

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4052

By: McCall and **Ford**

7  
8                               COMMITTEE SUBSTITUTE

9           An Act relating to state government; amending 74 O.S.  
10       2011, Sections 51.1, 51.1a, as amended by Section  
11       700, Chapter 304, O.S.L. 2012, 51.2, as amended by  
12       Section 701, Chapter 304, O.S.L. 2012, 51.2a, 51.2b,  
13       51.2c, as amended by Section 702, Chapter 304, O.S.L.  
14       2012, Section 1, Chapter 54, O.S.L. 2013 and 51.3 (74  
15       O.S. Supp. 2019, Sections 51.1a, 51.2, 51.2c and  
16       51.2d), which relate to the Oklahoma Homeland  
17       Security Act; creating the Office of Homeland  
18       Security within the Oklahoma Department of Emergency  
19       Management; providing for powers and duties of the  
20       Homeland Security Advisor; removing designation  
21       requirement for location of the Office of Homeland  
22       Security; modifying powers and duties of the Office  
23       of Homeland Security; modifying interoperable public  
24       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:

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

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

1. Any employee of state government appointed by the Director to the position of ~~Oklahoma Homeland Security Director~~ Advisor 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~~ Advisor, provided the employee is not otherwise disqualified.

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

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

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

- 19       1. Prevention and Intelligence;
- 20       2. Response and Recovery Planning; and
- 21       3. Awareness and Preparedness.

22       D. The Director shall be authorized to employ personnel  
23 necessary to achieve the mission of the Office. Other federal,  
24 state, and local personnel may be assigned to the Office of Homeland

1 Security pursuant to an interagency agreement. ~~The Governor shall~~  
2 ~~designate at which appropriate state agency the Oklahoma Office of~~  
3 ~~Homeland Security shall be located. That agency shall provide~~  
4 ~~housing, administrative staff and other support to the Oklahoma~~  
5 ~~Office of Homeland Security. All positions and personnel of the~~  
6 ~~Office of Homeland Security shall be exempt from the full-time~~  
7 ~~employee limit of the state agency where the Office of Homeland~~  
8 ~~Security is located.~~

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

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

23 2. Coordinating the Homeland Security efforts within the State  
24 of Oklahoma, including working with the Director, Governor and

1 Legislature, state agencies, and local elected officials and local  
2 governments, emergency responder groups, private-sector businesses,  
3 educational institutions, volunteer organizations, and the general  
4 public. State agencies receiving federal funding for homeland  
5 security purposes shall report the amount and intended use of those  
6 funds to the ~~Oklahoma Homeland Security Director~~ Department to  
7 ensure efficient use of funds and to avoid duplication of efforts.

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

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

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

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

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.  
22

23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2020 - DO PASS,  
24 As Amended and Coauthored.