

THE TWENTY-FIRST LEGISLATURE OF AMERICAN SAMOA

Third Special Session

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the twenty third day of October  
one thousand nine hundred and eighty nine

AN ACT IMPOSING A \$0.03 PER GALLON TERMINAL FEE INSTEAD OF  
\$0.01 PER GALLON TO FUND NECESSARY IMPROVEMENTS TO THE PETRO-  
LEUM TANK FARM; AMENDING SECTION 20.1607 ASCA.

PREAMBLE:

This act is effective immediately upon passage by the  
Legislature and approval by the Governor due to the emergency  
need to fund improvements at the Tank Farm.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 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 calcu-  
lated 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 \$2.00;

(2) for shipments under one ton, wharfage charge in  
paragraph (1) is prorated with a minimum charge of \$0.50;

(3) in addition to the above per ton charges, for each  
gallon of petroleum sold, removed or drawn out of the govern-  
ment's petroleum storage facilities, ~~\$0.01~~ \$0.03 per gallon,  
to be placed in an earmarked revenue fund solely for the pres-  
ervation, protection and improvement of the petroleum storage  
facilities and related costs; the Governor shall administer  
the collection and use of this fund; at the end of Fiscal Year  
1994 this rate shall revert back to \$0.01 per gallon;

(4) vessels unloading or loading into lighters not along-  
side 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, \$1.00;

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

(A) per ton or fraction thereof in \$1.00;

(B) per ton or fraction thereof out, \$1.00;

(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, \$1.00;

(B) per ton or fraction thereof per day or fraction thereof in excess of two weeks, \$2.00;

(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, \$2.00; after 3 days, the rate shall be \$4.00;

(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, \$.50 per day; and \$1.00 per day after 30 days.

(ii) outbound containers: immediately upon occupying respective areas, \$.50 per day and \$1.00 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 canned fish.

(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.

(h) Except for revenues specifically earmarked for another purpose, one-half of all revenues received under this section shall be placed in an earmarked fund to be appropriated annually by the Legislature to provide funds, pursuant to 11.1906(i), for rental charges to pay the principal and interest on the bonds issued by the American Samoa economic development authority to finance the executive office building of the government during the term of the bonds. The appropriation shall be included in the annual appropriation act for each fiscal year, beginning with fiscal year 1989. The subsection is repealed on the date that all of the bonds issued to finance the executive office building of the government are fully paid, or provision is made for such payment pursuant to the trust indenture applicable to the bond issue."

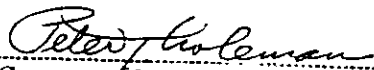
  
LETULI TOLOA

President of the Senate

  
TUANA'ITAU F. TUIĀ

Speaker of the House

Hereby Approved this 14<sup>th</sup> day of December, 1989

  
Governor of American Samoa

## NOFOAIGA LUASEFULUTASI FONOFAITULAFONO O AMERIKA SAMOA

## Fono Fa'apitoa Lona Tolu

Nofolia ma usua i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso luasefulutolu o Oketopa  
tasi le afe iva selau valusefulu iva

O SE TULAFONO E FA'AE'E AI LE \$0.03 I LE KALONE TOTOGI O LE  
TAULAGA E SUIA AI LE MAGA 20.1607 TFAS AE LE O LE \$0.01 I  
LE KALONE E FA'ATUPE AI GALUEGA MANA'OMIA TALAFEAGAI O LE  
FA'ATO'AGA TANE SUAU'U.

FA'ATOMUAGA:

O lenei tulafono e taualoa vave pe a pasia e le Fonofai-  
tulafono ma fa'amaonia e le Kovana ona o le mana'oga fa'a-  
natinati e fa'atupe ai galuega e fa'aleleia ai le Fa'atoa'aga  
Tane Suau'u.

## IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 20.1607 ua suia e faitauina:

"20.1607 Totogi o le uafu.

(a) O fua'o le totogi o le uafu ia fa'asino i le tone  
e tasi e 2,000 pauna lona mamafa pe 40 kupita futu o le fua,  
vagana popo o tone e 2,240 pauna ma ia fuafuaina i le fua e  
tasi (mamafa po'o le fua) e pei ona fa'aaoga e i latou e  
ona va'a o a'afia i le fuafuaina o le tau o oloa.

(e) O le totogi o le uafu ia faia e pei ona fa'aalia  
i lalo:

(1) mo tone ta'itasi po'o lona vaegamea o uta e  
taunu'u mai pe fa'ae'e \$2.00;

(2) mo uta e le atoa se tone, o le totogi o le uafu i  
le parakalafa (1) e fuafua i le totogi maualalo e \$0.50;

(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, ~~\$0-02~~ \$0.03 i le kalone, e tu'u-  
ina i le teugatupe fa'aailoga 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;  
o lenei suiga e ao ona fa'amuta i le fa'aiuga o le tausaga  
fa'atupe 1994, ma toe fa'afo'i lenei tulafono i le tulaga  
na iai a'o le'i pasia lenei suiga;

(4) 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'aaoga 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'ae'eina 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'aopopo i so'o se isi lava tupe totogi e tataua ona totogia:

(1) tone e totogi i tone uta po'o lona vaega mea o oloa e tusia i pe auina mai Amerika Samoa, \$1.00;

(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, \$1.00;

(E) tone tasi po'o lona vaegamea, fa'ae'e \$1.00;

(3) pe afai, e ui i lea, fa'apea o tone mo le auina i fafo ua teuina i faleteuoloo 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 e sili i le 2 vaiaso, \$2.00;

(4) oloa teuina i faleteuoloo 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 le ulua'i 3 vaiaso, \$2.00; e mavae aso e 3, o le fua e \$4.00;

(5) (A) o pusa e teu i le uafu po'o isi fanua o le malo e aofia i totogi e fa'aopopo 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, \$.50 i le aso; ma le \$1.00 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 \$0.50 i le aso ma le \$1.00 i le aso pe a mavae aso e 30.

(E) o pusa teuina pe fa'aaoga mo kamupani tu'uapa i'a e fa'agafua 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 a fa'apea o nei pusa o iai oloa i'a.

(o) Oloa taunu'u i Pago Pago ma makaina pe fa'apitoa lona fa'ailoa 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 teuoloo o le malo ua matua suia ona o pusa oloa, o le fa'atonu o le taulaga ua fa'ataga e sui totogi 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.

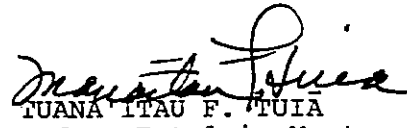
(f) Mo le mafua'aga o lenei maga, "tone" o lona uiga o le 2,000 pauna le mamafa pe 40 kupita futu lona fua, vagana popo, o le tone e 2,240 pauna.

(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.

(1) Vaqana tupe maua ua fa'ailoqa fa'apitoa mo se isi mafua'aga, tasi le afa o tupe maua uma i lalo o lenei maga ia tu'uina i se teugatupe fa'ailogaina maoti ina ia fa'asoasoa i tausaga ta'itasi e le Fonofaitulafono e saunia ai tupe, e tusa ma le 11.1906(m), mo tupe nofo totogi e totogi ai tupe ma tului i pone ua tu'uina atu e le pulega atina'e tamaoaiga o Amerika Samoa e fa'atupe ai le Fale Lala Fa'amalosi Tulafono i aso atofaina o pone. O le tupe fa'asoasoa ia aofia i le tulafono tupe fa'asoasoa i tausaga ta'itasi mo tausaga tupe ta'itasi, e amata i le tausaga tupe 1989. O lenei soamaga e soloia i le aso e totogi atoa ai pone sa faia e fa'atupe ai le Fale Lala Fa'amalosi Tulafono o le malo, pe faia se aiaiga e totogi ai ia tupe e tusa ma tu'utu'uga sa ulua'i faia ai pone."

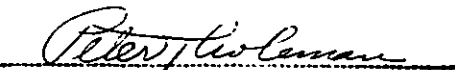
  
LETULI TOLOA

Peresetene, Maota Maua'uga

  
TUANA'ITAU F. TUIA

Fofoga Fetalai, Maota o Sui

Hereby Approved this 14<sup>th</sup> day of December, 1989

  
Governor of American Samoa