

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 826

By: Wilkerson

AS INTRODUCED

An Act relating to public safety; creating the Oklahoma Homeland Security Act; providing short title; amending Section 1, Senate Joint Resolution No. 42, p. 2575, O.S.L. 2002 (74 O.S. Supp. 2002, Section 10.6), which relates to the Office of Interim Oklahoma Homeland Security Director; creating the Oklahoma Office of Homeland Security; terminating Office of Interim Oklahoma Homeland Security Director; creating the Oklahoma Director of Homeland Security; providing for appointment of certain director; requiring advice and consent of Senate; providing for compensation and retirement; stating qualifications; authorizing appointment of Deputy Director of Homeland Security; providing for salary and retirement; stating qualifications of Deputy Director; authorizing certain personnel; stating duties and responsibilities of certain office; stating certain strategic objectives; requiring certain plan for statewide emergency response system; authorizing certain contracts; directing state agencies and political subdivisions to cooperate with Oklahoma Director of Homeland Security; providing for codification; providing for recodification; and declaring an emergency.

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

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

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

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

Section 10.6 A. There is hereby created the Oklahoma Office of ~~Interim Oklahoma~~ Homeland Security Director within the Department of

Public Safety. The Office shall be under the control of Interim the Oklahoma Director of Homeland Security ~~Director shall exist until December 31, 2003, or until a permanent office of Oklahoma homeland security, or permanent position with similar duties and responsibilities, is established by the Legislature and is filled as may be provided by law, whichever occurs sooner.~~ The Secretary of ~~Safety and Security,~~ Director shall be appointed by the Governor pursuant to ~~Sections 10.3 and 10.5 of Title 74 of the Oklahoma Statutes,~~ shall serve, ~~ex officio,~~ as the ~~Interim Oklahoma Homeland Security Director.~~ If Senate confirmation is required for the appointment of a permanent homeland security director, the Office of ~~Interim Oklahoma Homeland Security Director shall continue to exist and the Secretary of Safety and Security shall serve as the Interim Director until the appointee for permanent homeland security director is confirmed by the Senate.~~

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

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

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

~~3. Such other duties related to homeland security as the Governor may prescribe~~ Shall be paid the same salary as the Commissioner of Public Safety, as established in Section 2-105.4 of Title 47 of the Oklahoma Statutes;

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

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

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

B. The Director shall be authorized to appoint a Deputy Director of Homeland Security. The Deputy Director shall be paid the same salary as the Assistant Commissioner of Public Safety, as established in Section 2-105.4 of Title 47 of the Oklahoma Statutes. If the person appointed as the Deputy Director is a member of a state retirement system, the appointee shall be eligible to continue participation in that system. If the person appointed as Deputy Director is not a member of a state retirement system, the appointee shall be eligible to participate in the Oklahoma Public Employees Retirement System. The Deputy Director shall be a commissioned law enforcement officer with ten (10) years' experience, preferably with experience in hazardous materials or explosives.

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

1. An administrative assistant;
2. An information technology advisor;
3. A regional board coordinator;
4. A training coordinator;
5. A regional response team coordinator; and
6. A maximum of three (3) administrative support personnel.

The Department of Public Safety shall provide other administrative staff support to the Oklahoma Office of Homeland Security. Other state personnel may be assigned pursuant to an interagency transfer or detail to special duty as needed. The provisions of this

subsection shall not be construed to authorize the creation of any additional salaried positions within the Department of Public Safety.

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

E. The Oklahoma Office of Homeland Security shall have the duty and responsibility to develop and coordinate the implementation and administration of a comprehensive statewide strategy to secure the State of Oklahoma from the results of acts of terrorism, from a public health emergency, from cyberterrorism, from weapons of mass destruction as that term is defined in 18 U.S.C., Section 2332a, and perform other duties assigned to it by the Governor. Included in the comprehensive statewide strategy and consistent with the National Strategy for Homeland Security, as promulgated by the Office of the President of the United States, or its successor plan or plans, the Oklahoma Office of Homeland Security shall establish the following strategic objectives for Oklahoma:

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

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

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

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

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

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

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

5. Provisions for ongoing training programs for local government and state agency employees involved in response to incidents or events involving weapons of mass destruction or the release of dangerous substances pursuant to the Oklahoma Emergency Response Coordination and Notification Act. The Oklahoma Office of Homeland Security may coordinate its training programs with emergency response training programs offered by local, state and federal agencies, community colleges and institutes of higher education and private industry in order to reach the maximum number of employees, avoid unnecessary duplication and conserve limited training funds; and

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

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

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

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after its passage and approval.