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Testimony in Support of Senate Bill 184

**Presented to the Senate Judiciary Committee
By Kansas Attorney General Derek Schmidt**

March 9, 2017

Chairman Wilborn, members of the committee:

Thank you for this opportunity to submit this written testimony in support of Senate Bill 184. I regret that an unavoidable scheduling conflict prevents me from testifying in person today, but I want to express my strong support for this important legislation.

In the aftermath of the attacks on 9/11, the federal government established the concept for locally situated intelligence fusion centers. Coordinated by the Department of Homeland Security, the general purpose was to ensure that a structure exists for the appropriate and lawful sharing of homeland security information among appropriate actors – to try to eliminate the “silo effect” of maintaining important homeland security information in different agencies without interagency communication that can allow bad actors to succeed in posing threats to our homeland.

More than a decade ago, Kansas established the Kansas Intelligence Fusion Center (KIFC). The KIFC was established with legislative authority through the appropriations process and by executive action of the governor, the adjutant general and the attorney general. The KIFC put in place careful provisions to ensure the protection of civil liberties and has continued to work closely with appropriate federal agencies to break down silos and ensure that information related to threats to our homeland receives the appropriate analysis. The Kansas approach to operating its fusion center has been noticed nationally as a model that ensures effectiveness in intelligence sharing while ensuring that the focus remains on homeland security issues and protecting civil liberties.

With the successful establishment of the KIFC and its ongoing operation now for a decade, the adjutant general and I last year agreed it was appropriate to reflect on the institution’s status and determine whether any adjustments should be made. In doing so, we concluded that establishing

a statutory framework for the KIFC would be important for its ongoing operation. That is the purpose of Senate Bill 184.

Senate Bill 184 is intended to codify in Kansas statute the status, structure and operations of the KIFC. In our view, this valuable asset is – and should be – a permanent part of our state’s overall efforts to ensure coordination of state, federal and local efforts to protect the homeland. It should exist on a solid, permanent statutory foundation. Thus, we bring Senate Bill 184 for your consideration and urge its adoption.

If the committee works Senate Bill 184, I do request one amendment: On p. 2, strike lines 14 and 15 and renumber the remaining provisions appropriately. This amendment would eliminate the superintendent of the highway patrol and the director of the Kansas bureau of investigation from the fusion center oversight board. Both of those officials are aware of this amendment and do not object to it. In order to best codify existing practice, the oversight board need not include these two officials.

I appreciate your consideration of this legislation to ensure that the KIFC rests on a solid, permanent legal foundation. By codifying the governance of KIFC into statute, Senate Bill 184 can help future leaders avoid “reinventing the wheel” in the KIFC’s operations and can ensure KIFC remains focused tightly on its mission to protect the security of our homeland.

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