



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

In reply refer to

LEGISLATURE OF AMERICAN SAMOA

CERTIFICATION

House Chamber
September 23, 1993

I certify that House Bill No. 23-59 passed third reading on this date in the House of Representatives during its Second Regular Session of the Twenty-third Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Wally F. Utu".

Wally F. Utu

CHIEF CLERK, HOUSE OF REPRESENTATIVES

Senate Chamber
October 4, 1993

I certify that House Bill No. 23-59 passed third reading on this date in the Senate during its Second Regular Session of the Twenty-third Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Leo'o V. Ma'o".

Leo'o V. Ma'o

SECRETARY OF THE SENATE

THE TWENTY-THIRD LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

**Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelfth day of July
one thousand nine hundred and ninety three**

AN ACT CORRECTING THE TITLE AND CHAPTER NUMBER OF THE "AMERICAN SAMOA SOIL AND WATER CONSERVATION DISTRICT ACT" INADVERTENTLY RECORDED AS TITLE 24, CHAPTER 05 IN PUBLIC LAW NO. 22-20; AND RENUMBERING TO CREATE A CHAPTER 09 UNDER TITLE 24 ASCA.

PREAMBLE:

This act is a housekeeping measure correcting the title and chapter number of the "American Samoa Soil and Water Conservation District Act" inadvertently recorded as Title 24, Chapter 05 in Public Law No. 22-20. This act is effective immediately upon passage by the Legislature and approval by the Governor due to the urgent need to correct the American Samoa Code Annotated.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. Chapter 05 under Title 24 ASCA referred to in P.L. No. 22-20, effective November 20, 1991, is renumbered to create a Chapter 09 under Title 24 ASCA which reads:

"Chapter 0509

AMERICAN SAMOA SOIL AND WATER CONSERVATION DISTRICT

Sections:

24.0501 <u>24.0901</u>	Short title.
24.0502 <u>24.0902</u>	Policy
24.0503 <u>24.0903</u>	Definitions.

24.0504 24.0904 Soil and water conservation district--
Establishment--Tenure--Meeting--Management.

24.0505 24.0905 Powers of the district board.

24.0506 24.0906 Limitations of powers of the district and
board.

24.0501 24.0901 Short title.

This chapter shall be known as the "American Samoa Soil and
Water Conservation District Act".

24.0502 24.0902 Policy.

(a) It is the public policy of this Territory and the purpose of this chapter to promote soil and water conservation by creating a soil and water conservation district to advise on methods of preventing erosion, and protecting and improving water quality. The conservation district shall work in cooperation with other American Samoan government agencies to conserve, develop and use the soil and water resources of the Territory in order to control and prevent soil erosion, prevent flooding, and to protect and improve water quality of both surface and underground waters.

24.0503 24.0903 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

(a) "Administrative district" means the Eastern, Western and
Manu'a ~~d~~Districts (Swains Island as a part of Manu'a ~~d~~District).

(b) "Conservation district" means a governmental subdivision of this Territory, and a public body corporate and politic, organized in accordance with this chapter.

(c) "Due notice" means notice given during a ten day period by publication in local newspapers.

(d) "Land occupier" or "occupier of land" includes both the person, firm, or corporation who is an owner or operator of any lands lying within a district organized under this act.

24.0504 24.0904 Soil and water conservation district--Establishment--Tenure--Meeting--
Management.

(a) There is a soil and water conservation district referred to in this chapter as the conservation district.

(b) A conservation district board is established. The board shall consist of sixteen members. Eight members shall be appointed from each of the following departments of the American Samoa Government by the Governor of American Samoa. These departments are:

- (1) American Samoa community college land grant program;
- (2) American Samoa environmental protection agency;
- (3) department of agriculture;
- (4) department of public works;
- (5) department of marine and wildlife resources;
- (6) office of economic development planning, coastal management program;
- (7) office of Samoan affairs; and
- (8) American Samoa power authority, water division.

Two members are to be appointed by the Governor from the environmentally concerned organizations. Three farmers are to be appointed by the Governor to be members of the district board. Three additional members are the three administrative District Governors or their designated representatives.

(c) The term of office of conservation district board members shall be three years. Vacancies will be filled in the same manner as the selection of board members. The conservation district board members shall designate a chairperson and may, from time to time, change the designation.

(d) Monthly meeting shall be held and eight of the board members shall constitute a quorum and the concurrence of a majority present on any official matter shall be necessary.

(e) Board members shall receive no compensation for their services, but shall be entitled to necessary expenses. They may employ such officers and employees as they may require, and fix their compensation, and shall provide for surety bonds for employees or officers who are entrusted with funds. They shall keep a record of proceedings, resolutions, regulations, and orders issued or adopted, and accounts of receipts and disbursements, and shall furnish to the Governor and Legislature copies of documents, instruments or information concerning their activities.

24.0505 24.0905 Powers of the district and board.

A district organized under this chapter, and the board members thereof, shall have in addition to other powers granted in other sections of this chapter the following powers:

(1) To provide for and encourage surveys, investigation, and research relating to soil and water conservation and water quality, and to publish and disseminate information concerning such subjects.

(2) To provide for and encourage demonstrations relative to the control and prevention of erosion, the conservation of soil and water resources, and improvement of

water quality on publicly owned lands within the Territory with the consent of the agency having jurisdiction thereof, and on other lands with the consent of the occupier of lands.

(3) To cooperate, or enter into agreements with and to furnish financial or other aid, including machinery, equipment, fertilizer, seeds, and other material, to any agency or any occupier of lands within the Territory, for carrying on soil and water conservation and water quality activities, subject to such conditions as the board may deem necessary.

(4) To acquire property, real or personal, or rights or interests therein; to maintain, administer, and improve the property, receive income from it, and expend the income in carrying out the purposes of this chapter; and to sell, lease, or otherwise dispose of any such property.

(5) To construct, improve, and maintain any structures necessary for carrying out the purpose of this chapter.

(6) To develop plans for the conservation of soil and water resources, the control and prevention of erosion and improvement of water quality within the district and to publish or otherwise bring them to the attention of district land occupiers.

(7) To apply for and accept grants, loans, contributions, appropriation, and assistance from any source, private or public (federal, territorial, or local); to enter into and carry out contracts of agreements in connection therewith, and to use or expend these resources in carrying on its operations.

(8) To sue and be sued; to have a seal, which seal will be judicially noticed; to make and execute any necessary contracts or other instruments.

(9) As a condition to the extending of benefits, or the performance of work upon lands under this chapter, the board may request land occupiers to contribute money, services or materials, to any operation conferring such benefits.

~~24.0506~~ 24.0906 Limitations of powers of the district and board.

The district and board will not interfere with the Samoan traditional land ownership system."

Sec 2. Effective date.

This act is effective immediately upon passage by the Legislature and approval by the Governor due to the urgent need to correct the American Samoa Code Annotated.


Letuli Toloa

PRESIDENT OF THE SENATE


Talavou S. Ale

SPEAKER OF THE HOUSE

Hereby Approved this 29th day of October, 19 73


Governor of American Samoa

NOFOAIGA LUASEFULU-TOLU FONO FAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Lua

**Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefululua o Iulai
tasi afe iva selau iva sefulu-tolu**

**O SE TULAFONO E FA'ASA'O AI LE NUMERA O LE VAEGA MA LE MATAUPU O LE
"TULAFONO FALELIMA PUIPUIGA O LE ELEELE MA VAI O AMERIKA SAMOA" SA
LE SA'O ONA TUSIA E AVEA MA VAEGA 24, MATAUPU 05 I LE TULAFONO
LAUTELE NU. 22-20; MA TOE FA'ANUMERINA E FA'AVAE AI SE MATAUPU FOU 09
I LALO O LE VAEGA 24 TTAS.**

FA'ATOMUAGA:

O lenei tulafono o se tulafono e tapena ai mea o fa'aletonu i le numera o le vaega ma mataupu o le "Tulafono Falelima Puipuia o le eleele ma vai o Amerika Samoa" sa sēsē ona fa'amauiina e avea ma Vaega 24, Mataupu 05 i le Tulafono Lautele Nu. 22-20. O lenei tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana ona o le fa'anatinati o le manaoga e fa'asa'o le Tusitulafono Fa'atulagaina o Amerika Samoa.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

Maga 1. Mataupu 05 i lalo o le Vaega 24 TTAS o lo'o fa'asinoina i le T.L. Nu. 22-20, taualoa ia Novema 20, 1991, ua toe fa'anumera e fa'avaeina ai se Mataupu 09 i lalo o le Vaega 24 e faitauina:

**"Mataupu 0509
FALELIMA PUIPUIGA O ELEELE MA VAI O AMERIKA SAMOA**

Maga:

24.0501 24.0901 Ulutala pu'upu'u.

24.0502 24.0902 Tulafono faigaluega.
 24.0503 24.0903 Fa'amatalaga.
 24.0504 24.0904 Falelima puipuiga eleele ma vai--Fa'atuina--Tausaga umia--Fonotaga--Pulega.
 24.0505 24.0905 Malosi o le komiti falelima.
 24.0506 24.0906 Fa'agataina o malosi o le falelima ma le komiti.

24.0501 24.0901 Ulutala pu'upu'u.

O lenei mataupu e ta'ua o le "Tulafono Amerika Samoa Puipuiga o Eleele ma Vai".

24.0502 24.0902 Tulafono faigaluega.

(a) O le tulafono lautele o lenei teritori ma o le mafuaaga o lenei mataupu e u'una'i puipuiga o le eleele ma vai i le fa'avaeina o se falelima puipuiga o eleele ma vai e fautua i auala e puipuia ai le 'aia, ma puipuia ma fa'aleleia tulaga mama o vai. O le falelima puipuiga e galue i le felagolagoma'i ma isi ofisa o le Malo o Amerika Samoa e fa'aaoga fa'aeteete, atiina'e ma fa'aaoga alagamanuia o le eleele ma vai o le Teritori ina ia mafai ai ona pulea ma puipuia ma fa'aleleia tulaga mama o vai e le gata i luga o le eleele a'o vai i totonu o le eleele.

24.0503 24.0903 Fa'amatalaga.

E pei ona fa'aaogaina i lenei mataupu, vagana ua i ai seisi fa'aupuga mana'omia:

(a) "Falelima pulega galue" o lona uiga o Falelima i Sasa'e, Sisifo ma Manu'a (Motu o Swains o se vaega o le Falelima o Manu'a).

(e) "Falelima puipuiga" o lona soavaega o lenei Teritori, o se vaega pulea tele ma politiki, ua fa'atuina se tusa ma lenei mataupu.

(i) "Fa'aaliga faia tonu" o lona uiga o se fa'aaliga ua tu'uina atu i se taimi e sefulu aso i le lomia i se nusipepa lotoifale.

(o) "Tagata e nofoia fanua" po'o "tagata galue fanua" e aofia uma le tagata, kamupani, po'o se pisinisi pulea tele o ia e ona pe fa'agaoioi so'o se fanua o lo'o i totonu o se falelima ua fa'atulagaina i lalo o lenei tulafono.

24.0504 24.0904 Falelima puipuiga o eleele ma vai--Fa'atuina--Tausaga--Fonotaga--Pulega.

(a) Ua i ai se falelima puipuiga o eleele ma vai e fa'asinoia i ai lenei mataupu o le falelima puipuiga.

(e) O se komiti falelima puipuiga ua fa'atuina. O le komiti ia aofia ai totino e sefuluono. E valu totino e tofia mai le ta'itasi o matagaluega ua fa'aalia i lalo o Amerika Samoa e le Kovana o Amerika Samoa. O nei matagaluega o:

- (1) le polokalama fanua foa'i Kolisi Tu'ufa'atasi o Amerika Samoa;
- (2) le ofisa puipuiga o le siomia o Amerika Samoa;
- (3) le matagaluega o fa'atoaga;
- (4) le matagaluega lautele;
- (5) le matagaluega alagamanuia o le eleele ma le sami;
- (6) le ofisa fuafuaga tamaoaiga atiina'e, polokalama pulea gataifale.
- (7) le ofisa Mataupu tau Samoa; ma

(8) le pulega o le Eletise o Amerika Samoa, vaega o vai. E lua totino e tofia e le Kovana mai fa'alapotopotoga maelega i le siomia. E tolu faifa'atoaga e tofia e le kovana o le komiti falelima. Tolu totino fa'aopoopo o Kovana falelima pulega po'o latou sui tofia.

(i) O tausaga umia o tofi o totino o le komiti puipuiga falelima e tolu tausaga. O avanoa e fa'atumuina i le tulaga lava sa filifilia ai totino o le komiti. O totino o le komiti puipuiga falelima ia tofia so latou ta'ita'ifono, ma e mafai ona suia mai lea taimi ma lea taimi.

(o) O fonotaga masina ta'itasi ia faia ma o le valu totino ua avea ma to'atele ma o le malilie o se fulisia o 'auai i so'o se mataupu taua ia mana'omia.

(u) O totino o le komiti e leai se tofogi mo la latou tautua, ae agava'a i tupe e tatau mo galuega. E mafai ona latou fa'afaigaluegaina ni ofisa ma tagata faigaluega e pei ona latou mana'omia, ma fa'atulaga o latou tofogi, ma ia saunia mo ni pone inisiua mo tagata faigaluega ma ofisa ua i ai le fatuaiga e tausia tupe. Ia latou tausia fa'amaumanga o fono, iugafono, poloaiga, ma fa'atonuga sa tu'uina atu pe talia, ma pepa o risiti ma tupe fa'aaoga, ma auina i le Kovana ma le Fonofaitulafono kopi o nei fa'amaumanga, pepa po'o tala e uiga i a latou galuega.

24.0505 24.0905 Malosi o le falelima ma le komiti.

O se falelima e fa'avaeina i lalo o lenei mataupu, ma o totino o le komiti, ia i ai e fa'aopoopo i isi malosi ua tu'uina atu i ai i isi maga o lenei mataupu malosi ua fa'aalia i lalo:

(1) E saunia ma u'una'i iloiloga, su'esu'ega, ma saililiga e uiga i tulaga manuia o puipuiga o eleele ma vai, ma lomina ma fa'asalalau tala i ia mataupu.

(2) E saunia ma u'una'i fa'aaliga o galuega e uiga i le taofiofia ma le puipuiga o le 'aia, puipuia o le alagamanuia o le eleele ma vai, ma le fa'aleleia o le mamā o vai i fanua e pule ai le malo i totonu o le Teritori fa'atasi ma le malie o le tagata o nofoia fanua.

(3) E galulue fa'atasi pe faia feagaiga ma saunia tau tupe po'o isi fesoasoani, e aofia ai masini, meafaigaluega, fa'alelei eleele, fatu, ma isi mea e fai ai galuega i so'o se ofisa pe so'o se tagata o nofoia fanua i totonu o le Teritori, mo le fa'ataunu'uina o le puipuiga o eleele ma vai ma galuega o le tulaga mama o vai, i lalo o auala ua silafia e le komiti e tatau.

(4) E saili meatotino, fanua po'o meatotino a tagata, po'o aiā po'o manaoga i ai; e tausia, pulea, ma fa'alelei fanua, talia tupe maua mai, ma fa'aaoga tupe maua i le fa'ataunu'uina o mafuaaga o lenei mataupu; ma fa'atau atu, lisi, pe faia fa'aiuga o so'o se meatotino fa'apea.

(5) E fausia, fa'alelei ma teuteuina so'o se fausaga tatau mo le fa'ataunu'uina o le mafuaaga o lenei mataupu.

(6) E taumafai fuafuaga mo le puipuiga o alagamanuia o le eleele ma vai, le pulea ma puipuia o le 'aia ma fa'aleleiga o vai mama i totonu o le falelima ma lomia pe fa'ailoa i tagata o nofoia fanua i le falelima.

(7) E talosagaina ma talia foa'i, nogatupe, mea tuuina mai, tupe fa'asoasoa, ma fesoasoani mai so'o se alagatupe, tagata tua po'o le malo (malo tele, teritori, po'o le lotoifale); e faia ma fa'ataunu'u konekalate o feagaiga e talafeagai ai, ma fa'aaoga pe fa'aalu tupe nei alagamanuia i le fa'ataunu'uina o ana galuega.

(8) E tagi pe fa'asaga i ai tagi; ia faia se fa'amaufa'ailoga, o lea fa'amaufa'ailoga o le a avea ma fa'ailoga taualoa e le fa'amasinoga, ia faia ma fa'ataunu'u so'o se konekalate manaomia po'o isi pepa aloaia.

(9) E avea ma tulaga e fa'alautele ai manuia, po'o le faia o galuega i eleele o i lalo o lenei mataupu, e mafai e le komiti ona talosaga tagata o nofoia fanua e fesoasoani mai i ni mataupu, galuega po'o meafaigaluega, i so'o se galuega e maua ai ia manuia.

24.0506 24.0906 Fa'agata le malosi o le falelima ma le komiti.

O le falelima ma le komiti o lea le fa'alavelave i tulaga o pulega fanua faitele o Samoa."

Maga 2. Aso taualoa.

O lenei tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana ona o le fa'anatinati o le manaoga e fa'asa'o le Tulafono Fa'atulagaina o Amerika Samoa.


Letuli Toloa

PERESETENE, MAOTIA MAUALUGA


Tala'u S. Ale

FOFOGATETALAI, MAOTIA O SUI


Governor of American Samoa