

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 Governing Board established in*  
8 *Section 2 of this 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 that chooses to participate in the KentuckyCYBER*  
14 *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) Create a network of cyber centers across the Commonwealth;*

23 *(b) Facilitate cooperation among Kentucky public universities, public*  
24 *elementary and secondary education facilities, and businesses to create a*  
25 *secure cyberinfrastructure;*

26 *(c) Educate state and local agencies and private sector participants about how*  
27 *to maintain secure cyberinfrastructure; and*

1        (d) Accelerate the adoption of cybersecurity systems in the state by combining  
2            the assets of higher education, state and federal agencies, and private  
3            companies.

4        (4) The council shall determine the terms, conditions, and requirements for  
5            applications submitted under Section 3 of this Act. The council may establish  
6            procedures and standards for the review and approval of eligible grant awards  
7            through the promulgation of administrative regulations in accordance with KRS  
8            Chapter 13A.

9        (5) The president of the council shall have the authority to hire staff, contract for  
10           services, expend funds, and operate the normal business activities of the program.

11        ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO  
12        READ AS FOLLOWS:

13        (1) The KentuckyCYBER Governing Board is hereby created and attached to the  
14           council.

15        (2) The board shall be composed of the president or designee of any participating  
16           institution. A postsecondary education system that chooses to participate in the  
17           program shall submit a letter of intent to the president of the council and tender a  
18           copy of the letter to the Legislative Research Commission.

19        (3) The chair of the board shall be chosen by a majority of members present at the  
20           first meeting. Determinations of the board shall require a vote of a majority of the  
21           members present.

22        (4) The board shall meet at least quarterly, and may meet more frequently upon the  
23           call of the chair.

24        (5) The duties of every participating institution shall include but not be limited to:

25           (a) Training and upskilling a workforce to provide cybersecurity solutions for  
26            Kentucky businesses, state and local government, and federal, state, and  
27            local law enforcement;

- 1        (b) Providing cybersecurity resources, including but not limited to cyber ranges  
2        and incident response teams, to assist state and local government, major  
3        economic sectors including healthcare and manufacturing, and critical  
4        infrastructure systems operators throughout Kentucky;
- 5        (c) Enhancing economic development through cybersecurity initiatives that  
6        serve major economic sectors of Kentucky;
- 7        (d) Creating a cyber-innovation ecosystem for state and federal government,  
8        law enforcement, the private sector, and K-12 and higher education  
9        institutions to innovate rapidly and strengthen Kentucky's cybersecurity  
10       defenses with a qualified workforce;
- 11       (e) Establishing cybersecurity research centers and provide support to build the  
12       research capacity necessary to successfully compete for projects funded by  
13       the federal government and private industry participants; and
- 14       (f) Providing nonpartisan cybersecurity advice and recommendations to  
15       Kentucky policymakers.
- 16       (6) Nothing in this section shall require any postsecondary education system  
17       institution not participating in the KentuckyCYBER Program to cooperate with  
18       the board in carrying out the provisions of subsection (5) of this section.
- 19       ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO  
20       READ AS FOLLOWS:
- 21       (1) There is hereby created a trust and agency fund to be known as the  
22       KentuckyCYBER fund. The fund shall consist of moneys appropriated by the  
23       General Assembly, contributions, gifts, or grants made available for the purposes  
24       set forth in subsection (5) of Section 2 of this Act. Any allocations made to a  
25       participating institution from this fund shall be excluded from the comprehensive  
26       funding model established in KRS 164.092.
- 27       (2) The fund shall be administered by the council subject to approval by the board.

- 1 (3) Amounts deposited in the fund shall be allocated based on the application by a  
2 participating institution to the council and subject to approval by the board.
- 3 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of  
4 the fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- 5 (5) Any interest earnings of the fund shall become a part of the fund and shall not  
6 lapse.
- 7 (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth  
8 in subsection (5) of Section 2 of this Act and shall not be appropriated or  
9 transferred by the General Assembly for any other purpose.
- 10 (7) Any state or federal funds appropriated or other monies granted to a participating  
11 institution for enhancement of other security programs shall not be subject to the  
12 provisions of this section.