

SENATE BILL No. 184

By Committee on Ways and Means

2-10

1 AN ACT establishing the Kansas intelligence fusion center act.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Sections 1 through 10, and amendments thereto, shall be
5 known and may be cited as the Kansas intelligence fusion center act.

6 Sec. 2. There is hereby established the Kansas intelligence fusion
7 center, which shall be constituted and operated as provided by state and
8 federal law. The Kansas intelligence fusion center shall be a collaboration
9 among federal, state, local and tribal agencies, as well as private sector
10 entities, including, but not limited to, those with the primary purposes of
11 homeland security, counter-terrorism, public safety, public protection and
12 critical infrastructure. The Kansas intelligence fusion center shall be
13 housed within a sensitive compartmentalized information facility in order
14 to access classified threat information as permitted by state and federal
15 law.

16 Sec. 3. The Kansas intelligence fusion center shall:

17 (a) Generate intelligence analysis critical for homeland security
18 policy and relevant threat warning in order to protect life, liberty and
19 property in Kansas and the great plains region;

20 (b) promote and improve intelligence sharing among public safety
21 and public service agencies at the federal, state, local and tribal levels, and
22 with critical infrastructure and key resource entities within the private
23 sector;

24 (c) receive and integrate intelligence and information related to
25 terrorism and other homeland security threats;

26 (d) collect, analyze, produce, disseminate and maintain such
27 intelligence and information, as allowed by law, to support local, state,
28 tribal and federal law enforcement agencies, and other governmental
29 agencies and private organizations in: Preventing, preparing for,
30 responding to and recovering from any possible or actual terrorist attack or
31 other homeland security threat;

32 (e) maximize intelligence and information sharing in accordance with
33 all applicable state and federal laws; and

34 (f) ensure that appropriate security measures are in place for: (1) The
35 sensitive compartmentalized information facility; (2) data collected or
36 stored at the sensitive compartmentalized information facility; and (3)

1 personnel working at the sensitive compartmentalized information facility.

2 Sec. 4. The adjutant general's department shall provide facilities,
3 budget and administrative support for the Kansas intelligence fusion center
4 and its employees and participants. The adjutant general's department shall
5 be the custodian of all records collected and maintained at the Kansas
6 intelligence fusion center and also shall serve as security manager for the
7 Kansas intelligence fusion center.

8 Sec. 5. (a) The operations of the Kansas intelligence fusion center
9 shall be overseen by the fusion center oversight board that is hereby
10 established.

11 (b) The board shall be composed of the following:

12 (1) The attorney general;

13 (2) the adjutant general; *and*

14 (3) ~~the superintendent of the highway patrol;~~

15 (4) ~~the director of the Kansas bureau of investigation; and~~

16 (5) ~~a member appointed by the attorney general with expertise in~~
17 critical infrastructure protection.

18 (c) The attorney general shall serve as chairperson of the board and
19 the adjutant general shall serve as vice-chairperson of the board.

20 (d) Each member of the fusion center oversight board shall have a
21 current, valid federal security clearance at the appropriate level.

22 (e) The board may adopt policies and procedures for the operation of
23 the Kansas intelligence fusion center.

24 (f) The board may adopt rules and regulations as may be necessary to
25 carry out the provisions of this act, including rules and regulations
26 concerning the operations of the Kansas intelligence fusion center.

27 (g) The attorney general's office shall provide administrative support
28 to and be the custodian of the records for the board.

29 Sec. 6. Subject to appropriations, the Kansas intelligence fusion
30 center shall have the following employees, all in the unclassified service of
31 the civil service act:

32 (a) An executive director, who shall be appointed by and serve at the
33 pleasure of the fusion center oversight board. The executive director shall:

34 (1) Be responsible for all operations of the Kansas intelligence fusion
35 center and shall report to the fusion center oversight board;

36 (2) be responsible for: (A) Facilitating and implementing applicable
37 federal standards and programs by the Kansas intelligence fusion center;
38 (B) ensuring compliance with all applicable laws and federal requirements;
39 and (C) maintaining proper separation between military and civilian
40 capacities;

41 (3) provide support, as needed, to the fusion center oversight board
42 meetings; and

43 (4) other duties and responsibilities as may be assigned by the fusion

1 center oversight board;

2 (b) a deputy director for law enforcement, who shall be appointed by
3 and serve at the pleasure of the attorney general. The deputy director for
4 law enforcement shall serve as the liaison between the Kansas intelligence
5 fusion center and Kansas law enforcement agencies and organizations and
6 shall strive to provide the appropriate flow of information from each to the
7 other; and

8 (c) such other employees as may be authorized by the fusion center
9 oversight board to administer properly the provisions of this act.

10 Sec. 7. (a) The executive director, with approval of the fusion center
11 oversight board, may enter into agreements with participating agencies or
12 organizations, whether public or private, for their participation in the
13 Kansas intelligence fusion center. Such agreements: (1) Shall define the
14 duties and responsibilities of each participating agency or organization;
15 and (2) may provide for payment by the participating agency or
16 organization of a reasonable share of the cost to establish, maintain and
17 operate the Kansas intelligence fusion center.

18 (b) (1) The Kansas intelligence fusion center, with approval of the
19 fusion center oversight board, may accept any gift, grant, payment or
20 contribution from any source, public or private, for the purpose of paying
21 the costs to establish, maintain or operate the Kansas intelligence fusion
22 center. Such gift, grant, payment or contribution may be in the form of
23 services, equipment, supplies, materials or funds. All amounts received
24 under this section shall be remitted to the state treasurer in accordance
25 with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
26 remittance, the state treasurer shall deposit the entire amount in the state
27 treasury to the credit of the Kansas intelligence fusion center fund, that is
28 hereby created in the state treasury and shall be administered by the
29 adjutant general.

30 (2) Moneys in the Kansas intelligence fusion center fund may be used
31 by the adjutant general, with approval or at the direction of the fusion
32 center oversight board, to pay any costs associated with establishing,
33 maintaining or operating the Kansas intelligence fusion center. All
34 expenditures from the Kansas intelligence fusion center fund shall be
35 made in accordance with appropriation acts upon warrants of the director
36 of accounts and reports issued pursuant to vouchers approved by the
37 adjutant general or the adjutant general's designee. Any gift, grant,
38 payment or contribution in a form other than funds may be accepted by the
39 executive director, with approval of the fusion center oversight board, and
40 utilized and expended in any manner authorized by law to establish,
41 maintain or operate the Kansas intelligence fusion center.

42 (c) The moneys credited to the fund created in subsection (b) shall be
43 used for the purposes set forth in this section and for no other

1 governmental purposes. It is the intent of the legislature that the moneys
2 deposited in this fund shall remain intact and inviolate for the purposes set
3 forth in this act.

4 Sec. 8. The office of the attorney general shall provide legal counsel
5 to the Kansas intelligence fusion center. The attorney general shall assign
6 an attorney to serve as privacy and civil liberties counsel to the Kansas
7 intelligence fusion center. Such attorney shall advise the Kansas
8 intelligence fusion center, executive director, and the fusion center
9 oversight board on all matters necessary to ensure compliance with all
10 applicable federal and state privacy or civil liberties laws and obligations.

11 Sec. 9. No classified information shall be accessed or shared with any
12 person or entity that does not meet the criteria of DoDM 5200.01-V1-V3.

13 Sec. 10. Private sector entities participating in the Kansas intelligence
14 fusion center shall not be considered governmental entities, nor shall
15 employees or agents of private sector entities assigned to the Kansas
16 intelligence fusion center be considered state employees for the purposes
17 of K.S.A. 75-6101 et seq., and amendments thereto.

18 Sec. 11. This act shall take effect and be in force from and after its
19 publication in the Kansas register.