

1 AN ACT relating to the KentuckyCYBER Program and making an appropriation
2 therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) As used in Sections 1 to 3 of this Act:

7 (a) "Board" means the KentuckyCYBER Board established in Section 2 of this
8 Act;

9 (b) "Council" means the Council on Postsecondary Education;

10 (c) "Fund" means the KentuckyCYBER fund established in Section 3 of this
11 Act;

12 (d) "Participating institution" means an institution within the postsecondary
13 education system or an institution licensed by the council that chooses to
14 participate in the KentuckyCYBER Program;

15 (e) "Postsecondary education system" has the same meaning as in KRS
16 164.001; and

17 (f) "Program" means the KentuckyCYBER Program established in subsection
18 (2) of this section.

19 (2) The KentuckyCYBER Program is hereby created and established within the
20 Council on Postsecondary Education for administrative purposes.

21 (3) The purpose of the KentuckyCYBER Program shall be to:

22 (a) Facilitate cooperation among Kentucky public and private universities,
23 public elementary and secondary schools, and businesses to create a
24 network of cyber centers across Kentucky and strengthen and grow
25 Kentucky's cybersecurity workforce, including identifying potential
26 nonacademic, industry-based credentialing and training programs to
27 complement academic programs;

- 1 (b) Provide educational and professional development opportunities to state
2 and local agencies and private sector participants about how to maintain
3 secure cyberinfrastructure;
- 4 (c) Engage military, law enforcement, educational institutions, private sector
5 companies, and state, federal, and local governments, on how to best
6 develop and support Kentucky's cybersecurity ecosystem;
- 7 (d) Provide nonpartisan cybersecurity advice and recommendations to
8 Kentucky policymakers; and
- 9 (e) Accelerate the adoption of cybersecurity systems in the state by combining
10 the assets of higher education, state and federal agencies, and private sector
11 companies.
- 12 (4) With advice from the board, the council shall adopt the terms, conditions, and
13 requirements of applications submitted for grants awarded under Section 3 of this
14 Act. The council may establish procedures and standards for the review and
15 approval of eligible grant awards through the promulgation of administrative
16 regulations in accordance with KRS Chapter 13A.
- 17 (5) The president of the council shall have the authority to hire staff, contract for
18 services, expend funds, and operate the normal business activities of the program.
- 19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
20 READ AS FOLLOWS:
- 21 (1) The KentuckyCYBER Board is hereby created and attached to the council.
- 22 (2) The board shall be composed of:
- 23 (a) The commissioner for the Department of Education or designee;
- 24 (b) The adjunct general for the Kentucky Department of Military Affairs or
25 designee;
- 26 (c) The executive director for the Kentucky Office of Homeland Security or
27 designee;

- 1 (d) The president of the Council on Postsecondary Education or designee;
2 (e) The president for the Association of Independent Kentucky Colleges or
3 designee; and
4 (f) The president of any participating institution or designee.
- 5 (3) The chair of the board shall be chosen by a majority of members present at the
6 first meeting. Determinations of the board shall require a vote of a majority of the
7 members present.
- 8 (4) The board shall meet at least quarterly, and may meet more frequently upon the
9 call of the chair.
- 10 (5) Grants from the KentuckyCYBER fund shall be made available to participating
11 institutions based on the criteria adopted by the council with advice from the
12 board. Eligible grant-funded programs and activities shall include but not be
13 limited to:
- 14 (a) Training and upskilling a workforce to provide cybersecurity solutions for
15 Kentucky businesses, state and local governments, and federal, state, and
16 local law enforcement;
- 17 (b) Providing cybersecurity resources, including but not limited to cyber ranges
18 and incident response teams, to assist state and local governments, major
19 economic sectors including healthcare and manufacturing, and critical
20 infrastructure systems operators throughout Kentucky;
- 21 (c) Enhancing economic development through cybersecurity initiatives that
22 serve major economic sectors of Kentucky;
- 23 (d) Creating a cyber-innovation ecosystem for the state and federal
24 government, law enforcement, the private sector, and K-12 and higher
25 education institutions to innovate rapidly and strengthen Kentucky's
26 cybersecurity defenses with a qualified workforce; and
- 27 (e) Building the research capacity necessary to successfully compete for

1 projects funded by the federal government and private industry participants.
2 (6) Nothing in Sections 1 to 3 of this Act shall require any postsecondary education
3 system institution or private institution not participating in the KentuckyCYBER
4 Program to cooperate with the board in carrying out the programs or activities
5 prescribed in subsection (5) of this section.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) There is hereby created a trust and agency fund to be known as the
9 KentuckyCYBER fund. The fund shall consist of moneys appropriated by the
10 General Assembly, contributions, gifts, or grants made available for the purposes
11 set forth in subsection (5) of Section 2 of this Act. Any grants awarded to a
12 participating institution from this fund shall be excluded from the comprehensive
13 funding model established in KRS 164.092.

14 (2) The fund shall be administered by the council subject to approval by the board.

15 (3) Amounts deposited in the fund shall be allocated based on application by a
16 participating institution to the council and subject to approval by the board.

17 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of
18 the fiscal year shall not lapse but shall be carried forward to the next fiscal year.

19 (5) Any interest earnings of the fund shall become a part of the fund and shall not
20 lapse.

21 (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth
22 in subsection (5) of Section 2 of this Act and shall not be appropriated or
23 transferred by the General Assembly for any other purpose.

24 (7) Any state or federal funds appropriated or other moneys granted to a
25 participating institution for enhancement of other cyber security programs shall
26 not be subject to this section.

27 (8) The implementation of the KentuckyCYBER Program is contingent upon the

- 1 *availability of funds specifically allocated for such purpose through the*
- 2 *KentuckyCYBER fund.*