

TWENTY-THIRD LEGISLATURE
COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY AND GOVERNMENTAL
OPERATIONS

P.O. BOX 500586 SAIPAN, MP 96950

MARISSA R. FLORES
CHAIRWOMAN

Adopted - 11/13/2023
STANDING COMMITTEE REPORT NO. 23-57
DATE: OCTOBER 19, 2023
RE: H.B. 23-65

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred:

H. B. No. 23-65:

“To prohibit the selling of copper wire for a period of two (2) years; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. No. 23-65 be passed by the House in its current form.

HOUSE CLERK'S OFFICE
RECEIVED BY *[Signature]*
DATE *11/17/2023* TIME *2:00pm*

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 23-65 is to prohibit the selling of copper wire for a period of two (2) years and for other purposes.

B. Committee Findings:

Your Committee finds that copper wire is the most used electrical conductor in many categories of electrical power. It is used for power generation, power transmission, power distribution, telecommunications, electronics circuitry, and countless types of electrical equipment. It is the most common electrical conductor used in the CNMI for the same specified reasons. Your Committee further finds that copper wire theft is a common act that negatively affects our communities and our beloved Commonwealth as a whole. Due to its popularity in electrical usage and to its high demand, some individuals see it as a window of opportunity that would allow for them to illegally earn significant amounts of money. These actions result into a negative financial impact not only for individuals, but to government and private agencies, such as the Commonwealth Utilities Corporation (CUC), the Marianas Visitors Authority (MVA), the Commonwealth Legislature, and so forth. The proposed legislation aims to deter such undesirable actions and allow for our communities, both commercial and residential, to live in a harmonious manner.

Your Committee also finds that many of the perpetrators who engage in the act of stealing copper wire often sell these stolen commodities to not only legitimate recycling companies, but also to individuals who are not licensed to engage in such transactions. Upon receiving the stolen copper wire, those individuals often times export them to foreign countries. The proposed legislation also aims to prohibit the exporting copper wire for the purpose of those commodities are to serve in the best interests of our beloved Commonwealth. Your Committee further finds that many other U.S. jurisdictions have enacted laws that pertain to the theft of scrap metals, which includes copper. According to the Institute of Scrap Recycling Industries (ISRI), all 50 U.S. states have enacted such laws as of 2023.¹ Similar to the other U.S. states, Our Commonwealth Code currently has laws regarding scrap metal (4 CMC §51401 *et seq.*) in place. The proposed legislation aims to strengthen these statutes, in addition to other applicable laws that aim to deter such actions and hinder such important commodities from exiting the CNMI.

Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-65 and recommends its passage in its current form.

¹ <https://www.isri.org/docs/default-source/state-program/State-Metals-Theft-Statutes.pdf>

C. Legislative History:

House Bill No. 23-65 was introduced by Representative Diego V.F. Camacho on July 28, 2023 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

A similar legislation, namely House Bill No. 20-25, was formally introduced to the full body of the House on January 31, 2017 and was subsequently referred to your House Standing Committee on Commerce and Tourism for disposition. On August 01, 2017, the House Standing Committee on Commerce and Tourism adopted the proposed legislation in the form of House Draft 1 as stated under House Standing Committee Report 20-49. On August 18, 2017, the House formally adopted the aforementioned House Standing Committee Report. On September 05, 2017, the House passed the proposed legislation. On September 06, 2017, the House transmitted the proposed legislation to the Senate and it was referred to the Senate Standing Committee on Judiciary, Government and Law for disposition. No further action was taken.

Another similar legislation, namely House Bill No. 19-174, was introduced in the Nineteenth Northern Mariana Islands Commonwealth Legislature and was subsequently referred to the House Standing Committee on Commerce and Tourism. No further action was taken.

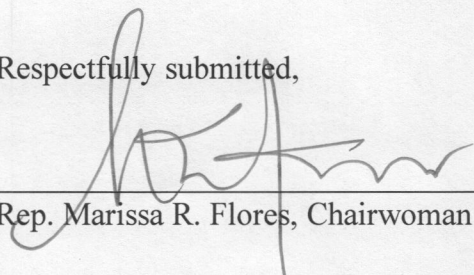
D. Cost Benefit:

The enactment of House Bill No. 23-65 will result in additional costs to the CNMI government for the intent of the proposed legislation will result in the need for additional enforcement, trainings, and resources that will be used to carry out the intent of this Act. However, the benefits of ensuring that copper wire theft, and the transactions associated with it, does not continue to plague our beloved Commonwealth heavily outweigh the costs.

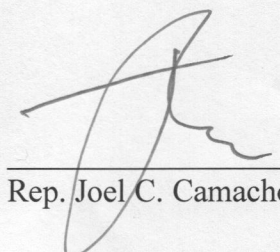
III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. NO. 23-65, and recommends its passage in its current form.

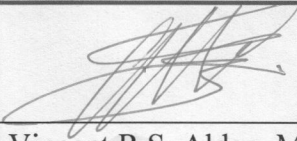
Respectfully submitted,



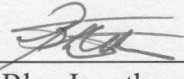
Rep. Marissa R. Flores, Chairwoman



Rep. Joel C. Camacho, Vice Chair



Rep. Vincent R.S. Aldan, Member



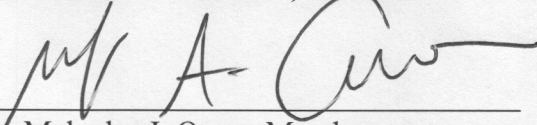
Rep. Blas Jonathan "BJ" T. Attao, Member



Rep. Vicente C. Camacho, Member



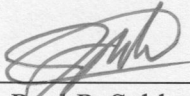
Rep. Manny G.T. Castro, Member



Rep. Malcolm J. Omar, Member

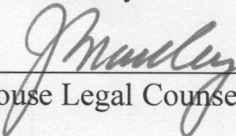


Rep. Edwin K. Propst, Member



Rep. John Paul P. Sablan, Member

Reviewed by:

 11-6-23
House Legal Counsel

JEN-7/28/2023

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

July 28, 2023

Fifth Spe Session, 2023

H. B. 23-65

A BILL FOR AN ACT

To prohibit the selling of copper wire for a period of two (2) years; and for other purposes.

BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This Act shall be cited as the "Copper Wire Theft
2 Control Act of 2023".

3 **Section 2. Findings and Purpose.** The Legislature finds that copper wire
4 is a common electrical conductor that can be used for electrical and
5 telecommunication purposes. It is one of the most flexible, durable, and safest
6 conductors that you can use. Upon the occurrence of power overload and power
7 surges, copper wire is not likely to melt or burn which will lessen the likelihood
8 of fire starting as a result of power problems. The Legislature also finds that
9 copper wires are the least likely conductors that loosen, which can prevent serious
10 dangerous conditions from occurring and causing harm to anyone within the
11 vicinity that utilizes copper wire as an electrical conductor.

1 The Legislature finds that copper wire theft is a serious concern that
2 negatively impacts the CNMI. Such cruel and malevolent acts affect communities
3 and businesses alike. Copper wire theft has become so common that such acts also
4 occur in cemeteries. It not only disrupts economic activity, but it also disrupts the
5 positive aura that portrays the CNMI in a unique and pristine way. Once copper
6 wire is stolen, the material becomes untraceable and will be difficult to retrieve.
7 In order to preserve such conditions, stolen valuable materials, such as copper
8 wire, must be prevented from being sold to various entities/individuals and from
9 leaving the borders of the CNMI.

10 The Legislature further finds that upon obtaining their newly-stolen
11 copper wire, the responsible individuals often sell them to businesses, such as
12 recycling centers, or they are exported to another country where they will be
13 utilized for various purposes. The Legislature also finds that according to the
14 National Conference of State Legislatures (NCSL), 33 states have enacted laws
15 regarding the regulation of scrap metal (inclusive of copper) sales and theft as of
16 December 2008. As of 2013, the total number has increased to 49 states
17 regulating scrap metal theft and transactions. Therefore, it will be in the best
18 interest of the CNMI to prohibit the selling and the exportation of copper wire in
19 order to protect those affected individuals and businesses, and to restrict such
20 valuable resources from leaving the Commonwealth.

1 Therefore, the purpose of this act is to prohibit the selling of copper wire
2 for a period of two years.

3 **Section 3. Enactment.** Notwithstanding any laws or regulations to the
4 contrary and subject to proper codification by the CNMI Law Revision
5 Commission, the following new provisions are hereby enacted:

6 **“§101. Definitions.**

7 “Copper Wire” means copper wire used as an electrical conductor for
8 power generation, power transmission, telecommunications, electronics
9 circuitry, and electrical equipment.

10 “Person” and “Persons” means any individual, corporation,
11 association, business trust, company, joint venture company, or
12 limited liability company.

13 “Sale”, “Sell” and “Selling” means the transfer of copper wire,
14 including what was previously sold, violation of applicable law by
15 any person and/or persons not authorized by law to effectuate said
16 transfer.

17 **§102. Prohibition of Selling of Copper Wire.**

18 Notwithstanding any laws, provisions, or statutes to the contrary, no
19 person shall sell copper wire as defined by §101.

20 **§103. Enforcement Authority.**

1 The Department of Public Safety in collaboration with the Office of the
2 Attorney General and the Division of Customs shall be responsible for the
3 enforcement of this Act.

4 **§104. Penalty.**

5 Any person in violation of §102 shall be subject to a fine of not less than
6 \$5,000 and/or imprisonment of no more than one year.

7 **§105. Sunset Provision.**

8 The provisions of this Act shall expire two years after the effective date of
9 this Act.”

10 **Section 4. Severability.** If any provisions of this Act or the application
11 of any such provision to any person or circumstance should be held invalid by a
12 court of competent jurisdiction, the remainder of this Act or the application of its
13 provisions to persons or circumstances other than those to which it is held invalid
14 shall not be affected thereby.

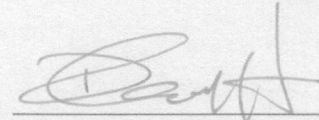
15 **Section 5. Savings Clause.** This Act and any repealer contained herein
16 shall not be construed as affecting any existing right acquired under contract or
17 acquired under statutes repealed or under any rule, regulation, or order adopted
18 under the statutes. Repealers contained in this Act shall not affect any proceeding
19 instituted under or pursuant to prior law. The enactment of the Act shall not have
20 the effect of terminating, or in any way modifying, any liability, civil or criminal,
21 which shall already be in existence on the date this Act becomes effective.

1 **Section 6. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

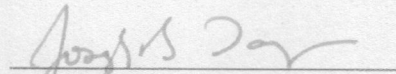
Filed: 7/24/2020

Date: _____

Introduced by: _____


Rep. Diego V. F. Camacho

Reviewed for Legal Sufficiency by:


House Legal Counsel

