



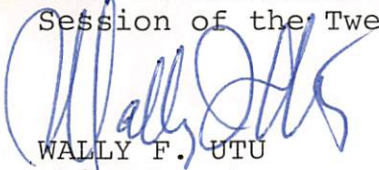
AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

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

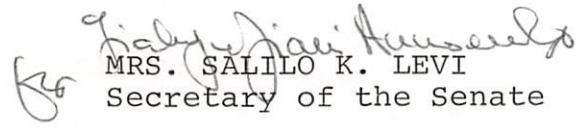
House Chamber
December 8, 1987

I certify that House Bill No. 157 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

Senate Chamber
December 11, 1987

I certify that House Bill No. 157 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

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 INCREASING WHARFAGE, TONNAGE AND STORAGE CHARGES; DEDICATING REVENUES TO THE BOND ISSUE FOR THE EXECUTIVE OFFICE BUILDING PROJECT; CREATING CHAPTER 03 UNDER TITLE 15 ASCA AND AMENDING 20.1607 ASCA.

PREAMBLE:

The American Samoa Economic Development Authority is in the process of issuing bonds to finance the Executive Office Building project of the American Samoa government to provide the principal office space of the Executive branch of the government. Section 11.1906(i) ASCA provides that funds shall be appropriated annually for the purpose of paying rental charges, in sufficient amounts to pay the principal and interest on the bonds, on lease contracts entered into between the authority and the government pertaining to the lease of space by an agency or agencies of the government in an office building owned by the authority. The Executive Office Building will be owned by the authority during the term of the bonds issued by the authority to finance the building. Office spaces will be leased to Executive branch agencies during the term of the bonds. The marketability of the bonds will be materially enhanced by dedicating a steady stream of revenue to be appropriated to pay rental charges for those office spaces. Portions of revenues received by the Enterprise Fund of the Office of Communications and from wharfage, tonnage and storage charges are identified as appropriate to be used for this purpose.

This act is effective upon passage by the Legislature and approval by the Governor due to the emergency need to provide dedicated sources of revenues to pay the principal and interest on bonds issued by the American Samoa Economic Development Authority to finance the Executive Office Building of the American Samoa government.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 03 under Title 15 ASCA which reads:

"Chapter 03
OFFICE OF COMMUNICATIONS

Secitons:

- 15.0301 Partial dedication of revenues.
- 15.0302 Sunset Provision.

15.0301 Partial dedication of revenues.

The Legislature shall appropriate annually the sum of \$500,000 from revenues received by the office of communications to provide funds, pursuant to section 11.1906(i) for rental charges to pay the principal and interest on 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 appropriations shall be included in the annual appropriations act for each fiscal year, beginning with fiscal year 1989.

15.0302 Sunset provision.

This chapter 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 this bond issue."

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~~ \$2.00;

(2) ~~Fer~~ For for shipments under one ton, the wharfage charge in paragraph (1) is prorated with a minimum charge of ~~\$0.25~~ \$0.50;

(3) ~~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;~~ \$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 ~~\$0.50;~~ \$1.00;

(b) per ton or fraction thereof out, ~~\$0.50;~~ \$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, ~~\$0.50;~~ \$1.00;

(B) per ton or fraction thereof per day or fraction thereof in excess of 2 weeks, ~~\$1.00;~~ \$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, ~~\$1.00;~~ \$2.00; after 3 days, the rate shall be ~~\$2.00;~~ \$4.00;

(5) container 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~~ \$0.50 per day; and ~~\$-.50~~ \$1.00 per day after 30 days.

(ii) outbound containers: immediately upon occupying respective areas, ~~\$0.25~~ \$0.50 per day and ~~\$-.50~~ \$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 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.

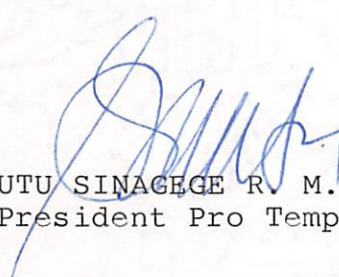
(f) For the purpose of this section "ton" means 2,000 pounds weight or 40 cubic feet of measurement, except in the case of copra, where a ton means, 2,240 pounds.

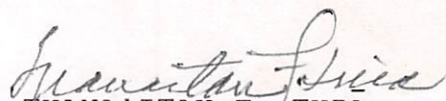
(g) The charges imposed by this section may be increased, decreased, or supplemented by order of the Governor.

(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 appropriations shall be included in the annual appropriation act for each fiscal year, beginning with fiscal year 1989. This 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."

Sec 3. Effective date.

This act is effective upon passage by the Legislature and approval by the Governor due to the emergency need to provide dedicated sources of revenues to pay the principal and interest on bonds issued by the American Samoa economic development authority to finance the Executive office building of the American Samoa Government.


UTU SINAGEGE R. M.
President Pro Tempore


TUANA'ITAU F. TUIA
Speaker of the House

Hereby Approved this 23rd day of December, 1987


Governor of American Samoa

(b) Except for revenues specifically earmarked for
 another purpose, one-half of all revenues received under this
 section shall be placed in an unsegregated fund to be appropriated
 annually by the Legislature to pay the principal and in-
 terest on the bonds issued by the American Samoa Government
 to finance the executive office building. The amount
 of the government during the term of the bonds. The amount
 of the government shall be included in the annual appropriation bill
 for each fiscal year beginning with fiscal year 1985. This
 amount shall be included in the debt fund of the bonds issued
 to finance the executive office building to the government
 and the provision is made for the payment of interest
 on the bonds issued to the debt fund.

and the Secretary of State.

This act is effective upon passage by the Legislature
 and approved by the Governor due to the emergency need to
 provide additional sources of revenues to pay the principal
 and interest on bonds issued by the American Samoa Govern-
 ment to finance the executive office building.
 ing of the American Samoa Government.

[Signature]
 LUTANA L. L. LUTANA
 Governor of the Islands

[Signature]
 President of the Islands

Approved this 22nd day of December 1984

[Signature]
 Secretary of the 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 FAAOPOOPO TOTOGI O LE UAFU, TONE MA LE TEU-
INA; FAAPITOINA TUPE MAUA E FAIA AI PONE MO LE FALE LALA
FAAMALOSI TULAFONO; FAAVAEINA LE MATAUPU 03 I LALO O LE
VAEGA 15 TFAS MA SUIA LE 20.1607 TFAS.

FAATOMUAGA:

O le Pulega Atiina'e Tamaoaiga o Amerika Samoa ua sauni
e tu'uina atu pone e su'e ai tupe o le Fale Lala Faamalosi
Tulafono o le malo Amerika Samoa e saunia ai le ofisa tele
o le Lala Faamalosi Tulafono o le malo. O le maga 11.1906
(m) TFAS ua saunia ai o tupe ia faasoasoina i tausaga
ta'itasi mo le totogia o masina ta'itasi, ia lava lea
aofa'i e totogi ai aitalafu faatasi ma tului, i feagaiga
lisi e faia e le pulega ma le malo e tusa ma le lisiina o
avanoa e se ofisa po'o ni ofisa o le malo i le fale e pule
ai le pulega. O le Fale Lala Faamalosi Tulafono o le a
pulea e le pulega i taimi ua faasinoia i pone ua tu'uina
atu e le pulega e su'e ai tupe o le fale. O avanoa mo
ofisa o le a lisiina i ofisa o le Lala Faamalosi Tulafono
i taimi faasinoia o pone. O le faatauina atu o pone e
faafaigofie ai pe a faasinoia faapitoa se alagatupe maua e
faasoasoina e totogi ai nei avanoa mo ofisa. O le vaega
o tupe maua e le Teugatupe le Faatulagaina o le ofisa o
Feso'otaiga ma totogi o le uafu, tone ma le teuina ua faa-
pitoa ua tatau ai e fa'aaogaina mo lenei galuega.

O lenei tulafono e taualoa pe a pasia e le Fonofai-
tulafono ma faamaonia e le Kovana ona o le faanatinati o
le mana'oga e saunia alagatupe faapitoa e totogi ai le
tupe ma le tului e faatauina atu e le Pulega Atiina'e
Tamaoaiga o Amerika Samoa e faatupe ai le Fale Lala Faa-
malosi Tulafono o le malo o Amerika Samoa.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua faavaeina se mataupu fou 03 i lalo o le Vaega
15 TFAS e faatauina:

"Mataupu 03

OFISA O FESO'OTAIGA

Maga:

- 15.0301 Faapitoa vaega tupe maua.
- 15.0302 Aiaiga e puipuia ai.

15.0301 Faapitoina vaega tupe maua.

O le Fonofaitulafono ia faasoasoaina i tausaga ta'itasi le aofa'i e \$500,000 mai tupe maua mai le ofisa o feso'otaiga e sauni ai tupe, e tusa ma le maga 11.1906 (m) mo le nofo totogi e totogi ai le tupe ma le tului i pone ua faatau atu e le Pulega Atiina'e Tamaoaiga o Amerika Samoa e faatupu ai le fausia o le Fale Lala Faamalosi Tulafono i taimi atofaina o pone. O faasoasoaga ia aofia i le tulafono tupe faasoasoa mo tausaga tupe ta'itasi, e amata i le tausaga tupe 1989.

15.0302 Aiaiga e puipuia ai.

O lenei mataupu e soloia i le aso e totogia atoa ai pone sa faatau atu mo le fausia o le Fale Lala Faamalosi Tulafono, pe faia aiaiga mo tupe totogi atu e tusa ma pepa tusia e tatau mo lenei mataupu o le faatau atu o pone."

Maga 2. 20.1607 ua suia e faitauina:

"20.1607 Totogi o le uafu.

(a) O fua o le totogi o le uafu ia faasino 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'alia i lalo:

(1) mo tone ta'itasi po'o lona vaegamea o uta e taunu'u mai pe faae'e ~~\$1.00~~ \$2.00;

(2) Mo mo uta e le aota se tone, o le totogi o le uafu i le parakalafa (1) e fuafua i le totogi maualalo e ~~\$0.25~~ \$0.50;

(3) ~~Va'a~~ va'a e la'u ese pe faae'e i luga o lanisi e le o pipi'i i le uafu e faae'e tasi-afautaulo le uafu vagana o lanisi laiti ua la'u ese pe faae'e i le uafu o lona fua e fa'aaoga iai le fua totogi atoa o le uafu i uta e faae'e pe aveese mai i le lanisi e tusa ma le parakalafa (1).

(i) A'o le'i la'uina ese uta mai fafo, oloa, po'o mea faatau, pe a'o le'i faae'eina mo le auina atu i fafo, o tupe faae'e ua fa'aaalia i lalo ia aoina mai le pule po'o le sui o le va'a, e faaopopo i se isi lava tupe faae'e e tatau ona totogi:

(1) tone e taulia i tone fela'ua'i po'o lona vaegamea o le uta i Amerika Samoa pe aveese atu ma Amerika Samoa, ~~\$0.50~~ \$1.00;

(2) tone totogi i le tone fela'ua'i po'o lona vaegamea o oloa e taunu'u i Amerika Samoa mo isi taulaga:

(A) tasi le tone po'o lona vaegamea taunu'u, ~~-\$0.50~~ \$1.00;

(E) tasi le tone po'o lona vaegamea fafo, ~~\$0.50~~ \$1.00;

(3) pe afai, e ui i lea, faapea o tone totogi i uta oloa e teu i faleteu oloa o le malo po'o isi oganu'u a le malo e sili i le 72 itula ia:

(A) tasi le tone po'o lona vaegamea i le aso e tasi po'o lona vaegamea mo le ulua'i 2 vaiaso, ~~\$0.50~~ \$1.00;

(E) tasi le tone po'o lona vaegamea i le aso e tasi po'o lona vaegamea e sili i le ulua'i 2 vaiaso, ~~\$1.00~~ \$2.00;

(4) oloa e teu i faleteu oloa o le malo po'o isi oganu'u e sili i le 72 itula, i le tone tasi po'o lona vaegamea, i le aso e tasi, po'o lona vaegamea, mo ulua'i 3 aso, ~~\$1.00~~ \$2.00; mavae aso e 3, o le fua e ~~\$2.00~~ \$4.00;

(5) (A) pusa teuina i le uafu po'o isi fanua o le malo e a'afia i tupe faae'e e faaopoopo i tone e tatau ona totogi ma isi tupe faae'e e pei ona fa'aalia i lalo:

(i) pusa oloa taunu'u: 120 itula pe a te'a le aso taunu'u, ~~\$0.25~~ \$0.50; i le aso; ma ~~\$0.50~~ \$1.00 i le aso pe a mavae aso e 30;

(ii) pusa oloa alu i fafo: taimi lava e tu'u ai luga o le uafu ~~\$0.25~~ \$0.50; i le aso e tasi ma le ~~\$0.50~~ \$1.00 i le aso pe a mavae aso e 30;

(E) pusa oloa teuina pe fa'aaoga mo kamupani tu'uapa i'a e faagafua mai tupe faae'e ua saunia e parakalafa

(5) (A) pe afai o nei pusa e fa'aaoga i le 30 aso pe a uma ona taunu'u mai pe faapea o nei pusa o lo'o iai i'a tuuapa e lea.

(o) Oloa taunu'u i Pago Pago e makaina pe faailogaina maoti o mea a se tasi o nu'u i Manu'a ia faagafua mai le totogi o le teuina. O le tagata e ona po'o se sui o nei oloa ia faafeso'ota'i mo le toe auina atu i Manu'a mo se avanoa muamua e maua mo va'a.

(u) Pe afai e fa'aaogaina e kamupani va'a le tulaga e tu'upusa ai uta i Amerika Samoa ma o ni oganu'u avanoa i faleteu oloa o le malo ua suia fo'i ona ua fa'aaoga pusa, o le faatonu o le tualuga ua faatagaina e sui le tau o le teuina o mea i lenei maga ina ia le faae'e se avega i le malo po'o kamupani va'a seia o'o i le tasi fonotele e soso'o ai o le Fonofaitulafono.

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

(g) O tupe faae'e i lenei maga emafai ona faaopoopo, faaitiitia, pe faia se faaopoopoga i se faatonuga a le Kovana.

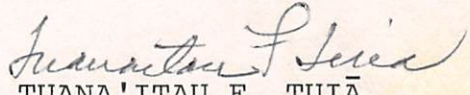
(1) Vagana tupe maua ua faailoga faapitoa mo se isi mafuaga, tasi le afa o tupe maua uma i lalo o lenei maga ia teuina i se teugatupe faailogaina maoti ina ia faasoasoaina i tausaga ta'itasi e le Fonofaitulafono e sauni ai tupe, e tusa ma le 11.1906 (m), mo tupe nofo totogi e totogi ai tupe ma tului i pone ua teuina atu e le pulega atiina'e tamaoaiga o Amerika Samoa e faatupe ai le Fale Lala Faamalosi Tulafono i aso atofaina o pone. O le tupe faasoasoa ia aofia i le tulafono tupe faasoasoa 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 faatupe ai le Fale Lala Faamalosi
Tulafono o le malo, pe faia se aiaiga e totogia ai ia
tupe e tusa ma tu'utu'uga sa ulua'i faia ai pone."

Maga 3. Aso taualoa.

O lenei tulafono e taualoa pe a pasia e le Fonofaitula-
fono ma faamaonia e le Kovana ona o le faanatinati o le
mana'oga e saunia alagatupe faapitoina e totogi ai le tupe
ma tului o pone e tu'uina atu e le pulega atiina'e tamao-
aiga o Amerika Samoa e faatupe ai le fale Lala Faamalosi
Tulafono o le Malo Amerika Samoa.


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


TUANA'ITAU F. TUIĀ
Fofoga Fetalāi, Maota o Sui

Hereby Approved this 23rd day of December, 1987


Governor of American Samoa