

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

SECOND REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the eleventh day of July  
two thousand and five

AN ACT APPROPRIATING THE SUM OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) TO PAY FOR THE UNPAID OVERTIME OF POLICE OFFICERS WITH FUNDING FOR THIS APPROPRIATION TO BE DERIVED FROM THE INSURANCE PROCEEDS FROM THE AFFILIATED FM INSURANCE COMPANY SETTLEMENT WITH THE AMERICAN SAMOA GOVERNMENT, AND ANY FUNDS REMAINING UNEXPENDED AND UNOBLIGATED AT THE END OF THE PERIOD AUTHORIZED BY THIS ACT.

Preamble:

WHEREAS, during weekends, holidays and territorial celebrations, police officers are placed on twelve to sixteen hour shifts; and

WHEREAS, when American Samoa prepares for national disasters, police officers are also required to work overtime for the protection of the territory; and

WHEREAS, all this overtime work requires the police officer to be away from family responsibilities, family gatherings, and other responsibilities that only the officer can handle at home as a father and husband or wife and mother; and

WHEREAS, much of the overtime work takes place in the evenings and during holidays where the police officers encounter unruly persons, domestic violence, stabbings, drunk drivers, persons drowning, and many other dangerous situations; and

WHEREAS, for the past several years there has been no consistency in overtime payments, only intermittent payments; and

WHEREAS, police officers are required to work extra duties, beyond their regular work hours and wages for such work must be compensated during the next payroll period; and

WHEREAS, failure to immediately pay for overtime duty results in accumulation of compensation owed and the loss of time keeping records which results in loss of earned income for the police officers; and

WHEREAS, it is the responsibility of the Public Safety Commissioner and the ASG Budget Office to properly review and compensate unpaid overtime wages that are owed to the police officers to maintain proper time keeping records, and to make certain that overtime wages are paid as required by law without delay; and

WHEREAS, the Public Safety Commissioner Paramount Chief Sotoa Savali and Budget Director Magalei Logovi'i are instructed to compile, review and pay all unpaid police officers' overtime wages; and

WHEREAS, the Public Safety Commissioner Paramount Chief Sotoa Savali is obliged to assure that overtime assignments are allocated equally among the police officers so that all police officers perform their fair share of protecting the public after normal working hours.

This act shall be effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. Appropriation of revenue.**

**There is appropriated the sum of three hundred thousand dollars (\$300,000.00) to pay all unpaid overtime wages of police officers.**

**Sec 2. Source of funding.**

**Funds for this appropriation shall be made available from insurance proceeds from the Affiliated FM Insurance settlement with the American Samoa Government, and/or funds that are unexpended and unobligated revenue. The Office of the Territorial Auditor shall verify all expenditures and prepare a report for the Governor, the Attorney General, and the Legislature.**

Sec 3. Effective date.

This act shall become effective immediately upon passage by the Legislature and approval by the Governor.

*Lolo M. Moliga*

LOLO M. MOLIGA  
President of the Senate

*Matagi R. McMoore*

MATAGI RAY MA'ILO MCMOORE  
Speaker, House of Representatives

Hereby Approved this *18<sup>th</sup>* day of *October* 20*05*

*[Signature]*  
Governor Of American Samoa

NOFOA'IGA LUASEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA LUA

Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulutasi o Iulai  
lua afe ma le lima

O SE TULAFONO E FA'ASOA ATU AI LE AOFA'IGA E TOLU SELAU AFE TALA (\$300,000.00) E TOTOGI AI MO OVATAIMI E LE'I TOTOGIA O LEOLEO O LE FA'ATUPEGA MO LENEI FA'ASOAGA E AUMAI MAI LE TUPE O LE INISUA I LE I'UGA I LE VA O LE KAMUPANI INISUA FEGALEGALEA'I FM MA LE MALO O AMERIKA SAMOA, MA SO'O SE TUPE TOTOE E LE'I FA'AAOGAINA MA FA'ATULAGAINA I LE I'UGA O LE PIRIOTA FA'ATULAFONOINA E LENEI TULAFONO.

Fa'atomuaga:

TALUAI, i fa'ai'uga o vaiaso, aso malolo fa'apea ma aso fa'amanatu fa'aleteritori, e masani ona fa'atulagaina ai ali'i ma tama'ita'i leoleo i sifi e sefulu-lua i le sefulu-ono itula; ma

TALUAI, afai e sauniuni Amerika Samoa mo fa'alavelave fa'afuase'i e pei o afa, asiosio, lologa e mana'omia ai fo'i ali'i ma tama'ita'i leoleo e galulue ovataimi mo le puipuiga o le teritori; ma

TALUAI, o ia ovataimi i galuega e mana'omia fa'atonuina ai se ali'i po'o se tama'ita'i leoleo e ave'esea ai o ia mai le fa'ataunu'uina o ona tiute tau'ave fa'aleaiga, i fa'atasiga fa'aleaiga, ma isi avegatau'ave ua na o se ali'i/tama'ita'i ofisa e mafai ona fa'atinoina i le aiga o se tamā ma se tāne po'o se āva ma se tinā; ma

TALUAI, o le tele lava o ovataimi e fa'ataunu'u i afiafi ma aso malolo e masani ona fa'afeagai ai ali'i ma tama'ita'i leoleo ma tagata e taupulea, fa'alavelave fa'aleaiga, fa'ao'olima i se aga'ese, aveta'avale onā, tagata malelemo, ma le tele o isi tulaga mata'utia; ma

TALUAI, o le tele o tausaga ua mavae e le'i i ai se tulaga mautu i le totogiina o le ovataimi, ua na'o peimeni mai lea taimi i lea taimi; ma

- TALUAI, e mana'omia fo'i ali'i ma tama'ita'i leoleo e galulue i isi tiute fa'aopoopo, pe a uma o latou itula faigaluega masani, o le mea lea, e tatau ai ona totogi mo na galuega i le piriota totogi e soso'o ai; ma
- TALUAI, o le anuilagi e totogi vave mo ovataimi o tiute e tula'i mai ai le faula'i o tupe totogi e aitalafu ai, ae le gata i lea, o le le maua fo'i o fa'amaumauga o taimi e mafua mai ona le maua o tupemaua sa galulue ai ali'i ma tama'ita'i leoleo; ma
- TALUAI, o le fatuaiga lea a le Komesina o le Saogalemu Lautele ma le Ofisa o le Paketi a le Malo o Amerika Samoa o le iloilo ina mae'ae'a ma totogi ovataimi e le'i totogia o lo'o aitalafu ai i ali'i ma tama'ita'i leoleo ina ia tausia lelei fa'amaumauga o taimi, ma ia mautinoa ua totogi taimiova e pei ona aiaia e le tulafono e aunoa ma le fa'atuai; ma
- TALUAI, ua fa'atonuina le Komesina o le Saogalemu Lautele Afioga a Sotoa Savali ma le Fa'atonu o le Paketi o Magalei Logovi'i e tu'ufa'atasi, toeiloilo ma totogi uma ovataimi o ali'i ma tama'ita'i leoleo e le'i totogia; ma
- TALUAI, e talosagaina le Komesina o le Puipuiga Lautele le Afioga a Sotoa Savali e faia se fuafuaga lelei i le fa'atulagaina o ovataimi ina ia fa'asoasoina tutusa i ali'i ma tama'ita'i leoleo ina ia mafai e ali'i ma tama'ita'i leoleo ona fa'atinoina o latou siea tutusa i le puipuiga o le mamalu lautele pe a muta itula faigaluega masani.

O lenei tulafono o le a taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.

#### IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

##### **Maga 1. Fa'asoaga o tupemaua.**

Ua fa'asoaina atu le aofa'iga e tolu selau afe tala (\$300,000.00) e totogi ai uma ovataimi o ali'i ma tama'ita'i leoleo.

##### **Maga 2. Alagatupe o fa'atupega.**

O tupe mo lenei fa'asoaga o le a fa'aavanoaina mai tupe o le inisiua i le i'uga i le va o le Inisiua Galulue Fa'atasi o le FM ma le Malo o Amerika Samoa, ma/po'o tupe e le'i fa'aogaina ma e le'i fa'atulagaina. O le Ofisa o le Su'etusi Fa'aleteritori o le a fa'amaonia tupefa'aaoga uma ma saunia se ripoti mo le Kovana, Le Loia Sili ma le Fono Faitulafono.

Maga 3. Aso taualoa.

O leni tulafono o le a taualoa vave pe a pasia e le Fono Faitulafono ma fa'amoniaina e le Kovana.

*Lolo M. Moliga*  
LOLO M. MOLIGA  
Peresetene, Maota Maualuga

*Matagi R. McMoore*  
MATAGI RAY MA'ILO MCMOORE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this *18th* day of *October* 20*05*  
*[Signature]*  
Governor Of American Samoa