

An Act

ENROLLED SENATE
BILL NO. 488

By: Paxton of the Senate

and

Sims of the House

An Act relating to state government; amending 74 O.S. 2021, Sections 51.1, 51.1a, 51.2, 51.2a, 51.2b, 51.2c, 51.2d, and 51.3, 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 updating statutory references.

SUBJECT: State government

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

SECTION 1. AMENDATORY 74 O.S. 2021, 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.

2. Any person appointed to the position of ~~Oklahoma Homeland Security Director~~ Advisor, 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~~ Advisor shall be eligible to participate in the Oklahoma Public Employees Retirement System. The ~~Oklahoma Homeland Security Director~~ Advisor shall be eligible for participation in only one retirement system and shall elect in writing the system in which the ~~Director~~ Advisor intends to participate.

3. The Commissioner of the Department of Public Safety may commission the ~~Director of Homeland Security~~, Advisor and designated staff within the agency as specified by the Director, as a ~~peace officer~~ if at the time of appointment the ~~Director~~ is certified peace officers. All commissioned staff must obtain and maintain certification as a law enforcement ~~officer~~ officers 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~~ functions:

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~~ Office of Homeland Security ~~Director~~ shall have the duty and responsibility to develop and coordinate the implementation and administration of a comprehensive statewide strategy that is integrated into the emergency operations plan 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~~ Director. These duties shall include but not be limited to:

1. Representing the State of Oklahoma with federal agencies as the state ~~homeland security director~~ Homeland Security Advisor 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 Director, 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~~ Department to ensure efficient 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~~ Advisor 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~~ Department and any local government may enter into contracts with each other for equipment and personnel, or both, to carry out the requirements of the Homeland Security Act. 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 and Advisor.

SECTION 2. AMENDATORY 74 O.S. 2021, Section 51.1a, is amended to read as follows:

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

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

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

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

4. Apply for, receive~~7~~ and hold, or assist state agencies in applying for, receiving~~7~~ or holding such authorizations, licenses~~7~~ and allocations of channels and frequencies to carry out the purposes of this section;

5. Establish minimum standards and protocols for acquisition, development~~7~~ or enhancement of public safety communications

technologies. These standards shall be utilized by the Information Services Division of the Office of Management and Enterprise Services pursuant to the provisions of Section 34.20 of Title 62 of the Oklahoma Statutes; and

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

B. It is the intent of the Legislature that all state public entities comply with the provisions of the Statewide Communications Interoperability Plan issued by the ~~Oklahoma Office of Homeland Security~~ Department. All state agencies are required to review the provisions of the Statewide Communications Interoperability Plan and the public safety communications standards issued by the ~~Oklahoma Office of Homeland Security~~ Department prior to the purchase, acquisition, development, or enhancement of any public safety communications system. Local public safety agencies and political subdivisions of the state are encouraged, but not required, to review the provisions of the Statewide Communications Interoperability Plan and the public safety communications standards issued by the ~~Oklahoma Office of Homeland Security~~ Department prior to the purchase, acquisition, development, or enhancement of any public safety communications system to assist the local public safety agency or political subdivision in purchasing decisions.

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

SECTION 3. AMENDATORY 74 O.S. 2021, Section 51.2, is amended to read as follows:

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

~~Oklahoma Office of Homeland Security~~ or the Department of Public Safety from:

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

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

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

4. Gifts, donations, and bequests;

5. Monies appropriated or apportioned by the state; and

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

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

1. Operating expenses relating to homeland security expenses;

2. Administrative duties in support of homeland security functions;

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

4. Reimbursement, as provided in Section 1 of this act, of funeral expenses for any member of the state military forces who died in the line of duty while serving on state active duty, as defined in Section 801 of Title 44 of the Oklahoma Statutes.

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

SECTION 4. AMENDATORY 74 O.S. 2021, Section 51.2a, is amended to read as follows:

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

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

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

SECTION 5. AMENDATORY 74 O.S. 2021, Section 51.2b, is amended to read as follows:

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

B. The Oklahoma ~~Office of Homeland Security~~ Department of Emergency Management shall solicit proposals for and make grants for the enhancement of campus security at institutions of higher

learning, technology center schools, public schools, and private schools.

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

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

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

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

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

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

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

SECTION 6. AMENDATORY 74 O.S. 2021, Section 51.2c, is amended to read as follows:

Section 51.2c. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma ~~Office of Homeland Security~~ Department of Emergency Management to be designated the "Oklahoma School Security Revolving Fund". The Oklahoma School Security Revolving Fund shall be a continuing fund, not subject to

fiscal year limitations, and shall consist of monies received by the ~~Oklahoma Office of Homeland Security~~ Department from:

1. Reimbursements, grants, or other monies received from other state agencies and entities of state government for school security;
2. Reimbursements, grants, or other monies received by the ~~Oklahoma Office of Homeland Security~~ Department from the United States government obligated to school security projects;
3. Gifts, donations, and bequests; and
4. Monies appropriated or apportioned by the state.

B. All monies accruing to the credit of the Oklahoma School Security Revolving Fund are hereby appropriated and may be budgeted and expended by the ~~Oklahoma Office of Homeland Security~~ Department for the administration of the Oklahoma School Security Grant Program. Contingent upon the availability of funding, the ~~Oklahoma Office of Homeland Security~~ Department may make grants each year to institutions of higher learning, technology center schools, public schools, and private schools as provided in Section ~~51.26~~ 51.2b of this title.

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

SECTION 7. AMENDATORY 74 O.S. 2021, Section 51.2d, is amended to read as follows:

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

B. The Oklahoma School Security Institute shall act as the central repository for the public and private elementary and secondary schools of this state to contact for information on resources made available to the schools in their efforts to enhance

school security and assess risks and threats to school campuses. The goals and objectives of the Oklahoma School Security Institute shall include, but not be limited to:

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

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

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

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

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

SECTION 8. AMENDATORY 74 O.S. 2021, Section 51.3, is amended to read as follows:

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

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

1. A chief of a paid fire department;
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 have staggered terms of office not exceeding three (3) years and may be reappointed upon the expiration of a term.

E. Each regional advisory council shall meet at least twice a year or more frequently at the discretion of the Director. The Director, or Homeland Security Advisor or designee, from the

~~Oklahoma Office of Homeland Security~~ Department shall attend the meetings of the regional advisory councils. A majority of the members of the regional advisory council shall constitute a quorum. The ~~Office of Homeland Security~~ Department shall establish policies and procedures regarding the operation of the regional advisory councils.

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

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

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

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

Passed the Senate the 16th day of May, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____