

Legislative Analysis



MICHIGAN CYBER CIVILIAN CORPS ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5426 (proposed substitute H-1)
Sponsor: Rep. Matt Hall

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5427 (proposed substitute H-1)
Sponsor: Rep. Greg VanWoerkom

Committee: Oversight
Complete to 2-19-20

SUMMARY:

House Bills 5426 and 5427 would amend the Cyber Civilian Corps Act to revise definitions, to ensure that volunteers with the Michigan Cyber Civilian Corps (MiC3) meet criteria to qualify as a volunteer, to distinguish between *deployable* and *nondeployable* volunteers, and to track volunteer and advisor trainings.

The Michigan Cyber Civilian Corps, or MiC3, is a program operated by the Cybersecurity and Infrastructure Protection Division of the Department of Technology, Management, and Budget (DTMB) under which cybersecurity experts may volunteer to assist municipal, educational, nonprofit, or business organizations during a cybersecurity incident. MiC3 includes volunteers from government, education, and business sectors.

House Bill 5426 would amend the act to allow DTMB to appoint individuals to serve as *advisors*, in addition to volunteers as under current law, and revise provisions in the act to apply also to advisors.

Michigan Cyber Civilian Corps advisor or *advisor* would be defined as an individual who has entered into a volunteer agreement with DTMB to serve as a nondeployable advisor in the MiC3.

In addition, the current definition for “Michigan Cyber Civilian Corps volunteer” would be revised to mean an individual who has entered into a volunteer agreement with the DTMB to serve as a deployable volunteer in the MiC3.

Currently, DTMB must enter into a contract with any individual wishing to accept an invitation by the department to serve as an MiC3 volunteer. The bill would apply the provision also to MiC3 advisors and specify that volunteers and advisors must meet the qualifying criteria for those positions as determined by the Michigan Cyber Civilian Corps Advisory Board.

The act requires individuals who accept an invitation to serve in the MiC3 to undergo a state and national criminal history check. The bill would add that if a background check results in previous criminal history, the individual could appeal to the DTMB director, or his or her designee, for nondeployable Michigan Cyber Civilian Corps advisor status. MiC3 volunteers or advisors could not engage in training until either the background check or appeal regarding the background check process was completed.

Finally, the act's current definitions of "client" and "Michigan Cyber Civilian Corps" include business organizations as, respectively, entities that request and use MiC3 assistance and entities to which MiC3 volunteers provide rapid response assistance. The bill would replace "business organization" with "*critical infrastructure* organization" in each definition.

Critical infrastructure would mean systems and assets, whether physical or virtual, so vital to the United States or Michigan that the incapacity or destruction of that system or asset would have a debilitating impact on security, economic security, public health or safety, or any combination of these as determined by DTMB.

MCL 18.222 et seq.

House Bill 5427 would amend the act to require the advisory board to meet at least twice annually and require it to review and make recommendations on individuals applying for nondeployable advisor status. The chief information officer, after consulting with the advisory board, would have to establish and maintain a formal process to track volunteer and advisor trainings and compliance with standards as determined by DTMB.

Currently, DTMB must publish guidelines for the operation of the MiC3 program. The bill would add the following as one of the required guidelines: an explanation of the process by which the MiC3 will select and prioritize which prospective clients should receive assistance.

MCL 18.229 and 18.230

The bills are tie-barred to each other, which means that neither could become law unless both were enacted.

FISCAL IMPACT:

The bills would not have a significant fiscal impact on the state or on local units of government. HB 5426 would require volunteers to complete a criminal background check before engaging in training. If there are any active members that have not completed their background checks, they would be required to do so in order to retain membership. DTMB would pay the cost of criminal history background checks, which are \$42 each, with \$30 going to the Michigan State Police and \$12 going to the Federal Bureau of Investigation.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.