

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1371

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to the Office of Homeland Security;
8 amending 74 O.S. 2021, Sections 51.1, 51.1a, 51.2,
9 and 51.2a, as amended by Sections 1, 2, 3, and 4,
10 Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
11 Sections 51.1, 51.1a, 51.2, and 51.2a), which relate
12 to the Oklahoma Homeland Security Act; amending 74
13 O.S. 2021, Section 51.2b, as last amended by Section
14 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp. 2023,
15 Section 51.2b), which relates to the Oklahoma
16 Homeland Security Act; amending 74 O.S. 2021,
17 Sections 51.2c, 51.2d, and 51.3, as amended by
18 Sections 6, 7, and 8, Chapter 302, O.S.L. 2022 (74
19 O.S. Supp. 2023, Sections 51.2c, 51.2d, and 51.3),
20 which relate to the Oklahoma Homeland Security Act;
21 amending 74 O.S. 2021, Section 51.4, which relates to
22 the Oklahoma Homeland Security Act; transferring the
23 Office of Homeland Security from the Oklahoma
24 Department of Emergency Management to the Department
of Public Safety; requiring electronic submission of
report; updating statutory language; updating
statutory references; providing for codification; and
declaring an emergency.

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:

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

13 B. The Advisor shall possess or obtain federally recognized
14 clearances as appropriate to perform the duties of the position.

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

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

1 Public Employees Retirement System. The Advisor shall be eligible
2 for participation in only one retirement system and shall elect in
3 writing the system in which the Advisor intends to participate.

4 3. The Commissioner of the Department ~~of Public Safety~~ may
5 commission the ~~Director~~, Advisor and designated staff within the
6 agency as specified by the ~~Director~~ Commissioner, as peace officers.
7 All commissioned staff must obtain and maintain certification as law
8 enforcement officers by the Council on Law Enforcement Education and
9 Training (CLEET).

10 C. The ~~Oklahoma~~ Office of Homeland Security shall consist of at
11 least three functions:

- 12 1. Prevention and Intelligence;
- 13 2. Response and Recovery Planning; and
- 14 3. Awareness and Preparedness.

15 D. The ~~Director~~ Commissioner shall be authorized to employ
16 personnel necessary to achieve the mission of the Office. Other
17 federal, state, and local personnel may be assigned to the Office of
18 Homeland Security pursuant to an interagency agreement.

19 E. The Office of Homeland Security shall have the duty and
20 responsibility to develop and coordinate the implementation and
21 administration of a comprehensive statewide strategy that is
22 integrated into the emergency operations plan to secure ~~the State of~~
23 ~~Oklahoma~~ this state from the results of acts of terrorism, from a
24 public health emergency, from cyberterrorism, and from weapons of

1 mass destruction as that term is defined in 18 U.S.C., Section
2 2332a, and to perform other duties assigned by the ~~Director~~
3 Commissioner. These duties shall include but not be limited to:

4 1. Representing ~~the State of Oklahoma~~ this state with federal
5 agencies as the state Homeland Security Advisor for purposes of
6 accessing federal funds and cooperating with federal agencies in the
7 development and implementation of a nationwide homeland security
8 plan of response; and

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

19 F. Included in the comprehensive statewide strategy and
20 consistent with the National Strategy for Homeland Security, as
21 promulgated by the Executive Office of the President of the United
22 States, or its successor plan or plans, the Advisor shall establish
23 the following strategic objectives for ~~Oklahoma~~ this state:

24 1. To prevent terrorist attacks;

1 2. To reduce vulnerability to terrorism;

2 3. To minimize the damage from and to recover from terrorist
3 attacks; and

4 4. Such other duties as the Governor may prescribe.

5 G. The Office of Homeland Security shall have the following
6 duties:

7 1. Establish a plan for the effective implementation of a
8 statewide emergency ~~All-Hazards~~ all-hazards response system
9 including the duties and responsibilities of regional emergency
10 response teams;

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

12 3. Coordinate and prepare applications for federal funds
13 related to homeland security and accessing and distributing the
14 federal funds; and

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

17 H. The Department and any local government may enter into
18 contracts with each other for equipment and personnel, or both, to
19 carry out the requirements of the Oklahoma Homeland Security Act.

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

22 I. All state agencies and political subdivisions of this state
23 and all officers and employees of those agencies and political
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1 subdivisions are hereby directed to cooperate with and lend
2 assistance to the ~~Director~~ Commissioner and Advisor.

3 SECTION 2. AMENDATORY 74 O.S. 2021, Section 51.1a, as
4 amended by Section 2, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
5 Section 51.1a), is amended to read as follows:

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

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

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

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

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

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

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

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

1 required, to review the provisions of the Statewide Communications
2 Interoperability Plan and the public safety communications standards
3 issued by the Department prior to the purchase, acquisition,
4 development, or enhancement of any public safety communications
5 system to assist the local public safety agency or political
6 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 Department.

12 SECTION 3. AMENDATORY 74 O.S. 2021, Section 51.2, as
13 amended by Section 3, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
14 Section 51.2), is amended to read as follows:

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

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

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

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

8 4. Gifts, donations, and bequests;

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

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

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

16 1. Operating expenses relating to homeland security expenses;

17 2. Administrative duties in support of homeland security
18 functions;

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

21 4. Reimbursement, as provided in ~~Section 1 of this act~~ Section
22 51.4 of this title, of funeral expenses for any member of the state
23 military forces who died in the line of duty while serving on state
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1 active duty, as defined in Section 801 of Title 44 of the Oklahoma
2 Statutes.

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. 2021, Section 51.2a, as
9 amended by Section 4, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
10 Section 51.2a), is amended to read as follows:

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

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

23 2. Local law enforcement, emergency management, disaster
24 relief, and public health entities in ~~the State of Oklahoma~~ this

1 state to encourage the active engagement of such entities with
2 public schools, private schools, technology center schools, and
3 institutions of higher learning in their efforts to improve
4 emergency preparedness.

5 SECTION 5. AMENDATORY 74 O.S. 2021, Section 51.2b, as
6 last amended by Section 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp.
7 2023, Section 51.2b), is amended to read as follows:

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

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

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

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

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

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

3 4. Build upon the success of the pilot ~~Education Grant Program~~
4 education grant program established by the ~~Oklahoma~~ Office of
5 Homeland Security.

6 D. The Department shall determine grant project criteria and
7 establish a process for the consideration of proposals. The
8 proposals shall be considered on a statewide competitive basis among
9 peer institutions. To be eligible for an Oklahoma School Security
10 Grant Program award, an institution of higher learning, technology
11 center school, public school, or private school shall:

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

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

22 E. ~~On or before January 1, 2010, and each year thereafter,~~ Each
23 year the Department shall prepare an annual report on the Oklahoma
24 School Security Grant Program and submit the report electronically

1 to the Governor, the President Pro Tempore of the Senate, and the
2 Speaker of the House of Representatives. The report shall include a
3 list of the recipients of Oklahoma School Security Grant Program
4 awards and information on how grant funds were used during the
5 previous year.

6 SECTION 6. AMENDATORY 74 O.S. 2021, Section 51.2c, as
7 amended by Section 6, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
8 Section 51.2c), is amended to read as follows:

9 Section 51.2c. A. There is hereby created in the State
10 Treasury a revolving fund for the ~~Oklahoma Department of Emergency~~
11 ~~Management~~ Department of Public Safety to be designated the
12 "Oklahoma School Security Revolving Fund". The Oklahoma School
13 Security Revolving Fund shall be a continuing fund, not subject to
14 fiscal year limitations, and shall consist of monies received by the
15 Department from:

- 16 1. Reimbursements, grants, or other monies received from other
17 state agencies and entities of state government for school security;
- 18 2. Reimbursements, grants, or other monies received by the
19 Department from the United States government obligated to school
20 security projects;
- 21 3. Gifts, donations, and bequests; and
- 22 4. Monies appropriated or apportioned by the state.

23 B. All monies accruing to the credit of the Oklahoma School
24 Security Revolving Fund are hereby appropriated and may be budgeted

1 and expended by the Department for the administration of the
2 Oklahoma School Security Grant Program. Contingent upon the
3 availability of funding, the Department may make grants each year to
4 institutions of higher learning, technology center schools, public
5 schools, and private schools as provided in Section 51.2b of this
6 title.

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

12 SECTION 7. AMENDATORY 74 O.S. 2021, Section 51.2d, as
13 amended by Section 7, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
14 Section 51.2d), is amended to read as follows:

15 Section 51.2d. A. ~~Upon July 1, 2013, the Oklahoma Department~~
16 ~~of Emergency Management~~ The Department of Public Safety shall
17 designate a function of its agency as the "Oklahoma School Security
18 Institute".

19 B. The Oklahoma School Security Institute shall act as the
20 central repository for the public and private elementary and
21 secondary schools of this state to contact for information on
22 resources made available to the schools in their efforts to enhance
23 school security and assess risks and threats to school campuses.

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1 The goals and objectives of the Oklahoma School Security Institute
2 shall include, but not be limited to:

3 1. Maximizing school security training and support to public
4 and private elementary and secondary schools as authorized pursuant
5 to Section 51.2b of this title;

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

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

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

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

19 SECTION 8. AMENDATORY 74 O.S. 2021, Section 51.3, as
20 amended by Section 8, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
21 Section 51.3), is amended to read as follows:

22 Section 51.3. A. There are hereby created regional planning
23 and coordination advisory councils for homeland security. The
24 ~~Oklahoma Department of Emergency Management~~ Department of Public

1 Safety shall designate the geographical boundaries for each regional
2 advisory council within the state.

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

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

20 C. The members of the regional advisory councils shall be
21 appointed by the ~~Oklahoma Department of Emergency Management~~
22 ~~Director~~ Commissioner of Public Safety. The ~~Director~~ Commissioner
23 shall appoint from a list of nominees provided to the ~~Director~~
24 Commissioner from statewide associations or entities that represent

1 the disciplines to be represented on the advisory councils. All
2 members can be removed for cause by the ~~Director~~ Commissioner.

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

8 E. Each regional advisory council shall meet at least twice a
9 year or more frequently at the discretion of the ~~Director~~
10 Commissioner. The ~~Director~~ Commissioner, or Homeland Security
11 Advisor or designee, from the Department of Public Safety shall
12 attend the meetings of the regional advisory councils. A majority
13 of the members of the regional advisory council shall constitute a
14 quorum. The Department shall establish policies and procedures
15 regarding the operation of the regional advisory councils.

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

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

20 2. Coordinating and cooperating with the Department to achieve
21 the strategic objectives prescribed in the Oklahoma Homeland
22 Security Act; and

23 3. Other duties and responsibilities as determined by the
24 ~~Director~~ Commissioner.

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

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

15 B. The ~~Director~~ Commissioner or ~~his or her~~ designee shall
16 determine whether the deceased member meets eligibility criteria for
17 the program, make final approval of all reimbursement applications,
18 and disburse funds. Reimbursement funds shall be paid from the
19 Oklahoma Homeland Security Revolving Fund. Regulations and
20 application processes for the implementation of this program shall
21 be promulgated by the ~~Director~~ Commissioner.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 51.5 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 The Office of Homeland Security shall hereby be administered
2 under the control of the Department of Public Safety. All
3 functions, powers, duties, obligations, equipment, personnel, and
4 resources previously assigned to the Oklahoma Department of
5 Emergency Management are hereby transferred to the Department of
6 Public Safety.

7 SECTION 11. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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