

HOUSE BILL No. 4729

March 31, 2009, Introduced by Reps. Angerer, Sheltroun, Leland, Bolger, Melton, Durhal, Lori, Meadows and Dean and referred to the Committee on Judiciary.

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 14; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14. (1) THE IDENTITY THEFT PROTECTION COMMISSION IS
2 ESTABLISHED IN THE DEPARTMENT OF INFORMATION TECHNOLOGY.

3 (2) THE IDENTITY THEFT COMMISSION SHALL CONSIST OF 9 MEMBERS
4 AS FOLLOWS:

5 (A) THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY
6 OR HIS OR HER DESIGNATED REPRESENTATIVE, WHO SHALL SERVE AS
7 CHAIRPERSON OF THE COMMISSION.

8 (B) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
9 HER DESIGNATED REPRESENTATIVE.

1 (C) THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND INSURANCE
2 REGULATION OR HIS OR HER DESIGNATED REPRESENTATIVE.

3 (D) THE STATE TREASURER OR HIS OR HER DESIGNATED
4 REPRESENTATIVE.

5 (E) THREE MEMBERS OF THE GENERAL PUBLIC TO REPRESENT THE
6 INTERESTS OF CONSUMERS, 1 MEMBER APPOINTED BY THE GOVERNOR, 1
7 MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3 OR MORE NOMINEES
8 SUBMITTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND 1
9 MEMBER APPOINTED BY THE GOVERNOR FROM A LIST OF 3 OR MORE NOMINEES
10 SUBMITTED BY THE MAJORITY LEADER OF THE SENATE.

11 (F) TWO MEMBERS OF THE BUSINESS COMMUNITY, APPOINTED BY THE
12 GOVERNOR.

13 (3) BY SEPTEMBER 30, 2011, THE IDENTITY THEFT COMMISSION SHALL
14 DO ALL OF THE FOLLOWING:

15 (A) ORGANIZE AND ADOPT STANDARDS GOVERNING THE COMMISSION'S
16 FORMAL AND INFORMAL PROCEDURES.

17 (B) KEEP A RECORD OF THE PROCEEDINGS AND ACTIVITIES OF THE
18 COMMISSION.

19 (C) REVIEW AND PROVIDE RECOMMENDATIONS TO THE GOVERNOR
20 CONCERNING STATE RULES, GUIDELINES, OR PROCEDURES RELATED TO
21 IDENTITY THEFT PROTECTION AND PREVENTION.

22 (D) REVIEW AND PROVIDE RECOMMENDATIONS TO THE LEGISLATURE
23 CONCERNING LEGISLATIVE ACTION RELATED TO IDENTITY THEFT PROTECTION
24 AND PREVENTION.

25 (E) PROVIDE RECOMMENDATIONS TO THE PUBLIC CONCERNING BUSINESS
26 PRACTICES RELATED TO IDENTITY THEFT PROTECTION AND PREVENTION.

27 (F) PROVIDE RECOMMENDATIONS TO STATE AGENCIES AND DEPARTMENTS

1 ON REDUCING THE USE OF SOCIAL SECURITY NUMBERS BY THOSE AGENCIES OR
2 DEPARTMENTS.

3 (G) ESTABLISH A PROCESS FOR RECOGNIZING PERSONS OR AGENCIES
4 THAT HAVE EXEMPLARY BUSINESS PRACTICES IN IDENTITY THEFT PROTECTION
5 AND PREVENTION.

6 (H) MAKE RECOMMENDATIONS TO THE DEPARTMENT OF INFORMATION
7 TECHNOLOGY CONCERNING THE DESIGN AND CONTENT OF THE IDENTITY THEFT
8 INFORMATION WEBSITE DESCRIBED IN SUBSECTION (9).

9 (I) PERFORM ANY OTHER DUTIES THE COMMISSION DETERMINES ARE
10 APPROPRIATE RELATED TO IDENTITY THEFT PROTECTION AND PREVENTION.

11 (4) A MAJORITY OF THE MEMBERS OF THE IDENTITY THEFT COMMISSION
12 CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING BUSINESS AND
13 EXERCISING THE POWERS OF THE IDENTITY THEFT COMMISSION. OFFICIAL
14 ACTION OF THE IDENTITY THEFT COMMISSION MAY BE TAKEN UPON A VOTE OF
15 A MAJORITY OF THE MEMBERS OF THE IDENTITY THEFT COMMISSION.

16 (5) THE IDENTITY THEFT COMMISSION MAY ADOPT, AMEND, AND
17 RESCIND BYLAWS, RULES, AND REGULATIONS FOR THE CONDUCT OF ITS
18 BUSINESS.

19 (6) MEMBERS OF THE IDENTITY THEFT COMMISSION SHALL SERVE
20 WITHOUT COMPENSATION, BUT ARE ENTITLED TO ACTUAL AND NECESSARY
21 EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES UNDER THIS
22 SECTION.

23 (7) THE COMMISSION SHALL CONDUCT ITS BUSINESS AT PUBLIC
24 MEETINGS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA
25 267, MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED, IN THE
26 POSSESSION OF, OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF
27 AN OFFICIAL FUNCTION SHALL BE AVAILABLE TO THE PUBLIC IN COMPLIANCE

1 WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
2 15.246.

3 (8) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE
4 STAFF ASSISTANCE TO THE IDENTITY THEFT COMMISSION AS NECESSARY TO
5 CARRY OUT THE COMMISSION'S DUTIES UNDER THIS SECTION.

6 (9) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL ESTABLISH
7 AND MAINTAIN AN IDENTITY THEFT INFORMATION WEBSITE. THE DEPARTMENT
8 OF INFORMATION TECHNOLOGY SHALL CONSIDER THE RECOMMENDATIONS OF THE
9 IDENTITY THEFT COMMISSION IN SELECTING THE DESIGN AND CONTENT OF
10 THE WEBSITE.

11 Enacting section 1. Section 14 of the identity theft
12 protection act, 2004 PA 452, MCL 445.74, is repealed effective
13 December 31, 2011.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 95th Legislature are
16 enacted into law:

17 (a) Senate Bill No.____ or House Bill No. 4730(request no.
18 01597'09).

19 (b) Senate Bill No.____ or House Bill No. 4731(request no.
20 01598'09).

21 (c) Senate Bill No.____ or House Bill No. 4732(request no.
22 01599'09).

23 (d) Senate Bill No.____ or House Bill No. 4733(request no.
24 01600'09).

25 (e) Senate Bill No.____ or House Bill No. 4734(request no.
26 01602'09).