

Kansas Intelligence Fusion Center Act; SB 184

SB 184 enacts the Kansas Intelligence Fusion Center Act (Act). The Act will govern the ongoing operations of the Kansas Intelligence Fusion Center (KIFC), a collaboration among federal, state, local, and tribal agencies, as well as certain private-sector entities, which is already functioning within the Adjutant General's Department. The KIFC is constituted and operated as provided by state and federal law and housed within a sensitive compartmentalized information facility (SCIF) to access classified threat information as permitted by state and federal law.

The KIFC has the following responsibilities:

- Generating intelligence analysis critical for homeland security policy and relevant threat warning in order to protect life, liberty, and property in Kansas and the Great Plains region;
- Promoting and improving intelligence sharing among public safety and public service agencies at the federal, state, local, and tribal levels and with critical infrastructure and key resource entities within the private sector;
- Receiving and integrating intelligence and information related to terrorism and other homeland security threats;
- Collecting, analyzing, producing, disseminating, and maintaining such intelligence and information as allowed by law to support local, state, tribal, and federal law enforcement agencies and other governmental agencies and private organizations in preventing, preparing for, responding to, and recovering from any possible or actual terrorist attack or other homeland security threat;
- Maximizing intelligence and information sharing in accordance with all applicable state and federal laws; and
- Ensuring appropriate security measures are in place for the SCIF, data collected or stored at the SCIF, and personnel working at the SCIF.

The bill requires the Adjutant General's Department to: provide facilities, budget, and administrative support for the KIFC, its employees, and participants; be the custodian of all records collected and maintained at the KIFC; and serve as security manager for the KIFC. The Office of the Attorney General will provide legal counsel to the KIFC and assign an attorney to serve as privacy and civil liberties counsel to the KIFC.

To oversee the KIFC, the bill establishes the Fusion Center Oversight Board, composed of the Attorney General, who will serve as chairperson; the Adjutant General, who will serve as vice-chairperson; and a member appointed by the Attorney General with expertise in critical infrastructure protection. The bill requires each member of the Board to have a current, valid federal security clearance at the appropriate level; allows the Board to adopt policies and procedures for the operation of the KIFC; and allows the Board to adopt rules and regulations as may be necessary to carry out the provisions of the Act, including rules and regulations

concerning operations of the KIFC. The Office of the Attorney General will provide administrative support to and be the custodian of the records of the Board.

The Board will appoint the executive director, who reports to the Board and serves at the pleasure of the Board. The executive director is responsible for all KIFC operations, facilitating and implementing applicable federal standards and programs by the KIFC, ensuring compliance with all applicable laws and federal requirements, and maintaining proper separation between military and civilian capacities. The Attorney General will appoint a deputy director for law enforcement, who serves at the pleasure of the Attorney General and serves as a liaison between the KIFC and Kansas law enforcement agencies and organizations and strives to provide the appropriate flow of information from each to the other. The bill also provides for such other employees as may be authorized by the Board to properly administer the provisions of the Act.

With Board approval, the bill allows the executive director to enter into agreements with participating agencies or organizations, whether public or private, for their participation in the KIFC. The agreements will define the duties and responsibilities of each participating agency or organization and may provide for payment by the participating agency or organization of a reasonable share of the cost to establish, maintain, and operate the KIFC. Further, with Board approval, the KIFC can accept any gift, grant, payment, or contribution in the form of services, equipment, supplies, materials, or funds from any source, public or private, for the purpose of paying the costs to establish, maintain, or operate the KIFC. All amounts received will be deposited in the KIFC Fund, which the bill creates.

Finally, the bill specifies no classified information shall be accessed or shared with any person or entity that does not meet the criteria of DoDM [Department of Defense Manual] 5200.01-V1-V3; private sector entities participating in the KIFC will not be considered governmental entities; and employees and agents of those entities assigned to the KIFC will not be considered state employees for the purposes of the Kansas Tort Claims Act.