

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 362

Senator Reineke

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.

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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.

(B) As used in this section:

(1) "Public body" means any of the following:

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(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 inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.	44 45 46 47 48

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	49 50
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	51 52 53 54 55 56
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	57 58 59 60 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 or independent certified public accountants with officials of the public office that is the subject of the audit;	64 65 66
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	67 68 69 70 71 72 73 74
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	75 76

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	77 78 79 80 81 82
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	83 84 85 86
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	87 88 89 90
(8) The state board of pharmacy when determining whether to do either of the following:	91 92
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	93 94 95 96
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	97 98 99 100
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	101 102 103
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement	104 105

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	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 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
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	142
(22) Any nonprofit agency that has received an endorsement under section 5101.315 of the Revised Code.	144
(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
(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	159
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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
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 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 submit offers.	222 223
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.	224 225 226 227 228 229 230 231 232
(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;	233 234 235
(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;	236 237 238
(5) Matters required to be kept confidential by federal law or regulations or state statutes;	239 240
(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;	241 242 243 244 245
(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section	246 247 248 249 250

1333.61 of the Revised Code;	251
(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:	252
(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections <u>122.953</u> , 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.	259
(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.	267
If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.	272
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.	277

(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
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
threatened violation that was the basis of the injunction, a
well-informed public body reasonably would believe that the
public body was not violating or threatening to violate this
section; 310
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(ii) That a well-informed public body reasonably would
believe that the conduct or threatened conduct that was the
basis of the injunction would serve the public policy that
underlies the authority that is asserted as permitting that
conduct or threatened conduct. 315
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(b) If the court of common pleas does not issue an
injunction pursuant to division (I)(1) of this section and the
court determines at that time that the bringing of the action
was frivolous conduct, as defined in division (A) of section
2323.51 of the Revised Code, the court shall award to the public
body all court costs and reasonable attorney's fees, as
determined by the court. 320
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(3) Irreparable harm and prejudice to the party that
sought the injunction shall be conclusively and irrebuttably
presumed upon proof of a violation or threatened violation of
this section. 327
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(4) A member of a public body who knowingly violates an
injunction issued pursuant to division (I)(1) of this section
may be removed from office by an action brought in the court of
common pleas for that purpose by the prosecuting attorney or the
attorney general. 331
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(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 336
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unless an applicant requests a public hearing:	339
(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	340
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	342
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	345
(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.	348
(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.	356
<u>Sec. 122.952. (A) The Ohio defense and space commission is created. The commission shall consider strategies to promote the defense and aerospace industries in this state.</u>	364
(B) The duties of the Ohio defense and space commission	367

<u>include the following:</u>	368
<u>(1) Administering the defense industry expansion program</u>	369
<u>under section 122.953 of the Revised Code;</u>	370
<u>(2) Administering and approving the expenditure of money</u>	371
<u>from the Ohio defense fund in compliance with this section;</u>	372
<u>(3) Studying and developing comprehensive strategies to</u>	373
<u>promote the defense and aerospace industries throughout the</u>	374
<u>state;</u>	375
<u>(4) Encouraging communication and resource-sharing among</u>	376
<u>individuals and organizations involved in the defense and</u>	377
<u>aerospace industries, including business, the military, and</u>	378
<u>academia;</u>	379
<u>(5) Preparing the state for favorable outcomes related to</u>	380
<u>federal military base realignment and closure processes;</u>	381
<u>(6) Recruiting international businesses to invest in the</u>	382
<u>state for defense and aerospace industry purposes;</u>	383
<u>(7) Promoting research, development, and manufacturing of</u>	384
<u>technology to counter unmanned aerial vehicle systems in the</u>	385
<u>state;</u>	386
<u>(8) Considering policies intended to improve quality of</u>	387
<u>life for service members and veterans.</u>	388
<u>(C) The Ohio defense and space commission shall consist of</u>	389
<u>the following members:</u>	390
<u>(1) The adjutant general, to serve ex officio as a</u>	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 corporation formed under section 187.01 of the Revised Code, or the officer's designee, to serve as a nonvoting member;</u>	395 396 397
<u>(4) One member to represent the Ohio chamber of commerce, appointed by the governor, to serve as a nonvoting member;</u>	398 399
<u>(5) Three members of the senate appointed by the president of the senate, two of whom shall be of the majority party and one of whom shall be of the minority party. The president of the senate shall consult with the minority leader of the senate regarding the appointment of a member of the minority party;</u>	400 401 402 403 404
<u>(6) Three members of the house of representatives appointed by the speaker of the house of representatives, two of whom shall be of the majority party and one of whom shall be of the minority party. The speaker of the house of representatives shall consult with the minority leader of the house of representatives regarding the appointment of a member of the minority party;</u>	405 406 407 408 409 410 411
<u>(7) Seven individuals to represent various regions of the state, appointed in accordance with division (D) of this section;</u>	412 413 414
<u>(8) One member to represent the biotechnology sector, appointed by the governor, to serve as a nonvoting member.</u>	415 416
<u>(D) Seven individuals shall be appointed to the commission to respectively represent each of the seven unique regions of this state as identified by the nonprofit corporation formed under section 187.01 of the Revised Code. The president of the senate and the speaker of the house of representatives each shall appoint three of these individuals. The director of development shall appoint one of these individuals. The</u>	417 418 419 420 421 422 423

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

<u>thirty-first day of December of each year.</u>	453
<u>(J) The Ohio defense fund is created in the state treasury. The fund shall consist of money appropriated to it by the general assembly, revenue from interest earned on bonds under section 113.052 of the Revised Code, all grants, gifts, and contributions made to the director of development and designated for purposes of the Ohio defense and space commission, and investment earnings on money in the fund, which shall be credited to the fund.</u>	454 455 456 457 458 459 460 461
<u>Money in the fund shall be expended, through a development grant agreement under section 122.953 of the Revised Code, to support the development and construction of facilities including, but not limited to, sensitive compartmented information facilities (SCIFs), for processing sensitive or classified information; the development of defense related government contracts for small businesses; and for advocating and matching of grant programs to promote state defense military projects.</u>	462 463 464 465 466 467 468 469 470
<u>Sec. 122.953. (A) The Ohio defense and space commission shall administer a defense and aerospace industries expansion program under which the commission may make development grants to support economic development related to the defense and aerospace industries.</u>	471 472 473 474 475
<u>(B) The commission 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:</u>	476 477 478 479
<u>(1) A requirement that a development grant agreement be executed between the Ohio defense and space commission and a</u>	480 481

<u>grant recipient;</u>	482
<u>(2) The minimum requirements for a development grant</u>	483
<u>agreement;</u>	484
<u>(3) An application form and procedures governing the</u>	485
<u>process for applying to receive a development grant under the</u>	486
<u>program;</u>	487
<u>(4) The maximum grant amount allowed under the program,</u>	488
<u>and the maximum portion of the total estimated project cost that</u>	489
<u>shall be funded by the grant;</u>	490
<u>(5) That an executive session of the commission shall</u>	491
<u>comply with division (G) of section 121.22 of the Revised Code;</u>	492
<u>(6) That a vote of the commission on whether to award a</u>	493
<u>grant to a specific applicant shall occur in a session open to</u>	494
<u>the public;</u>	495
<u>(7) Any other procedures, criteria, or grant terms that</u>	496
<u>the commission determines necessary to administer the program.</u>	497
Sec. 122.954. (A) <u>As used in this section, "grantee" means</u>	498
<u>a recipient of anything of value under a development grant</u>	499
<u>agreement with the Ohio defense and space commission under</u>	500
<u>section 122.953 of the Revised Code.</u>	501
(B) <u>Ohio defense and space commission development grant</u>	502
<u>funds shall only be expended by the grantee to whom the grant</u>	503
<u>was awarded, and all development grant funds must be expended or</u>	504
<u>obligated by a grantee in accordance with the development grant</u>	505
<u>agreement. Any development grant funds not expended or obligated</u>	506
<u>pursuant to the grant agreement shall be returned to the</u>	507
<u>commission. If the commission determines that a grantee has</u>	508
<u>violated any terms of the development grant agreement, the</u>	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
funds. The grantee shall repay any funds determined by the 537
commission to have been inappropriately expended. 538

Section 2. That existing section 121.22 of the Revised

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Code is hereby repealed.

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