

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
395-32 (COR)	Brant McCreadie	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.	9/4/14 11:31 a.m.	09/04/14	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			Fiscal Note Requested 9/5/14 Fiscal Note Recd 9/19/14



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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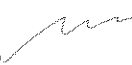
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 19, 2014

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Fiscal Notes & Waiver**

Hafa Adai!

Attached please find the fiscal notes and waiver for the bill numbers listed below. Please note that the fiscal note and waiver is issued on the bills as introduced.

FISCAL NOTE:

- Bill No. 281-32 (COR)
- Bill No. 285-32 (COR)
- Bill No. 388-32 (LS)
- Bill No. 395-32 (COR)

WAIVER:

- Bill No. 346-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2014 SEP 19 AM 11:54

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

ANTHONY C. BLAZ
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
ACTING DEPUTY DIRECTOR

SEP 18 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 281-32(COR), 285-32(COR), 388-32(LS), 395-32(COR) and Fiscal Note Waiver on the following Bill No.: 346-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

ANTHONY C. BLAZ
Acting Director

Enclosures

**Bureau of Budget & Management Research
Fiscal Note for Bill No. 395-32 (COR)**

AN ACT TO ADD 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.

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	\$ 11,817,973
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$ 11,817,973

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance			
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-068)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept./agency? If no, indicate reason: /x/ Yes // No
/x/ Requested agency comments not received by due date // Other: _____

Analyst: <u>Matt Quinata</u>	Date: <u>9/17/14</u>	Director: <u>Anthony C. Blaz, Acting BMMR Director</u>	Date: <u>SEP 10 2014</u>
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Footnotes:
See attachment to fiscal note.

**Bureau of Budget & Management Research
Attachment to Fiscal Note No. 395-32 (COR)**

Comments

The proposed bill intends to increase the monetary penalties to scrap metal business owners who fail to comply with reporting requirements for their businesses. Monetary penalties increased from One and Two Thousand dollars (\$1,000 and \$2,000) to Twenty-Thousand dollars (\$20,000) for first and second violations respectively. A third violation results in a permanent revocation of their scrap metal business license. The severe penalties introduced in this bill will deter business owners from ignoring the reporting requirements and possibly entertaining individuals who are stealing metal products from the community. With the stiff monetary penalties, businesses will be more cognizant of its requirements to the government and any penalties collected will be infrequent. However, assuming 2-3 metal business owners fail to comply, penalties for 3 businesses will result in \$60,000 in collected penalties rather than \$3,000 to \$6,000 dollars depending on the number of violations per business. The bill will basically increase penalties by 900%.



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September 5, 2014

VIA E-MAIL
joey.calvo@bbmr.guam.gov

Jose S. Calvo
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 394-32 (COR) and 395-32(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
394-32 (COR)	B. J. F. Cruz	AN ACT TO ADD A NEW ARTICLE 5 TO TITLE 4, CHAPTER 8, OF THE GUAM CODE ANNOTATED TO CREATE A NEW “HYBRID” RETIREMENT SYSTEM WITH MANDATORY PARTICIPATION BY GOVERNMENT OF GUAM EMPLOYEES HIRED AFTER DECEMBER 31, 2014; WITH OPTIONAL PARTICIPATION FOR DEFINED CONTRIBUTION RETIREMENT SYSTEM PARTICIPANTS WHO ELECT TO TRANSFER TO THE NEW HYBRID PLAN IN ACCORDANCE WITH REGULATIONS TO BE PROMULGATED.
395-32 (COR)	Brant McCreadie	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.



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Member

September 4, 2014

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 395-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 395-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 395-32(002)

Introduced by:

Brant McCreadie 

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.

2014 SEP -11 AM 11:31 

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Public Law 29-70 greatly increased the reporting requirements for scrap metal
4 businesses in an effort to curb the rash of copper wire and other non-ferrous metals
5 thefts occurring in our community. However, *I Liheslaturan Guåhan* further finds that
6 scrap metal dealers have failed to properly maintain records of non-ferrous metal
7 transactions. More stringent civil penalties are required to detract scrap metal
8 businesses from failing to report all non-ferrous metal property purchases as required
9 by Guam law.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §74108 of Chapter
11 74, Title 11 Guam Code Annotated to increase the civil penalties for scrap metal
12 businesses who fail to comply with reporting requirements.

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

1 “§ 74108. Civil Penalties.

2 (a) ~~Each~~ The first violation of the requirements of this Chapter shall be
3 punishable, upon conviction, by a fine of not more than ~~One~~ Twenty Thousand
4 Dollars (\$20,000.00) and the suspension of a scrap metal business’ business
5 license for a period of ninety (90) days.

6 (b) ~~Within two (2) years of being convicted of a violation of any of the~~
7 ~~requirements of this Chapter, each subsequent~~ The second violation of the
8 requirements of this Chapter shall be punishable, upon conviction, by a fine of
9 not more than ~~Two~~ Twenty Thousand Dollars (\$20,000.00) and the suspension
10 of a scrap metal business’ business license for a period of one year.

11 (c) The third violation of the requirements of this Chapter shall be
12 punishable, upon conviction, by a permanent revocation of a scrap metal
13 business’ business license.”

14 **Section 3. Effective Date.** This Act shall be effective immediately upon
15 enactment.

16 **Section 4. Severability.** *If* any provision of this Law or its application to any
17 person or circumstance is found to be invalid or contrary to law, such invalidity shall
18 *not* affect other provisions or applications of this Law which can be given effect
19 without the invalid provisions or application, and to this end the provisions of this
20 Law are severable.