
AN ACT

To enact Chapter 4 of Title 29 of the Chuuk State Code establishing a poker machine possession tax, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1 Section 1. Enactment. Chapter 4 of Title 29 of the
2 Chuuk State Code is hereby enacted, to read as follows:

3 "Chapter 4. Poker Machine Possession Tax.

4 Sections:

5 101. Definitions.

6 102. Imposition.

7 103. Attachment.

8 104. Payment.

9 105. Penalty.

10 106. Exemption.

11 107. Refunds.

12 Section 101. Definitions. For the purpose
13 of this Chapter, unless the text otherwise provides,
14 the term:

15 (a) "Poker Machine" means any gambling
16 device or apparatus by which a person depositing
17 money or articles of value worth either more
18 or less than the money deposited, and such
19 device shall not include slot machines pro-
20 hibited by TDL No. 25-3.

21 (b) "Director" means the Director of the
22 Department of Treasury of the State of Chuuk;

23 (c) "Chief" means the Chief of the Divi-

1 sion of Tax and Revenue of the Department of
2 Treasury of the State of Chuuk.

3 (d) "Possession" means the actual deten-
4 tion, control and custody, including but
5 not limited to the actual use and operation
6 of a poker machine in the State of Chuuk, as
7 defined in this Section.

8 Section 102. Imposition. There is hereby im-
9 posed an annual tax of \$500.00 on possession of each
10 poker machine in the State of Chuuk.

11 Section 103. Attachment. The tax levied under this
12 chapter shall attach at the time the poker machine is
13 imported into the State of Chuuk or when it is in the
14 possession of the possessor. "Possessor" herein means
15 the actual or legal owner of the poker machine, or
16 the person in possession of the poker machine
17 operating the same for a profit.

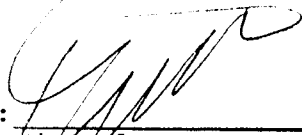
18 Section 104. Payment. Within five days after the
19 importation and actual or constructive possession
20 of a poker machine by the possessor in the State of
21 Chuuk, or 30 days after the effective date of this
22 Act, the tax is due and payable by the possessor, who
23 shall pay to the Director of the Department of
24 Treasury of the State of Chuuk. Upon the full pay-
25 ment of the tax for each poker machine, the Chief of
26 the Division of Tax and Revenue of the Department of
27 Treasury shall put appropriate tax stamps on the
28 poker machine. For any poker machine without tax
29 stamps, it shall be presumed that no tax has been
30 paid. The Chief shall establish procedures to im-
31 plement this Act.

1 Section 105. Penalty. Any person in possession
 2 of a poker machine for which no tax has been paid,
 3 shall, upon conviction thereof, be imprisoned for
 4 not more than one year, or fined not more than
 5 \$1,500, or both. All taxes which are not paid in
 6 accordance with Section 104 of this Chapter shall be
 7 delinquent and subject to a penalty of 50% per month
 8 of unpaid taxes. Any payment made on unpaid taxes
 9 shall first be applied to the penalty.

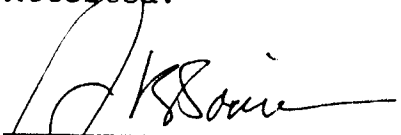
10 Section 106. Exemption. No possession tax
 11 shall be levied upon a poker machine held by the
 12 possessor for spare parts purposes. The burden is
 13 on the possessor to prove to the State that a parti-
 14 cular machine is for spare parts only.

15 Section 107. Refunds. The State shall refund
 16 any tax levied and collected in violation of this
 17 Act and shall forthwith pay such sum to the possessor
 18 or the owner of the poker machine so taxed.

19 Section 2. Effective Date. This Act shall take
 20 effect upon its approval by the Governor, or upon its
 21 becoming law without such approval.

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 24 Signed by: 
 25 Kisande K. Sos, Speaker
 House of Representatives
 Chuuk State Legislature

26 Attested:

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 28 Herter Sorim, Chief Clerk
 29 House of Representatives
 30 Chuuk State Legislature

Date: March 20, 1991

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Signed by: Ira E. Akapito
Ira E. Akapito, President
Senate
Chuuk State Legislature

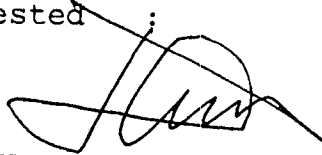
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Attested :

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Datasi Albert, Chief Clerk
Senate
Chuuk State Legislature

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Approved by: Sasao H. Gouland
Sasao H. Gouland, Governor
Chuuk State Government

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Date: 4/4/91

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History: H.B. No. 1-175