



Oklahoma
State
Senate

Legislative Brief

October 2002

HOMELAND SECURITY

Balancing security needs with the values of a free and open society raised thorny questions for the Legislature in 2002. Legislative work began with the appointment of the Joint Homeland Security Task Force by the Senate President Pro Tempore and the Speaker of the House of Representatives shortly after September 11, 2001.

JOINT HOMELAND SECURITY TASK FORCE

The Joint Homeland Security Task Force met several times, taking testimony from state agency heads, private sector representatives, federal officials, and public interest groups, including representatives of the press and civil liberties groups. The Task Force issued its report on January 28, 2002, with eleven recommendations. The Legislature considered most of the recommendations in proposed legislation.

LEGISLATIVE RESPONSE TO HOMELAND SECURITY CONCERNS

The Legislature became the forum for impassioned and earnest debate and dialogue on the dicey issues arising from efforts to enhance homeland security. Recognizing a large measure of responsibility for the safety of Oklahoma citizens along with the responsibility for protecting civil liberties and avoiding bureaucratic expansion, the Legislature tackled challenges related to governmental coordination, criminalizing terrorism, protecting sensitive information, bioterrorism, catastrophic health emergencies, agricultural and food supply threats, driver license security, and protection of state buildings.

Coordination of State Homeland Security

With the passage of SJR 42 (authored by Senator Wilkerson and Representative Paulk) early in the legislative session, coordination of state homeland security was vested temporarily, until a permanent homeland security office is created, in the cabinet secretary of safety and security who was named, ex-officio, the Interim Oklahoma Homeland Security Director. Acting pursuant to this authority, the secretary set up the Oklahoma Office of Homeland Security within the Department of Public Safety. As part of the homeland security structure, the Homeland Security Executive Committee, consisting of seven state department heads, was established to provide information and to oversee implementation of the state homeland security plan and distribution of federal homeland security funds to local agencies. During the remainder of the legislative session, primarily in its consideration of HB 2764, the Legislature pondered the creation of a permanent

state homeland security office but left this issue open for further debate and action in the upcoming legislative session.

Omnibus Homeland Security Legislation

HB 2764 (authored by Representative Paulk and Senator Wilkerson) was an omnibus antiterrorism and homeland security bill, the debate of which included proper roles of the executive and legislative branches in homeland security, freedom of information, and privacy. It failed to gain legislative approval, but one of its main proposals, criminalization of terrorism, was approved in separate legislation.

Criminalization of terrorism

In SB 822 (authored by Senator Shurden and Representative Leist), the "Oklahoma Antiterrorism Act," terrorism, terrorism hoax, biochemical assault, and manufacturing substance with intent of terrorist activity were defined and specifically outlawed.

Bioterrorism

HB 2765, entitled the "Catastrophic Emergency Health Powers Act," (authored by Representative Paulk and Senator Monson) was proposed to coordinate state and local governmental responses during a catastrophic health emergency. This legislation failed in the legislature, having raised concerns about governmental power and intrusion.

Responding to concerns about agricultural bioterrorism, the legislature enacted HB 2110, the "Animal Disease Outbreak Temporary Emergency Act," (authored by Representative Covey and Senator Muegge). The act grants broad powers to the Governor and the State Board of Agriculture if the Board identifies a threat to domestic animals or the public welfare.

To advance research in areas of heightened homeland security interest, the Legislature allocated \$38 million for use by the University of Oklahoma and Oklahoma State University in seeking federal grants. The National Severe Storm Lab at OU can play a key role in tracking biological agents. Researchers at OSU are working on sensors that could detect biohazards such as anthrax.

Protection of state buildings

Maintaining citizen accessibility to government while enhancing safety of state workers received legislative attention during the 2002 session. Passing SB 1292 (authored by Senator Crutchfield and Representative Roan), the Legislature extended prohibitions on parking vehicles under certain circumstances near state buildings in Oklahoma and Tulsa counties and made interference with state business a crime. State Capitol security was boosted with a \$321,640 appropriation for closed circuit television and new exterior doors and locks.

Access to Government Records

Finding a workable juncture between public access to government records and security of sensitive government information remains elusive. SB 1474 (authored by Senator Crutchfield and Representative Adair) proposed to take plans, layouts, and other information about pipelines, electrical grids, and other types of infrastructure out of public open records requirements. The needs of legitimate parties for this information made SB 1474 untenable. SB 1472 (authored by Senator Pruitt and Representative Hopper Smith) sought to make confidential records pertaining

to security functions such as security plans and surveys. These provisions could not pass muster although other provisions of the bill which strengthened laws related to tampering with surveillance and security cameras were enacted.

Driver License Security

The use and misuse of driver licenses for personal identification spawned efforts to tighten driver license issuance and limit susceptibility to alteration or fraudulent use, raising issues of personal privacy vis-à-vis security and safety. As examples: SB 982 (authored by Senator Kerr and Representative Walker), had it been enacted, would have required all driver license applicants to be fingerprinted; one of the provisions of the unsuccessful omnibus HB 2764 would have tied driver license terms to visa time limits for non-U.S. citizens. Prior to these homeland security efforts, Oklahoma had begun the process toward issuing all driver licenses in digitized format. Alteration of a digitized license nearly impossible. By 2004 all new licenses will be in digitized format.

THE "OKLAHOMA STANDARD"

Oklahoma is recognized as a national model for disaster response, having received wide attention for the coordinated and efficient response to the Murrah Building attack. Continuing to learn and build on that experience, state and local responding agencies have worked together to hone first responder procedures and policies. Prevention is a priority as well. To that end, local, state, and federal law enforcement agencies in Oklahoma have established communication protocols and strategies to build a premier state intelligence network. These efforts have become known as the "Oklahoma Standard."

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