

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 292**

**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**

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To amend section 121.22 and to enact sections 113.052, 122.952, 122.953, and 122.954 of the Revised Code to establish the Ohio Defense and Space Commission.

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

**Section 1.** That section 121.22 be amended and sections 113.052, 122.952, 122.953, and 122.954 of the Revised Code be enacted to read as follows:

**Sec. 113.052.** Any revenue from interest earned on bonds of the State of Israel, whenever such bonds exist in the state treasury, shall be deposited, by the treasurer of state, into the Ohio defense fund established in section 122.952 of the Revised Code.

**Sec. 121.22.** (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by

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 decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision- making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	20 21 22 23 24 25 26
(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;	27 28
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	29 30 31 32 33 34 35 36 37 38
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	39 40
(3) "Regulated individual" means either of the following:	41
(a) A student in a state or local public educational institution;	42 43
(b) A person who is, voluntarily or involuntarily, an	44

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

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 (G) 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 3719., 3796., 4729.,	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 4729.75 of the	98
Revised Code without a prior hearing pursuant to division (C) of	99
section 4729.86 of the Revised Code.	100
(9) The state chiropractic board when determining whether	101

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

(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	131 132
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	133 134
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	135 136
(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;	137 138 139 140 141
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	142 143
(22) Any nonprofit agency that has received an endorsement under section 5101.315 of the Revised Code.	144 145
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	146 147 148 149 150 151 152 153 154
(1) Marketing plans;	155
(2) Specific business strategy;	156
(3) Production techniques and trade secrets;	157

(4) Financial projections;	158
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	159 160 161 162
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	163 164 165 166
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.	167 168 169 170 171 172 173 174 175 176 177
The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.	178 179 180 181 182 183 184 185
(G) Except as provided in divisions (G) (8) and (J) of this	186

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: 191

(1) To consider the appointment, employment, dismissal, 192  
discipline, promotion, demotion, or compensation of a public 193  
employee or official, or the investigation of charges or 194  
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

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

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

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

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

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

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

(7) In the case of a county hospital operated pursuant to

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

A public body specified in division (B) (1) (c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I) (1) Any person may bring an action to enforce this section. An action under division (I) (1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2) (a) If the court of common pleas issues an injunction pursuant to division (I) (1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I) (2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the

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

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

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

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

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

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

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

**Sec. 122.952.** (A) The Ohio defense and space commission is

created. The commission shall consider strategies to promote the 365  
defense and aerospace industries in this state. 366

(B) The duties of the Ohio defense and space commission 367  
include the following: 368

(1) Administering the defense industry expansion program 369  
under section 122.953 of the Revised Code; 370

(2) Administering and approving the expenditure of money 371  
from the Ohio defense fund in compliance with this section; 372

(3) Studying and developing comprehensive strategies to 373  
promote the defense and aerospace industries throughout the 374  
state; 375

(4) Encouraging communication and resource-sharing among 376  
individuals and organizations involved in the defense and 377  
aerospace industries, including business, the military, and 378  
academia; 379

(5) Preparing the state for favorable outcomes related to 380  
federal military base realignment and closure processes; 381

(6) Recruiting international businesses to invest in the 382  
state for defense and aerospace industry purposes; 383

(7) 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  
life for service members and veterans. 388

(C) The Ohio defense and space commission shall consist of 389  
the following members: 390

(1) The adjutant general, to serve ex officio as a 391

<u>nonvoting member;</u>	392
<u>(2) One member from the office of the governor, appointed</u>	393
<u>by the governor, to serve as a nonvoting member;</u>	394
<u>(3) The chief investment officer of the nonprofit</u>	395
<u>corporation formed under section 187.01 of the Revised Code, or</u>	396
<u>the officer's designee, to serve as a nonvoting member;</u>	397
<u>(4) One member to represent the Ohio chamber of commerce,</u>	398
<u>appointed by the governor, to serve as a nonvoting member;</u>	399
<u>(5) Three members of the senate appointed by the president</u>	400
<u>of the senate, two of whom shall be of the majority party and</u>	401
<u>one of whom shall be of the minority party. The president of the</u>	402
<u>senate shall consult with the minority leader of the senate</u>	403
<u>regarding the appointment of a member of the minority party;</u>	404
<u>(6) Three members of the house of representatives</u>	405
<u>appointed by the speaker of the house of representatives, two of</u>	406
<u>whom shall be of the majority party and one of whom shall be of</u>	407
<u>the minority party. The speaker of the house of representatives</u>	408
<u>shall consult with the minority leader of the house of</u>	409
<u>representatives regarding the appointment of a member of the</u>	410
<u>minority party;</u>	411
<u>(7) Seven individuals to represent various regions of the</u>	412
<u>state, appointed in accordance with division (D) of this</u>	413
<u>section;</u>	414
<u>(8) One member to represent the biotechnology sector,</u>	415
<u>appointed by the governor, to serve as a nonvoting member.</u>	416
<u>(D) Seven individuals shall be appointed to the commission</u>	417
<u>to respectively represent each of the seven unique regions of</u>	418
<u>this state as identified by the nonprofit corporation formed</u>	419

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. Members may be reappointed. 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 of the house of representatives and the 439  
president of the senate each shall select a member of the 440  
commission, who is a member of their respective chamber of the 441  
general assembly, to serve as co-chairpersons. The commission 442  
shall meet at least once per month. 443

(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 of congress who participate in 447  
commission meetings serve in a nonvoting capacity. 448

(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

(J) The Ohio defense fund is created in the state 454  
treasury. The fund shall consist of money appropriated to it by 455  
the general assembly, revenue from interest earned on bonds 456  
under section 113.052 of the Revised Code, all grants, gifts, 457  
and contributions made to the director of development and 458  
designated for purposes of the Ohio defense and space 459  
commission, and investment earnings on money in the fund, which 460  
shall be credited to the fund. 461

Money in the fund shall be expended, through a development 462  
grant agreement under section 122.953 of the Revised Code, to 463  
support the development and construction of facilities 464  
including, but not limited to, sensitive compartmented 465  
information facilities (SCIFs), for processing sensitive or 466  
classified information; the development of defense related 467  
government contracts for small businesses; and for advocating 468  
and matching of grant programs to promote state defense military 469  
projects. 470

**Sec. 122.953.** (A) The Ohio defense and space commission 471  
shall administer a defense and aerospace industries expansion 472  
program under which the commission may make development grants 473  
to support economic development related to the defense and 474  
aerospace industries. 475

(B) The commission shall adopt rules in accordance with 476  
Chapter 119. of the Revised Code that are necessary for the 477  
administration of the defense and aerospace industries expansion 478

program. The rules shall establish all of the following: 479

(1) A requirement that a development grant agreement be 480  
executed between the Ohio defense and space commission and a 481  
grant recipient; 482

(2) The minimum requirements for a development grant 483  
agreement; 484

(3) An application form and procedures governing the 485  
process for applying to receive a development grant under the 486  
program; 487

(4) The maximum grant amount allowed under the program, 488  
and the maximum portion of the total estimated project cost that 489  
shall be funded by the grant; 490

(5) That an executive session of the commission shall 491  
comply with division (G) 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

pursuant to the grant agreement shall be returned to the 507  
commission. If the commission determines that a grantee has 508  
violated any terms of the development grant agreement, the 509  
commission may require the grantee to return any and all 510  
development grant funds. 511

(C) A final report accounting for all development grant 512  
funds received by a grantee shall be submitted to the Ohio 513  
defense and space commission not later than thirty days after 514  
all development grant funds have been expended or obligated. All 515  
expenditures and disbursements of development grant funds by a 516  
grantee shall be subject to generally accepted accounting 517  
principles. Any 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

<u>funds. The grantee shall repay any funds determined by the</u>	537
<u>commission to have been inappropriately expended.</u>	538
<b>Section 2.</b> That existing section 121.22 of the Revised	539
Code is hereby repealed.	540