

TWELFTH KOSRAE STATE LEGISLATURE

TENTH SPECIAL SESSION, JUNE 2020

L.B. No.

12-169

HOSA / ETC & I

A BILL FOR AN ACT

To amend the Kosrae State Code by adding under Title 14 a new Part IV and inserting there under Chapters 14, 15, 16, 17, 18 and 19 of the Kosrae State Code to assist in emergency management regarding seaport operations during the time a Declaration of State of Emergency is in existence.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to specify the directions that are
2 to be complied with, the requirements to be complied and prohibited conduct concerning
3 seaport operations regarding Longline fishing vessels, Purse Seine vessels, Cargo vessels
4 including but not limited to KYOWA Line, MEL and Tanker and Security which will
5 assist in effective emergency management during the time a Declaration of State of
6 Emergency is in existence in the State of Kosrae. The State of Emergency Act and any
7 amendments thereto which have been enacted through Part 9 of the Kosrae State Code
8 shall so far as is relevant and reasonably practicable apply in the carrying out of and
9 enforcement of the Sections contained in and introduced by this Act .

10 Section 2. Amendment. Title 14 of the Kosrae State Code is hereby amended by
11 inserting thereunder a new Part IV to read as follows:

12 “Part IV Directions and requirements to be complied with, prohibitions that apply
13 in regards to sea port operations and penalties applicable during a State of
14 Emergency.”

1 Section 3. Amendment. Title 14 Part IV of the Kosrae State Code is hereby
2 amended by adding thereunder Chapter 14 and thereunder inserting Sections 14.1401 to
3 14.1405 to read respectively as follows:

4 “Chapter 14: Longline Fishing Vessels.

5 Section 14.1401 Vessels with no holding tank

6 All off shore crew upon arrival of a Longline fishing vessel with no holding tank
7 are required upon a direction given by an emergency medical officer or an
8 emergency nursing officer or an emergency authorized officer to promptly undergo
9 mandatory health screening process . All onboard toilets are required to be locked
10 thereafter and the crew are permitted to get off only to use Liancheng toilet/shower
11 facilities at the old PTI building and are prohibited from having any person to
12 person contact with local staff and onshore crew. Onshore crew are prohibited
13 from using these toilet facilities while such vessels are in port.

14 Section 14.1402 Ships agents responsibilities

15 A Ship’s Agent is responsible for setting up proper hand-wash station as necessary
16 upon a direction given by any emergency officer.

17 Section 14.1403 Harbor pilots.

18 A Harbor pilot is required to wear protective mask and gloves before boarding a
19 Longline Fishing vessel and is required to do hand-wash immediately upon
20 disembarkation.

1 Section 14.1404 On shore personnel.

2 Any on shore personnel (including agents, engineers) required to board a Long
3 Line fishing vessel are required to have prior written approval from an emergency
4 medical officer and are required to wear protective mask and gloves before
5 boarding and are required to use hand-wash by wash station or hand sanitizer
6 immediately upon disembarkation.

7 Section 14.1405 Seaport operations.

8 During seaport operations, facemasks are required to be worn when social
9 distancing (being a distance of less than 6 feet between one person and another
10 person) is not possible and all local or onshore crew are required to practice
11 regular hand-washing during and immediately after each seaport operation.”

12 Section 4. Amendment. Title 14 Part IV of the Kosrae State Code is hereby
13 amended by adding thereunder Chapter 15 and thereunder inserting Sections 14.1501 to
14 14.1504 to read respectively as follows:

15 “Chapter 15 Purse Seine Vessels.

16 Section 14.1501 No disembarkation of ship’s personnel.

17 All personnel and crew members of a Purse Seine Vessel are at all times prohibited
18 from disembarking from the vessel whilst the vessel is in port.

19 Section 14.1502 Ship’s agent.

1 A Ship's Agent is responsible for setting up proper hand-wash stations as shall be
2 necessary pursuant to any direction given by any emergency officer.

3 Section 14.1503 Harbor Pilots.

4 A harbor pilot is required to wear protective mask and gloves before boarding a
5 Purse Seine vessel and is required to do hand-wash immediately after
6 disembarkation from the vessel.

7 Section 14.1504 On shore personnel.

8 Any onshore personnel (including agents, onshore engineer) required to board
9 are required to have prior written approval from am emergency medical officer
10 and are required to wear protective mask and gloves before boarding and are
11 required to hand-wash by wash station or hand sanitizer immediately upon
12 disembarkation.

13 Section 14.1505 During seaport operations

14 During seaport operations, facemasks are required to be be worn when social
15 distancing is not possible and a local crew member is required to practice regular
16 hand-washing during and after each operation.

17 Section 5.Amendment. Title 14 Part IV of the Kosrae State Code is hereby
18 amended by adding thereunder Chapter 16 and thereunder inserting Sections 14.1601 to
19 14.1605 to read respectively as follows:

1 “Chapter 16 Cargo vessels including but not limited to KYOWA Lines, MEL and
2 Tanker.

3 Section. 14.1601 Ship’s personnel.

4 All personnel and crew members of Cargo vessel including but not limited to
5 KYOWA Lines, MEL and Tanker are at all times prohibited from disembarking
6 from the vessel whilst the vessel is in port.

7 Section 14.1602 Ship’s Agent.

8 A Ship’s Agent is responsible for setting up proper hand-wash stations as shall be
9 necessary pursuant to any direction given by any emergency officer.

10 Section 14.1603 Harbor Pilots.

11 A harbor pilot is required to wear protective mask and gloves before boarding a
12 Cargo vessels including but not limited to KYOWA Lines, MEL and Tanker is
13 required to do hand-wash immediately after disembarkation from the vessel.

14 Section 14.1604 Onshore personnel.

15 Except for the stevedoring crew and a harbor pilot any onshore personnel required
16 to board a Cargo vessel including but not limited to KYOWA Lines, MEL and
17 Tanker are required to have prior written approval from an emergency medical
18 officer and are further required to wear protective masks and gloves before
19 boarding and are further required to do hand wash or use a hand sanitizer
20 immediately upon disembarkation.

1 Section 14.1605 During stevedoring process.

2 During a stevedoring process a stevedoring crew member is required to wear a
3 facemask when social distancing is not possible. A stevedoring crew member is
4 required to regularly hand-wash during and immediately after the conclusion of
5 each stevedoring process.”

6 Section 6. Amendment. Title 14, Part IV of the Kosrae State Code is hereby
7 amended by adding thereunder Chapter 17 and thereunder inserting Sections 14.1701 to
8 14.1704 to read respectively as follows:

9 “Chapter 17 Security.

10 Section 14.1701 Security officers must be emergency authorized officers.

11 Security officers referred to under this Chapter are only those security officers who
12 are authorized by the the Attorney General to enforce the law pursuant to Section
13 1.201(57) of Title 1 of the Kosrae State Code and are emergency authorized
14 officers for the purpose of this Chapter and other Chapters under this Part.

15 Section 14.1702 Security officer to be stationed on the dock front during all
16 seaport operations and any stevedoring process.

17 A security officer must be stationed at the dock front during seaport operations
18 and any stevedoring process and is required to: prevent the entry of any persons
19 not authorized or permitted entry to the dock and to prevent any person to person
20 contact between onshore ship and other land based crew and offshore ship crew

1 from a vessel that is docked or otherwise is situated within the territorial waters of
2 Kosrae State.

3 Section 14.1703 Security officer is empowered to give directions.

4 In performing his or her duties under Section 14.1702 a security officer is
5 empowered to give a direction to a person.

6 Section 14.1704 Seaport operation or stevedoring process using up most or whole
7 of dock.

8 When a seaport operation or a stevedoring process uses most of or the whole of
9 the dock there must be during such time this operation or process is being
10 conducted two security officers stationed at the dock front.

11 Section 14.1705 Control of entry and exit to the main dock.

12 The Kosrae Port Authority is responsible at all times to control the entry to and
13 exit from the main dock through the main gate and any security officers are
14 required to assist a staff member of the Kosrae Port Authority in policing such
15 entry and exit.

16 Section 7. Amendment. Title 14 Part IV of the Kosrae State Code is hereby
17 amended by adding thereunder Chapter 18 and thereunder inserting Sections 14.1801 to
18 14.1803 to read respectively as follows:

19 “Chapter 18: Penalties for failure to comply with a direction, failure to comply
20 with a with a specific requirement or a violation of conduct prohibited.

1 Section 14.1801 Failure to comply with a direction.

2 A person given a direction under any of the following Sections 14.1401,14.1402,
3 14.1502, 14.1602 by any emergency officer or an emergency medical officer
4 where appropriate or a direction given by a security officer under Section 14.1703
5 must comply with the direction.

6 Failure to comply with a direction is a category one misdemeanor.

7 Section 1802 Failure to comply with a specific requirement.

8 A person required to comply with a specific requirement as described in any of the
9 following Sections 14.1401, 14.1403, 14. 1404, 14.1405,14.1503, 14. 1504,
10 14.1505, 14.1603, 141604, 14. 1605 and 14.1702 must comply with such specific
11 requirement.

12 Failure to comply with any specific requirement is a category one misdemeanor

13 Section 1803 Violation of prohibited conduct

14 A person subject to a prohibition in any of the following Sections 14.1401,
15 14.1501 and 14.1601 must not violate any of the conduct prohibited by those
16 Sections.

17 Violation of prohibited conduct is a category one misdemeanor.”

18

1 Section 8. Amendment Title 14, Part IV of the Kosrae State Code is hereby
2 amended by adding thereunder Chapter 19 and thereunder inserting Sections to read
3 respectively as follows:

4 “ Chapter 9 Definitions and to avoid doubt.

5 Section 14. 1901 Definitions. For the purposes of Chapters 14, 15, 16, 17 and 18
6 under Part IV of Title 14 the following definitions apply:

- 7 i) Seaport operations are operations conducted from a seaport being a
8 maritime facility located in Kosrae State comprising of one or more
9 wharves where ships may dock to load and discharge passengers or crew
10 and cargo.
- 11 ii) Stevedoring process is the process of loading and discharging/offloading of
12 a ship or cargo to /from a ship.
- 13 iii) Dock includes a wharf or wharves which form part of a dock.
- 14 iv) Health screening process is a medical or health process which includes the
15 taking of a temperature check of a person, questioning of a person about his
16 or her medical condition and any other tests and examinations necessary to
17 be administered or to be conducted before a medical clearance can be
18 issued.
- 19 v) Emergency officer includes medical, nursing, technical, infection prevention
20

TWELFTH KOSRAE STATE LEGISLATURE
TENTH SPECIAL SESSION, JUNE 2020

L.B. No. 12-169

1 control, health and safety officers involved in quarantine operations
2 management appointed by or authorized by the Kosrae State Government
3 Director of Health Services or is an authorized officer within the meaning
4 of Section 13.902 (iv).

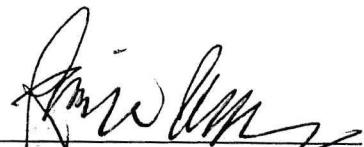
5 Section 14.1902 . To avoid doubt.

6 For the purposes of Chapters 14, 15, 16, 17 and 18 under Part IV of Title 14 the
7 provisions contained therein apply despite the provisions of any other written law
8 and a person including an emergency officer does not commit an offense by reason
9 of compliance with any of the provisions contained in these Chapters.”

10 Section 9. Effective Date. This Act takes effect upon the approval of the Governor
11 or upon its becoming law without such approval.

12
13
14 Date: 7/10/20

Introduced by:


Rinehart B. William