

SB 826

1 THE STATE SENATE
2 Monday, February 24, 2003

3 Senate Bill No. 826

4 As Amended

5 SENATE BILL NO. 826 - By: WILKERSON of the Senate and PAULK of the
6 House.

7 [public safety - creating Oklahoma Homeland Security Act -
8 emergency]

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 51 of Title 74, unless there is
12 created a duplication in numbering, reads as follows:

13 Sections 1 and 2 of this act shall be known and may be cited as
14 the "Oklahoma Homeland Security Act".

15 SECTION 2. AMENDATORY Section 1, Senate Joint Resolution
16 No. 42, p. 2575, O.S.L. 2002 (74 O.S. Supp. 2002, Section 10.6), is
17 amended to read as follows:

18 Section 10.6 A. There is hereby created the Oklahoma Office of
19 ~~Interim Oklahoma~~ Homeland Security Director within the Department of
20 Public Safety. The Office shall be under the control of Interim the
21 Oklahoma Director of Homeland Security Director shall exist until
22 ~~December 31, 2003, or until a permanent office of Oklahoma homeland~~
23 ~~security, or permanent position with similar duties and~~
24 ~~responsibilities, is established by the Legislature and is filled as~~

1 ~~may be provided by law, whichever occurs sooner. The Secretary of~~
2 ~~Safety and Security, Director shall be appointed by the Governor~~
3 ~~pursuant to Sections 10.3 and 10.5 of Title 74 of the Oklahoma~~
4 ~~Statutes, shall serve, ex-officio, as the Interim Oklahoma Homeland~~
5 ~~Security Director. If Senate confirmation is required for the~~
6 ~~appointment of a permanent homeland security director, the Office of~~
7 ~~Interim Oklahoma Homeland Security Director shall continue to exist~~
8 ~~and the Secretary of Safety and Security shall serve as the Interim~~
9 ~~Director until the appointee for permanent homeland security~~
10 ~~director is confirmed by the Senate.~~

11 ~~B. The duties of the Interim Oklahoma Homeland Security~~
12 ~~Director shall include, with the advice and consent of the Senate,~~
13 ~~and shall serve at the pleasure of the Governor. The Director:~~

14 1. ~~Representing the State of Oklahoma with federal agencies as~~
15 ~~the state homeland security director for purposes of accessing~~
16 ~~federal funds and cooperating with federal agencies in the~~
17 ~~development and implementation of a nationwide homeland security~~
18 ~~plan or response;~~

19 2. ~~Coordinating and preparing applications for federal funds;~~
20 ~~and~~

21 3. ~~Such other duties related to homeland security as the~~
22 ~~Governor may prescribe Shall be paid the same salary as the~~

1 Commissioner of Public Safety, as established in Section 2-105.4 of
2 Title 47 of the Oklahoma Statutes;

3 2. If already a member of a state retirement system, shall be
4 eligible to continue participation in that system;

5 3. If not a member of a state retirement system, shall be
6 eligible to participate in the Oklahoma Public Employees Retirement
7 System; and

8 4. Shall be a professional law enforcement officer with ten
9 (10) years' experience in the field of law enforcement or with five
10 (5) years' experience in the field of law enforcement and a graduate
11 of a four-year college with a degree in law enforcement
12 administration, law, criminology, or a related science.

13 B. The Director shall be authorized to appoint a Deputy
14 Director of Homeland Security. The Deputy Director shall be paid
15 the same salary as the Assistant Commissioner of Public Safety, as
16 established in Section 2-105.4 of Title 47 of the Oklahoma Statutes.
17 If the person appointed as the Deputy Director is a member of a
18 state retirement system, the appointee shall be eligible to continue
19 participation in that system. If the person appointed as Deputy
20 Director is not a member of a state retirement system, the appointee
21 shall be eligible to participate in the Oklahoma Public Employees
22 Retirement System. The Deputy Director shall be a commissioned law

1 enforcement officer with ten (10) years' experience, preferably with
2 experience in hazardous materials or explosives.

3 C. ~~All~~ The Director shall be authorized to employ personnel
4 including, but not limited to:

5 1. An administrative assistant;

6 2. An information technology advisor;

7 3. A regional board coordinator;

8 4. A training coordinator;

9 5. A regional response team coordinator; and

10 6. A maximum of three (3) administrative support personnel.

11 The Department of Public Safety shall provide other administrative
12 staff support to the Oklahoma Office of Homeland Security. Other
13 state personnel may be assigned pursuant to an interagency transfer
14 or detail to special duty as needed. The provisions of this
15 subsection shall not be construed to authorize the creation of any
16 additional salaried positions within the Department of Public
17 Safety.

18 D. The Oklahoma Office of Homeland Security shall be housed at
19 the Department of Public Safety.

20 E. The Oklahoma Office of Homeland Security shall have the duty
21 and responsibility to develop and coordinate the implementation and
22 administration of a comprehensive statewide strategy to secure the
23 State of Oklahoma from the results of acts of terrorism, from a

1 public health emergency, from cyberterrorism, from weapons of mass
2 destruction as that term is defined in 18 U.S.C., Section 2332a, and
3 perform other duties assigned to it by the Governor. Included in
4 the comprehensive statewide strategy and consistent with the
5 National Strategy for Homeland Security, as promulgated by the
6 Office of the President of the United States, or its successor plan
7 or plans, the Oklahoma Office of Homeland Security shall establish
8 the following strategic objectives for Oklahoma:

- 9 1. To prevent terrorist attacks;
- 10 2. To reduce vulnerability to terrorism; and
- 11 3. To minimize the damage from and to recover from terrorist
12 attacks, should they occur.

13 F. The Oklahoma Office of Homeland Security shall establish a
14 plan for the effective implementation of a statewide emergency
15 response system. The statewide emergency response system shall
16 include, but not be limited to:

- 17 1. Provisions for coordinating the duties and responsibilities
18 of regional emergency response teams. The purpose of the teams
19 shall be to provide emergency response to incidents or events
20 involving weapons of mass destruction or dangerous substances,
21 through standard operating procedures which will assist the first
22 responders, contact agencies, lead officials, the Department of
23 Environmental Quality or the Department of Civil Emergency

1 Management in controlling or stabilizing the incident or event
2 and/or providing technical assistance to such agencies or persons;

3 2. A schedule of fees for computing the reimbursement for
4 reasonable costs incurred by a regional response team;

5 3. Mutual aid agreements and memorandum of understanding as
6 necessary to provide effective implementation of a statewide
7 response to a weapon of mass destruction or incident involving
8 dangerous substances;

9 4. Procedures to assign and make available for use and duty of
10 a regional response team and specialized equipment which may be
11 necessary to respond to a weapon of mass destruction or an incident
12 or event involving the release of dangerous substances pursuant to
13 the Oklahoma Emergency Response Coordination and Notification Act;

14 5. Provisions for ongoing training programs for local
15 government and state agency employees involved in response to
16 incidents or events involving weapons of mass destruction or the
17 release of dangerous substances pursuant to the Oklahoma Emergency
18 Response Coordination and Notification Act. The Oklahoma Office of
19 Homeland Security may coordinate its training programs with
20 emergency response training programs offered by local, state and
21 federal agencies, community colleges and institutes of higher
22 education and private industry in order to reach the maximum number

1 of employees, avoid unnecessary duplication and conserve limited
2 training funds; and

3 6. The creation, implementation, and administration of an
4 advisory system.

5 G. The Oklahoma Office of Homeland Security and any local
6 government may enter into contracts for equipment or personnel or
7 both. The contract may include any provisions agreed upon by the
8 parties thereto and as required by any federal or state grant, if
9 applicable.

10 H. All payments by the state pursuant to such contracts shall
11 be made after audit and upon warrant on vouchers approved by the
12 Department of Public Safety.

13 I. All state agencies and political subdivisions of this state
14 and all officers and employees of those agencies and political
15 subdivisions are hereby directed to cooperate with and lend
16 assistance to the ~~Interim~~ Oklahoma Director of Homeland Security
17 Director.

18 SECTION 3. RECODIFICATION Section 1, Senate Joint
19 Resolution No. 42, p. 2575, O.S.L. 2002 (74 O.S. Supp. 2002, Section
20 10.6), as amended by Section 2 of this act, shall be recodified as
21 Section 51.1 of Title 74 of the Oklahoma Statutes unless there is
22 created a duplication in numbering.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this resolution shall take
4 effect and be in full force from and after its passage and approval.
5 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
6 PUBLIC SAFETY, dated 2-17-03 - DO PASS, As Amended and Coauthored.