



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 5, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

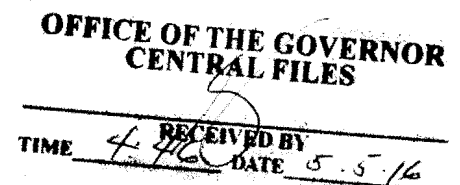
Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 232-33 (LS), 263-33 (LS), 268-33 (LS), 284-33 (COR), 287-33 (COR), and 290-33 (COR); and Substitute Bill Nos. 2-33 (LS), 161-33 (COR), 190-33 (COR), 276-33 (COR) and 295-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 3, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (11)



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.

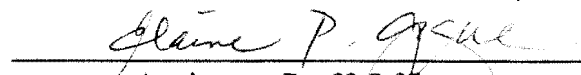


Judith T. Won Pat, Ed.D.
Speaker

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 4:46 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

OFFICE OF THE GOVERNOR
CENTRAL FILES

Date: _____

RECEIVED BY _____
TIME 4:46 DATE 5.16

Public Law No. _____

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.

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

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

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

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

17 **“§ 74108. Civil Penalties.**

18 Each violation of the requirements of this Chapter *shall* be punishable,
19 upon conviction, by a fine of *not less than* One Hundred Thousand Dollars
20 (\$100,000) and the permanent revocation of a scrap metal business’ business
21 license.”

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

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

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

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

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

21 **“§ 74110. Posting of Signs.**

22 Each scrap metal business *shall* erect and maintain a sign in a
23 conspicuous place on the premises to indicate the penalties for a violation of
24 this Chapter. Each sign *shall* read with letters of *not less than* two inches
25 (2”) in height:

26 Each violation of Chapter 74 of Title 11, Guam Code Annotated,
27 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.