

# HOUSE BILL No. 4508

April 25, 2017, Introduced by Reps. Iden, Lucido, Sheppard and Webber and referred to the Committee on Communications and Technology.

A bill to create a program under which volunteers may provide services to organizations in this state to respond to cybersecurity incidents; to provide for protection from liability for personal injury and property damage; to provide for the powers and duties of state governmental officers and agencies; and to create the Michigan cyber civilian corps advisory board and prescribe its powers and duties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the "cyber  
2 civilian corps act".

3       Sec. 2. As used in this act:

4       (a) "Advisory board" means the Michigan cyber civilian corps

1 advisory board created under section 8.

2 (b) "Chief information officer" means the individual within  
3 the department designated by the governor as the chief information  
4 officer for this state.

5 (c) "Client" means a municipal, educational, nonprofit, or  
6 business organization that has requested and is using the rapid  
7 response assistance of the Michigan cyber civilian corps under the  
8 direction of the department.

9 (d) "Cybersecurity incident" means an event occurring on or  
10 conducted through a computer network that actually or imminently  
11 jeopardizes the integrity, confidentiality, or availability of  
12 computers, information or communications systems or networks,  
13 physical or virtual infrastructure controlled by computers or  
14 information systems, or information resident on any of these.  
15 Cybersecurity incident includes, but is not limited to, the  
16 existence of a vulnerability in an information system, system  
17 security procedures, internal controls, or implementation that is  
18 subject to exploitation.

19 (e) "Department" means the department of technology,  
20 management, and budget.

21 (f) "Michigan cyber civilian corps" means the program  
22 established by this act under which civilian volunteers who have  
23 expertise in addressing cybersecurity incidents may volunteer at  
24 the invitation of the department to provide rapid response  
25 assistance to a municipal, educational, nonprofit, or business  
26 organization in need of expert assistance during a cybersecurity  
27 incident.

1 (g) "Michigan cyber civilian corps volunteer" means an  
2 individual who has entered into a volunteer agreement with the  
3 department to serve as a volunteer in the Michigan cyber civilian  
4 corps.

5 (h) "Volunteer agreement" means the contract entered into  
6 between the department and a Michigan cyber civilian corps  
7 volunteer under section 4.

8 Sec. 3. (1) The department may appoint individuals to serve as  
9 Michigan cyber civilian corps volunteers for the purposes of  
10 facilitating the responsibilities of the department as provided in  
11 this act. Except as otherwise provided in this act, while a  
12 Michigan cyber civilian corps volunteer is deployed as provided in  
13 section 7, the Michigan cyber civilian corps volunteer has the same  
14 immunity from civil liability as a department employee and must be  
15 treated in the same manner as a department employee, as provided in  
16 sections 7 and 8 of 1964 PA 170, MCL 691.1407 and 691.1408.

17 (2) If a Michigan cyber civilian corps volunteer materially  
18 breaches his or her volunteer agreement, the Michigan cyber  
19 civilian corps volunteer is not acting on behalf of the department,  
20 and thus loses the immunity from civil liability described in  
21 subsection (1).

22 Sec. 4. The department shall enter into a contract with any  
23 individual who wishes to accept an invitation by the department to  
24 serve as a Michigan cyber civilian corps volunteer. The contract  
25 must include, at a minimum, all of the following:

26 (a) A provision acknowledging the confidentiality of  
27 information relating to this state, state residents, and clients.

1 (b) A provision protecting from disclosure any confidential  
2 information of this state, state residents, or clients acquired by  
3 the Michigan cyber civilian corps volunteer through participation  
4 in the Michigan cyber civilian corps.

5 (c) A provision requiring the Michigan cyber civilian corps  
6 volunteer to avoid conflicts of interest that might arise from a  
7 particular deployment.

8 (d) A provision requiring the Michigan cyber civilian corps  
9 volunteer to comply with all existing department security policies  
10 and procedures regarding information technology resources.

11 (e) A provision requiring the Michigan cyber civilian corps  
12 volunteer to consent to background screening considered appropriate  
13 by the department under this act, and a section in which the  
14 individual gives that consent as described in section 5.

15 (f) A provision requiring the Michigan cyber civilian corps  
16 volunteer to attest that he or she meets any standards of expertise  
17 that may be established by the department.

18 Sec. 5. (1) When an individual accepts an invitation to serve  
19 as a Michigan cyber civilian corps volunteer as described in  
20 section 4, the department shall request the department of state  
21 police to do both of the following:

22 (a) Conduct a criminal history check on the individual.

23 (b) Conduct a criminal records check through the Federal  
24 Bureau of Investigation on the individual.

25 (2) An individual who accepts an invitation to the Michigan  
26 cyber civilian corps shall give written consent in the volunteer  
27 agreement for the department of state police to conduct the

1 criminal history check and criminal records check required under  
2 this section. The department shall require the individual to submit  
3 his or her fingerprints to the department of state police and the  
4 Federal Bureau of Investigation for the criminal records check.

5 (3) The department shall request a criminal history check and  
6 criminal records check under this section on all individuals who  
7 wish to participate as Michigan cyber civilian corps volunteers.  
8 The department shall make the request on a form and in the manner  
9 prescribed by the department of state police.

10 (4) Within a reasonable time after receiving a complete  
11 request by the department for a criminal history check and criminal  
12 records check on an individual under this section, the department  
13 of state police shall conduct the criminal history check and  
14 provide a report of the results to the department. The report must  
15 contain any criminal history record information on the individual  
16 maintained by the department of state police.

17 (5) Within a reasonable time after receiving a proper request  
18 by the department for a criminal records check on an individual  
19 under this section, the department of state police shall initiate  
20 the criminal records check. After receiving the results of the  
21 criminal records check from the Federal Bureau of Investigation,  
22 the department of state police shall provide a report of the  
23 results to the department.

24 (6) The department of state police may charge the department a  
25 fee for a criminal history check or a criminal records check  
26 required under this section that does not exceed the actual and  
27 reasonable cost of conducting the check. The department may pass

1 along to the individual the actual cost or fee charged by the  
2 department of state police for performing a criminal history check  
3 or a criminal records check required under this section.

4 Sec. 6. (1) A Michigan cyber civilian corps volunteer is not  
5 an agent, employee, or independent contractor of this state for any  
6 purpose and has no authority to bind this state with regard to  
7 third parties.

8 (2) This state is not liable to a Michigan cyber civilian  
9 corps volunteer for personal injury or property damage suffered by  
10 the Michigan cyber civilian corps volunteer through participation  
11 in the Michigan cyber civilian corps.

12 Sec. 7. (1) On the occurrence of a cybersecurity incident that  
13 affects a client, the client may request the department to deploy 1  
14 or more Michigan cyber civilian corps volunteers to provide rapid  
15 response assistance under the direction of the department.

16 (2) The department, in its discretion, may initiate deployment  
17 of Michigan cyber civilian corps volunteers upon the occurrence of  
18 a cybersecurity incident and the request of a client.

19 (3) Acceptance of a deployment by a Michigan cyber civilian  
20 corps volunteer for a particular cybersecurity incident must be  
21 made in writing. A Michigan cyber civilian corps volunteer may  
22 decline to accept deployment for any reason.

23 (4) To initiate the deployment of a Michigan cyber civilian  
24 corps volunteer for a particular cybersecurity incident, the  
25 department shall indicate in writing that the Michigan cyber  
26 civilian corps volunteer is authorized to provide the assistance. A  
27 single writing may initiate the deployment of more than 1 Michigan

1 cyber civilian corps volunteer.

2 (5) The department shall maintain a writing initiating the  
3 deployment of a Michigan cyber civilian corps volunteer to provide  
4 assistance to a client for 6 years from the time of deployment or  
5 for the time required under the department's record retention  
6 policies, whichever is longer.

7 (6) The deployment of a Michigan cyber civilian corps  
8 volunteer to provide assistance to a client must be for 7 days  
9 unless the writing initiating the deployment contains a different  
10 period.

11 (7) At the direction of the department, the deployment of a  
12 Michigan cyber civilian corps volunteer may be extended in writing  
13 in the same manner as the initial deployment.

14 Sec. 8. (1) The Michigan cyber civilian corps advisory board  
15 is created as an advisory body within the department.

16 (2) The Michigan cyber civilian corps advisory board is  
17 composed of the adjutant general, the director of the department,  
18 the director of the department of state police, and the director of  
19 the department of talent and economic development or their  
20 designees.

21 (3) The Michigan cyber civilian corps advisory board shall  
22 review and make recommendations to the department regarding the  
23 policies and procedures used by the department in implementing this  
24 act.

25 Sec. 9. (1) After consultation with the advisory board, the  
26 chief information officer shall do both of the following:

27 (a) Approve the set of tools that the Michigan cyber civilian

1 corps may use in response to a cybersecurity incident.

2 (b) Determine the standards of expertise necessary for an  
3 individual to become a member of the Michigan cyber civilian corps.

4 (2) After consultation with the advisory board, the department  
5 shall publish guidelines for the operation of the Michigan cyber  
6 civilian corps program. At a minimum, the published guidelines must  
7 include the following:

8 (a) An explanation of the standard the department will use to  
9 determine whether an individual may serve as a Michigan cyber  
10 civilian corps volunteer and an explanation of the process by which  
11 an individual may become a Michigan cyber civilian corps volunteer.

12 (b) An explanation of the requirements the department will  
13 impose for a client to receive the assistance of the Michigan cyber  
14 civilian corps and an explanation of the process by which a client  
15 may request and receive the assistance of the Michigan cyber  
16 civilian corps.

17 (3) The department may enter into contracts with clients as a  
18 condition to providing assistance through the Michigan cyber  
19 civilian corps.

20 (4) The department may provide appropriate training to  
21 individuals who wish to participate in the Michigan cyber civilian  
22 corps and to existing Michigan cyber civilian corps volunteers.

23 (5) The department may provide compensation for actual and  
24 necessary travel and subsistence expenses incurred by Michigan  
25 cyber civilian corps volunteers on a deployment at the discretion  
26 of the department.

27 (6) The department may establish a fee schedule for clients



1 that wish to use the assistance of the Michigan cyber civilian  
2 corps. The department may recoup expenses through the fees but may  
3 not generate a profit.