



## OFFICE OF THE GOVERNOR

PAGO PAGO, AMERICAN SAMOA 96799

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EXECUTIVE ORDER NO.: 012-2007

AN ORDER ESTABLISHING THE AMERICAN SAMOA GOVERNMENT MATERIALS SAMPLING AND TESTING LABORATORY ENTERPRISE FUND AND PROVIDING FOR ITS FUNDING FROM REVENUES GENERATED BY THE LABORATORY

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and Section 4.0302 of the American Samoa Code Annotated (ASCA) and Chapter 5 of the American Samoa Administrative Code (ASAC).

Section 2. Preamble

Whereas, the U.S. Department of Transportation Central Highway Division, in collaboration with Federal Highway Administration and the American Samoa Government has donated tools and equipment for the operation of a materials sampling and testing laboratory; and

Whereas, the Federal Highway Administration has assisted the American Samoa Government by approving funds for the construction of the lab as well as to purchase laboratory equipment and supplies; and

Whereas, a materials sampling and testing laboratory would be in the best interest of the American Samoa Government and by charging fees to agencies and other entities requiring sampling and testing of materials within the Territory, such a laboratory would be self-sustaining and help build capacity within the Territory; and

Whereas, revenues generated and expended from this account shall be for the continued operation of such a laboratory under the auspices of the Department of Public Works and all such financial activity shall be duly recorded and reconciled with the Treasurer of American Samoa in accordance with the laws and regulations of the Territory.

Now, therefore, be it resolved that this Order is executed to authorize the establishment of the ASG Materials Sampling and Testing Laboratory Public Enterprise Fund.

Section 3. Order

(1) The Director of the Department of Public Works, the Attorney General, the Director of Program Planning and Budget Development and the Treasurer of American Samoa shall ensure that the establishment of the Public Enterprise Fund created by this Order is completed in accordance with statutes and regulations governing such funds within the American Samoa Government.


(2) The authorities noted in the preceding subsection shall plan, develop, implement and enforce standard policies and procedures that shall govern the operation of the fund. These authorities may, from time to time recommend changes to said policies and procedures.

(3) The Director of Public Works shall submit a written report at the end of each fiscal quarter, to the Governor on the operations of the laboratory, to include information on the number of entities, government and non-governmental, that the laboratory served; the types of sampling and testing provided by the laboratory; the number and credentials of staff that oversee and conduct testing and sampling within the laboratory; continuing education and certification programs for laboratory employees; and the feasibility of continuing operations.

Section 4: Effective Date

This order shall take effect immediately.

Dated: Oct. 15, 2007.

  
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TOGIOLA T.A. TULAFONO  
Governor of American Samoa

Distribution: As per standard list