

SUBSTITUTE FOR  
HOUSE BILL NO. 6104

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

1 HER DESIGNATED REPRESENTATIVE.

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

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

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

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

14 (3) BY SEPTEMBER 30, 2010, THE IDENTITY THEFT COMMISSION SHALL  
15 DO ALL OF THE FOLLOWING:

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

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

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

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

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

1 (F) PROVIDE RECOMMENDATIONS TO STATE AGENCIES AND DEPARTMENTS  
2 ON REDUCING THE USE OF SOCIAL SECURITY NUMBERS BY THOSE AGENCIES OR  
3 DEPARTMENTS.

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

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

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

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

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

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

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

1 AN OFFICIAL FUNCTION SHALL BE AVAILABLE TO THE PUBLIC IN COMPLIANCE  
2 WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
3 15.246.

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

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

12 Enacting section 1. Section 14 of the identity theft  
13 protection act, 2004 PA 452, MCL 445.74, is repealed effective  
14 December 31, 2010.

15 Enacting section 2. This amendatory act takes effect November  
16 1, 2008.

17 Enacting section 3. This amendatory act does not take effect  
18 unless all of the following bills of the 94th Legislature are  
19 enacted into law:

20 (a) House Bill No. 6099.

21 (b) House Bill No. 6100.

22 (c) House Bill No. 6101.

23 (d) House Bill No. 6102.

24 (e) House Bill No. 6103.

25 (f) House Bill No. 6105.