

THE TWENTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT INCREASING THE ANNUITIES FOR RETIREES; AMENDING
SECTION 7.1442 ASCA; AND PROVIDING FOR AN EARLIER EFFECTIVE
DATE.

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. ~~Beginning October 1, 1996~~ Effective immediately, the annual service retirement annuities are increased to retirees by percentage according to the fiscal year of retirement as follows:

1989-1995	<u>1991-1997</u>	2%
1983-1988	<u>1985-1990</u>	3%
1977-1982	<u>1979-1984</u>	4%
1976-	<u>1978 and before</u>	8 <u>6</u> %

(b) Additionally, service retirement annuities paid under terms of subsection (a), shall be increased for retirees who retired at age 55 or older with a minimum of 10 years of service, in accordance with the following schedule:

(1) For retirees currently receiving a benefit of less than \$100 per month, a 10% increase.

(2) For retirees currently receiving a benefit of \$100 to \$149 per month, a 5% increase.

(3) For retirees currently receiving a benefit of \$150 to \$200 per month, a 3% increase.

~~(b)~~ (c) 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installments, rounded to the nearest dollar, as life annuities, and shall not be increased, decreased, revoked, or repealed except for error, or except where specifically otherwise provided.

~~(e)~~ (d) 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)~~ (e) 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 the 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) (f) 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 because of age or accrued service credit with an unreduced retirement annuity.

(f) (g) Should a member who is eligible for vested retirement as provided by 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described for early retirement in 7.1442 (ef), 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 a maximum additional deduction of 15 percent. The annuity so determined, that is normal retirement annuity less deduction for early retirement and the additional deduction as calculated above, will be paid to retiree or beneficiary.

(g) (h) Should a member retire after attaining age 65, the amount of his retirement annuity 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)~~ (i) Not less 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)~~ (j) In addition to service retirement annuities paid under terms of subsections (a), ~~(ef)~~ and ~~(gh)~~ 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.

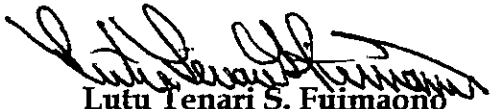
(2) An annual incentive benefit equal to \$100 per year service, up to a maximum of 30 years, will be paid on a prorated monthly basis as a supplement to the service retirement annuity until the retiree reaches the age of 62, or for a minimum period of five years.

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

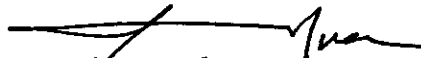
(4) Supplemental incentive benefits will not be considered in determining the amount of contingent annuities or for future increases authorized under subsections (a), ~~(de)~~ and ~~(hi)~~ above."

Sec 2. Effective date.

This act is effective immediately upon passage by the Legislature and approval by the Governor, due to the urgent financial needs of our retired employees I have included in the act provisions for an earlier effective date.

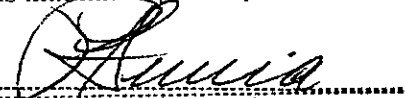


Lutu Tenari S. Fuimaono
PRESIDENT OF THE SENATE



Aina Saoluaga T. Nua
SPEAKER OF THE HOUSE

Hereby Approved this 17th day of Feb., 2000


GOVERNOR of American Samoa

NOFOAIGA LUASEFULU-ONO FONO FAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, Aso sefulu o Ianuari
tausaga lua afe

O SE TULAFONO E FA'AOPOOPO ALANUITI MO TAGATA-RITAEA; SUIA AI
LE MAGA 7.1442 TTAS; MA SAUNIA AI MO SE ASO TAUALOA VAVE.

Fa'atomuaga:

O le Malo o Amerika Samoa o lo'o nofoaitalafu i le agaga fa'afetai ona o le
ma'ele'elega fa'amaoni le fa'atuao'ia o ona tagatafaigaluega ritaea. O leni la tulafono
taufa'aofi o le a fesoasoani ai i a i latou mo le tausaiaina o latou aiga e ala i le aiaia o
si'itaga fa'aopoopo talafeagai i a latou siaki fa'alemasina o le ritaea. Taluai la ona o se
mana'oga fa'anatinati tau tupe o a tatou tagatafaigaluega ritaea e alagatai ai mo leni
tulafono ona taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le
Kovana.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

Maga 1. 7.1442 ua suia e faitauina:

"7.1442 Tupemaua o le ritaea.

(a) O totino fa'itasi o le a na mauaina se tupe o le tautua o le ritaea i tausaga
fa'itasi e tusa o le 2 pasene o le tu'ufa'atasiga o le totogi o le tausaga a le totino fa'atele i

ōna tausaga atoa o lana tautua e o'ō atu le maualuga i le 30 tausaga. E amata ia Oketopa 1, 1996, Ua taualoa nei o tupemaua i tausaga ta'itasi o le ritaea a tagata-ritaea e faia i pasene e tusa ai ma tausaga ma tausaga tupe o le ritaea e pei ona fa'aalia i lalo:

1989—1995	<u>1991 - 1997</u>	2%
1983—1988	<u>1985 - 1990</u>	3%
1977—1982	<u>1979 - 1984</u>	4%
1976	<u>1978</u> ma tuana'i	-8—6%

(e) Fa'aopoopoina i ai, o tautua o anuiti o le ritaea ua totogiina i lalo o aiaiga o le soamaga (a) o le a fa'aopoopoina mo tagata-ritaea pe a 55 tausaga o le soifua pe sili atu fa'atasi ai ma le maualalo o le 10 tausaga o le tautua e tusa ma le fa'asologa ua ta'ua i lalo:

(1) Mo tagata-ritaea o lo'ō maua se penefiti e itiiti ifo i le \$100 i le masina, e 10% fa'aopoopo i ai.

(2) Mo tagata-ritaea o lo'ō maua se penefiti o le \$100 i le \$149 i le masina, e 5% e fa'aopoopo i ai.

(3) Mo tagata-ritaea o lo'ō maua se penefiti e \$150 i le \$200 i le masina, e 3% e fa'aopoopo i ai.

(e)(i) Foai o anuiti (tupemaua fa'aletausaga) o le ritaea o le a totogi atu i aofa'i tutusa i masina ta'itasi, fuafua e lata i le talā e soso'o ai, e aveā ma tupemaua i le olaga atoa, ma e lē fa'aopoopoina, fa'aitiitia, ave'esea, pe soloia vagana se mea ua sese, pe vagana ua saunia fa'apitoa.

(e)(o) O le ulua'i tupe o le tupemaua i le olaga atoa o le a faia fa'atatau i le vaegamea o se masina i le va o le aso o le ritaea ma le i'uga o lena masina. O le tupe mulimuli e totogi atu o le a faia i le aso e oti ai.

(e)(u) I lo le tu'uina atu atoa o se anuiti mo le olaga atoa o se totino ritaea, e mafai ona filifili le totino e maua se ritaea fa'aletausaga, fa'aitiitia i lona olaga ae o le tupe atoa po'o se vaega o lena tupe e fa'aauau ona tu'uina atu i se tasi na te maua le ritaea e fa'asinoina fa'apitoa e le totino i le taimi o lona ritaea. O le aofa'i o le tupemaua i le olaga sa tatau ona totogia e aunoa ma se filifiliga. O le filifiliga e lē fa'atagaina e le

komiti vagana o le aofa'i i le taimi e ritaea ai i tupemaua o masina ta'itasi i le olaga atoa o le totino ritaea e le ititi i le afa o le aofa'i o le ritaea i le olaga sa tatau ona totogi atu e aunoa ma lea filifiliga.

(u) (f) Afai o se totino ua agava'a mo le ritaea vave e pei ona aiaia i le 7.1441 ua ritaea, o le aofa'i o le ritaea i tausaga ta'itasi ua fuafua i le tulaga lava e pei ona fa'amatalaina, ae peita'i e fa'aitiitia i le tasi-o-vaefa o le tasi pasene fa'atele i le numera o masina i le taimi e amata i le aso o le ritaea vave ma e fa'amuta i le aso sa tatau ai ona ritaea ona ua atoa tausaga pe ua atoa tausaga taulia ae le fa'aitiitia le tupe maua i tausaga ta'itasi.

(f) (g) Afai o se totino ua agava'a mo le ritaea fa'ae'e e pei ona aiaia i le maga 7.1441 ua ritaea, o le aofa'i o lana tupemaua i tausaga ta'itasi e fuafua i lea lava tulaga e pei ona fa'amatalaina mo le ritaea vave i le 7.1442 (u) (f) ae peita'i e fa'aitiitia e le gata, i le tasi-o-vaefa o le tasi pasene fa'atele i le numera o masina ua uma i le taimi e amata i le aso sa fa'amuta ai, ma fa'ai'u i le aso e atoa ai le limasefulu-lima tausaga, ae fa'atulagaina atili lona fa'aitiitia i le to'esega e tusa e 15 pasene. O le tupemaua ua fuafuaina, le ritaea masani to'ese ai le ritaea vave ma to'esega fa'aopoopo e pei ona fuafuaina i luga, e totogia i le tagata ritaea po'o se tagata fa'asinoia.

(g) (l) Afai e ritaea se totino pe a atoa le 65 tausaga o le olaga, o le aofa'i o lana tupe o le ritaea i le tausaga ua aiaia e pei ona fa'amatalaina, ae peita'i e tusa o le fa'aopoopoina i le tasi-o-vaefa o le tasi pasene fa'atele i numera o masina ua atoa i le taimi e amata i le aso e atoa ai le onosefulu-lima tausaga o le totino ma fa'amuta i le aso ritaea o le totino.

(h) (m) E le ititi ona faia i tausaga ta'i 2, o le komiti e faia fautuaga i le Kovana, mo se fuafuaga i le Fono Faitulafono, fa'apea tupemaua o le tautua ma le ritaea ma'i o lo'o totogia nei i totino ritaea ma isi tagata o lo'o maua tupe i tausaga ta'itasi e fa'aopoopo pe leai. O nei fautuaga a le komiti e faia pe a uma ona iloilo e le komiti tulaga o lo'o i ai nei, ma e tu'ufa'atasi atu ai ma se tala e uiga i le tau o so'o se fa'aopoopoga taufa'aofi e pei ona fa'amaonia e ofisa inisiua.

(m) (n) E le gata i tupemaua i tausaga ta'itasi mo le tautua ua totogia i lalo o soamaga (a), (e-f), ma le (g-l) i luga, o se fa'aopoopoga o le ritaea o le a totogia e tusa ma tulaga ua fa'aalia i lalo:

(1) O agava'a e fa'apito i totino o lo'o galulue nei ua atoa le 55 tausaga pe sili atu ua atoa tausaga e sefulu pe sili o le tautua ua agava'a nei mo le ritaea po'o le ritaea vave, ma o ia ua fa'auluina se talosaga mo le ritaea mai le ivasefulu (90) aso talu ona taualoa lenei tulafono.

(2) O se tupe fa'aopoopo e maua e tusa o le \$100.00 i le tausaga o le tautua, e o'o atu i le 30 fausa'ga, o le a totogia i se fa'atulagaga i masina ta'itasi se'ia atoa tausaga o le tagata e 62, pe o se taimi e lima tausaga.

(3) Afai e toe fa'afaigaluega e le malo, i so'o se tulaga, e fa'amuta ai le tupe fa'aopoopo o le ritaea ma le toe maua ai lea tupe.

(4) O tupe fa'aopoopo o le a le toe iloiloaina i le fua'fuaina o le aofa'i o maua i tausaga ta'itasi po'o fa'aopoopoga i le lumana'i ua fa'atagaina i lalo o soamaga (a), (e-u) ma le (f-m) i luga."

Maga 2. Aso taualoa.

O lenei tulafono taufa'aofi o le a taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana, ona o ni mana'oga fa'anatinati o a tatou tagata faigaluega ua ritaea.



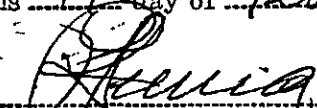
Lutu Tenari S. Fuimaono
PERESETENE, MAOTA MAUALUGA



Aina Saoluaga T. Nua
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this

17th day of February, 2000



Governor of American Samoa