

THE THIRTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the ninth day of January
two thousand and twelve

AN ACT INCREASING THE REVENUES OF THE GOVERNMENT AND THE AMERICAN SAMOA MEDICAL CENTER BY CREATING AND INSTITUTING A TWO PERCENT WAGE TAX ON ALL WAGES EARNED IN THE TERRITORY AND APPROPRIATING THE SUM OF \$3,000,000 AS A LOAN TO PROVIDE SUPPLEMENTAL FUNDING FOR THE OPERATIONS OF THE AMERICAN SAMOA MEDICAL CENTER; CREATING A SECTION 11.0607 A.S.C.A.; AND REPEALING SECTION 11.0606 A.S.C.A.

Preamble:

The financial condition of the American Samoa Medical Center is rapidly deteriorating for several reasons. The inability of the hospital to provide a proper and adequate level of medical care threatens the well-being of the public as a whole. In order to avoid the serious consequences that can result from inadequate financial support, and to improve the level of health care in the Territory, it is necessary to provide an additional, sustained and reliable revenue stream to support the government and the ASMC. Presently, the American Samoa Medical Center faces dire financial difficulties and is in urgent need of supplemental funding to support its operations. ASG Single Audit reports show a sufficient balance in the Workmen's Compensation account, after reserving for future claims, which would be available to provide significant relief for the hospital.

Due to the urgent need to support and fund the operations of the government and the American Samoa Medical Center, this act shall have early effective dates upon passage by the Legislature and approval by the Governor as established in Section 6.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a section 11.0607 which reads:
"11.0607 Wage tax.

(a) All wages earned in the Territory shall be taxed at the rate of two percent (2%). This tax is in addition to American Samoa's income tax as set forth in Chapters 4 and 5 of this Title.

(b) This tax shall be paid by the wage earner and reported on the wage earner's tax return.

(c) Employers shall immediately increase the minimum withholding for all employees from 4% to 6%.

(d) This wage tax shall take effect and commence in tax year 2012. Revenue generated from this wage tax shall be deposited in the Treasury.

(e) The Treasurer shall transfer accumulated proceeds from this account in the following manner and for the following purposes:

(1) first, proceeds shall be transferred on a monthly basis to the Workmen's Compensation Account until the sum of such transfers totals \$3,000,000, which shall be considered as repayment of the loan to the American Samoa Medical Center from the Workmen's Compensation Account; and, thereafter,

(2) fifty percent (50%) of accumulated proceeds shall be transferred to the LBJ operation; and

(3) fifty percent (50%) of accumulated proceeds shall be transferred to a separate special account of the American Samoa Medical Center no later than the 5th day of each month and used to support the Off-Island Medical Referral Program.

(f) This earmark is separate and apart from the earmark established pursuant to section 11.0605."

Sec 2. Appropriation of revenue.

There is appropriated the sum of \$3,000,000 to the American Samoa Medical Center for funding of its operations.

Sec 3. Source of funding.

Funds in the amount of \$3,000,000 shall be made available to the American Samoa Medical Center from the Workmen's Compensation Account to fund medical center operations.

Sec 4. Credit Facility-Loan.

The appropriation of \$3,000,000 authorized in Section 2, shall be considered as and shall be in the form of a no-interest loan from the Workmen's Compensation Account to the American Samoa Medical Center and shall be repaid to such account in principal amount only from the first proceeds of the wage tax created in Section 1 pursuant to its provisions.

Sec 5. Repealer.

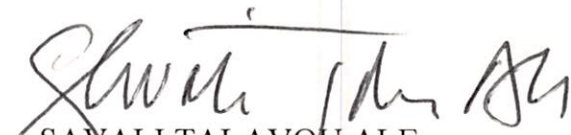
“Section 11.0606 expired by virtue of the sunset provision in P.L. No. 32-2 and is hereby repealed.”

Sec 6. Effective date.

a. Due to the urgent need to provide additional revenues to support operations of the government and the American Samoa Medical Center Off Island Referral Program, after passage by the Legislature, Section 1 of this bill shall become effective thirty (30) days following approval by the Governor.

b. Due to the urgent need to support and fund the operations of the American Samoa Medical Center, Sections 2 and 3 of this act shall become effective immediately upon passage by the Legislature and approval by the Governor.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 16th day of February 2012

Governor of American Samoa

NOFOAIGA TOLUSEFULU-LUA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso iva o Ianuari
 Lua afe sefulu-lua

O SE TULAFONO FAAOPOOPO AI TUPEMAUA A LE MALO MA LE FALEMAI O AMERIKA SAMOA E ALA I LE FAAVAEINA O SE LAFOGA TOTOGI E 2% I TOTOGI UMA E MAUA I AMERIKA SAMOA MA E FAASOA AI LE \$3,000,000 E FAIA O SE NOGATUPE E FAATUPE AI LE TUPE FAAOPOOPO MO GALUEGA A LE FALEMA'I; FAAVAE AI SE MAGA 11.0607 T.T.A.S. MA SOLOIA AI LE MAGA 11.0606 T.T.A.S.

Faatomuaga:

O le tulaga tau tupe o le Falemai a Amerika Samoa ua saosaoa lava le faaiifo ma e tele mea e mafua ai. O le lē mafai e le falemai ona saunia o se tausiga talafeagai o gasegase ua lamatia ai le soifua manuia o le lautele o le atunuu. Ina ia aloese i ni mafatiaga e oo mai ona o le lē lava o le itu tau tupe, ma ia siitia le tulaga o le tausiga o le soifumaloloina o le Teritori, ua alagatatau ona aiaia o se faiga e faaopoopo ai, faatumauina ma faatuatuaina e lagolago ai le malo ma galuega a le Falemai. O le taimi nei, ua feagai le Falemai ma faafitauli matuia tau tupe ma ua manaomia vave nei lava tupe faaopoopo nei e lagolagoina ai le faatino o ana galuega. O lipoti Su'etusi a le Malo o Amerika Samoa o loo faaalua mai ai o loo lava se paleni o loo i le tupe o le Tau mo Tagata faigaluega, ina ua mae'a ona tuuese o le tupe mo ni tagi i le lumanai, ma o lea tupe o loo mafai ona faaavanoaina e tuuina atu ai se fesoasoani tele i le falemai.

Talu ai le manaoga vave ina ia lagolago atu ma faatupe galuega a le malo ma le Falemai a Amerika Samoa, o lea e i ai aso taualoa i le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana e pei ona faatuina i le Maga 6.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. Ua faavaeina nei le maga 11.0607 e faitauina faapea:
"11.0607 Lafoga o totogi.

(a) O totogi uma e maua i le Teritori e faa-lafogaina i le tau e lua pasene (2%). O lenei lafoga e faaopoopo lea i le lafoga o tupemaua a Amerika Samoa e pei ona faailoa mai i le Mataupu 4 ma le 5 o lenei Ulutala.

(e) O lenei lafoga e totogia e le ua maua totogi ma lipotia i lana pepa lafoga.

(i) O kamupani uma e tatau ona amata nei loa ona si'i tupe toesea mai totogi o tagata faigaluega uma mai le 4% i le 6%.

(o) O lenei lafoga e aloa'ia loa mo le tausaga faa-lafoga 2012. O tupemaua mai lenei lafoga e faauluina i le (Matagaluega o) Teugatupe.

(u) O le Teutupe na te fesuia'ia faaputuga o tupe mai lenei teugatupe lea ia auala nei o le a ta'ua:

(1) muamua, o le a avatua tupe ta'imasina i le Teugatupe o Tau'i a Tagata Faigaluega seia atoa lava le aofai e \$3,000,000, e faatulaga o le toe totogiina o le nonogatupe mai le Tau'i mo Tagata Faigaluega mo le Falemai a Amerika Samoa; ma mulimuli mai ai,

(2) o le 50% o tupe ua i ai o le a tuuina atu i le faagaoioiga LBJ; ma

(3) o le 50% o le a tuuina atu i se teugatupe faapitoa e ese mai ai a le Falemai e le silia lona 5 o aso o masina taitasi ma faaoga e lagolagoina ai le Porokalama e ave ai gasegase i fafo.

(f) O lenei faailo faapitoa e ese mai ma le tutusa ma le faailo faapitoa e pei ona faatonuina mai e le maga 11.0605."

Maga 2. Faasoaina o tupemaua.

Ua faasoaina nei le tupe e \$3,000,000 e avatu i le Falemai o Amerika Samoa e faagaoioia ai ana galuega.

Maga 3. Le mea e sau ai le tupe.

O le a faaavanoaina mai le \$3,000,000 mai le Teugatupe mo Tau'i a Tagata faigaluega e faatupe ai galuega a le falemai.

Maga 4. Tupe faaaitalafu—Nogatupe.

O le faasoaina o le \$3,000,000 o loo faatagaina i le Maga 2, o le a ta'ua o se nogatupe e leai se tului mai le Tupe o Tau'i mo Tagata Faigaluega e ave i le Falemai ma o le a toe totogiina lava na o le aofai lava lea na aumaia mai tupe uluai maua o lafoga o totogi i le Maga 1 e tusa ai ma ona aiaiga.

Maga 5. Toe soloia.

"Maga 11.0606 ua faamutaina ona o le fesuiaiga o fuafuaga o le Tulafono Lautele Nu. 32-2 ma ua faapea ona toe soloia."

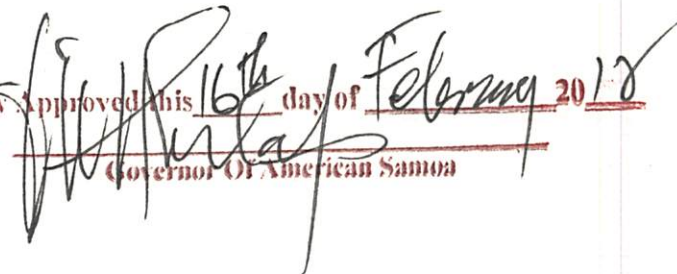
Maga 6. Aso e taualoa ai.

a. Talu ai le manaoga vave ina ia aiaia nisi tupemaua faaopoopo e lagolago ai galuega a le malo ma le Falemai o Amerika Samoa ma le Porokalama e ave ai i fafo gasegase, a mae'a ona pasia e le Fonofaitulafono, o le a amata loa ona taualoa o le Maga 1 o lenei pili i totonu o le 30 aso pe a mae'a ona faamaonia e le Kovana.

e. Talu ai le manaoga faanatinati ina ia lagolago le faatupeina o galuega a le Falemai a Amerika Samoa, Maga 2 ma le 3 o le tulafono o le a taualoa loa i le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Maualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 16th day of February 2018

Governor Of American Samoa