

THE THIRTY-THIRD LEGISLATURE OF AMERICAN SAMOA

First Regular Session

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

AN ACT INCREASING THE NUMBER OF TRUSTEES OF THE AMERICAN SAMOA GOVERNMENT EMPLOYEES' RETIREMENT FUND AND CREATING GREATER FLEXIBILITY AROUND THE QUALIFICATIONS OF TRUSTEES; AMENDING SECTION 7.1410 A.S.C.A.

Preamble:

WHEREAS, it is in the interest of good governance to increase public participation in key boards and commissions of the American Samoa Government; and

WHEREAS, the appointment of a broad range of diverse and qualified persons enhances and invigorates the boards and commissions on which they serve; and

WHEREAS, the American Samoa Government Employees' Retirement Fund will benefit from increasing the size of its Board of Trustees from five to ~~nine~~ seven members through broader public participation in its affairs, which will result in a more extensive range of skills and experienced resources being available to benefit the fund.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1410 is amended to read:

"7.1410 Board of Trustees—Term of office.

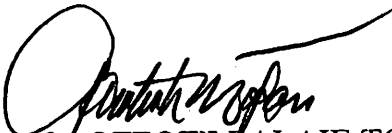
(a) **The responsibility for the proper administration of the fund and the direction of its policies shall be vested in a Board of Trustees consisting of five seven members as follows: ~~three~~ at least four members appointed by the Governor, who shall be members of the Fund having at least the minimum of five years of service; and ~~two~~ three members appointed by the Governor who shall not be members of the Fund but shall include among them at least two members with experience in the private sector business community. The Governor, in consultation with the Board will decide upon suitable candidates to fill any Board vacancy or vacancies. The Governor will choose his appointee(s) from among those individuals and send the**

name(s) to the Legislature for confirmation. The Board shall select its own chairman.

(b) The term of office of the members shall be 5 years except that the original appointees shall be appointed for terms of 1, 2, 3, 4 and 5 years. Two board members, one a fund member and one not a member of the fund, shall serve the original terms of 2, 3, and 4 years. One board member, who shall be a member of the fund, shall serve for the original term of 5 years. As their terms expire, new members shall be appointed to fill vacancies and such appointments shall be made for terms of 5 years. The term of any incumbent member shall continue after its expiration except he shall be deemed resigned from the board and shall no longer serve if he, or his replacement, is not appointed and submitted by the Governor to the Legislature prior to the adjournment of any session during which the term expired, or if the term expires after adjournment of that session, then prior to the adjournment of the next session of the Legislature, regular or special. A trustee can be removed from the Board by the Governor only for breach of his fiduciary responsibilities or for just cause.”

Sec 2. Effective date.

In accordance with Article II, Section 19 of the Revised Constitution of American Samoa, this bill shall become effective 60 days after the end of the session at which it has been passed.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 17 day of April 2013
Lolo M. Moliga
Governor OF American Samoa

NOFOAIGA TOLUSEFULU-TOLU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Muamua

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

O SE TULAFONO E FAAOPOOPO AI LE AOFAI O TAGATA TAUSIMAVAEGA MO LE TUPE O LE LITAEA A TAGATA FAIGALUEGA A LE MALO MA TAU FAAMATUU ESE AI NISI O AGAVAA MOOMIA MO LE AVEA AI MA TAUSIMAVAEGA, SUIA AI LE MAGA 7.1410 T.T.A.S.

Faatomuaga:

TALUAI, e aoga mo pulega lelei le faaopoopo o le auai o le lautele i komiti faatonu iloga ma komisi a le Malo o Amerika Samoa; ma

TALUAI, o le faalauteleina atu o ituaiga tagata e agavaa mo tofiga e fai ma ala e faamalosi atili ai komiti ma komisi e tautua ai nei tagata; ma

TALUAI, e manuia le Tupe o le Litaea a Tagata Faigaluega a le Malo mai le faaopoopoina o totino o le Komiti Tausimavaega mai le tolima i le toaiva to'afitu, e ala i le auai ai o le lautele i ana mataupu fai ma maua ai le tele o isi tomai ma alamanuia e maua e le tupe.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 7.1410 ua suia e faitauina faapea:

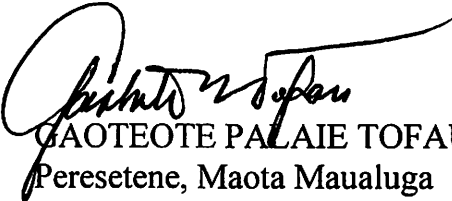
“7.1410 Komiti Tausimavaega –Umi e avea ai ma totino.


(a) O le matafaioi i le pulea lelei o le tupe ma le faatonutonuina o ana faigatausisia o le fatuaiga tausi lea a le Komiti o Tausimavaega e to'alima to'afitu sui e pei ona o le a ta'ua: to'atolu e le ititi ifo i le to'afā sui e tofia e le Kovana, o i latou ia o ni totino o le Tupe ~~e le ititi ifo~~ i le 5 tausaga le tautua; ma le to'alua to'atolu totino e tofia e le Kovana e le o ni sui o le Tupe ae ia i ai ni tagata e le ititi ifo i le to'alua e i ai le tomai masani i mea tau pisinisi mai le vaega o pisinisi tua. I le fesootai ai ma le Komiti, o le a filifili ai le Kovana i ni sui talafeagai e faatumuina avanoa ia i le Komiti. O le a filifilia e le Kovana ana tofiga mai ia i latou na ona faaoo atu ai lea o suafa i le Fonofaitulafono mo le faamaoniaina. E filifili lava e le Komiti lo latou Taitaifono.

(e) O le umi e tauaveina ai tofiga o totino e 5 tausaga vagana ai uluai tofiga e filifilia mo tausaga e 1, 2, 3, 4 ma le 4 5 tausaga. E toalua sui o le Komiti, tasi o se totino o le Litaea ae o le isi e le o se totino, e galulue mo le 2, 3, ma le 4 tausaga muamua. Toatasi le sui, o se totino o le tupe, e galue mo le 5 tausaga muamua. A oo ina uma o latou taimi, ona tofia lea o sui fou e faatumuina avanoa ia ma o le a ta'ilima o latou tausaga. E faaauau pea le taimi o soo se sui o loo i ai pe a mae'a lona taimi sei vagana ai o le a manatu ua faamavae mai le Komiti ma ua le toe galue pe afai e le toe tofia ia poo lona sui foi ma toe faaoo atu lona suafa e le Kovana i le Fonofaitulafono a o lei malolo soo se tauaofiaga i le taimi na uma ai taimi faatulaga o le sui o le Komiti, pe mae'a foi le taimi ae ua uma ona malolo o se tauaofiaga ona faia lea ae lei toe malolo le tauaofiaga e sosoo ai, poo se fonofono tele poo se fonofaapitoa. Pau lava le mea e aveeseina ai e le Kovana se sui o le Komiti pe afai o se mafuaga tatau poo ua le faataunuina foi ona tiute e pei ona tatau ai."

Maga 2. Aso e taualoga ai.

Ina ia tusa ai ma Vaega II, Maga 19 o le Faavae Toe Teuteu o Amerika Samoa, o le a amata taualoga lena tulafono i totonu o le 60 aso talu ona mae'a le tauaofiaga na pasia ai.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Maualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 12th day of APRIL 2013
Lolo M. Molo
Governor Of American Samoa