



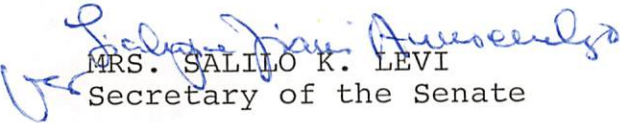
AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

Senate Chamber
December 11, 1987

I certify that Senate Bill No. 94 passed third reading on this date in the Senate during its Second Special Session of the Twentieth Legislature of American Samoa.


MRS. SALILO K. LEVI
Secretary of the Senate

House Chamber
December 7, 1987

I certify that Senate Bill No. 94 passed third reading on this date in the House of Representatives during its Second Special Session of the Twentieth Legislature of American Samoa.


WALLY F. UTU
Chief Clerk
House of Representatives

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Second Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the thirtieth day of November
one thousand nine hundred and eighty seven

AN ACT AMENDING THE DEFINITION OF WHARF; SETTING A WHARFAGE
CHARGE FOR PETROLEUM; AMENDING SECTIONS 20.1101 AND 20.1607
ASCA.

PREAMBLE:

Due to the emergency need to fund necessary repairs and
maintenance of the government owned petroleum storage facili-
ties to protect public health and safety, this act becomes
effective upon passage by the Legislature and approval of
the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 20.1101 is amended to read:

"20.1101 Definitions.

The following definitions shall apply in this title:

(a) "Berth" means the space occupied by a vessel which
is moored or made fast to a wharf, dolphin, or other structure.

(b) "Container" means a single rigid, intermodal dry
cargo, insulated refrigerated, flat rack, liquid tank, or
open door container, demountable, without wheels or chassis
attached, furnished or approved by ocean carriers for trans-
portation of commodities aboard its vessels. Modules are
generally referred to or known as 20-footers and 40-footers
even though they may be less than 20 or 40 feet in length.
Sea vans (types used for household goods) or other similar
shipping containers or cargo boxes are excluded from this
definition.

(c) "Deep draft vessel" is one with a maximum draft
over 12 feet when fully loaded.

(d) "Dockage" means the charge assessed against a vessel
when it is:

(1) berthed or made fast to a wharf, dolphin, or other structure;

(2) lying alongside of or tied to a vessel which is made fast to, or is lying alongside, a wharf, dolphin, or other structure;

(3) not tied up to or lying alongside of, but is using, a wharf by means of boats, rafts, lighters, or otherwise.

(e) "Draft" means the maximum depth of water a vessel draws at the time pilotage is furnished.

(f) "Light draft vessels" are vessels with a maximum draft of 12 feet.

(g) "Mooring charge" is the charge assessed against light draft vessels for the privilege of tying up to or lying alongside of a wharf or other structure. It is also the charge assessed against such vessels which do not tie up to or lie alongside of a wharf or other structure, but which tie up within the harbor or which use a wharf or other structure by means of a tender or boat which ties up to or lies alongside of same.

(h) "Pilot" means any person duly licensed by the marine board and appointed as pilot by the port director.

(i) "Pilotage" is the charge assessed against a vessel for the availability or use of pilot service furnished by the government into and out of the harbor of American Samoa.

(j) "Port director" means the head of the department of port administration and his authorized representatives.

(k) "Service charge" is the charge made against a vessel to cover expenses of administration of the port and maintenance of the harbor.

(l) "Tons" and "tonnage" in the case of cargo mean a weight of 2,000 pounds, or 40 cubic feet of measurement. In computing the displacement tonnage, the mean draft shall be used in reference to the builder's scale. In the event this scale or other authoritative scale is not available, the displacement shall be computed using Simpson's Rule, as follows:
Length x Breadth X Draft X 0.7

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(m) "Wharf" means and includes any wharf, pier, bulkhead, quay, landing, or other structure owned by the government, to which a vessel may make fast or which may be utilized in the landing of passengers, goods, or merchandise, and includes petroleum storage facilities;

(n) "Wharfage" means the charge assessed against merchandise:

(1) for the use of any wharf while awaiting removal therefrom;

(2) for passing over or through any wharf;

(3) for passing to or from a vessel while such vessel is:

- (A) made fast to a wharf,
- (B) moored in any slip, channel, basin or canal,
- (C) made fast to another vessel."

Sec 2. 20.1607 is amended to read:

"20.1607 Wharfage charges.

(a) The rates for wharfage shall apply per ton of 2,000 pounds weight or 40 cubic feet of measurement, except copra, for which the ton shall be 2,240 pounds and shall be calculated on the same basis (weight or measurement) as used by the owners of the vessel involved in determining freight charges.

(b) Wharfage charges shall be as follows:

(1) for each ton or fraction thereof of cargo loaded or unloaded \$1.00;

(2) For for shipments under one ton, the wharfage charge in paragraph (1) is prorated with a minimum charge of \$0.25;

(3) in addition to the above per ton charges, for each gallon of petroleum sold, removed or drawn out of the government's petroleum storage facilities, \$0.01 per gallon, to be placed in an earmarked revenue fund solely for the preservation, protection and improvement of the petroleum storage facilities and related costs; the Governor shall administer the collection and use of this fund;

~~(3)~~(4) Vessels vessels unloading or loading into lighters not alongside the wharf will be charged one-half wharfage unless the lighter discharges or loads at a wharf where wharfage rates apply and in such case full wharfage will be charged on the cargo loaded or unloaded from or to the lighter pursuant to paragraph (1).

(c) Prior to the delivery of imported cargo, goods, or merchandise, or prior to their loading for export, the following charges shall be collected from the owner, or from the master, owner or agent of the carrier, in addition to any other charges that may be due:

(1) tonnage dues per shipping ton or fraction thereof of cargo consigned to or shipped from American Samoa, \$0.50;

(2) tonnage dues per shipping ton or fraction thereof of cargo arriving in American Samoa for transshipment:

- (A) per ton or fraction thereof in, \$0.50;
- (B) per ton or fraction thereof out, \$0.50;

(3) provided, however, that tonnage dues on transshipment cargo stored in a government warehouse or other government areas in excess of 72 hours shall be:

(A) per ton or fraction thereof per day or fraction thereof for the first 2 weeks, \$0.50;

(B) per ton or fraction thereof per day or fraction thereof in excess of 2 weeks, \$1.00;

(4) goods stored in a government warehouse or other areas in excess of 72 hours, per ton or fraction thereof, per day, or fraction thereof, for the first 3 days, \$1.00; after 3 days, the rate shall be \$2.00;

(5)(A) containers stored in the port area or other government areas are subject to charges in addition to tonnage dues and other charges as follows:

(i) inbound containers: 120 hours after arrival, \$.25 per day; and \$.50 per day after 30 days;

(ii) outbound containers: immediately upon occupying respective areas, \$0.25 per day and \$.50 per day after 30 days;

(B) containers stored by or primarily for the use of fish processing facilities are exempt from the charges provided by paragraph (5)(A) if these containers are used within 30 days after arrival or if these containers contain fish products.

(d) Goods arriving in Pago Pago landing marked or specifically identified as for one of the villages in Manu'a shall be exempt from storage charges. The owner or agent for such goods shall arrange for the transshipment to Manu'a on the first available transportation.

(e) In the event the shipping companies resort to containerization of shipments to American Samoa and the space available in all government warehouses is substantially changed as a result of the use of containers, the port director is authorized to amend the storage charges contained in this section so as not to place an unreasonable burden on the government or the shippers until the next meeting of the Legislature.

(f) For the purpose of this section "ton" means 2,000 pounds weight or 40 cubic feet of measurement, except in the case of copra, where a ton means 2,240 pounds.

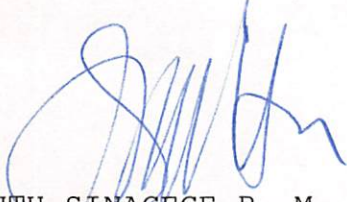
(g) The charges imposed by this section may be increased, decreased, or supplemented by order of the Governor."

Sec 3. Preemptive effect.

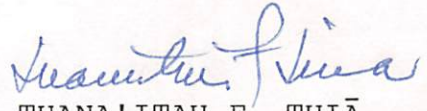
This act shall preempt all other rules, orders, or regulations specifically regarding wharfage charges on the government petroleum storage facilities and such rules, orders and regulations shall be void as of the effective date of this act; provided that all revenues accrued and paid pursuant to such rules, orders or regulations are deemed to be lawfully collected so long as they are earmarked and used exclusively for the preservation, protection and improvement of the government petroleum storage facilities.

Sec 4. Effective date.

This act becomes effective on the date signed and approved by the Governor.



UTU SINAGEGE R. M.
President Pro Tempore



TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 30th day of December, 19 81



Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Faapitoa Lona Lua

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua aso tolusefulu o Novema
tasi le afe iva selau valusefulu fitu

O SE TULAFONO E SUIA LE FA'AMATALAGA O UAFU; FAATULAGA TOTOGI
O LE UAFU MO SUAU'U; SUIA MAGA 20.1101 ma 20.1607 TFAS."

FAATOMUAGA:

Ona o le fa'anatinati o le manaoga e fa'atupe galuega fa'alelei ma le tausia o tane teu suau'u pulea e le malo e puipuia soifua ma le saogalemu o le lautele, o lenei tulafono e taualoa pe a pasia e le Fonofaitulafono ma faamaonia e le Kovana.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 20.1101 ua suia e faitauina:

"20.1101 Fa'amatalaga.

O fa'amatalaga ua fa'aalia i lalo e fa'aaoga i lenei vaega:

(a) "Taula" o lona uiga o le avanoa e taula ai va'a ua nonoa pe fa'amau i se uafu, lanisi, po'o isi fausaga.

(e) "Pusa" o lona uiga o se pusa malo e tasi, uta e mago, fata pusa aisa puipuia, fata salafa, tone suavaia, po'o se pusa matala faitoto'a, e mafai ona ave i lalo, e aunoa ma pa'u po'o ni uili, saunia pe ua fa'amaonia e kamupani va'a mo le vasa tele mo le fela'uaiga o oloa. O ituaiga e fa'asino lautele o pusa e 20 futu pe 40 futu, e tusa pe itiiti i le 20 pe 40 futu le umi. O pusa mo le sami (ituaiga mo oloa meafale) po'o isi pusa la'u uta fa'apena po'o pusa oloa e le aofia i lenei fa'amatalaga.

(i) "Va'a o le vasa tele" o le tasi o lona magoto e sili i le 12 futu pe a tumu le uta.

(o) "Totogi o le taula" o lona uiga o le tupe fa'ae'e i se va'a pe afai e:

(1) taula pe nonoa i se uafu, va'a, po'o isi fausaga;

(2) pipi'i i autafa pe nonoa i se va'a o lo'o nonoa i le uafu, va'a, lanisi, po'o se isi tulaga.

(3) e le o nonoa pe pipi'i i autafa o, a'o fa'aaoga se uafu o isi va'a, lanisi, va'a laiti, po'o isi mea.

(u) "Magoto" o lona uiga o le loloto maualuga o le sami e lofia e se va'a i le taimi e taula ai.

(f) "Va'a laiti" o va'a o lo latou magoto e 12 futu.

(g) "Totogi e taula ai" o le tupe fa'ae'e i se va'a laititi ona o le taula pe nonoa i le uafu po'o isi fausaga. E fa'apena fo'i le totogi fa'ae'e i va'a e le o taula i se uafu po'o se fausaga, ae o lo'o nonoa i totonu o le taulaga, pe fa'aaoga isi uafu i le taulaga e taula ai po'o isi fausaga e nonoa ai pe fa'apipi'i i autafa.

(l) "Pailate" o lona uiga so'o se tagata ua laisene moni e le Komiti o va'a ma tofia e avea ma pailate e le fa'atonu o taulaga.

(m) "Totogi o le pailate" o le totogi fa'ae'e i so'o se va'a mo galuega a le pailate ua saunia e le malo i le o mai ma o ese atu mai le taualga o Amerika Samoa.

(n) "Fa'atonu o taulaga" o lona uiga o le ulu o le matagaluega pulega o taulaga ma lona sui fa'atagaina.

(p) "Tau o galuega" o le tupe fa'ae'e i va'a e totogi ai galuega o le pulega o taulaga ma le tausiga o le taulaga.

(s) "Tone" ma "totogi o tone" i le tulaga o uta o lona uiga o se mamafa e 2,000 pauna, pe 40 kupita futu o le fua. I le fuafuaina o le totogi o tone, o le taulaga o le fua ia fa'aaoga e fa'asino i le fua a le komepiuta. Afai o lenei fua po'o isi fua e le o avanoa, o le fua o le a fuafuaina e fa'aaoga le Fua a Simpson, e fa'aalia i lalo: Umi X Lautele X Magoto X 0.7

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(t) "Uafu" o lona uiga ma e aofia ai so'o se uafu, uafu laititi, uafu tele, uafu ma'a, taulaga o va'a, po'o isi fausaga e pulea e le malo, e pipi'i iai va'a pe nonoa ma fa'aaoga e la'u ai pasese, oloa, po'o uta, ma aofia ai tane teuina ai suau'u;

(v) "Totogi o le uafu" o lona uiga o le tupe totogi mo uta oloa:

(1) mo le fa'aaoga o le uafu a'o fa'atali lona aveesea mai uafu:

(2) mo le sopoa pe ui atu i le uafu;

(3) mo le pasi ai pe mai se va'a a'o lea va'a o:

(A) nonoa i le uafu,

(E) taula i so'o se fausaga, faga, loto po'o kanala,

(I) nonoa i le isi va'a."

Maga 2. 20.1607 ua suia e faitauina:

"20.1607 Totogi o uafu.

(a) O le fua totogi o le uafu ia faaoga i le tone e tasi e 2,000 pauna le mamafa o le 40 kupita futu o le fua, vagana popo, o lea tulaga o le tone e, 2,240 pauna, ma ia fuafuaina i lea lava tulaga (mamafa po'o le fua) e pei ona faaoga e tagata e ona va'a o lo'o iai i le fuafuaga o le totogi o uta.

(e) Totogi o le uafu ia faia e pei ona fa'ailoa i lalo:

(1) mo tone ta'itasi po'o lona vaegamea o uta taunu'u mai pe fa'ae'e: \$1.00;

(2) Me mo uta i lalo o le tone totogi o le uafu i le parakalafa (1) e fuafua i le totogi maualalo e \$0.25;

(3) e fa'aopoopo i le totogi o tone tasi i luga, mo kalone ta'itasi o suau'u e fa'atau atu, aveesea pe toesea mai tane suau'u o le malo, \$0.01 i le kalone, e tu'u-ina i le teugatupe fa'ailoga ma'oti mo le tausia, puipuia ma le fa'aleleia o tane teu suau'u a le malo ma galuega e fai ai; o le Kovana o le a pulea ona aoina o lenei tupe;

~~(3)~~(4) Va'a va'a e la'u ese uta pe fa'ae'e uta i va'a laiti e le o tu'u o le uafu o le a fa'ae'e iai totogi vagana o lea va'a ua aveesea pe la'u se uta i se uafu o iai le totogi o le uafu e fa'asino ma o lea tulaga o le totogi atoa o uta e fa'ae'e pe aveese i va'a laiti e fa'aoga e tusa ma le parakalafa (1).

(i) A'o le'i aveeseina oloa mai fafo, uta, po'o mea fa'atau, pe a'o le'i fa'aeeina mo le auina i fafo, o totogi ua fa'aalia i lalo ia aoina mai tagata e ona, pe mai le pule, ali'iva'a o le va'a, e fa'aopoopo i so'o se isi lava tupe totogi e tatau ona totogi:

(1) tone e totogi i tone uta po'o lona vaega mea o oloa e tusia i pe auina mai Amerika Samoa, \$0.50;

(2) tone totogia i tone o uta po'o lona vaegamea o uta taunu'u i Amerika Samoa mo le toe auina i fafo:

(A) tone tasi po'o lona vaegamea, taunu'u, \$0.50;

(E) tone tasi po'o lona vaegamea, fa'ae'e, \$0.50;

(3) pe afai, e ui i lea, faapea o tane mo le auina i fafo ua teuina i faleteuoloa o le malo po'o isi fanua o le malo e sili i le 72 itula e:

(A) tone tasi po'o lona vaegamea i le aso e tasi po'o lona vaegamea mo ulua'i 2 vaiaso, \$0.50;

(E) tone tasi po'o lona vaegamea i le aso e tasi po'o lona vaegamea e sili i le 2 vaiaso, \$1.00;

(4) oloa teuina i faleteuoloa o le malo po'o isi fanua e sili i le 72 itula, i le tone e tasi po'o lona vaegamea, i le aso e tasi, po'o lona vaegamea, mo ulua'i 3 aso, \$1.00; a mavae aso e 3, o le fua e \$2.00;

(5) (A) o pusa e teu i le uafu po'o isi fanua o le malo e aofia i totogi e fa'aopoopo i tone totogi ma isi totoga e pei ona fa'ailoa i lalo:

(i) pusa taunu'u mai fafo: 120 itula pe a te'a ona taunu'u mai, \$1.25 i le aso; ma le \$.25 i le aso pe a mavae aso e 30.

(ii) pusa ave i fafo: i le taimi lava e taunu'u ai i le uafu, \$0.25 i le aso ma le \$.50 i le aso pe a mavae 30.

(E) o pusa teuina pe fa'aaoga mo kamupani tu'uapa i'a e faaagafua mai lenei totogi e pei ona saunia e le parakalafa (5)(A) afai o nei pusa ua fa'aaoga i totonu o le 30 aso talu ina taunu'u mai pe fa'apea o nei pusa o iai oloa i'a.

(o) Oloa taunu'u i Pago Pago ma laina pe fa'apitoa lona fa'aailoga o se tasi o nu'u i Manu'a e fa'agafua mai nei totogi. O le pule po'o le ona nei oloa ia fa'afeso'ota'i mo le auina i Manu'a mo se avanoa muamua e maua.

(u) Afai o kamupani va'a ua fa'aaogaina pusa mo uta i Amerika Samoa ma o avanoa i fale teu oloa o le malo ua matua suia ona o pusa oloa, o le fa'atonu o taulaga ua fa'ataga e sui totoga mo le teuina i lenei maga ina ia le fa'ae'e avega mamafa i le malo po'o kamupani va'a seia o'o i le fonotele e soso'o ai o le Fonofaitulafono.

(f) Mo le mafuaaga o lenei maga, "tone" o lona uiga o le 2,000 pauna le mamafa pe 40 kupita futu lona fua, vagana popo, o le tone e 2,240 pauna.

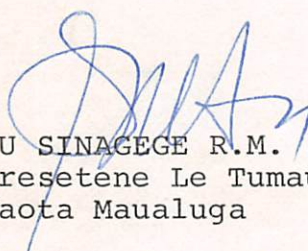
(g) O tupe fa'ae'e i lenei maga e mafai ona si'i, fa'aitiitia, pe fa'aopoopo i se fa'atonuga a le Kovana."

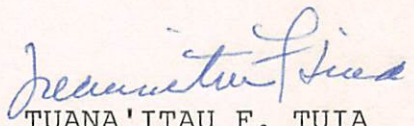
Maga 3. Malosi e sili atu.

O lenei tulafono e sili lona malosi i isi lava poloaiga, fa'atonuga, po'o poloaiga galue e fa'apitoa lava i totogi o le uafu i tane teu suau'u o le malo ma o ia poloaiga, fa'atonuga ma poloaiga galue ia fa'aleaogaina i le aso taualoa o lenei tulafono; pe afai, o tupe uma ua maua, ma sa totogia e uiga i ia poloaiga, fa'atonuga po'o poloaiga galue ua tusa ma le tulafono o lo latou aoina pe afai o fa'aailoga ma'oti na'o le fa'aaogaina mo le tausia, puipuia ma le fa'aleleia o tane teu suau'u a le malo.


Maga 4. Aso taualoa.

O lenei tulafono e taualoa i le aso e sainia ma faamaonia e le Kovana.


UTU SINAGEGE R.M.
Peresetene Le Tumau
Maota Maua luga


TUANA'ITAU F. TUIA
Fofoga Fetalai, Maota o Sui

Hereby Approved this 30th day of December, 19 87.


Governor of American Samoa