

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3542

By: Pfeiffer

AS INTRODUCED

An Act relating to state government; creating the Oklahoma Counterterrorism Information Agency; providing for the separation of the Oklahoma Information Fusion Center from the Department of Public Safety; transferring all funds and property to new agency; allowing personnel to retain employment positions and status; authorizing agency to contract with the Office of Management and Enterprise Services for payroll and administrative services; directing the Office of Management and Enterprise Services to coordinate the transfer of property and personnel; abolishing certain division within the Department of Public Safety upon completion of transfer; creating the Oklahoma Counterterrorism Information Commission; providing for membership; requiring appointments within certain time frame; stating term of appointments; designating the Executive Director as ex officio member and Secretary; providing for the selection of a chair and vice chair; providing quorum requirement; providing exemption from dual office-holding prohibition; stating powers and duties of the Commission; allowing reimbursement for certain expenses; establishing meeting and vacancy requirements; providing for clerical staff and meeting space; directing the Commission to comply with the Oklahoma Open Meeting Act, Oklahoma Open Records Act, and the Administrative Procedures Act; stating powers and duties of the Oklahoma Counterterrorism Information Agency; providing for the appointment of an Executive Director; stating qualifications; authorizing the appointment of assistants and staff; creating the Oklahoma Counterterrorism Information Agency Revolving Fund; providing sources of funds; providing for use of funds; prescribing procedures for expenditures;

1 providing for codification; and providing an
2 effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 52.1 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created an agency of state government to be
9 designated the Oklahoma Counterterrorism Information Agency.

10 B. Beginning November 1, 2024, the Oklahoma Information Fusion
11 Center shall cease to be under the control of or in any manner
12 affiliated with the Department of Public Safety and shall become a
13 separate and distinct agency of the state, to be known as the
14 Oklahoma Counterterrorism Information Agency. All unexpended funds,
15 property, records, equipment, software, software licenses,
16 personnel, grants, and outstanding financial obligations and
17 encumbrances related to the Oklahoma Information Fusion Center shall
18 be transferred to the Oklahoma Counterterrorism Information Agency.
19 All personnel shall retain their employment positions and status as
20 unclassified employees, as well as any leave, sick, and annual time
21 earned, and any retirement and longevity benefits which have accrued
22 during tenure with the Oklahoma Information Fusion Center.

1 C. The Oklahoma Counterterrorism Information Agency may
2 contract with the Office of Management and Enterprise Services for
3 payroll or other administrative services.

4 D. The Office of Management and Enterprise Services is hereby
5 directed to coordinate the transfer of funds, allotments, purchase
6 orders, outstanding financial obligations, and encumbrances provided
7 for in subsection B of this section. The transfer of personnel
8 shall also be coordinated with the Office of Management and
9 Enterprise Services.

10 E. The Oklahoma Counterterrorism Information Agency is
11 authorized to rent, lease, or own appropriate office space and
12 property to conduct its business.

13 F. The division within the Department of Public Safety known as
14 the Oklahoma Information Fusion Center shall be abolished by the
15 Office of Management and Enterprise Services after the transfer is
16 completed.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 52.2 of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby created the Oklahoma Counterterrorism
21 Information Commission, which shall be an advisory body to the
22 Executive Director of the Oklahoma Counterterrorism Information
23 Agency.

1 B. The Oklahoma Counterterrorism Information Commission shall
2 consist of thirteen (13) members, or their designees, as follows:

3 1. Seven of the members shall be:

- 4 a. the Commissioner of the Oklahoma Department of Public
5 Safety,
- 6 b. the Director of the Oklahoma State Bureau of
7 Investigation,
- 8 c. the Director of the Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control,
- 10 d. the Director of the Oklahoma Department of Emergency
11 Management,
- 12 e. the Director of the Oklahoma Office of Homeland
13 Security,
- 14 f. the Secretary of the Oklahoma State Department of
15 Agriculture, and
- 16 g. the Commissioner of the Oklahoma State Department of
17 Health, and

18 2. Six of the members shall be:

- 19 a. one member appointed by the Governor, who shall be a
20 chief of police of a municipality with a population
21 over one hundred thousand (100,000), as determined by
22 the latest Federal Decennial Census, selected from a
23 list of three names submitted by the Oklahoma
24 Association of the Chiefs of Police,

1 b. one member appointed by the Speaker of the Oklahoma
2 House of Representatives, who shall be a sheriff of a
3 county with a population under twenty-five thousand
4 (25,000), as determined by the latest Federal
5 Decennial Census, selected from a list of three names
6 submitted by the executive board of the Oklahoma
7 Sheriff's Association,

8 c. one member appointed by the Speaker Pro Tempore of the
9 Oklahoma State Senate, who is a district attorney
10 selected from a list submitted by the District
11 Attorneys Council,

12 d. one member appointed by the Governor, who shall be a
13 member or citizen of a federally recognized American
14 Indian tribe or nation whose primary tribal
15 headquarters is located in this state,

16 e. one member appointed by the Speaker of the Oklahoma
17 House of Representatives, who shall be a member or
18 citizen of a federally recognized American Indian
19 tribe or nation whose primary tribal headquarters is
20 located in this state, and

21 f. member appointed by the Speaker Pro Tempore of the
22 Oklahoma State Senate, who shall be a member or
23 citizen of a federally recognized American Indian
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1 tribe or nation whose primary tribal headquarters is
2 located in this state.

3 C. Appointments to the initial Oklahoma Counterterrorism
4 Information Commission shall be made within forty-five (45) days of
5 the effective date of this act.

6 D. Each member of the Oklahoma Counterterrorism Information
7 Commission shall serve a term of four (4) years from the date of
8 appointment. Members of the Commission shall not serve more than
9 two consecutive terms.

10 E. The Executive Director of the Oklahoma Counterterrorism
11 Information Agency selected by the Commission shall be an ex officio
12 member of the Commission and shall act as Secretary. A chair and
13 vice-chair shall be elected annually from the membership of the
14 Oklahoma Counterterrorism Information Commission. A majority of the
15 members of the Commission shall constitute a quorum for the
16 transaction of business and for taking any official action.
17 Official action of the Commission must have a favorable vote by a
18 majority of the members present.

19 F. Members who serve on the Commission shall be exempt from
20 dual office-holding prohibitions pursuant to Section 6 of Title 51
21 of the Oklahoma Statutes.

22 G. The Oklahoma Counterterrorism Information Commission shall
23 be the rulemaking body for the Oklahoma Counterterrorism Information
24 Agency and shall have the power and duty to:
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1 1. Establish the policies of the Oklahoma Counterterrorism
2 Information Agency;

3 2. Adopt and promulgate rules as necessary and appropriate to
4 carry out the duties and responsibilities of the Oklahoma
5 Counterterrorism Information Agency;

6 3. Hire an Executive Director and other staff for its
7 operation; and

8 4. Prepare a budget for expenditures necessary for the proper
9 maintenance of the Commission and accomplishment of its purpose.

10 H. Members appointed pursuant to subsection B of this section
11 shall serve without compensation but shall be reimbursed for their
12 actual and necessary expenses incurred in the performance of their
13 duties in accordance with the provisions of the State Travel
14 Reimbursement Act.

15 I. The Oklahoma Counterterrorism Information Commission shall
16 meet as often as necessary at a place and time to be fixed by the
17 Commission. Special meetings may be called by the chair or by four
18 members of the Commission by delivery of written notice to each
19 member of the Commission.

20 J. Any vacancy occurring on the Oklahoma Counterterrorism
21 Information Commission shall be filled for the unexpired term of
22 office in the same manner as provided for in subsection B of this
23 section.

1 K. The Oklahoma Counterterrorism Information Agency shall
2 provide clerical staff to perform designated duties of the Oklahoma
3 Counterterrorism Information Commission. The Oklahoma
4 Counterterrorism Information Agency shall also provide space for
5 meetings of the Commission.

6 L. Except as provided in Section 24A.28 of Title 51 of the
7 Oklahoma Statutes, the Oklahoma Counterterrorism Information
8 Commission shall act in accordance with the provisions of the
9 Oklahoma Open Records Act, and shall be subject to the provisions of
10 the Oklahoma Open Meeting Act and the Administrative Procedures Act.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 52.3 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Oklahoma Counterterrorism Information Agency shall have
15 the power and duty to:

16 1. Establish and maintain an information clearinghouse in order
17 to accept and appropriately process intelligence information
18 provided by law enforcement agencies, public safety agencies,
19 private sector agencies, and concerned citizens;

20 2. Provide informative reports and intelligence assessments,
21 both strategic and tactical, for homeland security initiatives;

22 3. Provide real-time intelligence support to law enforcement
23 and public safety agencies;

1 4. Consolidate information and data on suspicious activities
2 and threats from all jurisdictions within Oklahoma and the public;

3 5. Facilitate communication and collaboration with multi-
4 disciplinary partners including local, state, and federal law
5 enforcement and non-governmental organizations; and

6 6. Provide early warning of incidents at the local, regional,
7 and state levels.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 52.4 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 The Executive Director of the Oklahoma Counterterrorism
12 Information Agency shall be appointed by the Oklahoma
13 Counterterrorism Information Commission. The Executive Director of
14 the Oklahoma Counterterrorism Information Agency shall, at the time
15 of the appointment, have a bachelor's degree from an accredited
16 college or university and at least five (5) years of experience in
17 law enforcement. The Executive Director may appoint necessary
18 assistants and other personnel to perform the work of the agency and
19 may prescribe their titles and duties and fix their compensation.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 52.5 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 for the Oklahoma Counterterrorism Information Agency to be
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1 designated the "Oklahoma Counterterrorism Information Agency
2 Revolving Fund". The fund shall be a continuing fund, not subject
3 to fiscal year limitations, and shall consist of any monies received
4 from gifts, bequests, devises, contributions or grants, public or
5 private, including federal funds unless otherwise provided by
6 federal law or regulation, and receipts from any other source. All
7 monies accruing to the credit of said fund are hereby appropriated
8 and may be budgeted and expended by the Oklahoma Counterterrorism
9 Information Agency for general operations of the agency.
10 Expenditures from said fund shall be made upon warrants issued by
11 the State Treasurer against claims filed as prescribed by law with
12 the Director of the Office of Management and Enterprise Services for
13 approval and payment.

14 SECTION 6. This act shall become effective November 1, 2024.

16 59-2-9530 GRS 01/11/24

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