

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETINGS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

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The Responsible Scrap Metal Purchasing and Procurement Act

Summary

Because of the increased market value in scrap metal, an increased number of thefts associated with metal goods are being reported throughout the country. From gas, plumbing and electrical lines used in new and rehabilitation home and industrial construction to selected private property of businesses to a vast array of government property such as municipal manhole covers, street signs, and utility polls to critical infrastructure utilized to provide communications services necessary to the health and safety of the public -- **metal theft is a growing problem** for both the public and private sectors. Scrap metal thefts have not only created safety issues but they have also impacted local government budgets. Additionally, these thefts have impeded state efforts toward revitalization of distressed urban areas. Similarly, the number of scrap related metal thefts of private property has posed an economic burden on manufacturers and businesses alike. The purpose of this act is to enhance state laws regarding the purchases of scrap metal by scrap metal processors and to provide for appropriate penalties involving the purchase of stolen metal goods by scrap metal processors.

Model Legislation

Section 1. {Short title} The Responsible Scrap Metal Purchasing and Procurement Act

Section 2. {Legislative Intent} The purpose of this amendment/act is to establish requirements regarding the purchases of scrap metal by scrap metal processors. **Scrap metal processors shall not purchase nonferrous scrap, metal articles, and proprietary articles directly from a person who is not an authorized scrap seller or its agent without recording the seller's identification information and the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger. The ledger shall be available for review by law-enforcement officials or conservators of the peace.** Scrap metal processors are prohibited from purchasing such objects from persons under age 18. Negligent violations are subject to a civil penalty not to exceed [insert amount], and **knowing violations are a [insert level] misdemeanor.**

Section 3. {Findings} The **{Insert Name of Legislative Body}** of this State makes the following findings: {Insert appropriate findings related to scrap metal thefts}

Section 4. {Definitions}

(1) Authorized scrap seller" means licensed plumbers, electricians, HVAC contractors, building and construction contractors, demolition contractors, construction and demolition debris contractors, public utilities or communications companies, transportation companies, industrial and manufacturing companies, marine, automobile, and aircraft salvage and wrecking companies, and government entities.

(2) "Ferrous scrap" means any scrap metal consisting primarily of iron, steel, or both, including large manufactured articles such as automobile bodies that may contain other substances to be removed and sorted during normal operations of scrap metal processors.

(3) "Metal article" means any manufactured item, consisting of metal, that is usable for its originally intended purpose without processing, repairs or alteration and that is not otherwise excluded by the definitions in this section. Examples include, without limitation, railings, copper or aluminum wire, copper pipe and tubing, bronze cemetery plaques, urns, and markers, plumbing fixtures, and cast-iron radiators.

(4) "Nonferrous scrap" means any scrap metal consisting primarily of metal other than iron or steel but does not include aluminum beverage cans; post consumer household items such as pots, pans, barbecue grills, and lawn chairs; used items such as wire flashing, gutters, and downspouts removed during building renovation or demolition; or small quantities of nonferrous metals contained in large manufactured articles, such as automobile bodies and appliances.

(5) "Proprietary article" means (i) any metal article stamped, engraved, stenciled, or otherwise marked so as to identify it as being or having been the property of a governmental entity or public utility, transportation, shipbuilding, ship repair, mining, communications or manufacturing company, (ii) any hard drawn copper electrical conductor, bars, rods, tubing, cable, or wire greater than three-eighths of one inch in diameter, stranded or solid, of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, or (iii) any aluminum conductor, bars, rods, tubing of the type used to construct utility, communication or broadcasting towers, cable, or wire greater than three quarters of one inch in diameter, stranded or solid or (iv) metal beer kegs, or (v) manhole covers.

(6) "Scrap metal" means any manufactured item or article consisting of or containing metal; any metal removed from or obtained by cutting, demolishing, or disassembling any building, structure, manufactured item, or article; and any other metal that is no longer used for its original purpose and that can be processed for reuse in mills, foundries, and other manufacturing facilities.

(7) "Scrap metal processor" means a business entity in good standing authorized to conduct business in the that regularly utilizes machinery and equipment at one or more established locations in the normal course of business for processing and manufacturing scrap metal into prepared grades for sale as raw material to mills, foundries and other manufacturing facilities.

Section 5. {Purchases of ferrous scrap}

Scrap metal processors may purchase ferrous scrap directly from any person.

Section 6. {Purchases of nonferrous scrap, metal articles, and proprietary articles}

A. Scrap metal processors may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the documented agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the seller's full name, current address, date of birth, and social security or other recognized identification number; and

2. The scrap metal processor shall retain a photocopy, electronically scanned copy, digital photo or video that legibly records the seller's identification information, as well as the time and date of the transaction, the license number of the seller's vehicle, and the weight, quantity or volume, consideration and a general physical description of the type of the items received from the seller, in a permanent ledger maintained at the scrap metal processor's place of business. The ledger shall be made available upon request to any law-enforcement official or authorized security agent of a governmental entity providing his credentials at the scrap metal processor's normal business location during regular business hours. Records required by this subdivision shall be maintained by the scrap metal dealer at its normal place of business or at another readily accessible and secure location for at least five years.

B. Upon compliance with the other requirements of this section, a scrap metal processor may purchase proprietary articles from a person who is not an authorized

scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal processor requires a signed statement of ownership from the seller and shall submit a report to the local police or sheriff's department, by the close of the following business day, describing the proprietary article and including a copy of the seller's identifying information, and separately identify and hold the proprietary article for not less than 15 days following purchase.

C. Scrap metal processors may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller without complying with the requirements of subsection A or B.

Section 7. {Purchases of materials from minors}

Scrap metal processors shall not purchase ferrous scrap, nonferrous scrap, metal articles, proprietary articles, or other scrap metal from any person under the age of 18 years.

Section 8. {Reports of purchases/Designated hold of nonferrous scrap, metal articles, and proprietary articles by scrap metal processors}

A. If requested by the chief of police or other law enforcement officer of the locality in which the scrap metal processor conducts business, every scrap metal processor conducting business in the locality shall furnish to the chief of police or other law enforcement officer a report of all of the scrap metal processor's purchases of nonferrous scrap, metal articles, the proprietary articles, excluding aluminum cans and interior household items. Each report shall (i) be submitted on the next business day following the date of a purchase: (ii) include the seller's name, date of birth, identification number, address, height, and weight and license number of any motor vehicle in which the goods or things were delivered, and (iii) be submitted in an electronic format if required by the locality in which the scrap metal processor conducts business, provided that if the locality requires that reports be submitted in electronic format, scrap metal processors shall be given a period of not more than one year following the locality's adoption of such a requirement to implement the requirement.

Section 9. {Penalties}

A. Any scrap metal processor who negligently violates any provisions of this article may be assessed a civil penalty not to exceed [insert amount] for each violation. Any attorney for the county, city, or town in which an alleged violation of this article occurred may bring a civil action to recover such a civil penalty. The civil penalty shall be paid into the [appropriate government entity].

B. Any scrap metal processor who knowingly violates any provisions of this article shall be guilty of a [appropriate level] misdemeanor.

C. If any person shall willfully injure, destroy or pull down any telegraph, telephone, cable telecommunications, or electric power transmission pedestal or pole, or any telegraph, telephone, cable telecommunications, or electric power line, wire or fiber insulator, power supply, transformer, transmission or other apparatus, equipment or fixture used in the transmission of telegraph, telephone, cable telecommunications, or electrical power service or any equipment related to wireless communications regulated by the Federal Communications Commission, that person shall be guilty of a [appropriate level] Felony.

Section 10. {Severability Clause}

Section 11. {Repealer Clause}

Section 12. {Effective Date}

Adopted by the Criminal Justice Task Force on July 31, 2008.

Approved by the ALEC Board of Directors on September 11, 2008.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary:

This bill would regulate the scrap metal industry by requiring purchasers keep detailed records of all sellers. While scrap metal theft may be a problem, this bill may affect unemployed and impoverished people as well as undocumented workers who earn money collecting scrap metal legitimately. It requires that sellers be registered with the state to sell scrap metal and that purchasers make copies of sellers' identification cards (all of which would be difficult for a person without documentation). This model bill was passed in 2008, the same year that ALEC corporations and politicians passed several pieces of anti-immigrant legislation.

Additionally, it appears to make scrap businesses' records open to warrantless demands by law enforcement, a lack of respect for the rights of these businesses that would likely be intolerable to other businesses.