1	SENATE FLOOR VERSION February 8, 2024
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3	COMMITTEE SUBSTITUTE FOR
4	SENATE BILL NO. 1371 By: Paxton of the Senate
5	and
6	George of the House
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9	An Act relating to the Office of Homeland Security; amending 74 O.S. 2021, Sections 51.1, 51.1a, 51.2,
10	and 51.2a, as amended by Sections 1, 2, 3, and 4,
11	Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Sections 51.1, 51.1a, 51.2, and 51.2a), which relate
12	to the Oklahoma Homeland Security Act; authorizing Commissioner of Public Safety to act as Homeland
13	Security Advisor; stating responsibilities and duties; providing certain requirements of certain
14	employees commissioned as peace officers; stating certain exemption; authorizing certain agreements;
15	stating certain personnel and property allocations remain with the Office of Homeland Security; amending
16	74 O.S. 2021, Section 51.2b, as last amended by Section 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp.
17	2023, Section 51.2b), which relates to the Oklahoma Homeland Security Act; requiring electronic
18	submission of report; amending 74 O.S. 2021, Sections 51.2c, 51.2d, and 51.3, as amended by Sections 6, 7,
19	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
20	Oklahoma Homeland Security Act; updating statutory references; amending 74 O.S. 2021, Section 51.4,
21	which relates to the Oklahoma Homeland Security Act; transferring the Office of Homeland Security from the
22	Oklahoma Department of Emergency Management to the Department of Public Safety; updating statutory
23	language and references; and declaring an emergency.
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2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. 74 O.S. 2021, Section 51.1, as 3 AMENDATORY amended by Section 1, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 4 5 Section 51.1), is amended to read as follows: Section 51.1. A. There is hereby created within the Oklahoma 6 Department of Emergency Management Department of Public Safety, the 7 Office of Homeland Security. The Director of the Department 8 9 Commissioner of Public Safety shall be the chief officer of the Office and shall appoint a Homeland Security Advisor who shall be 10 responsible to the Director and shall possess or obtain federally 11 12 recognized clearances as appropriate to perform the duties of the position. The Commissioner of Public Safety, as Homeland Security 13 Advisor, shall be responsible for the operation and administration 14 of the Office. The Director shall determine the salary for the 15 Advisor in cooperation with standards promulgated by the Office of 16 Management and Enterprise Services, and The Commissioner shall 17 appoint subordinates and employees and may make such expenditures 18 within the appropriation therefor with appropriated funds, or from 19 such other available funds as may be necessary to carry out the 20 purposes of the Oklahoma Homeland Security Act and other programs 21 specified by law. 22

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

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.

7 2. Any person appointed to the position of Advisor, if already a member of a state retirement system, shall be eligible to continue 8 9 participation in that system. If not a member of a state retirement 10 system, the Advisor shall be eligible to participate in the Oklahoma Public Employees Retirement System. The Advisor shall be eligible 11 12 for participation in only one retirement system and shall elect in 13 writing the system in which the Advisor intends to participate. 3. The Commissioner of the Department of Public Safety may 14 commission the Director, Advisor and designated staff within the 15 agency as specified by the Director, any employees appointed to the 16 Office as peace officers. Any member of the Office who receives a 17 commission pursuant to the provisions of this subsection shall 18 exercise the powers and authority of an officer of the Department of 19 Public Safety, as provided for in Section 2-117 of Title 47 of the 20 Oklahoma Statutes, provided such commissions shall be subject to all 21 requirements set forth by the Commissioner, and the Commissioner may 22 set forth any limitations on the power and scope of the commission. 23

24 All commissioned staff must obtain and maintain certification as $\frac{1}{1000}$

1	enforcement officers by the Council on Law Enforcement Education and
2	Training (CLEET) full-time peace officers in accordance with the
3	provisions of Section 3311 of Title 70 of the Oklahoma Statutes.
4	C. The Oklahoma Office of Homeland Security shall consist of at
5	least three functions:
6	1. Prevention and Intelligence;
7	2. Response and Recovery Planning; and
8	3. Awareness and Preparedness.
9	D. The Director shall be authorized to employ personnel
10	necessary to achieve the mission of the Office. Other federal,
11	state, and local personnel may be assigned to the Office of Homeland
12	Security pursuant to an interagency agreement. All positions and
13	personnel of the Office of Homeland Security shall be exempt from
14	the full-time employee limit of the Department of Public Safety.
15	E. The Office of Homeland Security shall have the duty and
16	responsibility to develop and coordinate the implementation and
17	administration of a comprehensive statewide strategy that is
18	integrated into the emergency operations plan to secure the State of
19	Oklahoma this state from the results of acts of terrorism, from a
20	public health emergency, from cyberterrorism, and from weapons of
21	mass destruction as that term is defined in 18 U.S.C., Section
22	2332a, and to perform other duties assigned by the Director
23	<u>Commissioner</u> . These duties shall include but not be limited to:
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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 6 of Oklahoma this state including working with the Director, Governor 7 and Legislature, state agencies, and local elected officials and 8 9 local governments, emergency responder groups, private-sector 10 businesses, educational institutions, volunteer organizations, and the general public. State agencies receiving federal funding for 11 12 homeland security purposes shall report the amount and intended use of those funds to the Department Office of Homeland Security to 13 ensure efficient use of funds and to avoid duplication of efforts. 14

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

- 21 1. To prevent terrorist attacks;
- 22 2. To reduce vulnerability to terrorism;

3. To minimize the damage from and to recover from terroristattacks; and

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4. Such other duties as the Governor may prescribe.

2 G. The Office of Homeland Security shall have the following 3 duties:

Establish a plan for the effective implementation of a
 statewide emergency All-Hazards <u>all-hazards</u> response system
 including the duties and responsibilities of regional emergency
 response teams;

8 2. Create, implement, and administer an advisory system;
9 3. Coordinate and prepare applications for federal funds
10 related to homeland security and accessing and distributing the
11 federal funds; and

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

Η. The Department and any local government Office of Homeland 14 Security may enter into contracts, agreements, and memoranda of 15 understanding with each other any public agency, as defined in 16 Section 1003 of this title, for equipment and personnel, or both, to 17 carry out the requirements of the Oklahoma Homeland Security Act. 18 The contract Such agreements may include any provisions agreed upon 19 by the parties and as required by any federal or state grant, if 20 applicable. 21

I. All state agencies and political subdivisions of this stateand all officers and employees of those agencies and political

1 subdivisions are hereby directed to cooperate with and lend 2 assistance to the Director and Advisor Office of Homeland Security. J. All personnel, motor vehicles, computer and communications 3 equipment, training equipment, records, furniture, and other 4 5 property and equipment allocated to the Office of Homeland Security shall remain with the Office of Homeland Security upon its transfer 6 from the Oklahoma Department of Emergency Management to the 7 Department of Public Safety as of the effective date of this act. 8 74 O.S. 2021, Section 51.1a, as 9 SECTION 2. AMENDATORY 10 amended by Section 2, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, Section 51.1a), is amended to read as follows: 11 12 Section 51.1a. A. In addition to the powers and duties as defined elsewhere in statute, the Oklahoma Department of Emergency 13 Management Office of Homeland Security has the duty and 14 responsibility for interoperable public safety communications 15 planning within the State of Oklahoma this state. As part of this 16 duty the Department Office of Homeland Security shall: 17 1. Annually develop and electronically report to the Governor, 18 President Pro Tempore of the Senate, and Speaker of the House of 19 Representatives, the Statewide Communications Interoperability Plan; 20 2. Coordinate statewide planning for public safety 21 communication needs of state government and state emergency 22 responders, including a migration plan for state agency use of 23 public safety communications technologies and rendering of aid 24

SENATE FLOOR VERSION - SB1371 SFLR (Bold face denotes Committee Amendments)

1 between state government and its political subdivisions for 2 organizing and use of disparate public safety communications 3 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

SENATE FLOOR VERSION - SB1371 SFLR (Bold face denotes Committee Amendments)

1 of the Statewide Communications Interoperability Plan and the public 2 safety communications standards issued by the Department Office of 3 Homeland Security prior to the purchase, acquisition, development, or enhancement of any public safety communications system. 4 Local 5 public safety agencies and political subdivisions of the state are encouraged, but not required, to review the provisions of the 6 Statewide Communications Interoperability Plan and the public safety 7 communications standards issued by the Department Office of Homeland 8 9 Security prior to the purchase, acquisition, development, or 10 enhancement of any public safety communications system to assist the local public safety agency or political subdivision in purchasing 11 12 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:

22 Section 51.2. A. There is hereby created in the State Treasury 23 a revolving fund for the Oklahoma Department of Emergency Management 24 <u>Office of Homeland Security</u> 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 <u>Office of</u>
 <u>Homeland Security or the</u> 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;

8 2. Reimbursements, grants, or other monies received from other
9 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;

16 4. Gifts, donations, and bequests;

17 5. Monies appropriated or apportioned by the state; and
18 6. Receipts from other ancillary services related to incidents
19 or events related to dangerous substances, not otherwise provided by
20 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:

Operating expenses relating to homeland security expenses;

SENATE FLOOR VERSION - SB1371 SFLR (Bold face denotes Committee Amendments)

Administrative duties in support of homeland security
 functions;

3 3. Education and reimbursement for expenses of regional teams,4 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.

10 C. Expenditures from the Oklahoma Homeland Security Revolving 11 Fund shall be made upon warrants issued by the State Treasurer 12 against claims filed as prescribed by law with the Director of the 13 Office of Management and Enterprise Services for approval and 14 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 <u>Management Office of Homeland Security</u> shall make grant monies

22 available to:

Public schools, private schools, technology center schools
 and institutions of higher learning in the State of Oklahoma this

1 <u>state</u> to encourage greater emergency preparedness including, but not 2 limited to, improvement of plans and procedures for natural and man-3 made disasters and emergencies, improvement of security on campus, 4 at events, and with regard to buses and other transportation, and 5 improvement of communications strategies and equipment; and

Local law enforcement, emergency management, disaster
relief, and public health entities in the State of Oklahoma this
<u>state</u> 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.

12 SECTION 5. AMENDATORY 74 O.S. 2021, Section 51.2b, as 13 last amended by Section 3, Chapter 325, O.S.L. 2023 (74 O.S. Supp. 14 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 SecurityGrant Program are to:

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

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

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

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:

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

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 8 9 year the Department Office of Homeland Security shall prepare an 10 annual report on the Oklahoma School Security Grant Program and submit the report electronically to the Governor, the President Pro 11 12 Tempore of the Senate, and the Speaker of the House of Representatives. The report shall include a list of the recipients 13 of Oklahoma School Security Grant Program awards and information on 14 how grant funds were used during the previous year. 15

16 SECTION 6. AMENDATORY 74 O.S. 2021, Section 51.2c, as 17 amended by Section 6, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023, 18 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

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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 3 state agencies and entities of state government for school security; 4 5 2. Reimbursements, grants, or other monies received by the Department Office of Homeland Security from the United States 6 government obligated to school security projects; 7 3. Gifts, donations, and bequests; and 8 9 4. Monies appropriated or apportioned by the state. All monies accruing to the credit of the Oklahoma School 10 в. Security Revolving Fund are hereby appropriated and may be budgeted 11 12 and expended by the Department Office of Homeland Security for the 13 administration of the Oklahoma School Security Grant Program. Contingent upon the availability of funding, the Department Office 14 of Homeland Security may make grants each year to institutions of 15 higher learning, technology center schools, public schools, and 16 private schools as provided in Section 51.2b of this title. 17 C. Expenditures from the Oklahoma School Security Revolving 18 Fund shall be made upon warrants issued by the State Treasurer 19 against claims filed as prescribed by law with the Director of the 20 Office of Management and Enterprise Services for approval and 21 payment. 22

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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 <u>The Office of Homeland Security</u> 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:

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

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.

9 SECTION 8. AMENDATORY 74 O.S. 2021, Section 51.3, as
10 amended by Section 8, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2023,
11 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 <u>Office of Homeland</u> <u>Security</u> shall designate the geographical boundaries for each regional advisory council within the state.

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

19 1. A chief of a paid fire department;

20 2. A chief of a volunteer fire department;

21 3. A county sheriff;

A chief of a police department;

23 5. A physician or hospital administrator;

An emergency management coordinator;

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1	7. An emergency medical services provider;
2	8. A veterinarian;
3	9. A representative of a state or local disaster relief agency;
4	10. A city manager or mayor;
5	11. A county commissioner;
6	12. A public health representative;
7	13. A Council <u>council</u> of Government government representative;
8	14. A representative of a public school district; and
9	15. A representative of an institution of higher learning.
10	C. The members of the regional advisory councils shall be
11	appointed by the Oklahoma Department of Emergency Management
12	Director Office of Homeland Security. The Director members shall
13	appoint be appointed from a list of nominees provided to the
14	Director Office from statewide associations or entities that
15	represent the disciplines to be represented on the advisory
16	councils. All members can be removed for cause by the Director
17	Office.
18	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.

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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.

7 F. The duties and responsibilities of each regional advisory8 council shall be:

9 1. Assessing and documenting the needs of the region related to10 homeland security;

Coordinating and cooperating with the Department Office to
 achieve the strategic objectives prescribed in the Oklahoma Homeland
 Security Act; and

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

16 SECTION 9. AMENDATORY 74 O.S. 2021, Section 51.4, is 17 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

SENATE FLOOR VERSION - SB1371 SFLR (Bold face denotes Committee Amendments)

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.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY February 8, 2024 - DO PASS AS AMENDED BY CS

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