

AN ACT

To establish Chuuk State Port regulations regarding certain port charges, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

- 1 Section 1. Definitions. The following terms shall have the meanings unless the
2 text clearly indicates otherwise:
- 3 1) "Anchorage" means the dropping of anchor or ship's ground tackles
4 for securing the ship afloat in any designated quarantine area in Chuuk
5 State;
- 6 2) "Entry" means the arrival of a foreign-flagged vessel for port call in
7 Chuuk State;
- 8 3) "Dockage" means the securing of a vessel at dock side by any means
9 of mooring;
- 10 4) "Wharfage" means any cargo passing through a dock, wharf, quay,
11 pier, jetty, landing place or state, platform, ship, basin, siding, or wall,
12 or any other place at which cargo can be landed, loaded or unloaded;
- 13 5) "Transshipment" means the transferring of fish cargo from one ship to
14 another, and/or from ship to shore and unto another means of carrier,
15 toward complete movement of that fish cargo;
- 16 6) "Fee" means any port charges or dues, in terms of money, imposed
17 and exacted upon vessels availing themselves of the commercial
18 conveniences and privileges of the port and anchorage areas of the
19 State of Chuuk;
- 20 7) "Port" means designated anchorage, harbor, pier, quay, wharf, and
21 other places where a vessel is secured or moored and/or discharges or
22 loads cargo;
- 23 8) "Revenue ton" means the greater of weight ton of 2,000 pounds or a
24 measurement ton of 35 cubic feet, whichever gives the greater
25 revenue; and

9) "Person" includes a natural person, corporation, business entity, organization or association.

Section 2. Port Charges and Other Fees. The following port charges and other related fees are hereby established. Previous charges so established are superseded by these established herein.

1) Anchorage Fees. An anchorage fee is hereby established for all vessels participating in the transshipment of fish cargo and related cargo. Vessels of 1,000 Gross Revenue Ton (GRT) or more shall be charged a flat \$150.00 for the first 48 hours of anchorage. When such a vessel remains at anchorage for more than 48 hours, the following graduated fees shall apply:

- a) 3rd to 7th day : \$10.00 per day
- b) 8th to 10th day : \$15.00 per day
- c) 11th to 15th day : \$25.00 per day
- d) 16th day and beyond : \$50.00 per day

Vessels of less than 1,000 GRT but more than 100 GRT shall pay a flat anchorage fee of \$50.00 for the first 48 hours and a flat \$10.00 per day beyond the first 48 hours. Vessels of less than 100 GRT shall pay a flat anchorage fee of \$25.00 for the first 48 hours and a flat \$10.00 per day when at anchorage beyond the first 48 hours. Pleasure vessels and regular Commercial vessels shall pay a flat anchorage fee of \$10.00 per day at anchorage. A vessel of this class, which by nature of its business activity, is required to be at anchorage for a period of more than one month shall pay a flat annual anchorage fee of \$1,000.00.

2) Dockage Fee. It is hereby imposed a dockage fee of \$0.07 per GRT per day for vessels of 500 GRT or more. Vessels of less than 500 GRT shall pay a flat dockage fee of \$25.00 per day. For purpose of this section, the dockage fee shall apply only to dockages made at the Weno commercial dock.

3) Entry Fee. An entry fee is hereby imposed on all vessels calling ports in the State of Chuuk. The rate shall be \$.10 per GRT for vessels of

1 500 GRT or more; a flat rate of \$50.00 for vessels of less than 500
2 GRT but more than 100 GRT; and a flat rate of \$25.00 for vessels of
3 less than 100 GRT.

4 4) Transshipment Fee. A transshipment fee of \$2.50 per revenue ton of
5 fish cargo off-loaded (transferred) onto a carrier vessel in the waters of
6 Chuuk State is hereby imposed. A flat transshipment fee of \$250.00 is
7 hereby imposed on the carrier vessel per call for the transshipment of
8 fish in the waters of Chuuk State.

9 5) Wharfage. A fee for wharfage is hereby imposed at the rate of \$1.75
10 per revenue ton of any cargo beside fish cargo. A \$3.50 per revenue
11 ton is imposed on the inbound and bound of fish cargoes handled at
12 Chuuk State facilities for transshipment purpose.

13 6) Exemptions. The fees imposed under this Section 2 of this Act shall
14 not apply to the following vessels:

- 15 a) Vessels owned by the FSM National Government, State
16 Government, its agencies, or municipalities.
17 b) Vessels belonging to the United States Armed Forces.
18 c) Vessels of less than 30 feet.
19 d) Other vessels as may be exempted in writing by the Governor, or
20 by law.

21 Section 3. Other Matters.

22 1) Prohibition of Discharge of Pollution. As a condition for allowing a
23 foreign vessel to transship fish cargoes in the waters of the State of
24 Chuuk, no foreign vessel involved in the transshipment of fish shall
25 discharge any pollutant, including oil waste, by catch and other fish
26 discards, raw sewage, garbage and other solid wastes, etc. in the
27 lagoons and atolls and the territorial waters of the State of Chuuk. The
28 dumping of such pollutants on land in such pollutants permitted by the
29 State to be discharged on land in such areas or places as shall be
30 designated by the State of Chuuk.

- 1 2) Transfer of Fish. No person shall transfer or cause the transfer of
 2 purse seine-caught fish to any local person whether for any
 3 consideration or for free, while in the State of Chuuk. Any person
 4 who violates this section shall be assessed a civil fine of not more than
 5 \$1,000.00 or may be prohibited from doing transshipment in the
 6 waters of Chuuk State.
- 7 3) Receipt of Fish. Any person, local or otherwise, who solicited for,
 8 obtained, or received any purse seine-caught fish, whether by
 9 purchase, barter, or gift shall assessed a civil fine of not more than
 10 \$1,000.00
- 11 4) Authorized Boarding of Vessel. No resident of Chuuk State shall be
 12 authorized to board any purse seine vessel or carrier vessel while at
 13 anchorage in the State of Chuuk, except for duly authorized
 14 government officials and vessels agents. No unauthorized outboard
 15 motorboat shall be allowed to dock at a purse seine or carrier vessel
 16 and at any time, or to come within 50 feet of a purse seine vessel and a
 17 carrier during an ongoing transshipment operation. Any person who
 18 violate any provision of this section shall be assessed a civil fine of not
 19 more than \$500.00.
- 20 (5) Notice of Length of Stay in Port. Each vessel utilizing any of the ports
 21 of entry in the State of Chuuk shall give notice, either directly or
 22 through local agent, to the Department of transportation of her date of
 23 arrival and the date of departure.
- 24 (6) Department Tender Bill for Port Charges. Based on the notice of stay
 25 in port, or within a reasonable time thereafter so as not to
 26 unnecessarily delay the departure of a vessel, the Director of
 27 Transportation shall cause the preparation and service on each vessel,
 28 directly or to designated local agents, of the appropriate bill for port
 29 charges. Upon receipt of the bill for port charges, the vessel, directly
 30 or through its local agent, shall forthwith pay the same to the Director

1 of Treasury, who shall receive the same, and shall caused a receipt of
2 such payment to be issued to the vessel, or to her agent.

3 (7) Receipt of Payment. Upon receipt of the receipt of payment, the
4 vessel, directly or through her local agent, shall present the same to
5 the Director of Transportation as a condition precedent to the issuance
6 of a port clearance from that Department. No port clearance shall be
7 issued unless the Director of Transportation, or his designee, receives
8 a receipt from the Director of Treasury, or his designee, showing that
9 the appropriate port charges are paid in full. Partial payment of port
10 charges is not sufficient to justify the issuance of a port clearance.

11 (8) Issuance of Port Clearance. The Director of Transportation is hereby
12 authorized to issue a port clearance to any vessel, directly or through
13 her local agent, that presents evidence of payment of all the port
14 charges incurred by the said vessel while in the State of Chuuk.

15 (9) Violation of This Act. Issuance of a port clearance in violation of this
16 act shall be deemed an insubordination justifying the removal of the
17 Director, or his appropriate designee.

18 Section 4. Responsible Agencies.

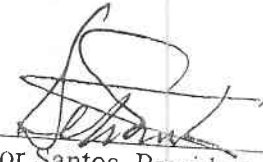
19 1) Department of Transportation. The State Department of
20 Transportation shall be responsible for the implementation of Section
21 2 of this Act. The Director thereof shall work closely with other
22 relevant government departments and agencies to ensure that Section 2
23 is effectively implemented.

24 2) Implementing Department. The Department of Public Safety and the
25 Office of the State Attorney General shall be responsible for
26 implementing and enforcing Section 3 of this Act, in cooperation with
27 the environmental protection division of the Department of Health
28 Services, and other relevant agencies of the State Government.

29 3) Department of Treasury. All monies collected pursuant to Section 2
30 hereof shall be deposited in the General Fund of the State. The
31 Department of Treasury shall be responsible for ensuring that all such

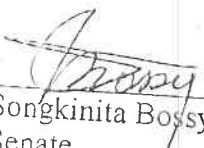
monies are collected and shall work with the Department of Transportation in devising an effective system of collecting such fees.

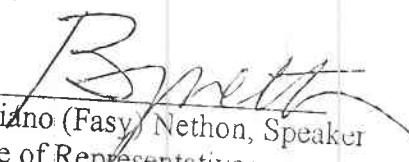
Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

Signed by: 
Detor Santos, President
Senate
Chuuk State Legislature

Date: 12/13/01

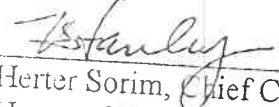
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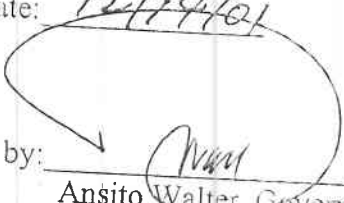

Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Signed by: 
Bonciano (Fasy) Nethon, Speaker
House of Representatives
Chuuk State Legislature

Date: 12/14/01

Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Approved by: 
Ansito Walter, Governor
Chuuk State Government

Date: 12/17/01

History

- : S.B.No: 6-29,HD2
- : S.C.R.NO:
- : H.C.R.NO: None