

March 9, 2017

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 184 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 184 is respectfully submitted to your committee.

SB 184 would enact the Kansas Intelligence Fusion Center Act. The bill would establish the Kansas Intelligence Fusion Center. The Center would 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 Center would be housed within a sensitive compartmentalized information facility in order to access classified threat information as permitted by state and federal law.

The bill would require the Center to do the following:

1. Generate intelligence analysis critical for homeland security policy and relevant threat warning in order to protect life, liberty, and property in Kansas;
2. Promote and improve intelligence sharing among public safety and public service agencies at the federal, state, local, and tribal levels;
3. Collect, analyze, produce, disseminate, and maintain intelligence and information, as allowed by law, to support federal, state, local, and tribal law enforcement agencies;
4. Maximize intelligence and information sharing in accordance with all applicable federal and state laws; and
5. Ensure that appropriate security measures are in place for data collected or stored and personnel working at the sensitive compartmentalized information facility.

The Adjutant General would provide facilities, budget, and administrative support for the Center and its employees and participants. The operation of the Center would be overseen by the Fusion Center Oversight Board, which would be composed of the following members: the

The Honorable Rick Wilborn, Chairperson

March 9, 2017

Page 2—SB 184

Attorney General, the Adjutant General, the Superintendent of the Kansas Highway Patrol, the Director of the Kansas Bureau of Investigation, and a member appointed by the Attorney General with expertise in critical infrastructure protection. The Attorney General would serve as Chairperson of the Board and the Adjutant General would serve as Vice-Chairperson.

The bill would create the position of Executive Director of the Kansas Intelligence Fusion Center, who would be appointed and serve at the pleasure of the Board. Also, the bill would establish the position of Deputy Director for Law Enforcement, who would be appointed by and serve at the pleasure of the Attorney General. Both the Executive Director and the Deputy Director for Law Enforcement would be in the unclassified service of the Kansas Civil Service Act. Other employees may be authorized by the Board to administer the provisions specified in the bill.

Under SB 184, the Kansas Intelligence Fusion Center, with the approval of the Board, may enter into agreements with participating agencies or organizations for their participation in the Center. With the approval of the Board, the Center may accept any gift, grant, payment, or contribution from any source, public or private, for maintenance or operation of the Center. All amounts received would be credited to the Kansas Intelligence Fusion Center Fund, which the bill establishes and would be administered by the Adjutant General.

The bill would require the Attorney General to provide legal counsel for the Center and assign an attorney to serve as privacy and civil liberties counsel to the Center, Executive Director, and the Board on all matters necessary to ensure compliance with all applicable federal and state privacy or civil liberties laws. The bill would take effect upon its publication in the *Kansas Register*.

The Adjutant General indicates the agency has already built the structure and associated costs into its current budgets; however, expenditures could grow in future fiscal years. According to the Kansas Bureau of Investigation, the Kansas Highway Patrol and the Attorney General, enactment of SB 184 would have no fiscal effect. Any fiscal effect associated with SB 184 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Shelia Sawyer-Tyler, KBI
Kim Torrey, Highway Patrol
Cheri Froetschner, Office of the Adjutant General
Willie Prescott, Office of the Attorney General