

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 4052

By: McCall

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 2011, Sections 51.1, 51.1a, as amended by Section 700, Chapter 304, O.S.L. 2012, 51.2, as amended by Section 701, Chapter 304, O.S.L. 2012, 51.2a, 51.2b, 51.2c, as amended by Section 702, Chapter 304, O.S.L. 2012, Section 1, Chapter 54, O.S.L. 2013 and 51.3 (74 O.S. Supp. 2019, Sections 51.1a, 51.2, 51.2c and 51.2d), which relate to the Oklahoma Homeland Security Act; creating the Office of Homeland Security within the Oklahoma Department of Emergency Management; providing for powers and duties of the Homeland Security Advisor; removing designation requirement for location of the Office of Homeland Security; modifying powers and duties of the Office of Homeland Security; modifying interoperable public safety communications planning; modifying Oklahoma Homeland Security Revolving Fund; modifying emergency preparedness grants; modifying Oklahoma School Security Grant Program Act; modifying Oklahoma School Security Revolving Fund; modifying Oklahoma School Security Institute; modifying regional planning and coordination advisory councils; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 51.1, is amended to read as follows:

1 Section 51.1 A. There is hereby created within the Oklahoma
2 Department of Emergency Management, the Office of Homeland Security.
3 The ~~Governor~~ Director of the Department shall be the chief officer
4 of the Office and shall appoint a Homeland Security ~~Director~~ Advisor
5 who shall be responsible to the ~~Governor~~ Director for the operation
6 and administration of the Office. The ~~Governor~~ Director shall
7 determine the salary for the ~~Director~~ Advisor in cooperation with
8 standards promulgated by the Office of Management and Enterprise
9 Services, and may make such expenditures within the appropriation
10 therefor, or from such other available funds as may be necessary to
11 carry out the purposes of the Oklahoma Homeland Security Act and
12 other programs specified by law.

13 B. The ~~Oklahoma Homeland Security Director~~ Advisor shall
14 possess or obtain a federally recognized ~~Top Secret Level Clearance~~
15 clearances as appropriate to perform the duties of the position.

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

23 2. Any person appointed to the position of ~~Oklahoma Homeland~~
24 ~~Security Director~~ Advisor, if already a member of a state retirement

1 system, shall be eligible to continue participation in that system.
2 If not a member of a state retirement system, the ~~Director~~ Advisor
3 shall be eligible to participate in the Oklahoma Public Employees
4 Retirement System. The ~~Oklahoma Homeland Security Director~~ Advisor
5 shall be eligible for participation in only one retirement system
6 and shall elect in writing the system in which the ~~Director~~ Advisor
7 intends to participate.

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

15 C. The Oklahoma Office of Homeland Security shall consist of at
16 least three ~~divisions~~ functions:

- 17 1. Prevention and Intelligence;
- 18 2. Response and Recovery Planning; and
- 19 3. Awareness and Preparedness.

20 D. The Director shall be authorized to employ personnel
21 necessary to achieve the mission of the Office. Other federal,
22 state, and local personnel may be assigned to the Office of Homeland
23 Security pursuant to an interagency agreement. ~~The Governor shall~~
24 ~~designate at which appropriate state agency the Oklahoma Office of~~

1 ~~Homeland Security shall be located. That agency shall provide~~
2 ~~housing, administrative staff and other support to the Oklahoma~~
3 ~~Office of Homeland Security. All positions and personnel of the~~
4 ~~Office of Homeland Security shall be exempt from the full-time~~
5 ~~employee limit of the state agency where the Office of Homeland~~
6 ~~Security is located.~~

7 E. The ~~Oklahoma~~ Office of Homeland Security ~~Director~~ shall have
8 the duty and responsibility to develop and coordinate the
9 implementation and administration of a comprehensive statewide
10 strategy that is integrated into the emergency operations plan to
11 secure the State of Oklahoma from the results of acts of terrorism,
12 from a public health emergency, from cyberterrorism, and from
13 weapons of mass destruction as that term is defined in 18 U.S.C.,
14 Section 2332a, and to perform other duties assigned by the ~~Governor~~
15 Director. These duties shall include but not be limited to:

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

21 2. Coordinating the Homeland Security efforts within the State
22 of Oklahoma, including working with the Director, Governor and
23 Legislature, state agencies, and local elected officials and local
24 governments, emergency responder groups, private-sector businesses,

1 educational institutions, volunteer organizations, and the general
2 public. State agencies receiving federal funding for homeland
3 security purposes shall report the amount and intended use of those
4 funds to the ~~Oklahoma Homeland Security Director~~ Department to
5 ensure efficient use of funds and to avoid duplication of efforts.

6 F. Included in the comprehensive statewide strategy and
7 consistent with the National Strategy for Homeland Security, as
8 promulgated by the Office of the President of the United States, or
9 its successor plan or plans, the ~~Oklahoma Homeland Security Director~~
10 Advisor shall establish the following strategic objectives for
11 Oklahoma:

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

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

- 19 1. Establish a plan for the effective implementation of a
20 statewide emergency All-Hazards response system, including the
21 duties and responsibilities of regional emergency response teams;
 - 22 2. Create, implement, and administer an advisory system;
- 23
24

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

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

6 H. ~~The Oklahoma Office of Homeland Security~~ Department and any
7 local government may enter into contracts with each other for
8 equipment and personnel, or both, to carry out the requirements of
9 the Homeland Security Act. The contract may include any provisions
10 agreed upon by the parties and as required by any federal or state
11 grant, if applicable.

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

16 SECTION 2. AMENDATORY 74 O.S. 2011, Section 51.1a, as
17 amended by Section 700, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
18 2019, Section 51.1a), is amended to read as follows:

19 Section 51.1a A. In addition to the powers and duties as
20 defined elsewhere in statute, the Oklahoma ~~Office of Homeland~~
21 ~~Security~~ Department of Emergency Management has the duty and
22 responsibility for interoperable public safety communications
23 planning within the State of Oklahoma. As part of this duty the
24 ~~Oklahoma Office of Homeland Security~~ Department shall:

1 1. Annually develop and report to the Governor, President Pro
2 Tempore of the Senate and Speaker of the House of Representatives,
3 the Statewide Communications Interoperability Plan;

4 2. Coordinate statewide planning for public safety
5 communication needs of state government and state emergency
6 responders, including a migration plan for state agency use of
7 public safety communications technologies and rendering of aid
8 between state government and its political subdivisions for
9 organizing and use of disparate public safety communications
10 systems;

11 3. Serve as a focal point for all state-level projects
12 involving public safety communications vendors where the focus of
13 such authority can substantially enhance the state communications
14 plan or savings;

15 4. Apply for, receive, and hold, or assist state agencies in
16 applying for, receiving, or holding such authorizations, licenses,
17 and allocations of channels and frequencies to carry out the
18 purposes of this section;

19 5. Establish minimum standards and protocols for acquisition,
20 development, or enhancement of public safety communications
21 technologies. These standards shall be utilized by the Information
22 Services Division of the Office of Management and Enterprise
23 Services pursuant to the provisions of Section 34.20 of Title 62 of
24 the Oklahoma Statutes; and

1 6. Accomplish such other purposes as may be necessary or
2 incidental to the administration of its authority or functions
3 pursuant to law.

4 B. It is the intent of the Legislature that all state public
5 entities comply with the provisions of the Statewide Communications
6 Interoperability Plan issued by the ~~Oklahoma Office of Homeland~~
7 ~~Security~~ Department. All state agencies are required to review the
8 provisions of the Statewide Communications Interoperability Plan and
9 the public safety communications standards issued by the ~~Oklahoma~~
10 ~~Office of Homeland Security~~ Department prior to the purchase,
11 acquisition, development, or enhancement of any public safety
12 communications system. Local public safety agencies and political
13 subdivisions of the state are encouraged, but not required, to
14 review the provisions of the Statewide Communications
15 Interoperability Plan and the public safety communications standards
16 issued by the ~~Oklahoma Office of Homeland Security~~ Department prior
17 to the purchase, acquisition, development, or enhancement of any
18 public safety communications system to assist the local public
19 safety agency or political subdivision in purchasing decisions.

20 C. No state agency shall use state funds or enter into any
21 agreement for the acquisition, development, or enhancement of a
22 public safety communication system unless the request is consistent
23 with the Statewide Communications Interoperability Plan and the
24

1 public safety communications standards issued by the ~~Oklahoma Office~~
2 ~~of Homeland Security~~ Department.

3 SECTION 3. AMENDATORY 74 O.S. 2011, Section 51.2, as
4 amended by Section 701, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2019, Section 51.2), is amended to read as follows:

6 Section 51.2 A. There is hereby created in the State Treasury
7 a revolving fund for the Oklahoma ~~Office of Homeland Security~~
8 Department of Emergency Management to be designated the "Oklahoma
9 Homeland Security Revolving Fund". The Oklahoma Homeland Security
10 Revolving Fund shall be a continuing fund, not subject to fiscal
11 year limitations and shall consist of monies received by the
12 ~~Oklahoma Office of Homeland Security or the~~ Department of Public
13 Safety from:

14 1. Reimbursements from responsible parties for reasonable
15 actions taken and costs incurred by a regional team in response to
16 an incident or event involving a dangerous substance;

17 2. Reimbursements, grants, or other monies received from other
18 state agencies and entities of state government;

19 3. Reimbursements, grants, or other monies received by the
20 ~~Oklahoma Office of Homeland Security~~ Department or the Department of
21 Public Safety from the United States government or pursuant to
22 proceedings in district court to enforce claims initiated pursuant
23 to the Oklahoma Homeland Security Act or the Oklahoma Emergency
24 Response Act;

1 4. Gifts, donations, and bequests;

2 5. Monies appropriated or apportioned by the state; and

3 6. Receipts from other ancillary services related to incidents
4 or events related to dangerous substances, not otherwise provided by
5 law.

6 B. All monies accruing to the credit of the Oklahoma Homeland
7 Security Revolving Fund are hereby appropriated and may be budgeted
8 and expended by the ~~Oklahoma Office of Homeland Security~~ Department
9 for:

10 1. Operating expenses relating to homeland security expenses;

11 2. Administrative duties in support of homeland security
12 functions; and

13 3. Education and reimbursement for expenses of regional teams,
14 including maintenance of equipment.

15 C. Expenditures from the Oklahoma Homeland Security Revolving
16 Fund shall be made upon warrants issued by the State Treasurer
17 against claims filed as prescribed by law with the Director of the
18 Office of Management and Enterprise Services for approval and
19 payment.

20 SECTION 4. AMENDATORY 74 O.S. 2011, Section 51.2a, is
21 amended to read as follows:

22 Section 51.2a Contingent upon the availability of designated
23 funding from the United States Department of Homeland Security or
24 state appropriations, the Oklahoma ~~Office of Homeland Security~~

1 Department of Emergency Management shall make grant monies available
2 to:

3 1. Public schools, private schools, technology center schools,
4 and institutions of higher learning in the State of Oklahoma to
5 encourage greater emergency preparedness, including, but not limited
6 to, improvement of plans and procedures for natural and man-made
7 disaster and emergencies, improvement of security on campus, at
8 events, and with regard to buses and other transportation, and
9 improvement of communications strategies and equipment; and

10 2. Local law enforcement, emergency management, disaster
11 relief, and public health entities in the State of Oklahoma to
12 encourage the active engagement of such entities with public
13 schools, private schools, technology center schools, and
14 institutions of higher learning in their efforts to improve
15 emergency preparedness.

16 SECTION 5. AMENDATORY 74 O.S. 2011, Section 51.2b, is
17 amended to read as follows:

18 Section 51.2b A. This section shall be known and may be cited
19 as the "Oklahoma School Security Grant Program Act".

20 B. The Oklahoma ~~Office of Homeland Security~~ Department of
21 Emergency Management shall solicit proposals for and make grants for
22 the enhancement of campus security at institutions of higher
23 learning, technology center schools, public schools, and private
24 schools.

1 C. The goals and objectives of the Oklahoma School Security
2 Grant Program are to:

3 1. Increase the awareness of the public and educational
4 institutions of the risks, threats, and vulnerabilities of school
5 campuses as well as mitigation strategies;

6 2. Incentivize participation in school security training
7 programs designed to assess campus risks, threats, and
8 vulnerabilities;

9 3. Provide assistance to institutions of higher learning,
10 technology center schools, public schools, and private schools
11 initiating or implementing school security plans, programs, and
12 activities; and

13 4. Build upon the success of the pilot Education Grant Program
14 established by the Oklahoma Office of Homeland Security.

15 D. ~~The Oklahoma Office of Homeland Security~~ Department shall
16 determine grant project criteria and establish a process for the
17 consideration of proposals. The proposals shall be considered on a
18 statewide competitive basis among peer institutions.

19 E. On or before January 1, 2010, and each year thereafter, the
20 ~~Oklahoma Office of Homeland Security~~ Department shall prepare an
21 annual report on the Oklahoma School Security Grant Program and
22 submit the report to the Governor, the President Pro Tempore of the
23 Senate, and the Speaker of the House of Representatives.

1 SECTION 6. AMENDATORY 74 O.S. 2011, Section 51.2c, as
2 amended by Section 702, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2019, Section 51.2c), is amended to read as follows:

4 Section 51.2c A. There is hereby created in the State Treasury
5 a revolving fund for the Oklahoma ~~Office of Homeland Security~~
6 Department of Emergency Management to be designated the "Oklahoma
7 School Security Revolving Fund". The Oklahoma School Security
8 Revolving Fund shall be a continuing fund, not subject to fiscal
9 year limitations, and shall consist of monies received by the
10 ~~Oklahoma Office of Homeland Security~~ Department from:

11 1. Reimbursements, grants, or other monies received from other
12 state agencies and entities of state government for school security;

13 2. Reimbursements, grants, or other monies received by the
14 ~~Oklahoma Office of Homeland Security~~ Department from the United
15 States government obligated to school security projects;

16 3. Gifts, donations, and bequests; and

17 4. Monies appropriated or apportioned by the state.

18 B. All monies accruing to the credit of the Oklahoma School
19 Security Revolving Fund are hereby appropriated and may be budgeted
20 and expended by the ~~Oklahoma Office of Homeland Security~~ Department
21 for the administration of the Oklahoma School Security Grant
22 Program. Contingent upon the availability of funding, the ~~Oklahoma~~
23 ~~Office of Homeland Security~~ Department may make grants each year to
24 institutions of higher learning, technology center schools, public

1 schools, and private schools as provided in Section ~~51.26~~ 51.2b of
2 this title.

3 C. Expenditures from the Oklahoma School Security Revolving
4 Fund shall be made upon warrants issued by the State Treasurer
5 against claims filed as prescribed by law with the Director of the
6 Office of Management and Enterprise Services for approval and
7 payment.

8 SECTION 7. AMENDATORY Section 1, Chapter 54, O.S.L. 2013
9 (74 O.S. Supp. 2019, Section 51.2d), is amended to read as follows:

10 Section 51.2d A. Upon the effective date of this act, the
11 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
12 Management shall designate a ~~division~~ dedication function of their
13 ~~office~~ agency as the "Oklahoma School Security Institute".

14 B. The Oklahoma School Security Institute shall act as the
15 central repository for the public and private elementary and
16 secondary schools of this state to contact for information on
17 resources made available to the schools in their efforts to enhance
18 school security and assess risks and threats to school campuses.
19 The goals and objectives of the Oklahoma School Security Institute
20 shall include, but not be limited to:

21 1. Maximizing school security training and support to public
22 and private elementary and secondary schools as authorized pursuant
23 to Section 51.2b of ~~Title 74 of the Oklahoma Statutes~~ this title;

1 2. Assisting and coordinating with public and private
2 elementary and secondary school administrators as required in the
3 development and implementation of safety drills;

4 3. Facilitating efforts of public and private elementary and
5 secondary schools to utilize any available programs or entities
6 specializing in security issues; and

7 4. Creating and coordinating any working groups when necessary
8 in order to continue developing and implementing new strategies and
9 techniques for future recommendations on school security issues.

10 C. The Oklahoma School Security Institute may develop a
11 telephone tip line whereby reports of activity that may compromise
12 school safety can be called in and disseminated to the appropriate
13 parties for additional investigation should it be warranted.

14 SECTION 8. AMENDATORY 74 O.S. 2011, Section 51.3, is
15 amended to read as follows:

16 Section 51.3 A. There are hereby created regional planning and
17 coordination advisory councils for homeland security. The Oklahoma
18 ~~Homeland Security Director~~ Department of Emergency Management shall
19 designate the geographical boundaries for each regional advisory
20 council within the state.

21 B. Each regional advisory council shall be composed of the
22 following members:

- 23 1. A chief of a paid fire department;
24 2. A chief of a volunteer fire department;

3. A county sheriff;
4. A chief of a police department;
5. A physician or hospital administrator;
6. An emergency management coordinator;
7. An emergency medical services provider;
8. A veterinarian;
9. A representative of a state or local disaster relief agency;
10. A city manager or mayor;
11. A county commissioner;
12. A public health representative;
13. A Council of Government representative;
14. A representative of a public school district; and
15. A representative of an institution of higher learning.

C. The members of the regional advisory councils shall be appointed by the Oklahoma ~~Homeland Security~~ Department of Emergency Management Director. The Director shall appoint from a list of nominees provided to the Director from statewide associations or entities that represent the disciplines to be represented on the advisory councils. All members can be removed for cause by the Director.

D. Each member of a regional advisory council shall reside in or have employment duties within the region to be served by the regional advisory council. Regional advisory council members shall

1 have staggered terms of office not exceeding three (3) years and may
2 be reappointed upon the expiration of a term.

3 E. Each regional advisory council shall meet at least twice a
4 year or more frequently at the discretion of the Director. The
5 Director, or Homeland Security Advisor or designee, from the
6 ~~Oklahoma Office of Homeland Security~~ Department shall attend the
7 meetings of the regional advisory councils. A majority of the
8 members of the regional advisory council shall constitute a quorum.
9 The ~~Office of Homeland Security~~ Department shall establish policies
10 and procedures regarding the operation of the regional advisory
11 councils.

12 F. The duties and responsibilities of each regional advisory
13 council shall be:

14 1. Assessing and documenting the needs of the region related to
15 homeland security;

16 2. Coordinating and cooperating with the ~~Oklahoma Office of~~
17 ~~Homeland Security~~ Department to achieve the strategic objectives
18 prescribed in this act; and

19 3. Other duties and responsibilities as determined by the
20 ~~Oklahoma Homeland Security~~ Director.

21 SECTION 9. This act shall become effective November 1, 2020.

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