

An Act

ENROLLED SENATE
BILL NO. 1371

By: Paxton of the Senate

and

George of the House

An Act relating to the Office of Homeland Security; amending 74 O.S. 2021, Sections 51.1, 51.1a, 51.2, and 51.2a, as amended by Sections 1, 2, 3, and 4, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Sections 51.1, 51.1a, 51.2, and 51.2a), which relate to the Oklahoma Homeland Security Act; authorizing Commissioner of Public Safety to act as Homeland Security Advisor; stating responsibilities and duties; providing certain requirements of certain employees commissioned as peace officers; stating certain exemption; authorizing certain agreements; stating certain personnel and property allocations remain with the Office of Homeland Security; amending 74 O.S. 2021, Section 51.2b, as last amended by Section 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp. 2023, Section 51.2b), which relates to the Oklahoma Homeland Security Act; requiring electronic submission of report; amending 74 O.S. 2021, Sections 51.2c, 51.2d, and 51.3, as amended by Sections 6, 7, and 8, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Sections 51.2c, 51.2d, and 51.3), which relate to the Oklahoma Homeland Security Act; updating statutory references; amending 74 O.S. 2021, Section 51.4, which relates to the Oklahoma Homeland Security Act; transferring the Office of Homeland Security from the Oklahoma Department of Emergency Management to the Department of Public Safety; updating statutory language and references; and declaring an emergency.

SUBJECT: Office of Homeland Security

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 51.1, as amended by Section 1, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Section 51.1), is amended to read as follows:

Section 51.1. A. ~~There is hereby created within the Oklahoma Department of Emergency Management~~ Department of Public Safety, the Office of Homeland Security. ~~The Director of the Department Commissioner of Public Safety shall be the chief officer of the Office and shall appoint a Homeland Security Advisor who shall be responsible to the Director and shall possess or obtain federally recognized clearances as appropriate to perform the duties of the position. The Commissioner of Public Safety, as Homeland Security Advisor, shall be responsible for the operation and administration of the Office. The Director shall determine the salary for the Advisor in cooperation with standards promulgated by the Office of Management and Enterprise Services, and The Commissioner shall appoint subordinates and employees and may make such expenditures within the appropriation therefor with appropriated funds, 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 Advisor shall possess or obtain federally recognized clearances as appropriate to perform the duties of the position.~~

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

2. ~~Any person appointed to the position of 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 Advisor shall be eligible to participate in the Oklahoma Public Employees Retirement System. The Advisor shall be eligible~~

~~for participation in only one retirement system and shall elect in writing the system in which the Advisor intends to participate.~~

~~3. The Commissioner of the Department of Public Safety may commission the Director, Advisor and designated staff within the agency as specified by the Director, any employees appointed to the Office as peace officers. Any member of the Office who receives a commission pursuant to the provisions of this subsection shall exercise the powers and authority of an officer of the Department of Public Safety, as provided for in Section 2-117 of Title 47 of the Oklahoma Statutes, provided such commissions shall be subject to all requirements set forth by the Commissioner, and the Commissioner may set forth any limitations on the power and scope of the commission. All commissioned staff must obtain and maintain certification as law enforcement officers by the Council on Law Enforcement Education and Training (CLEET) full-time peace officers in accordance with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.~~

C. ~~The Oklahoma~~ Office of Homeland Security shall consist of at least three 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. All positions and personnel of the Office of Homeland Security shall be exempt from the full-time employee limit of the Department of Public Safety.~~

E. The Office of Homeland Security 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~~ this state 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 ~~Director~~
Commissioner. These duties shall include but not be limited to:

1. Representing ~~the State of Oklahoma~~ this state with federal agencies as the state 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~~ this state 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 ~~Department~~ Office of Homeland Security 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 Executive Office of the President of the United States, or its successor plan or plans, the ~~Advisor~~ Office of Homeland Security shall establish the following strategic objectives for ~~Oklahoma~~ this state:

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 Office of Homeland Security shall have the following duties:

1. Establish a plan for the effective implementation of a statewide emergency ~~All-Hazards~~ 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 Department and any local government~~ Office of Homeland Security may enter into contracts, agreements, and memoranda of understanding with ~~each other~~ any public agency, as defined in Section 1003 of this title, for equipment and personnel, or both, to carry out the requirements of the Oklahoma Homeland Security Act. ~~The contract~~ Such agreements 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 ~~Director and Advisor~~ Office of Homeland Security.

J. All personnel, motor vehicles, computer and communications equipment, training equipment, records, furniture, and other property and equipment allocated to the Office of Homeland Security shall remain with the Office of Homeland Security upon its transfer from the Oklahoma Department of Emergency Management to the Department of Public Safety as of the effective date of this act.

SECTION 2. AMENDATORY 74 O.S. 2021, Section 51.1a, as amended by Section 2, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 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 Department of Emergency Management~~ Office of Homeland Security has the duty and responsibility for interoperable public safety communications planning within ~~the State of Oklahoma~~ this state. As part of this duty the ~~Department~~ Office of Homeland Security shall:

1. Annually develop and electronically 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 and hold, or assist state agencies in applying for, receiving or holding such authorizations, licenses, and allocations of channels and frequencies to carry out the purposes of this section;

5. Establish minimum standards and protocols for acquisition, development, 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 ~~Department~~ Office of Homeland Security. All state agencies are required to review the provisions of the Statewide Communications Interoperability Plan and the public safety communications standards issued by the ~~Department~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security.

SECTION 3. AMENDATORY 74 O.S. 2021, Section 51.2, as amended by Section 3, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 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 Department of Emergency Management~~ Office of Homeland Security 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 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 ~~Department~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security 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~~ 51.4 of this title, 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, as amended by Section 4, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 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 Department of Emergency Management~~ Office of Homeland Security shall make grant monies available to:

1. Public schools, private schools, technology center schools and institutions of higher learning in ~~the State of Oklahoma~~ this state to encourage greater emergency preparedness including, but not limited to, improvement of plans and procedures for natural and man-made 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~~ this state 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, as last amended by Section 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp. 2023, 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 Department of Emergency Management~~ Office of Homeland Security 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~~ education grant program established by the ~~Oklahoma~~ Office of Homeland Security.

D. The ~~Department~~ Office of Homeland Security 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. To be eligible for an Oklahoma School Security Grant Program award, an institution of higher learning, technology center school, public school, or private school shall:

1. Complete a risk and vulnerability assessment conducted by the Oklahoma School Security Institute or a nationally qualified risk and vulnerability assessor; and

2. Agree to expend grant funds on items recommended by the risk and vulnerability assessment and/or to provide de-escalation and behavioral threat assessment and management training to employees. Recommended items eligible for grant fund expenditures may include, but shall not be limited to, physical security enhancements such as cameras, gates, lighting, locks, doors, windows, security geofencing, and ballistic storm shelters.

E. ~~On or before January 1, 2010, and each year thereafter,~~ Each year the ~~Department~~ Office of Homeland Security shall prepare an annual report on the Oklahoma School Security Grant Program and submit the report electronically to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The report shall include a list of the recipients of Oklahoma School Security Grant Program awards and information on how grant funds were used during the previous year.

SECTION 6. AMENDATORY 74 O.S. 2021, Section 51.2c, as amended by Section 6, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 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 Department of Emergency~~

~~Management~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security 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 ~~Department~~ Office of Homeland Security for the administration of the Oklahoma School Security Grant Program. Contingent upon the availability of funding, the ~~Department~~ Office of Homeland Security may make grants each year to institutions of higher learning, technology center schools, public schools, and private schools as provided in Section 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, as amended by Section 7, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Section 51.2d), is amended to read as follows:

Section 51.2d. A. ~~Upon July 1, 2013, the Oklahoma Department of Emergency Management~~ The Office of Homeland Security shall designate a function of 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 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~~ system whereby ~~reports of activity~~ activities that may compromise school safety can be ~~called in~~ reported and disseminated to the appropriate parties for additional investigation should it be warranted.

SECTION 8. AMENDATORY 74 O.S. 2021, Section 51.3, as amended by Section 8, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 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 Department of Emergency Management~~ Office of Homeland Security 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~~ council of ~~Government~~ 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 Department of Emergency Management~~ Director Office of Homeland Security. The ~~Director~~ members shall ~~appoint~~ be appointed from a list of nominees provided to the ~~Director~~ Office 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~~ Office.

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~~ Office. The ~~Director, or Homeland Security Advisor~~ Commissioner of Public Safety or designee, ~~from the 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 ~~Department Office~~ 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 ~~Department~~ Office to achieve the strategic objectives prescribed in the Oklahoma Homeland Security Act; and

3. Other duties and responsibilities as determined by the ~~Director~~ Office.

SECTION 9. AMENDATORY 74 O.S. 2021, Section 51.4, is amended to read as follows:

Section 51.4. A. ~~The State of Oklahoma~~ This state shall establish a program to provide financial assistance for funeral expenses of members of the state military forces who died in the line of duty while serving on state active duty orders. For purposes of this section, the terms "state military forces" and "state active duty" shall have the same definition as provided in Section 801 of Title 44 of the Oklahoma Statutes. The program shall provide reimbursement of the funeral expenses for any eligible member of the state military forces as determined in accordance with this section by the ~~Director of the Oklahoma Department of Emergency Management~~ Office of Homeland Security. The reimbursement shall not exceed Ten Thousand Dollars (\$10,000.00).

B. The ~~Director or his or her designee~~ Office shall determine whether the deceased member meets eligibility criteria for the program, make final approval of all reimbursement applications and disburse funds. Reimbursement funds shall be paid from the Oklahoma Homeland Security Revolving Fund. Regulations and application processes for the implementation of this program shall be promulgated by ~~the Director~~ Department of Public Safety.

SECTION 10. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 20th day of February, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2024.

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: _____