

SENATE BILL No. 184

AN ACT establishing the Kansas intelligence fusion center act.

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

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

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

Sec. 3. The Kansas intelligence fusion center shall:

(a) Generate 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;

(b) promote and improve 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;

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

(d) collect, analyze, produce, disseminate and maintain 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;

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

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

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

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

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

(1) The attorney general;

(2) the adjutant general; and

(3) a member appointed by the attorney general with expertise in critical infrastructure protection.

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

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

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

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

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

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

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

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

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

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

(4) other duties and responsibilities as may be assigned by the fusion center oversight board;

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

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

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

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

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

(c) The moneys credited to the fund created in subsection (b) shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this act.

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

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

Sec. 10. Private sector entities participating in the Kansas intelligence

fusion center shall not be considered governmental entities, nor shall employees or agents of private sector entities assigned to the Kansas intelligence fusion center be considered state employees for the purposes of K.S.A. 75-6101 et seq., and amendments thereto.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.