

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 488

By: Paxton

4
5 AS INTRODUCED

6 An Act relating to state government; amending 74 O.S.
7 2011, Sections 51.1, 51.1a, as amended by Section
8 700, Chapter 304, O.S.L. 2012, 51.2, as amended by
9 Section 701, Chapter 304, O.S.L. 2012, 51.2a, 51.2b,
10 51.2c, as amended by Section 702, Chapter 304, O.S.L.
11 2012, Section 1, Chapter 54, O.S.L. 2013 and 51.3 (74
12 O.S. Supp. 2020, Sections 51.1a, 51.2, 51.2c and
13 51.2d), which relate to the Oklahoma Homeland
14 Security Act; creating the Office of Homeland
15 Security within the Oklahoma Department of Emergency
16 Management; providing for powers and duties of the
17 Homeland Security Advisor; removing designation
18 requirement for location of the Office of Homeland
19 Security; modifying powers and duties of the Office
20 of Homeland Security; modifying interoperable public
21 safety communications planning; modifying Oklahoma
22 Homeland Security Revolving Fund; modifying emergency
23 preparedness grants; modifying Oklahoma School
24 Security Grant Program Act; modifying Oklahoma School
25 Security Revolving Fund; modifying Oklahoma School
26 Security Institute; modifying regional planning and
27 coordination advisory councils; updating statutory
28 references; and providing an effective date.

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

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

32 Section 51.1. A. There is hereby created within the Oklahoma
33 Department of Emergency Management, the Office of Homeland Security.
34 The ~~Governor~~ Director of the Department shall be the chief officer

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

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

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

20 2. Any person appointed to the position of ~~Oklahoma Homeland~~
21 ~~Security Director~~ Advisor, if already a member of a state retirement
22 system, shall be eligible to continue participation in that system.
23 If not a member of a state retirement system, the ~~Director~~ Advisor
24 shall be eligible to participate in the Oklahoma Public Employees

1 Retirement System. The ~~Oklahoma Homeland Security Director~~ Advisor
2 shall be eligible for participation in only one retirement system
3 and shall elect in writing the system in which the ~~Director~~ Advisor
4 intends to participate.

5 3. The Commissioner of the Department of Public Safety ~~may~~
6 shall commission the Director ~~of Homeland Security,~~ Advisor and
7 designated staff within the agency as specified by the Director, as
8 ~~a peace officer if at the time of appointment the Director is~~
9 certified peace officers. All commissioned staff must obtain and
10 maintain certification as a law enforcement officer ~~officers~~ by the
11 Council on Law Enforcement Education and Training (CLEET) ~~or as a~~
12 ~~state trooper if at the time of appointment the Director is a CLEET-~~
13 ~~certified officer of the Oklahoma Highway Patrol.~~

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

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

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

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

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

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

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

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

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

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

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

- 18 1. Establish a plan for the effective implementation of a
19 statewide emergency All-Hazards response system, including the
20 duties and responsibilities of regional emergency response teams;
- 21 2. Create, implement, and administer an advisory system;
- 22 3. Coordinate and prepare applications for federal funds
23 related to homeland security and accessing and distributing the
24 federal funds; and

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

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

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

13 SECTION 2. AMENDATORY 74 O.S. 2011, Section 51.1a, as
14 amended by Section 700, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2020, Section 51.1a), is amended to read as follows:

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

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

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

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

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

16 5. Establish minimum standards and protocols for acquisition,
17 development~~7~~ or enhancement of public safety communications
18 technologies. These standards shall be utilized by the Information
19 Services Division of the Office of Management and Enterprise
20 Services pursuant to the provisions of Section 34.20 of Title 62 of
21 the Oklahoma Statutes; and

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

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

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

1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 51.2, as
2 amended by Section 701, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2020, Section 51.2), is amended to read as follows:

4 Section 51.2. 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 Homeland Security Revolving Fund". The Oklahoma Homeland 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 or the~~ Department of Public
11 Safety from:

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

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

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

23 4. Gifts, donations, and bequests;

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

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

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

8 1. Operating expenses relating to homeland security expenses;

9 2. Administrative duties in support of homeland security
10 functions; and

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

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

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

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

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

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

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

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

19 B. The Oklahoma ~~Office of Homeland Security~~ Department of
20 Emergency Management shall solicit proposals for and make grants for
21 the enhancement of campus security at institutions of higher
22 learning, technology center schools, public schools, and private
23 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 2020, Section 51.2c), is amended to read as follows:

4 Section 51.2c. A. There is hereby created in the State
5 Treasury a revolving fund for the Oklahoma ~~Office of Homeland~~
6 ~~Security~~ Department of Emergency Management to be designated the
7 "Oklahoma School Security Revolving Fund". The Oklahoma School
8 Security Revolving Fund shall be a continuing fund, not subject to
9 fiscal 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. 2020, Section 51.2d), is amended to read as follows:

10 Section 51.2d. A. Upon ~~the effective date of this act~~ July 1,
11 2013, the Oklahoma ~~Office of Homeland Security~~ Department of
12 Emergency Management shall designate a ~~division~~ function of ~~their~~
13 ~~office~~ its 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;
24

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
17 and coordination advisory councils for homeland security. The
18 Oklahoma ~~Homeland Security Director~~ Department of Emergency
19 Management shall designate the geographical boundaries for each
20 regional advisory 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;

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

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

21 D. Each member of a regional advisory council shall reside in
22 or have employment duties within the region to be served by the
23 regional advisory council. Regional advisory council members shall
24

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~~ the Oklahoma Homeland Security 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, 2021.

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