

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1916

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to the emergency management; amending
8 74 O.S. 2011, Section 51.1, which relates to the
9 Oklahoma Office of Homeland Security; consolidating
10 agencies; modifying responsible entities; providing
11 for certain expenditures; modifying statutory
12 references; eliminating certain designation; amending
13 74 O.S. 2011, Section 51.1a, as amended by Section
14 700, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2019,
15 Section 51.1a), which relates to public safety
16 communication planning; modifying statutory
17 references; amending 74 O.S. 2011, Section 51.2, as
18 amended by Section 701, Chapter 304, O.S.L. 2012 (74
19 O.S. Supp. 2019, Section 51.2), which relates to the
20 Oklahoma Homeland Security Revolving Fund; modifying
21 statutory references; amending 74 O.S. 2011, Sections
22 51.2a, 51.2b and 51.3, which relate to emergency
23 preparedness grants and the Oklahoma School Security
24 Grant Program Act; modifying statutory references;
25 amending 74 O.S. 2011, Section 51.2c, as amended by
26 Section 702, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
27 2019, Section 51.c), which relates to the Oklahoma
28 School Security Revolving Fund; modifying statutory
29 references; amending Section 1, Chapter 54, O.S.L.
30 2013 (74 O.S. Supp. 2019, Section 51.2d), which
31 relates to the Oklahoma School Security Institute;
32 modifying statutory references; and providing an
33 effective date.

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

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

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

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

20 1. Any employee of state government appointed, by the Director
21 of the Department of Emergency Management to the position of
22 ~~Oklahoma~~ Homeland Security ~~Director~~ Advisor shall have a right to
23 return to the previously held ~~classified~~ position of the employee
24 without any loss of rights, privileges, or benefits immediately upon

1 completion of the duties as ~~Oklahoma~~ Homeland Security ~~Director~~
2 Advisor, provided the employee is not otherwise disqualified.

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

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

19 C. The Oklahoma Department of Emergency Management's Office of
20 Homeland Security Division shall consist of at least three ~~divisions~~
21 functions:

- 22 1. Prevention and Intelligence;
- 23 2. Response and Recovery Planning; and
- 24 3. Awareness and Preparedness.

1 D. The Director of the Department of Emergency Management shall
2 be authorized to employ personnel necessary to achieve the mission
3 of the Homeland Security Office, as a division of the Agency. Other
4 federal, state, and local personnel may be assigned to the Office of
5 Homeland Security pursuant to an interagency agreement. ~~The~~
6 ~~Governor shall designate at which appropriate state agency the~~
7 ~~Oklahoma Office of Homeland Security shall be located. That agency~~
8 ~~shall provide housing, administrative staff and other support to the~~
9 ~~Oklahoma Office of Homeland Security. All positions and personnel~~
10 ~~of the Office of Homeland Security shall be exempt from the full-~~
11 ~~time-employee limit of the state agency where the Office of Homeland~~
12 ~~Security is located.~~

13 E. The Oklahoma Department of Emergency Management Office of
14 Homeland Security ~~Director~~ Division shall have the duty and
15 responsibility to develop and coordinate the implementation and
16 administration of a comprehensive statewide strategy, that is
17 integrated into the State's Emergency Operation Plan to secure the
18 State of Oklahoma from the results of acts of terrorism, from a
19 public health emergency, from cyberterrorism, and from weapons of
20 mass destruction as that term is defined in 18 U.S.C., Section
21 2332a, and to perform other duties assigned by the ~~Governor~~
22 Director. These duties shall include but not be limited to:

23 1. Representing the State of Oklahoma with federal agencies as
24 the state ~~homeland security director~~ Homeland Security Advisor for

1 purposes of accessing federal funds and cooperating with federal
2 agencies in the development and implementation of a nationwide
3 homeland security plan of response; and

4 2. Coordinating the Homeland Security efforts within the State
5 of Oklahoma, including working with the Director, the Governor and
6 Legislature, state agencies, and local elected officials and local
7 governments, emergency responder groups, private-sector businesses,
8 educational institutions, volunteer organizations, and the general
9 public. State agencies receiving federal funding for homeland
10 security purposes shall report the amount and intended use of those
11 funds to the Oklahoma ~~Homeland Security Director~~ Department of
12 Emergency Management to ensure efficient use of funds and to avoid
13 duplication of efforts.

14 F. Included in the comprehensive statewide strategy and
15 consistent with the National Strategy for Homeland Security, as
16 promulgated by the Office of the President of the United States, or
17 its successor plan or plans, the ~~Oklahoma Homeland Security Director~~
18 Advisor shall establish the following strategic objectives for
19 Oklahoma:

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

1 G. The Oklahoma Department of Emergency Management Office of
2 Homeland Security shall have the following duties:

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

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

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

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

12 H. The Oklahoma ~~Office of Homeland Security~~ Department of
13 Emergency Management and any local government may enter into
14 contracts with each other for equipment and personnel, or both to
15 carry out the requirements and duties of the Homeland Security Act.

16 The contract may include any provisions agreed upon by the parties
17 and as required by any federal or state grant, if applicable.

18 I. All state agencies and political subdivisions of this state
19 and all officers and employees of those agencies and political
20 subdivisions are hereby directed to cooperate with and lend
21 assistance to the Oklahoma Department of Emergency Management
22 Director and the Homeland Security ~~Director~~ Advisor.

1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 51.1a, as
2 amended by Section 700, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2019, Section 51.1a), is amended to read as follows:

4 Section 51.1a. A. In addition to the powers and duties as
5 defined elsewhere in statute, the Oklahoma ~~Office of Homeland~~
6 ~~Security~~ Department of Emergency Management has the duty and
7 responsibility for interoperable public safety communications
8 planning within the State of Oklahoma. As part of this duty the
9 ~~Oklahoma Office of Homeland Security Agency~~ shall:

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

13 2. Coordinate statewide planning for public safety
14 communication needs of state government and state emergency
15 responders, including a migration plan for state agency use of
16 public safety communications technologies and rendering of aid
17 between state government and its political subdivisions for
18 organizing and use of disparate public safety communications
19 systems;

20 3. Serve as a focal point for all state-level projects
21 involving public safety communications vendors where the focus of
22 such authority can substantially enhance the state communications
23 plan or savings;

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

5 5. Establish minimum standards and protocols for acquisition,
6 development, or enhancement of public safety communications
7 technologies. These standards shall be utilized by the Information
8 Services Division of the Office of Management and Enterprise
9 Services pursuant to the provisions of Section 34.20 of Title 62 of
10 the Oklahoma Statutes; and

11 6. Accomplish such other purposes as may be necessary or
12 incidental to the administration of its authority or functions
13 pursuant to law.

14 B. It is the intent of the Legislature that all state public
15 entities comply with the provisions of the Statewide Communications
16 Interoperability Plan issued by the Oklahoma ~~Office of Homeland~~
17 ~~Security~~ Department of Emergency Management. All state agencies are
18 required to review the provisions of the Statewide Communications
19 Interoperability Plan and the public safety communications standards
20 issued by the Oklahoma ~~Office of Homeland Security~~ Department of
21 Emergency Management prior to the purchase, acquisition,
22 development, or enhancement of any public safety communications
23 system. Local public safety agencies and political subdivisions of
24 the state are encouraged, but not required, to review the provisions

1 of the Statewide Communications Interoperability Plan and the public
2 safety communications standards issued by the Oklahoma ~~Office of~~
3 ~~Homeland Security~~ Department of Emergency Management prior to the
4 purchase, acquisition, development, or enhancement of any public
5 safety communications system to assist the local public safety
6 agency or political subdivision in purchasing decisions.

7 C. No state agency shall use state funds or enter into any
8 agreement for the acquisition, development, or enhancement of a
9 public safety communication system unless the request is consistent
10 with the Statewide Communications Interoperability Plan and the
11 public safety communications standards issued by the Oklahoma ~~Office~~
12 ~~of Homeland Security~~ Department of Emergency Management.

13 SECTION 3. AMENDATORY 74 O.S. 2011, Section 51.2, as
14 amended by Section 701, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2019, Section 51.2), is amended to read as follows:

16 Section 51.2. A. There is hereby created in the State Treasury
17 a revolving fund for the Oklahoma ~~Office of Homeland Security~~
18 Department of Emergency Management to be designated the "Oklahoma
19 Homeland Security Revolving Fund". The Oklahoma Homeland Security
20 Revolving Fund shall be a continuing fund, not subject to fiscal
21 year limitations and shall consist of monies received by the
22 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
23 Management or the Department of Public Safety from:

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

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

6 3. Reimbursements, grants, or other monies received by the
7 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
8 Management or the Department of Public Safety from the United States
9 government or pursuant to proceedings in district court to enforce
10 claims initiated pursuant to the Oklahoma Homeland Security Act or
11 the Oklahoma Emergency Response Act;

12 4. Gifts, donations, and bequests;

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

14 6. Receipts from other ancillary services related to incidents
15 or events related to dangerous substances, not otherwise provided by
16 law.

17 B. All monies accruing to the credit of the Oklahoma Homeland
18 Security Revolving Fund are hereby appropriated and may be budgeted
19 and expended by the Oklahoma ~~Office of Homeland Security~~ Department
20 of Emergency Management for:

21 1. Operating expenses relating to homeland security expenses;

22 2. Administrative duties in support of homeland security
23 functions; and

1 3. Education and reimbursement for expenses of regional teams,
2 including maintenance of equipment.

3 C. Expenditures from the Oklahoma Homeland 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 4. AMENDATORY 74 O.S. 2011, Section 51.2a, is
9 amended to read as follows:

10 Section 51.2a. Contingent upon the availability of designated
11 funding from the United States Department of Homeland Security or
12 state appropriations, the Oklahoma ~~Office of Homeland Security~~
13 Department of Emergency Management shall make grant monies available
14 to:

15 1. Public schools, private schools, technology center schools,
16 and institutions of higher learning in the State of Oklahoma to
17 encourage greater emergency preparedness, including, but not limited
18 to, improvement of plans and procedures for natural and man-made
19 disaster and emergencies, improvement of security on campus, at
20 events, and with regard to buses and other transportation, and
21 improvement of communications strategies and equipment; and

22 2. Local law enforcement, emergency management, disaster
23 relief, and public health entities in the State of Oklahoma to
24 encourage the active engagement of such entities with public
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1 schools, private schools, technology center schools, and
2 institutions of higher learning in their efforts to improve
3 emergency preparedness.

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

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

8 B. The Oklahoma ~~Office of Homeland Security~~ Department of
9 Emergency Management shall solicit proposals for and make grants for
10 the enhancement of campus security at institutions of higher
11 learning, technology center schools, public schools, and private
12 schools.

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

15 1. Increase the awareness of the public and educational
16 institutions of the risks, threats, and vulnerabilities of school
17 campuses as well as mitigation strategies;

18 2. Incentivize participation in school security training
19 programs designed to assess campus risks, threats, and
20 vulnerabilities;

21 3. Provide assistance to institutions of higher learning,
22 technology center schools, public schools, and private schools
23 initiating or implementing school security plans, programs, and
24 activities; and

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

3 D. The Oklahoma ~~Office of Homeland Security~~ Department of
4 Emergency Management shall determine grant project criteria and
5 establish a process for the consideration of proposals. The
6 proposals shall be considered on a statewide competitive basis among
7 peer institutions.

8 E. On or before January 1, 2010, and each year thereafter, the
9 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
10 Management shall prepare an annual report on the Oklahoma School
11 Security Grant Program and submit to the Governor, the President Pro
12 Tempore of the Senate, and the Speaker of the House of
13 Representatives.

14 SECTION 6. AMENDATORY 74 O.S. 2011, Section 51.2c, as
15 amended by Section 702, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
16 2019, Section 51.2c), is amended to read as follows:

17 Section 51.2c. A. There is hereby created in the State
18 Treasury a revolving fund for the Oklahoma ~~Office of Homeland~~
19 ~~Security~~ Department of Emergency Management to be designated the
20 "Oklahoma School Security Revolving Fund". The Oklahoma School
21 Security Revolving Fund shall be a continuing fund, not subject to
22 fiscal year limitations, and shall consist of monies received by the
23 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
24 Management from:

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

3 2. Reimbursements, grants, or other monies received by the
4 Oklahoma ~~Office of Homeland Security~~ Department of Emergency
5 Management from the United States government obligated to school
6 security projects;

7 3. Gifts, donations, and bequests; and

8 4. Monies appropriated or apportioned by the state.

9 B. All monies accruing to the credit of the Oklahoma School
10 Security Revolving Fund are hereby appropriated and may be budgeted
11 and expended by the Oklahoma ~~Office of Homeland Security~~ Department
12 of Emergency Management for the administration of the Oklahoma
13 School Security Grant Program. Contingent upon the availability of
14 funding, the Oklahoma ~~Office of Homeland Security~~ Department of
15 Emergency Management may make grants each year to institutions of
16 higher learning, technology center schools, public schools, and
17 private schools as provided in Section 51.26 of this title.

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

23 SECTION 7. AMENDATORY Section 1, Chapter 54, O.S.L. 2013
24 (74 O.S. Supp. 2019, Section 51.2d), is amended to read as follows:

1 Section 51.2d. A. Upon ~~the effective date of this act~~ July 1,
2 2013, the Oklahoma ~~Office of Homeland Security~~ Department of
3 Emergency Management shall designate a ~~division~~ dedicated function
4 of their ~~office~~ Agency as the "Oklahoma School Security Institute".

5 B. The Oklahoma School Security Institute shall act as the
6 central repository for the public and private elementary and
7 secondary schools of this state to contact for information on
8 resources made available to the schools in their efforts to enhance
9 school security and assess risks and threats to school campuses.
10 The goals and objectives of the Oklahoma School Security Institute
11 shall include, but not be limited to:

12 1. Maximizing school security training and support to public
13 and private elementary and secondary schools as authorized pursuant
14 to Section 51.2b of Title 74 of the Oklahoma Statutes;

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

18 3. Facilitating efforts of public and private elementary and
19 secondary schools to utilize any available programs or entities
20 specializing in security issues; and

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

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

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

7 Section 51.3. A. There are hereby created regional planning
8 and coordination advisory councils for homeland security. The
9 Oklahoma ~~Homeland Security Director~~ Department of Emergency
10 Management Director shall designate the geographical boundaries for
11 each regional advisory council within the state.

12 B. Each regional advisory council shall be composed of the
13 following members:

- 14 1. A chief of a paid fire department;
- 15 2. A chief of a volunteer fire department;
- 16 3. A county sheriff;
- 17 4. A chief of a police department;
- 18 5. A physician or hospital administrator;
- 19 6. An emergency management coordinator;
- 20 7. An emergency medical services provider;
- 21 8. A veterinarian;
- 22 9. A representative of a state or local disaster relief agency;
- 23 10. A city manager or mayor;
- 24 11. A county commissioner;

1 12. A public health representative;

2 13. A Council of Government representative;

3 14. A representative of a public school district; and

4 15. A representative of an institution of higher learning.

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

12 D. Each member of a regional advisory council shall reside in
13 or have employment duties within the region to be served by the
14 regional advisory council. Regional advisory council members shall
15 have staggered terms of office not exceeding three (3) years and may
16 be reappointed upon the expiration of a term.

17 E. Each regional advisory council shall meet at least twice a
18 year or more frequently at the discretion of the Director. The
19 Director or Homeland Security Advisor or designee from the Oklahoma
20 Department of Emergency Management Office of Homeland Security
21 Division shall attend the meetings of the regional advisory
22 councils. A majority of the members of the regional advisory
23 council shall constitute a quorum. The ~~Office of Homeland Security~~
24 Department of Emergency Management shall establish policies and

1 procedures regarding the operation of the regional advisory
2 councils.

3 F. The duties and responsibilities of each regional advisory
4 council shall be:

5 1. Assessing and documenting the needs of the region related to
6 homeland security;

7 2. Coordinating and cooperating with the Oklahoma ~~Office of~~
8 ~~Homeland Security~~ Department of Emergency Management to achieve the
9 strategic objectives prescribed in ~~this act~~ Section 51 et seq. of
10 this title; and

11 3. Other duties and responsibilities as determined by the
12 Oklahoma ~~Homeland Security~~ Department of Emergency Management
13 Director.

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

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