

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

First Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twenty-third day of April
two thousand and seven

AN ACT AUTHORIZING THE AMERICAN SAMOA MEDICAL CENTER AUTHORITY (ASMCA) TO BORROW \$1.7 MILLION PURSUANT TO PUBLIC LAW 29-21; AMENDING SECTION 7.1444.4 A.S.C.A. AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to provide funding for ASMCA's Medicaid and SCHIP match requirements and to purchase much needed healthcare equipment in the current fiscal year, this law shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1444.4 is amended to read:

"7.1444.4 Credit facility authorization—Assistance—American Samoa Medical Center Authority.

(a) In accordance with the provisions of section 7.1444(g)(3), which limits any investment in obligations or other instruments issued or guaranteed by the government to no more than ten percent of fund assets at cost, the Governor, on behalf of the American Samoa Government (ASG), and the Board of Directors of the American Samoa Government Employees Retirement Fund (ASGERF) are authorized to enter into a credit facility whereby, the ASGERF will lend and ASG will borrow an amount of \$10,000,000.

(b) The Governor, the Treasurer and the Chief Financial Officer for the American Samoa Medical Center are authorized to negotiate the terms of the credit, including an interest rate, repayment terms and such other terms and conditions as may be required to obtain the credit facility, except that the interest rate must be tied to the current actuarial rate of return and the interest rate shall not be less than 8% per annum. The Governor, the Treasurer and the Chief Financial Officer for the American Samoa Medical Center and the

ASGERF Board are further authorized to execute all instruments and documents necessary to conclude the transaction, including promissory notes which evidence indebtedness of ASG. The Governor is authorized to pledge the full faith and credit of ASG as well as to provide collateral as required by the AGERF Board to secure the loan.

(c) The loan proceeds shall be placed in an earmarked fund and used exclusively for the following purposes and in the following priority:

(1) debts, obligations and payables accumulated and owing to appropriate American Samoa Medical Center Authority (ASMCA) vendors, amounts not to exceed:

(A)	Contingent—Liabilities	
(B)	Contingent—Liabilities Penalty & Interest	
	Total	\$1,800,000
(C)	Vendor—Liabilities:	
	(i) SRW Industries	
	(ii) SPHI (Pharmacy consultant)	
	(iii) HPMR (Third party off-island Administrator)	
	(iv) KPMG, LLP 2003-2005 Audit fees	
	(v) ASPA	
	Total Liabilities	<u>\$5,000,000</u>
	Total expenditures	\$6,800,000
(2)	Continuing Operation of ASMCA	\$1,700,000
(3)	Matching funds	<u>\$1,500,000</u>
	Total	\$10,000,000

(d) \$1,700,000 to pay for the continued operations of ASMCA is contingent upon ASMCA reinstating the hospital fees and costs rates prior to November 1, 2005 and there shall be no future increases of the rates for fees and costs thereafter. If hospital fees and costs are not reinstated to before November 1, 2005 rates, the \$1,700,000 will return to the Legislature for reappropriation. shall be used by ASMCA for the following specific purposes:

(1) Medicaid/SCHIP Local Match and Medical and Diagnostic Equipment:

(A) Beds; Ultrasound (Cardiology); Incubator; Pulse Oximeters; Gurneys; Patient Monitors; Examination Table; Operating Microscope; Tracoustics exam room; Electric exam table; Exam treatment chair; Floor unit; Zeiss Slit lamp; Visual field analyzer; Patient monitoring system; Chemistry analyzer; Birthing beds; Infant warmer system; Surgical Table; Infusion pumps; Autopsy table & sink (& installation); Blood pumps; Arterial Blood Gas machine; Neonatal monitors; C-arm extension; Double surgical tourniquet; Dual infusion pump; Cauterizing machine; Cysto table; Shea drill; Patient transport tables; Heater probe; Gastronomic scope; Steris system; Instrument washer;

Portable cauterizing machine; Procedure table; Auditory exam table; Hand held dopplers; Baby cribs; Ultrasound simulation machine; Large whirlpool; Blood gas analyzers; Compact pasteurmatic machine; Electrocautery machine.

Total Expenditures	\$1,200,000
(2) ASMCA Fiscal Year 2008 Budget	\$ 500,000
Total	\$1,700,000

(d) (e) The Governor, the Treasurer and the Chief Financial Officer for the American Samoa Medical Center shall be authorized to expend proceeds of the loan to satisfy only the debts, obligations and payables accumulated and owing to ASMCA vendors as provided for in 7.1444.4(c)(1)(A)-(C) above and any surplus or remaining funds shall be utilized for the following specific purposes, in descending order of priority:

(1) purchasing diagnostic equipment;
(2) purchasing treatment equipment;
(3) paying for capital improvement projects, excluding housing projects; and equipment and continuing operation of ASMCA shall be provided directly to ASMCA and a full accounting of the said expenditures shall be made by ASMCA to Governor and the Legislature with full supporting documentation. The ASMCA shall enter into a fiscal and operations reform plan with ASG, which shall be approved by the Governor, whereby ASMCA will implement procedures to increase its revenues, reduce its expenditures, achieve a balanced budget and improve the operations of ASMCA ("ASMCA Fiscal and Operations Reform Plan"). The Plan shall be submitted within six (6) months of the date of the loan."

Sec 2. Effective date.

Due to the urgent need to provide funding for ASMCA's Medicaid and SCHIP match requirements and to purchase much needed healthcare equipment in the current fiscal year, this law shall become effective immediately upon passage by the Legislature and approval by the Governor.

Lolo M. Moliga
LOLO M. MOLIGA
President of the Senate

Savali Talavou Ale
SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 5th day of June 2007
Gill W. Togiola
Governor Of American Samoa

NOFOA'IGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE FA'APITOA MUAMUA

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso luasefulu-tolu o Aperila
 lua afe ma le fitu

O SE TULAFONO E FA'ATAGA AI LE PULEGA O LE FALEMA'I (ASMCA) E
 NONO LE \$1.7 MILIONA E TUSA AI MA LE TULAFONO LAUTELE 29-21;
 SUIA AI LE MAGA 7.1444.4 T.T.A.S., MA SAUNIA AI MO SE ASO TAUALOA
 VAVE.

Fa'atomuaga:

Taluai ona o se mana'oga fa'anatinati e fesoasoani ai i le fa'atupeina o le
 Inisiua tau falema'i mo le Pulega o le Falema'i ma mana'oga fa'atusatu'a a le SCHIP
 ma le fa'atauina o meafaigaluega mana'omia tele mo le soifuamaloloina i le tausaga
 fa'alelape o lo'o iai nei, o lenei tulafono o le a taualoa vave pe a pasia e le
 Fonofaitulafono ma fa'amaonia e le Kovana.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 7.1444.4 ua suia e faitauina fa'apea:

**"7.1444.4 Faatagaga o le Fetuuna'iga Tau Tupe – Fesoasoani – Pulega o le
 Falemai.**

(a) Ina ia tusa ai ma aiaiga o le maga 7.1444.4(g)(3), lea e faatapulaa ai
 soo se teugatupe i ni tupe/aseta e faia mai totonu o ni tupe poo nisi lava mea na
 aumai pe faamauina foi e le malo e silia i le 10 pasene o Tupe, o le Kovana, e fai
 ai ma sui o le Malo o Amerika Samoa (ASG), ma le Komiti Faafoe o le Tupe o le
 Litaea, ua faatagaina e faia se fetuuna'iga tau tupe e faa'une mai e le Litaea
 (ASGERF) ae nono e le Malo (ASG) se tupe e \$10,000,000.

(e) Ua faatagaina le Kovana, le Teutupe ma le Pule o le Tupe a le Falemai
 e feutaga'ia aiaiga o le aitalafu, e aofia ai le pasene o le tupe tului, o le toe
 totogiina o le tupe ma isi lava aiaiga ma tuutuuga e moomia mo le faatinoina o le
 aitalafu, vagana ai e tatau lava ona tutusa le tupe tului ma le pasene o loo i ai i le
 taimi nei le tului faatusitusi faapitoa ma o le pasene ia le ititi ifo i le 8% i le
 tausaga. E toe faatagaina foi le Kovana, le Teutupe ma le Pule o le Tupe a le
 Falemai ma le Komiti Faafoe o le Litaea ina ia faagaoioia uma pepa e manaomia
 mo le faamae'aina o lenei fetuuna'iga, e aofia ai tusitusiga e folafola atu ai le nofo

aitalafu o le Malo. E faatagaina le Kovana na te folafola atu le faatuatuaga atoa ma le nofoatalafu o le Malo, faapea foi ma mea e faamau ai le aitalafu e pei ona moomia e le Komiti Faafaoe a le Litaea.

(i) O tupe mai le nogatupe o le a tuu i se tupe faailoga ese ma faaaoga lava mo le faamoemoe e pei ona tusia i lalo i le faasologa lena:

(1) aitalafu, ma isi mea uma lava e tatau ona totogi e le Falemai ia le sili atu i aofa'i nei:

(A) Aitalafu - Mea e faaono aitalafu ai	
(E) Mea e faaono aitalafu ai, sala ma le tului Aofa'i	\$ 1,800,000
(I) Kamupani – Mea e ono aitalafu ai:	
(i) SRW	
(ii) SPHI – Sootaga mo vaila'au	
(iii) HPMR (Vaega e vaaia gasegase)	
(iv) KPMG, LLP 2003-2005 Totogi o Suegatusi	
(v) ASPA	
Aofa'iga o Aitalafu	<u>\$ 5,000,000</u>
Aofa'i o mea e fa'aalu ai tupe	\$ 6,800,000
(2) Galuega faipea a le Falemai	\$ 1,700,000
(3) Tupe fa'afetaui ai tupe maua mai Aofa'i	<u>\$ 1,500,000</u> <u>\$10,000,000</u>

(o) \$1,700,000 e totogi ai galuega faifaipea a le Falema'i e fa'alagolago lava i le toe faafao'i e le falema'i o pili i le mea sa i ai a o le'i o'o ia Novema 1, 2005 ma ia aua lava nei toe faia nisi si'itaga o pili o le falema'i. Afai e le toe faafaoia pili ma totogi o le falema'i i le mea sa i ai ae le'i o'o ia Novema 1, 2005, ona toe foi mai lava lea o le \$1,700,000 i le Fonofaitulafono mo le toe faasoasoaina. e fa'aaoga e le Falema'i mo mea patino lava nei o le a ta'ua i lalo:

(1) Inisiua tau falema'i/ SCHIP tupe a tatou e faafetaui ai tupe mai fafo e sue ai gasegase ma Meafaigaluega:

(A) Moega; Masini e va'ai ai le (Fatu); Puipuia o Fanau; Moega fa'amoe; Masini e siaki ai o Gasegase; Laulau mo su'esu'ega; Meavaai e fa'aaoga i taotoga; potu mo su'esu'ega; laulau alu i le uila e fai ai su'esu'ega; nofoa mo togafitiga; moli; masini su'esu'e tau vaaiga; tulaga tau vaaiga ma le siakiina o Gasegase; masini su'esu'e tau tino o tagata; moega Fanau; moega fa'amafanafana mo Pepe; Laulau mo Taotoga; pamu mo le ma'i Sela; mea uma e fa'aaoga I suega o le mafuaaga o se maliu; pamu fua Toto; masini mo le su'ega

o le toto; vaaiga o Pepe; fusi taotoga; pamu sela e mafai ona fa'aaoga e le to'alua; masini e fa'amuina ai lapisi; moega mo le feavea'ia o gasegase; meafaigaluega fa'avevela; masini taofu; laulau mo taualumaga; moega mo le su'esu'ega o le Fa'alogo; moega Pepe; masini Fa'alogo; masini taofu Tele;

<u>Aofa'i o le Fa'aaogaina</u>	<u>\$1,200,000</u>
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<u>(2) Paketi Pulega Falemai Tausaga Faaletupe 2008 \$ 500,000</u>	<u>\$1,700,000</u>
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(o) (u) E fa'ataga e le Kovana, le Teutupe ma le Pule o Tupe a le Falema'i e fa'aaoga tupe mai le nogatupe e totogi ai na o aitalafu, ma isi mea e tatau ona totogi ua leva ona fa'aputu ma nofoaitalafu ai le Falema'i i kamupani e pei ona aiaia mai i le 7.1444.4(i)(1)(A)-(I) o lo'o i luga o ni tupe totoe ai ia fa'aaogaina mo mea fa'apitoa nei i le fa'asologa e pei ona avatua i lalo:

- (1) fa'atauga o masini e su'e ai gasegase;
- (2) fa'atauga o masini e togafiti ai gasegase;

(3) totogi o galuega tetele, vagana ai galuega tau fale; mea faigaluega ma galuega fa'aauau a le Falema'i o le a avatu sa'o lava i le Falema'i ma o le fa'aaogaina atoa lava o nei tupe o le a avatu e le Falema'i i le Kovana ma le Fonofaitulafono fa'atasi ma fa'amaumauga uma e lagolagoina ai. O le a faia se fuafuaga tau tupe ma galuega a le Falema'i ma le Malo, e tatau ona pasia e le Kovana, e faagaoioia ai e le Falema'i ni faiga e fa'aopoopo ai ana tupe maua, faaitiitia le tupe faaalu, fa'apalen'i lana tupe faasoasoa ma faaleleia atili ana galuega ("Fuafuaga o le toe Fuata'ina tau Tupe ma Galuega a le Falema'i"). O lenei Fuafuaga e tatau ona aumaia i totonu o le 6 masina talu mai le aso o le nogatupe."

Maga 2. Aso taualoa.

Taluai ona o se mana'oga fa'anatinati e fesoasoani ai i le fa'atupeina o le Inisiua a le Falema'i ma le mana'oga fa'afetaui a le SCHIP ma le fa'atauina o meafaigaluega mana'omia tele mo le soifuamaloloina i le tausaga fa'ale-tupe o iai nei, o lenei tulafono o le a taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana.

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

Savali Talavou Ale
SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Approved this 5th day of June 2007
H. W. M. MOLIGA
Governor of American Samoa