

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1465

By: Wyrick

AS INTRODUCED

An Act relating to the Oklahoma Homeland Security Act; amending Section 1, Senate Joint Resolution No. 42, p. 2575, O.S.L. 2002, as amended by Section 2, Chapter 157, O.S.L. 2004, and as renumbered by Section 8, Chapter 157, O.S.L. 2004 (74 O.S. Supp. 2005, Section 51.1), which relates to the Oklahoma Office of Homeland Security; adding clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Senate Joint Resolution No. 42, p. 2575, O.S.L. 2002, as amended by Section 2, Chapter 157, O.S.L. 2004, and as renumbered by Section 8, Chapter 157, O.S.L. 2004 (74 O.S. Supp. 2005, Section 51.1), is amended to read as follows:

Section 51.1 A. There is hereby created the Oklahoma Office of Homeland Security. The Governor shall be the chief officer of the Office and shall appoint a Homeland Security Director who shall be responsible to the Governor for the operation and administration of the Office. The Governor shall determine the salary for the Director.

B. The Oklahoma Homeland Security Director shall possess or obtain a federally recognized Top Secret Level Clearance.

1. Any employee of state government appointed to the position of Oklahoma Homeland Security Director shall have a right to return to the previously held classified position of the employee without any loss of rights, privileges, or benefits immediately upon completion of the duties as Oklahoma Homeland Security Director, provided the employee is not otherwise disqualified.

2. Any person appointed to the position of Oklahoma Homeland Security Director, if already a member of a state retirement system, shall be eligible to continue participation in that system. If not a member of a state retirement system, the Director shall be eligible to participate in the Oklahoma Public Employees Retirement System. The Oklahoma Homeland Security Director shall be eligible for participation in only one retirement system and shall elect in writing the system in which the Director intends to participate.

3. The Commissioner of the Department of Public Safety may commission the Director of Homeland Security as a peace officer if at the time of appointment the Director is certified as a law enforcement officer by the Council on Law Enforcement Education and Training (CLEET) or as a state trooper if at the time of appointment the Director is a CLEET-certified officer of the Oklahoma Highway Patrol.

C. The Oklahoma Office of Homeland Security shall consist of at least three divisions:

1. Prevention and Intelligence;
2. Response and Recovery Planning; and
3. Awareness and Preparedness.

D. The Director shall be authorized to employ personnel necessary to achieve the mission of the Office. Other federal, state, and local personnel may be assigned to the Office of Homeland Security pursuant to an interagency agreement. The Governor shall designate at which appropriate state agency the Oklahoma Office of Homeland Security shall be located. That agency shall provide housing, administrative staff and other support to the Oklahoma Office of Homeland Security. All positions and personnel of the Office of Homeland Security shall be exempt from the full-time-employee limit of the state agency where the Office of Homeland Security is located.

E. The Oklahoma Homeland Security Director 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, and from weapons of mass destruction as that term is defined in 18 U.S.C., Section 2332a, and to perform other duties assigned by the Governor. These duties shall include but not be limited to:

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 of response; and

2. Coordinating the Homeland Security efforts within the State of Oklahoma, including working with the Governor and Legislature, state agencies, and local elected officials and local governments, emergency responder groups, private-sector businesses, educational institutions, volunteer organizations, and the general public. State agencies receiving federal funding for homeland security purposes shall report the amount and intended use of those funds to the Oklahoma Homeland Security Director to ensure efficient and responsible use of funds and to avoid duplication of efforts.

F. 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 Homeland Security Director shall establish the following strategic objectives for Oklahoma:

1. To prevent terrorist attacks;
2. To reduce vulnerability to terrorism;
3. To minimize the damage from and to recover from terrorist attacks; and
4. Such other duties as the Governor may prescribe.

G. The Oklahoma Office of Homeland Security shall have the following duties:

1. Establish a plan for the effective implementation of a statewide emergency All-Hazards response system, including the duties and responsibilities of regional emergency response teams;

2. Create, implement, and administer an advisory system;

3. Coordinate and prepare applications for federal funds related to homeland security and accessing and distributing the federal funds; and

4. Cooperate with federal agencies in the development and implementation of a nationwide homeland security plan or response.

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

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 Oklahoma Homeland Security Director.

SECTION 2. 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 act shall take effect and be in full force from and after its passage and approval.

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