**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor of Guam*

MAY 19 2016

33-16-1653
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 05-19-16
Time: 3:22pm
Received By:

Honorable Judith T. Won Pat, Ed.D.
Speaker
*I Mina'trentai Tres Na Liheslaturan Guåhan*
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 232-33 (LS), "**AN ACT TO *AMEND* § 74108 OF CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE CIVIL PENALTIES FOR SCRAP METAL BUSINESSES WHO FAIL TO PROPERLY FOLLOW REPORTING REQUIREMENTS AS PER GUAM LAW; TO *AMEND* SUBSECTION (a) AND *ADD* A NEW SUBSECTION (b) TO § 77134, ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEPOSIT OF ANY FINES IMPOSED ON SCRAP METAL BUSINESSES IN THE POLICE SERVICES FUND AND THE COPPER VICTIMS FUND; AND TO *ADD* A NEW § 74110 TO CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE POSTING OF SIGNS INDICATING PENALTIES,**" which was signed into law on May 17, 2016, as **Public Law 33-155.**

2016 MAY 19 PM 4:12

*Senseramente,*

**EDDIE BAZA CALVO**

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*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*
**2016 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

This is to certify that **Bill No. 232-33 (LS), "AN ACT TO *AMEND* § 74108 OF CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE CIVIL PENALTIES FOR SCRAP METAL BUSINESSES WHO FAIL TO PROPERLY FOLLOW REPORTING REQUIREMENTS AS PER GUAM LAW; TO *AMEND* SUBSECTION (a) AND *ADD* A NEW SUBSECTION (b) TO § 77134, ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEPOSIT OF ANY FINES IMPOSED ON SCRAP METAL BUSINESSES IN THE POLICE SERVICES FUND AND THE COPPER VICTIMS FUND; AND TO *ADD* A NEW § 74110 TO CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE POSTING OF SIGNS INDICATING PENALTIES,"** was on the 3rd day of May 2016, duly and regularly passed.

**Judith T. Won Pat, Ed.D.**
**Speaker**

Attested:

**Tina Rose Muña Barnes**
**Legislative Secretary**

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This Act was received by *I Maga'låhen Guåhan* this 5 day of May, 2016, at 4:44 o'clock ____.M.

Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

EDWARD J.B. CALVO
*I Maga'låhen Guåhan*

Date: MAY 17 2016

Public Law No. 33-155

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*
**2016 (SECOND) Regular Session**

**Bill No. 232-33 (LS)**
As amended by the Committee on Finance
and Taxation, General Government Operations,
and Youth Development;
and further amended on the Floor.

Introduced by:

Brant T. McCreadie
James V. Espaldon
V. Anthony Ada
Frank F. Blas, Jr.
Tommy Morrison
Mary Camacho Torres
Dennis G. Rodriguez, Jr.
T. C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
T. R. Muña Barnes
R. J. Respicio
Michael F.Q. San Nicolas
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* § 74108 OF CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE CIVIL PENALTIES FOR SCRAP METAL BUSINESSES WHO FAIL TO PROPERLY FOLLOW REPORTING REQUIREMENTS AS PER GUAM LAW; TO *AMEND* SUBSECTION (a) AND *ADD* A NEW SUBSECTION (b) TO § 77134, ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEPOSIT OF ANY FINES IMPOSED ON SCRAP METAL BUSINESSES IN THE POLICE SERVICES FUND AND THE COPPER VICTIMS FUND; AND TO *ADD* A NEW § 74110 TO CHAPTER 74, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE POSTING OF SIGNS INDICATING PENALTIES.**



Doc. No. 33GL-16-1653

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 29-70 greatly increased the reporting requirements of scrap metal businesses in an effort to curb the rash of thefts of copper wire and other nonferrous metals that were occurring in our community. However, *I Liheslaturan Guåhan* finds that scrap metal dealers have failed to properly maintain records of nonferrous metal transactions, and more stringent civil penalties are required to deter scrap metal businesses from failing to report all nonferrous metal property purchases as required by Guam law.

Therefore, it is the intent of *I Liheslaturan Guåhan* to amend § 74108 of Chapter 74, Title 11, GCA, to increase the civil penalties for scrap metal businesses who fail to comply with reporting requirements; and amend § 77134(a) of Article 1, Chapter 77, Title 10, GCA, to deposit the fines for such civil penalties in the "Police Services Fund."

**Section 2.** § 74108 of Chapter 74, Title 11, Guam Code Annotated, is hereby *amended* to read:

"**§ 74108. Civil Penalties.**

Each violation of the requirements of this Chapter *shall* be punishable, upon conviction, by a fine of *not less than* One Hundred Thousand Dollars ($100,000) and the permanent revocation of a scrap metal business' business license."

**Section 3. Deposit of Fines.** Subsection (a) is *amended*, a new Subsection (b) is *added,* and the current Subsection (b) is renumbered to Subsection (c) of § 77134 of Article 1, Chapter 77, Title 10, Guam Code Annotated to read:

"(a) The Chief of Police may prescribe, in accordance with the Administrative Adjudication Law, fees to be charged and collected by the

Department that are directly related to the need of the agency to recover administrative costs in servicing the public. These fees and the fines imposed under § 74108 of Chapter 74, Title 11, Guam Code Annotated, less the amounts deposited into the "Copper Victims Fund" pursuant to Subsection (b), *shall* be deposited in a special account known as the "Police Services Fund," established separate and apart from the General Fund to be administered by the Director of Administration for the benefit of the Guam Police Department. *I Liheslaturan Guåhan* (the Guam Legislature) *shall* make appropriations from the "Police Services Fund" for the purpose of funding the general operational needs of the Guam Police Department on a fiscal year basis. These funds, once appropriated to the Department, are *not* subject to the transfer authority of *I Maga'låhi* (the Governor).

(b) An amount equivalent to the value of the stolen copper wire as determined by the Attorney General of Guam *shall* be deposited in a special account known as the "Copper Victims Fund," established separate and apart from the General Fund to be administered by the Attorney General for the benefit of the victims of copper theft. These funds are *not* subject to the transfer authority of *I Maga'låhi* (the Governor)."

**Section 4.** A new § 74110 is *added* to Chapter 74, Title 11, Guam Code Annotated, to read:

"**§ 74110. Posting of Signs.**

Each scrap metal business *shall* erect and maintain a sign in a conspicuous place on the premises to indicate the penalties for a violation of this Chapter. Each sign *shall* read with letters of *not less than* two inches (2″) in height:

Each violation of Chapter 74 of Title 11, Guam Code Annotated, relative to the requirements for purchasing or receiving non-ferrous metal

1 property *shall* be punishable, upon conviction, by a fine of *not less than*
2 $100,000 and the permanent revocation of a scrap metal business' business
3 license."

4 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

5 **Section 6. Severability.** *If* any provision of this Act or its application to
6 any person or circumstance is found to be invalid or contrary to law, such
7 invalidity *shall not* affect other provisions or applications of this Act that can be
8 given effect without the invalid provisions or application, and to this end the
9 provisions of this Act are severable.