

THE THIRTY-SECOND LEGISLATURE OF AMERICAN SAMOA

First Regular Session

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

AN ACT INCREASING THE ANNUITIES FOR RETIREES; AMENDING  
SECTION 7.1442 A.S.C.A.

Preamble:

The American Samoa Government owes a debt of gratitude to the selfless dedication of its retired employees. This act will assist them in caring for their families by providing modest increases in their monthly retirement checks. Because of the urgent financial needs of our retired employees, it is deemed appropriate for this act to become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 7.1442 is amended to read:**

**“7.1442 Retirement payments.**

**(a) Each member shall receive an annual service retirement annuity on retirement equal to 2 percent of the average annual salary of the member multiplied by his total years of service up to a maximum of 30 years. Effective immediately and payable from October 1, 2006~~8~~, as applicable, the annual service retirement annuity is increased to allow for a ~~two~~four (2 ~~4~~) percent increase for all retirees who have retired on, or prior to September 30, 2006~~8~~. This increase shall not apply to retirees who have retired on, or after October 1, 2006~~8~~. ~~Effective October 1, 2009, all COLA adjustments shall apply to one hundred percent of retirees regardless of the date of retirement.~~**

**(b) Service retirement annuities shall be payable in equal monthly installments, rounded to the nearest dollar, as life annuities, and shall not be increased, decreased, revoked, or repealed except for error, or except where specifically otherwise provided.**

**(c) The first payment of a life annuity shall be made pro rata for the fraction of a month elapsing between the date of retirement and the end of that month. The last payment shall be made as of the date of death.**

(d) Instead of an annuity payable for the life of a retired member, the member may elect to receive a lesser retirement annuity during his lifetime but with all or a portion of that annuity continued to a contingent annuitant designated by the member at the time of retirement. The amount of the lesser annuity elected is determined by the Board so that the value of that annuity at the time of retirement will be the same as the value of the life annuity otherwise payable without an election. The election may not be permitted by the Board unless the value at retirement of expected monthly annuity payments during the life of the retired member is no less than one-half the value of the life annuity otherwise payable without such an election.

(e) Should a member who is eligible for early retirement as provided by 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described, but then reduced by one-fourth of one percent multiplied by the number of completed months in the period which begins at the date of early retirement and ends at the date when the member first would be eligible to retire with an unreduced retirement annuity.

(f) Should a member who is eligible for vested retirement as provided by section 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described for early retirement in 7.1442(e), but then reduced in addition by one-fourth of one percent multiplied by the number of completed months in the period which begins at the date of termination and ends at the date of the member's fifty-fifth birthday, subject to maximum additional deduction of 15 percent. The annuity so determined, that is normal retirement annuity less deduction for early retirement and additional deduction as calculated above, will be paid to retiree or beneficiary.

(g) Should a member retire after attaining age 65, the amount of his retirement annuity is determined as described, but is additionally increased by one-fourth of one percent multiplied by the number of completed months in the period which begins on the date of the member's sixty-fifth birthday and ends on the member's retirement date.

(h) Not less often than once every 2 years the board recommends to the Governor, for proposal to the Legislature, that service and medical retirement annuities currently payable to retired members and other annuitants be increased or not. These recommendations by the Board are made after due consideration by the Board of current conditions, and are accompanied by a statement of the cost of any proposed increase as certified by the actuary.

(i) In addition to service retirement annuities paid under terms of subsections (a), (e) and (g) above, an additional retirement incentive benefit will be paid in accordance with the following terms and conditions:

(1) Eligibility is limited to those active members age 55 or over with ten or more years of service who are currently eligible for retirement or early

retirement, and who complete application for retirement within ninety (90) days of the effective date of this act.


(2) An annual incentive benefit equal to \$100.00 per year of service, up to a maximum of 30 years, will be paid on a prorated monthly basis as a supplement to the service retirement annuity until the retiree reaches the age of 62, or for a minimum period of five years.


(3) Reemployment by the government, in any capacity, will result in termination of the retirement incentive supplement and loss of eligibility for such benefits.

(4) Supplemental incentive benefits will not be considered in determining the amount of contingent annuities or for future increases authorized under subsections (a), (d) and (h) above.”

Sec 2. Effective date.

The American Samoa Government owes a debt of gratitude to the selfless dedication of its retired employees. This act will assist them in caring for their families by providing modest increases in their monthly retirement checks. Because of the urgent financial needs of our retired employees, it is deemed appropriate for this act to 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 4<sup>th</sup> day of February 2001  
Governor Of American Samoa

NOFOA'IGA TOLUSEFULU-LUA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Muamua

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

O SE TULAFONO E SII AI TUPE MAUA A TAGATA LITAEA; SUIA AI LE  
MAGA 7.1442 T.T.A.S.

Faatomuaga:

E nofoaitalafu le Malo o Amerika Samoa i le agaga faafetai mo le tautua le faalogologotiga a ana tagata faigaluega ua malolo litaea. O leni tulafono e fesoasoani ai i le tausiga o latou aiga e ala i si faaopoopoga ia latou siaki litaea faalemasina. Talu ai le manaoga vave e faaoo le fesoasoani i tagata faigaluega ua litaea ua talafeagai ai ona taualoa leni tulafono i le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.

IA FAATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

**Maga 1. 7.1442 ua suia e faitauina:**

**“7.1442 Totogiga o le ritaea.**

(a) O le a maua e totino ta'itasi se anuiti (tupe maua o le ritaea) o le tautua o le ritaea fa'aletausaga e tusa ma le 2 pasene o le averisi o le totogi fa'aletausaga o le totino fa'atele i le aofa'i o tausaga o lana tautua e o'o i le maualuga o le 30 tausaga. E taualoa nei ma e totogi atu mai ia Oketopa 1, 2006~~8~~, pe a tusa ai, o le tupe maua fa'aletausaga mai le ritaea ua fa'aopoopoina le ~~lua~~ 24 pasene e si'itia ai mo tagata-ritaea uma o ē sa ritaea iā Setema 30, 2006~~8~~-po'o tua atu. O leni si'itaga o le a le aafia ai tagata sa ritaea iā Oketopa 1, 2006~~8~~. ~~E taualoa ia Oketopa 1, 2009, o fetu'una'iga uma o le Tau Ole Soifuaga e fa'atatau i le tasi selau pasene o tagata-ritaea ma e le afaina po'o le a le aso sa ritaea ai.~~

(e) O tupe maua faaletausaga (anuiti) a le tagata litaea o le a vaevae tutusa ma totogi atu ta'imasina, e fuafua i se numera aupito latalata i le tāla,

e pei o siaki o le soifua, ma o le a lē fa'aopoopoina, fa'aitiitia, fa'aleaogaina vagana ai se mea ua sesē pe ua 'ese ai se isi aiaiga.

(i) O le ulua'i totogiga o se anuiti o le soifua o le a faia e tusa ma siea mo se vaega o se masina e fa'amuta i le va o le aso na ritaea ai ma le i'uga o lena masina. O le totogiga mulimuli o le a faia i le aso e maliu ai.

(o) Nai lo se anuiti e totogi atu mo le soifuaga o se totino ritaea, e mafai ona filifili le totino ua maua se litaea e maua sona litaea e itiiti ifo i le taimi o lona soifuaga ae o le aofa'iga uma po'o se vaega o lena tupe ritaea e fa'aaau i se tagata nate filifilia i le e ritaea ai. O le tagata filifilia e faaono le faatagaina e le Komiti faafoe vagana ai o le aofa'i o lena anuiti i le taimi o le ritaea ma le aofa'i o le anuiti o le soifua, e le itiiti ifo i le 'afa o le aofai o le tupe o le anuiti, a leai e totogi atu lava e aunoa ma se filifiliga.

(u) Afai o se totino o sē ua agava'a mo le ritaea vave e pei ona aiaia i le 7.1441 o le ritaea, o le aofa'iga o lana anuiti ritaea e fuafua i le tulaga tutusa e pei ona fa'amatalaina, ae ona fa'aitiitia lea i le tasi o vaefa o le tasi pasene fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le aso o le ritaea vave ma fa'amuta i le aso pe ana muamua ona agava'a le totino e ritaea fa'atasi ai mo se anuiti e le fa'aitiitia o le ritaea e aunoa ma se na filifiliga.

(f) Afai o se totino o se ua agava'a mo se ritaea fa'ae'eina atu e pei ona aiaia i le maga 7.1441 ritaea, o le aofa'iga o lana anuiti o le ritaea e fuafua i le tulaga tutusa e pei ona fa'amatalaina mo le ritaea vave i le 7.1442(u), ae ona fa'aitiitia lea e fa'aopoopo i le tasi o vaefa o le pasene e tasi fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le aso o le muta'aga ma gata i le asofanau e lima-sefulu-lima, e a'afia i le fa'aitiitia fa'aopoopo maoa'e o le 15 pasene. O le anuiti e fuafuaina, o le anuiti masani o le ritaea e pei ona fuafuaina i luga, o le a totogi atu i tagata-ritaea po'o se tagata ua filifili e mauaina

(g) Afai e ritaea se totino ina ua mavae ona ia ausia le 65 tausaga, o le aofa'i o lana anuiti o le ritaea e fuafua e pei ona fa'amatalaina, ae si'i fa'aopoopo iai le tasi o vaefa o le tasi pasene fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le asofanau onosefulu-lima ma muta i le aso o le ritaea o le totino.

(l) E le masani ona itiiti nai le fa'atasi e ta'i 2 tausaga e fautua atu ai e le komiti i le Kovana, mo se fa'aofiga i le Fono Faitulafono, e fa'apea o le anuiti o le ritaea o le tautua ma le ma'i o lo'o totogi atu i le taimi nei i totino ritaea ma isi tagata o lo'o mauaina anuiti ia si'itia pe leai. O ia fautuaga a le Komiti e faia pe a uma se feutaga'iga a le Komiti o aiaiga o lo'o iai nei, ma e tu'uina atu fa'atasi ma ta'utinoga o le tau o so'o se fa'aopoopoga fuafuaina e pei ona fa'amaonia e se ali'i/tama'ita'i-ofisa o le inisiua.

(m) E fa'aopoopo i anuiti o le ritaea tautua o lo'o totogi atu i lalo o tu'utu'uga o soamga (a), (u) ma le (g) i luga, o se penefiti fa'aopoopo fa'atupu lagona o le ritaea o le a totogi atu e tusa ma tu'utu'uga ma aiaiga ua ta'ua i lalo:

(1) O le agava'a e fa'atapula'a ia i latou o totino o lo'o galulue ua 55 pe sili atu ma le sefulu pe sili atu tausaga o le tautua a i latou ua agava'a mo le ritaea i le taimi nei mo le ritaea po'o le ritaea vave, ma i latou ua fa'atumuina talosaga mo le ritaea i totonu o le ivasefulu (90) aso o le aso taualoha o lenei tulafono.

(2) O se penefiti fa'atupu lagona fa'aletausaga e tusa i le \$100.00 i le tausaga e tasi o le tautua, e o'o atu i le maualuga o le 30 tausaga, o le a totogi atu i le fa'avae i vaega fa'alemasina o se fa'aopoopoga i le anuiti o le ritaea o tautua se'ia o'o ina ausia e le tagata-ritaea tausaga e 62, pe mo se piriota maualalo o le lima tausaga.


(3) O le toefa'afaigaluegaina e le malo, i so'o se tofi, o le a tula'i mai ai le fa'amutaina o le fa'aopoopoga fa'atupu lagona o le ritaea ma le fa'amutaina o le agava'a mo ia penefiti.


(4) O penefiti fa'aopoopo fa'atupu lagona o le a le a'afia i le fuafuaina o le aofa'iga o anuiti e le mautu po'o mo fa'aopoopoga i le lumana'i ua fa'atagaina i lalo o soamaga (a), (o) ma le (l) i luga."

## Maga 2. Aso Taualoha.

E nofoaitalafu le Malo o Amerika Samoa i le agaga faafetai mo le tautua le faalogologo tiga a ana tagata faigaluega ua malolo litaea. O lenei tulafono o le a fesoasoani ai mo le tausia o latou aiga e ala i ni na i faaopoopoga o a latou siaki faalemasina. Talu ai le manaoga vave ina ia fesoasoani atu i tagata faigaluega ua litaea, ua talafeagai ai ona taualoha lenei tulafono i le taimi lava e pasia ai e le Fono ma faamaonia e le Kovana.

  
GAOTEOTE PALAFIE TOFAU  
Peresetene, Maota Mauualuga

  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

  
Herby Approved this 14th day of February 2011  
Governor Of American Samoa