

§74-51. Short title.

Sections 1 through 4 of this act shall be known as may be cited as the "Oklahoma Homeland Security Act".

Added by Laws 2004, c. 157, § 1, emerg. eff. April 26, 2004.

§74-51.1. Oklahoma Office of Homeland Security.

A. There is hereby created the Oklahoma Office of Homeland Security. The Governor shall be the chief officer of the Office and shall appoint a Homeland Security Director who shall be responsible to the Governor for the operation and administration of the Office. The Governor shall determine the salary for the Director.

B. The Oklahoma Homeland Security Director shall possess or obtain a federally recognized Top Secret Level Clearance.

1. Any employee of state government appointed to the position of Oklahoma Homeland Security Director 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, provided the employee is not otherwise disqualified.

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

3. The Commissioner of the Department of Public Safety may commission the Director of Homeland Security as a peace officer if at the time of appointment the Director is certified as a law enforcement officer 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:

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 Homeland Security Director shall have the duty and responsibility to develop and coordinate the implementation and administration of a comprehensive statewide strategy 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. These duties shall include but not be limited to:

1. Representing the State of Oklahoma with federal agencies as the state homeland security director 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 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 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 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 and any local government may enter into contracts with each other for equipment and personnel, or both. 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. Added by Laws 2002, S.J.R. No. 42, § 1, emerg. eff. Feb. 21, 2002. Amended by Laws 2004, c. 157, § 2, emerg. eff. April 26, 2004. Renumbered from § 10.6 of this title by Laws 2004, c. 157, § 8, emerg. eff. April 26, 2004.

§74-51.1a. Interoperable public safety communications planning.

A. In addition to the powers and duties as defined elsewhere in statute, the Oklahoma Office of Homeland Security 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 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, 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 State Finance pursuant to the provisions of Section 41.5i 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. 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 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 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.

Added by Laws 2009, c. 212, § 1, eff. Nov. 1, 2009.

§74-51.2. Oklahoma Homeland Security Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma 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 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 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 for:

1. Operating expenses;

2. Administrative duties; and

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

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 State Finance for approval and payment.

Added by Laws 2004, c. 157, § 3, emerg. eff. April 26, 2004.

§74-51.2a. Emergency preparedness grants.

Contingent upon the availability of designated funding from the United States Department of Homeland Security or state appropriations, the Oklahoma 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 to encourage greater emergency preparedness, including, but not limited to, improvement of plans and procedures for natural and man-made disaster 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.

Added by Laws 2008, c. 216, § 8, eff. Nov. 1, 2008. Amended by Laws 2009, c. 238, § 1, eff. July 1, 2009.

§74-51.2b. Oklahoma School Security Grant Program Act.

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 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 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 shall prepare an annual report on the Oklahoma School Security Grant Program and submit to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

Added by Laws 2009, c. 238, § 2, eff. July 1, 2009.

§74-51.2c. Oklahoma School Security Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma 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 Oklahoma 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 Oklahoma 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 Oklahoma Office of Homeland Security for the administration of the Oklahoma School Security Grant Program. Contingent upon the availability of funding, the Oklahoma 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 2 of this act.

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 State Finance for approval and payment.

Added by Laws 2009, c. 238, § 3, eff. July 1, 2009.

§74-51.3. Regional advisory councils.

A. There are hereby created regional planning and coordination advisory councils for homeland security. The Oklahoma Homeland Security Director 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 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 designee from the Oklahoma Office of Homeland Security 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 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 to achieve the strategic objectives prescribed in this act; and
3. Other duties and responsibilities as determined by the Oklahoma Homeland Security Director.

Added by Laws 2004, c. 157, § 4, emerg. eff. April 26, 2004.
Amended by Laws 2005, c. 397, § 1, eff. July 1, 2005; Laws 2008, c. 216, § 9, eff. Nov. 1, 2008.