by the president 400 of the senate, two of whom shall be~~
~~of the majority party and 401 one of whom shall be of the minority party.~~

~~The president of the 402 senate shall consult with the minority leader of the senate 403 regarding the~~
~~appointment of a member of the minority party;~~

~~404 (6) Three members of the house of representatives 405 appointed by the speaker of the house of~~
~~representatives, two of 406 whom shall be of the majority party and one of whom shall be of 407 the~~
~~minority party.~~

~~The speaker of the house of representatives 408 shall consult with the minority leader of the house of~~
~~409 representatives regarding the appointment of a member of the 410 minority party;~~

~~411 (7) Seven individuals to represent various regions of the 412 state, appointed in accordance with~~
~~division (D) of this 413 section;~~

~~414 (8) One member to represent the biotechnology sector, 415 appointed by the governor, to serve as a~~
~~nonvoting member.~~

~~416 (D) Seven individuals shall be appointed to the commission 417 to respectively represent each of the~~
~~seven unique regions of 418 this state as identified by the nonprofit corporation formed 419 Sub.~~

~~H.~~

~~B.~~

~~No.~~

~~292 Page 16 As Passed by the House under section 187.01 of the Revised Code.~~

~~The president of the 420 senate and the speaker of the house of representatives each 421 shall appoint~~
~~three of these individuals.~~

~~The director of 422 development shall appoint one of these individuals.~~

~~The 423 appointing authorities shall draw lots, before each appointing 424 cycle, to determine the regions for which each shall make an 425 appointment.~~

~~426 (E) The commission members are not entitled to 427 compensation.~~

~~All commission members are entitled to their 428 actual and necessary expenses incurred in the performance of 429 their duties as such members, payable from the appropriations 430 for the commission.~~

~~431 (F) Appointed commission members shall serve two year 432 terms.~~

~~Members of the general assembly who are appointed to the 433 commission shall serve on the commission for the duration of the 434 member's legislative term.~~

~~A member 435 may be removed from service on the commission by the member's 436 appointing authority. Vacancies shall be filled in the manner of 437 the original appointment.~~

~~438 (G) The speaker commission of shall the compile house an annual report of representatives its activities, findings, and the recommendations 439 and president shall furnish a copy of the senate report each to shall the select governor, a director member of development, president of the 440 senate, commission, and who speaker is of a the member house of their representatives respective not chamber later of than the 441 thirty-first general day assembly, of to December serve of a each co-chair persons year.~~

~~The Sec. - commission 442 shall meet at least once per month.~~

~~443 122.953. (H) The commission may consult with members of the Ohio 444 congressional delegation and may invite members of the 445 delegation to speak before the commission or to participate in 446 commission meetings.~~

~~Members (A) The department of congress development who shall participate administer in a 447 defense commission and meetings aerospace serve industries in expansion a program nonvoting under capacity which the department may make development grants to support economic development related to the defense and aerospace industries.~~

~~448 (B) Sub. The department shall adopt rules in accordance with Chapter 119.~~

~~of the Revised Code that are necessary for the administration of the defense and aerospace industries expansion program.~~

~~The rules shall establish all of the following:~~

~~(1) A requirement that a development grant agreement be executed between the department and a grant recipient;~~

~~Sub.~~

~~292 Page 136th 17G.A. As Passed by the House (I) The commission shall compile an annual report of its 449 activities, findings, and recommendations and shall furnish a 450 copy of the report to the governor, president of the senate, and 451 speaker of the house of representatives not later than the 452 thirty-first day of December of each year.~~

~~453 (2) (J) The Ohio minimum defense requirements fund for is a created development in grant the agreement; state 454 treasury.~~

~~The (3) fund An shall application consist form of and money procedures appropriated governing to it by 455 the general process assembly, for revenue applying from interest earned on bonds 456 under section 113.052 of the Revised Code, all grants, gifts, 457 and contributions made to the receive director a of development and grant 458 under designated for purposes of the Ohio program; defense and space 459 commission, and investment earnings on money in the fund, which 460 shall be credited to the fund.~~

~~461 (4) Money The in maximum the fund shall be expended, through a development 462 grant agreement amount allowed under section 122.953 of the Revised program, Code, and to 463 support the development maximum and portion construction of facilities the 464 total including, estimated but project not cost limited that to, shall sensitive be compartmented funded 465 by information the facilities grant; (SCIFs), for processing sensitive or 466 classified information;~~

~~the (5) development Any of other defense procedures, related criteria, 467 or government grant contracts terms for that small the businesses; department determines necessary to administer the program.~~

~~and Sec. for advocating 468 and matching of grant programs to promote state defense military 469 projects.~~

~~470 122.954. -Sec-~~

~~122.953. (A) As used in this section, "grantee" means a recipient of anything of value under a development grant agreement with the department of development under section 122.953 of the Revised Code.~~

~~(A) (B) The Development Ohio grant defense funds and shall space only commission be 471 expended shall by administer the a grantee defense to and whom aerospace the industries grant expansion was 472 awarded, program and under all which development the grant commission funds may must make be development expended grants or 473 obligated to by support a economic grantee development in related accordance to with the defense development and grant 474 agreement. - aerospace industries.~~

~~475 Any (B) development The grant commission funds shall not adopt expended rules or in obligated accordance pursuant with to 476 the Chapter development 119. grant agreement shall be returned to the~~

department of development.

~~of~~ If the ~~Revised~~ department ~~Code~~ determines that ~~area necessary~~ grantee ~~for~~ ~~has the~~ violated ~~477~~ any ~~administration~~ terms of the ~~defense~~ development and grant ~~aerospace~~ agreement, ~~industries~~ the ~~expansion~~ department ~~478~~ may ~~Sub.~~ require the grantee to return any and all development grant funds.

(C) A final report accounting for all development grant funds received by a grantee shall be submitted to the department of development and to the Ohio defense and space advisory commission not later than thirty days after all development grant funds have been expended or obligated.

All expenditures and disbursements of development grant funds by a grantee shall be subject to generally accepted accounting principles.

Any equipment purchased with development grant funds shall be retained by the grantee and used in accordance with the terms of the grant award for the useful life of the equipment.

(D) At any time, the department of development may require that the grantee undergo an audit of the project administration and implementation.

Within ten days after a request by the department, a grantee shall supply original or verifiable copies of all receipts and other appropriate documentation related to disposition of the development grant funds and make available for onsite inspection by the department any and all records, books, documents and financial reports upon reasonable notice.

The grantee shall retain these materials in the offices of the grantee for two years from the acceptance of the project final report.

SECTION 2.

All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund.

For all operating appropriations made in this act, those in the first column are for fiscal year 2026 and those in the second column are for fiscal year 2027.

The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years.

SECTION 3.

Sub.

292 ~~Page 136th 18G.A. As Passed by the House program.~~

1 2 3 4 5 A DEV DEPARTMENT OF DEVELOPMENT B General Revenue Fund C GRF 195462 Defense & Aerospace Industries \$0 \$5,000,000 D General Revenue Fund Total \$0 \$5,000,000 E TOTALALL BUDGET FUND GROUPS \$0 \$5,000,000 DEFENSE & AEROSPACE INDUSTRIES The ~~rules~~ foregoing appropriation item 195462, Defense & Aerospace Industries, shall ~~establish~~ be ~~all~~ used to support the Defense and Aerospace Industries Expansion Program and the Ohio Defense and Space Advisory Commission established in sections 122.952 through 122.954 of the ~~following~~ Revised Code.

~~479~~ SECTION 4. ~~(1) A requirement that a development grant agreement be~~ ~~480~~ ~~executed between the Ohio defense and space commission and a~~ ~~481~~ ~~grant recipient;~~

~~482~~ Within ~~(2)~~ the ~~limits~~ minimum set requirements forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for ~~a~~ each development appropriation grant made ~~483~~ in agreement; this act, and shall determine the manner in which appropriation accounts shall be maintained.

~~484~~ Expenditures ~~(3)~~ from A operating application appropriations form contained and in procedures this governing act the shall ~~485~~ be process accounted for applying as to though receive made ~~a~~ in, development and grant are under subject the to ~~486~~ all program; applicable provisions of, H.B.

~~487~~ ~~96~~ (4) The maximum grant amount allowed under the program, ~~488~~ and the maximum portion of the total ~~136th~~ estimated General Assembly. project cost that ~~489~~ shall be funded by the grant;

~~490~~ Sub. (5) That an executive session of the commission shall ~~491~~ comply with division (C) of section 121.22 of the Revised Code;

~~492~~ (6) That a vote of the commission on whether to award a ~~493~~ grant to a specific applicant shall occur in a session open to ~~494~~ the public;

~~495~~ (7) Any other procedures, criteria, or grant terms that ~~496~~ the commission determines necessary to administer the program.

~~497~~ Sec.

~~122.954.~~

(A) As used in this section, "grantee" means ~~498~~ a recipient of anything of value under a development grant ~~499~~ agreement with the Ohio defense and space commission under ~~500~~ section 122.953 of the Revised Code.

~~501~~ (B) Ohio defense and space commission development grant ~~502~~ funds shall only be expended by the grantee to whom the grant ~~503~~ was awarded, and all development grant funds must be expended or ~~504~~ obligated by a grantee in accordance with the development grant ~~505~~ agreement.

~~Any development grant funds not expended or obligated 506 Sub.~~

~~292 Page136th 19G.A. As Passed by the House pursuant to the grant agreement shall be returned to the 507 commission.~~

~~IfSpeaker the _____ commission determines that a grantee has 508 violated any terms of the developmentHouse grantof agreement,Representatives. the 509 commission may require the grantee to return any and all 510 development grant funds.~~

~~511President (C) _____ Aof final report accounting for all development grant 512 funds received by a grantee shall be submitted to the OhioSenate. 513 defense and space commission not later than thirty days after 514 all development grant funds have been expended or obligated.~~

~~AllPassed 515 _____, expenditures20 _____ andApproved disbursements _____, of20 _____ developmentGovernor. grant funds by a 516 grantee shall be subject to generally accepted accounting 517 principles.~~

~~AnySub. equipment purchased with development grant funds 518 shall be retained by the grantee and used in accordance with the 519 terms of the grant award for the useful life of the equipment.~~

~~520 (D) At any time, the Ohio defense and space commission may 521 require that the grantee undergo an audit of the project 522 administration and implementation.~~

~~Within ten days after a 523 request by the commission, a grantee shall supply original or 524 verifiable copies of all receipts and other appropriate 525 documentation related to disposition of the development grant 526 funds and make available for onsite inspection by the commission 527 any and all records, books, documents and financial reports upon 528 reasonable notice.~~

~~The grantee shall retain these materials in 529 the offices of the grantee for two years from the acceptance of 530 the project final report.~~

~~531 (E) Failure to comply with any provision of the 532 development grant agreement may be considered a misappropriation 533 of funds and shall be investigated by the Ohio defense and space 534 commission.~~

~~A misappropriation or failure to properly administer 535 grant funds shall result in forfeiture of unexpended grant 536 Sub.~~

~~292 Page136th 20G.A. As Passed by the House funds.~~

~~The granteesection shallnumbering repayof anylaw fundsof determineda bygeneral theand 537permanent commissionnature tois havecomplete beenand inappropriatelyin expended.conformity with the Revised Code. 538Director, SectionLegislative 2.Service Commission.~~

~~ThatFiled existingin sectionthe 121.22office of the RevisedSecretary 539of CodeState isat herebyColumbus, repealed.Ohio, on the _____ day of _____,A.~~

~~540D.~~

~~20 _____.~~

~~Secretary of State.~~

~~File No.~~

~~Effective Date~~