

*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
404-32 (LS)	Brant T. McCreddie, Dennis G. Rodriguez, Jr.	AN ACT TO <i>AMEND</i> §74103 AND §74104, AND TO <i>ADD</i> A NEW §74110 TO CHAPTER 74, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MANDATORY INSPECTION AND CERTIFICATION OF ALL NONFERROUS METAL PROPERTY PRIOR TO A TRANSACTION OF SALE AT A SCRAP METAL BUSINESS.	9/30/14 10:41 a.m.	09/30/14	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

September 30, 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. 404-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 404-32(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. 404-32 (LS)

Introduced by:

Brant McCreadie  
D.G. RODRIGUEZ JR

**AN ACT TO AMEND §74103 AND §74104, AND TO  
ADD A NEW §74110 TO CHAPTER 74, TITLE 11  
GUAM CODE ANNOTATED RELATIVE TO  
ESTABLISHING MANDATORY INSPECTION AND  
CERTIFICATION OF ALL NONFERROUS METAL  
PROPERTY PRIOR TO A TRANSACTION OF SALE  
AT A SCRAP METAL BUSINESS.**

**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 for scrap metal businesses in an effort to curb the rash of copper wire and other nonferrous metal thefts occurring in our community. However, *I Liheslaturan Guåhan* further finds that scrap metal dealers have failed to properly maintain records of nonferrous metal transactions. Clearly, the “honor system” currently in place, which requires scrap metal dealers to obtain information from individuals looking to sell copper and other metals, is not working. As such, *I Liheslaturan Guåhan* finds that responsible regulation is needed to provide an additional layer of inspection to curb copper wire theft.

Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §74103 and §74104, and to add a new §74110 of Chapter 74, Title 11 Guam Code Annotated relative to establishing mandatory inspection of all nonferrous metal property before being sold to scrap metal businesses.

2019 SEP 30 AM 10:41

1       **Section 2.** Subsections (b) and (c) of §74103 of Chapter 74, Title 11 Guam  
2 Code Annotated are hereby *amended* to read:

3           (b) For every transaction that involves nonferrous metal property, every  
4 scrap metal business doing business in Guam shall require from the person with  
5 whom a transaction is being made to sign a declaration. The declaration may be  
6 included as part of the transactional record required under Subsection (1) of this  
7 Section, or on a receipt for the transaction. The declaration must state  
8 substantially the following:

9           “I, the undersigned, affirm under penalty of law that the  
10 property that is subject to this transaction is not, to the best of  
11 my knowledge, stolen property.”

12          The declaration must be signed and dated by the person with whom the  
13 transaction is being made. An employee of the scrap metal business must  
14 witness the signing and dating of the declaration and sign the declaration  
15 accordingly before any transaction may be consummated.

16          Additionally, every scrap metal business shall require each person with  
17 whom a transaction is being made to provide a copy of a satisfactory certificate  
18 of inspection from the Department of Revenue and Taxation pursuant to §74110  
19 of this Chapter.

20          (c) The record and declaration required under this Section, including the  
21 satisfactory certificate of inspection from the Department of Revenue and  
22 Taxation provided to the scrap metal business pursuant to §74110 of this  
23 Chapter, must be open to the inspection of any commissioned local or federal  
24 law enforcement officer of Guam or any government department or agency at  
25 all times during the ordinary hours of business or at reasonable times if ordinary  
26 hours of business are not kept, and must be maintained wherever that business

1 is conducted for one (1) year following the date of the transaction.”

2 **Section 3.** Subsection (a) of §74104, Chapter 74, Title 11 Guam Code  
3 Annotated is hereby *amended* to read:

4 “(a) No scrap metal business may enter into a transaction to purchase or  
5 receive non-ferrous metal property from any person who cannot produce the  
6 following:

7 (1) at least one (1) piece of current government-issued picture  
8 identification, including a valid driver's license or identification card  
9 issued by any jurisdiction; and

10 (2) a copy of a satisfactory certificate of inspection from the  
11 Department of Revenue and Taxation, as mandated by §74110 of this  
12 Chapter. Only nonferrous metal property properly inspected and  
13 identified in the certificate of inspection shall be eligible for sale or  
14 delivery to a scrap metal business.

15 **Section 4.** §74110 of Chapter 74, Title 11 Guam Code Annotated is hereby  
16 *added* to read:

17 **“§74110. Inspection Mandatory.**

18 (a) No nonferrous metal property may be purchased or received by a  
19 scrap metal business without first being inspected and certified by the  
20 Department of Revenue and Taxation. Only nonferrous metal property  
21 accounted for in this inspection shall be eligible for sale or delivery to a scrap  
22 metal business.

23 (b) The Department of Revenue and Taxation shall draft rules and  
24 procedures to conduct inspections of nonferrous metal property, and shall  
25 obtain and keep records of the following information:

1           (1) the name and signature of the person who possesses the  
2           nonferrous metal property being brought in for inspection;

3           (2) the street address and telephone number of the person who  
4           possesses the nonferrous metal brought in for inspection;

5           (3) the time, date, and location, of the inspection;

6           (4) the estimated monetary value of all nonferrous metal property  
7           being inspected;

8           (5) the name of the individual performing the inspection;

9           (6) a description of the motor vehicle and license plate number of  
10          the motor vehicle used to bring the nonferrous metal property for  
11          inspection;

12          (7) the current driver's license number or other government issued  
13          picture identification card number of the person or a photocopy of the  
14          person's drivers license or other government-issued picture identification  
15          card;

16          (8) a compiled list of each item brought in for inspection; and

17          (9) a photographic record of the items brought in for inspection.

18          (c) At the time of inspection, the Department of Revenue and Taxation  
19          shall require each person to complete a declaration affirming their rightful  
20          ownership and possession of all nonferrous metal property brought in for  
21          inspection. No certificate shall be issued without a properly filled out  
22          declaration.

23          (d) Upon satisfactory completion of inspection, the Department shall  
24          issue a certificate of inspection, which each person shall provide to the scrap  
25          metal business before any transaction may occur. Any person who does not

1 receive a valid certificate from the Department of Revenue and Taxation shall  
2 not be eligible to sell any nonferrous metal property.

3 (e) Copies of all records and certificates of inspection for non-ferrous  
4 metal property shall be remitted each month to the Guam Police Department  
5 and the Attorney General's Office.

6 (f) The Department of Revenue and Taxation shall establish appropriate  
7 fees for inspection of nonferrous metal property.

8 (g) Nothing in this Section prohibits the Department of Revenue and  
9 Taxation from obtaining additional information it deems appropriate with  
10 regards to the proper certification of nonferrous metal property.

11 (h) Nothing in this Section shall prohibit the Department of Revenue and  
12 Taxation from entering into a contract with a qualified entity to conduct the  
13 inspections on their behalf, granted that proper procedures and safeguards are  
14 put in place to ensure the validity of the inspections."

15 **Section 5. Effective Date.** This Act shall be effective immediately upon  
16 enactment.

17 **Section 6. Severability.** *If* any provision of this Law or its application to any  
18 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
19 *not* affect other provisions or applications of this Law which can be given effect  
20 without the invalid provisions or application, and to this end the provisions of this  
21 Law are severable.