

THE THIRTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the tenth day of July
two thousand and twenty three

AN ACT MAKING AMERICAN SAMOA A RATIFYING MEMBER OF THE WESTERN-REGIONAL HIGHER EDUCATION COMPACT AND A MEMBER OF THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION BY ADDING THE BILL'S LANGUAGE AS CHAPTER 22 OF TITLE 16 A.S.C.A.

Preamble:

WHEREAS, the future of American Samoa, the western states, and other nations are dependent upon the quality of the education of its youth; and

WHEREAS, American Samoa and many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the Pacific Territories, Freely Associated States and the western states, or a group of such within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof; and

WHEREAS, American Samoa Government and its semi-autonomous agencies are unable to comply with both the federal rules indicated above and the A.S.C.A. without amendment to Section 28.0214.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1: Title 16, Chapter 22, of the American Samoa Code Annotated is created and reads as follows:

- "Chapter 22
WESTERN REGIONAL HIGHER EDUCATION COMPACT

Sections:

- 16.2201 Adoption of Compact.
- 16.2202 Commission membership.
- 16.2203 Commission business.
- 16.2204 Commission officers and compensation.
- 16.2205 Commission responsibilities.
- 16.2206 Commission to contract for education benefit; conduct studies.
- 16.2207 Operating costs.
- 16.2208 Operative date.
- 16.2209 Termination, consent, and withdrawal.
- 16.2210 Default of member.

16.2201 Adoption of Compact.

The Legislature of the Territory of American Samoa approves, ratifies, and adopts the Western Regional Higher Education Compact as approved by the Western Governor's conference meeting at Denver, Colorado, on November 10, 1950, which compact's terms are substantially as follows:

(a) Compact pledge. Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

(b) Creation of commission. The compact states and territories hereby create the Western Interstate Commission for Higher Education, hereafter called the Commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

16.2202 Commission membership.

(a) The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which the educator is appointed.

(b) The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which the commissioner is appointed.

(c) The terms of each commissioner shall be 4 years; provided, however, that the first three commissioners shall be appointed as follows: one for 2 years, one for 3

years, and one for 4 years. Each commissioner shall hold office until a successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

(d) Notwithstanding subsection (c) (1) of this Section, as American Samoa will share a single membership with all of the other Pacific Territories and Freely Associated States in the Compact, its commissioner appointments will be made by the Governor in collaboration with the Governors and Presidents of the other jurisdictions sharing the membership. These commissioner appointments will be governed by the Pacific Island Membership Process for Commissioner Appointments approved by the Commission in November 2012 and as amended from time to time thereafter.

16.2203 Commission business.

(a) Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

(b) One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

(c) Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

16.2204 Commission officers and compensation.

(a) The commission shall elect from its number a presiding officer and a vice president officer and may appoint and, at its pleasure dismiss or remove such officers, agents, and employees as may be required to carry out the purpose of this compact and shall fix and determine their duties, qualifications, and compensation, having due regard for the importance of the responsibilities involved.

(b) The commissioners shall serve without compensation but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

16.2205 Commission responsibilities.

(a) The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

(b) The commission may elect such committees as it deems necessary for carrying out its functions.

(c) The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time but in any event must meet at least once a year. The presiding officer may call such additional meetings and upon the request of a majority of the commissioner of three or more compacting states or territories shall call additional meetings.

(d) The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

(e) The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

(f) On or before January 15 of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

(g) The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or the governor's designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

16.2206 Commission to contract for education benefit; conduct studies.

(a) It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respecting compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine; any may undertake similar activities in other professional and graduate fields.

(b) For this purpose the commission may enter into contractual agreements:

(1) With the governing authority of any educational institution in the region or with any compacting state or territory to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties.

(2) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as commission may prescribe.

(c) It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education and from time to time to prepare comprehensive reports on such research for presentation to the western governor's conference and to the legislators of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories uniform legislation dealing with problems of higher education in the region.

(d) For the purpose of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

16.2207 Operating costs.

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

16.2208 Operative date.

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

16.2209 Termination, consent, and withdrawal.

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until 2 years after written notice thereof by the governor of the withdrawing state or territory, accompanied by a certified copy of the requisite legislative action, is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the 2-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

16.2210 Default of member.

(a) If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission.

(b) Unless such default shall be remedied within a period of 2 years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

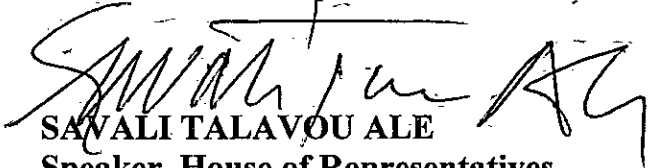
(c) - Any such defaulting state may be reinstated by:


(1) performing all acts and obligations upon which it has heretofore defaulted; and

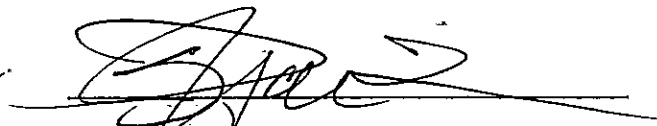
(2) application to and the approval by a majority vote of the commission."

Sec 2. Effective Date.

Section 1 of this bill shall become effective 60 days after the end of the session at which it has been passed.


SAVALI TALAVOU ALE
Speaker, House of Representatives


TUAOLO MANAIA FRUEAN
President of the Senate


LEMANU P. S. MAUGA
Governor of American Samoa

NOFOA'IGA TOLUSEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Lua

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Iulai
Lua afe luasefulutolu

O SE TULAFONO E FAAMAONIA AI AMERIKA SAMOA O SE TOTINO O LE PULEGA FAI FAATASI O A'OGA MAUALULUGA I LE ITULAGI I SISIFO (WREC) MA TOTINO FOI O LE KOMISI I LE VA O SETETE MO A'OGA MAUALULUGA ATU E ALA I LE FAAOPOPO PE GAGANA O LENEI PILI E FAI MA MATAUPU 22 O LE UE'UTALA 16 TTAS.

Faatomuaga:

TALUAI, o le lumanai o Amerika Samoa, o setete i sisifo, ma isi malo e faalagolago i le tulaga lelei o a'oa'oga mo ona tupulaga talavou; ma

TALUAI, o Amerika Samoa ma le tele o setete i sisifo pe a taitoatasi e le lava ni a latou tamaiti a'oga e ono amata ai ma tausia ni fale aoga ia lava i totonu o ona lava tua'oi mo matata eseese uma tau a'oa'oga e moomia, e faapena foi ona le maua i setete uma ole malosi tau tupe e mafai ai ona faia a latou lava a'oga ma toleniga i vaega uma tau a'oa'oga; ma

TALUAI, e i ai le talitonuga a tutu faatasi Teritori o le Pasefika; o Setete-Fesootai Sa'oloto, ma setete i sisifo, poo se vaega foi faapea i totonu o le itulagi, ona mafai lea ona faafeiloa'ia o mana'oga tau a'oa'oga o le itulagi atoa foi ma tamaiti a'oga; ma

TALUAI, e le mafai e le malo o Amerika Samoa ma ana vaega tu ma'oti ona usita'ia o tulafono galue a le malo tele e pei ona faaalua ma le TTAS e aunoa ma se suiga i le Maga 28.0214, o le mea lea;

IA FAATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. ua faavae ai nei le Ulutala 16, Mataupu 22 o le Tusi Tulafono a Amerika Samoa e faitauina faapea:

"Mataupu 22

PULEGA FAIFAATASI O A'OGA MAUALULUGA I LE ITULAGI I SISIFO

- 16.2201 Faaaogaina/Pasiaina o le Pulega Faifaatasi.
- 16.2202 Totino o le Komisi.
- 16.2203 Pisinisi a le Komisi.
- 16.2204 Ofisa ma totogi o le Komisi.
- 16.2205 Matafaioi a le Komisi.
- 16.2206 Faakonekarateina e le komisi mo penefiti tau a'oga; faia suesuega.
- 16.2207 Totogi o le faia o galuega.
- 16.2208 Aso e amata ai.
- 16.2209 Faamutaina, maliega, ma le see ese mai.
- 16.2210 Lape o se totino ona ua le faia.

16.2201 Faaaogaina/Pasiaina o le Pulega Faifaatasi.

E faamaonia e le Fonofaitulafono a le Teritori o Amerika Samoa, faamaonia ma faa'oga le Pulega faifaatasi a A'oga Mauualuluga a le Itulagi i Sisifo e pei ona faamaonia ai e le Fono a Kovana o Sisifo i Denver, Colorado, ia Novema 10, 1950 tuutuuga nei e pei ona ta'ua:

(a) Folafolaga a le Pulega: E folafola e setete taitasi ma teritori o lenei pulega i isi foi setete ma teritori le galulue faatasi ma le faamaoni e tauave faamoemoega uma o lenei pulega.

(e) Faavaeina o le komisi: Ua faavae nei e setete ma teritori o le pulega le Komisi mo Aoga Mauualuluga i le va o Setete. O lea komisi o se tino e galulue faatasi ma isi setete ma teritori. O le a i ai i le komisi malosi uma ma tiute e pei ona tuuina mai, e aofia ai le malosi e ave ai e le tasi le isi i le faamasinoga ma malosi faaopoopo e ono tuuina mai e ala i ni gaioioiga mulimuli ane a fonofaitulafono a setete ma teritori i totonu o le pulega.

16.2202 Totino o le Komisi.

(a) O le Komisi e aofia ai ni sui se toatolu e nonofo i teritori poo setete. O taimi uma, e tasi le komesina mai setete o i teritori taitasi, o se faia'oga e galue i a'oga maualuga atu i totonu o le setete poo le teritori o loo tofia mai ai.

(e) O komesina e tofia e le kovana mai setete ma teritori taitasi o le pulega e pei ona aiaia ai i tulafono a lena setete poo le teritori. E mafai ona aveese o soo se komesina pe faamalolo mo se taimi e pei ona aiaia ai i tulafono a le nofoaga o loo tofia mai ai.

(i) O komesina taitasi e tai 4 tausaga; ae o uluai komesina e tolu e tofia faapenei: tasi mo le 2 tausaga, tasi mo le 3 tausaga ma le tasi mo le 4 tausaga. O komesina taitasi e galue pea sei vagana ua tofia se tasi ma agavaa e sui tulaga. Afai e i si se ofisa e avanoa mo soo se mafuaaga, o le a tofia e le kovana se komesina e tauave le ofisa mo le taimi o totoe.

(o) E le afaina ai le soamaga (e)(1) o lenei Maga, talu ai ona o Amerika Samoa o le a fai faatasi lona totino ma isi Teritori uma o le Pasefika ma Setete Fesootai Saoloto, o tofiga o ana komesina o le a faia e le Kovana i le galulue faatasi ai ma Kovana ma Peresetene o isi pulega o loo faatasia i lo latou avea ai ma totino. O le a pulea o latou tofiga i Tofiga o Komesina o Totino a Motu o le Pasefika e pei ona faamaonia ai e le Komisi ia Novema 2012 ma suia ai mai lea taimi talu mai le taimi muamua.

16.2203 Pisinisi a le Komisi.

(a) Soo se pisinisi e faia i soo se fonotaga a le komisi e tatau ona faia i se palota ioe a le toatele o totino uma o setete ma teritori.

(e) O le toatasi pe sili atu foi o komesina mai se vaega tele o setete ma teritori o le a maua ai se kalama mo le faia o pisinisi.

(i) Soo se setete poo se teritori o loo i ai sona sui i soo se fonotaga a le komisi e agavaa i le tasi le palota.

16.2204 Ofisa o le Komisi ma totogi.

(a) E palota e le komisi se tasi e ta'ita'i ma se ofisa sui peresetene, ma e mafai foi ona tofia i lana faitalia pe aveese foi ia ofisa, sui, ma tagata faigaluega e tusa ona manaomia ai ina ia tauave mafuaaga o lenei pulega ma o le a faapena foi ona aumai o latou tiute, o agavaa, ma tau/totogi, e amanaia ai le taua o galuega o loo aafia.

(e) O komesina e galulue e aunoa ma se tau, peitai e toe faatumu atu i ai ni a latou lava tupe ua faaoga i mea e tatau ona fai mai totonu o tupe a le komisi.

16.2205 Matafaioi a le Komisi.

(a) O le a pasia e le Komisi se faamau faailoga ma tulafono galue ma o le a ia pasia foi ma faalauaitele tulafono ma tuutuuga o le faia ma le pulea lelei o galuega.

(e) E mafai ona palota e le komisi ni komiti e manatu e tatau ai mo le faia o ana galuega.

(i) E faavae e le komisi ma tausia lelei se ofisa i totonu o se tasi o setete a le pulega mo le faia o pisinisi ma e mafai ona fono i soo se taimi ae tatau lava ona fono faatasi i le tausaga pe a itiiti mai. E mafai ona vala'au e le ta'ita'ifono ni fonotaga faaopopo ma pe afai e talosaga e le toatele o komesina o ni totino se to'atolu pe sili atu.

(o) E aumaia e le komisi sana paketi i le kovana o setete ma teritori taitasi i taimi ia ma le vaitaimi foi o loo manaomia ai.

(u) Afai e uma ni feutaga'iga, o le a Iloilo ma faaiua e le komisi ma isi vaega e aafia, le tau o le faia o fale/nofoaga mo a'oa'oga mo le faaogaina i ana malilie faatasi tau konekarate.

(f) O le aso 15 o Ianuari poo le lei oo' foi i lena aso, i tausaga taitasi, e tuuina atu ai e le komisi i kovana ma fonofaitulafono o setete ma teritori se lipoti o ana gaoioiga mo le tausaga faakalena ua mavae atu.

(g) Ia teuina lelei e le komisi tusi o faamaumauga moni o ana tupe, e faaalua atoatoa ai ana lisiti ma le mea e alu i ai tupe, ma o ia tusi ia matala i soo se taimi e tatau ai mo le tagai i ai a kovana poo sona-sui tofia. E le noatia le komisi i ni taualumaga tau suetusi a soo se setete poo se teritori. E aiaia lava e le komisi se suetusi faaletausaga tuma'oti.

16.2206 Komisi ina ia faia konekarate mo penefiti tau a'oga; faia suesuega.

(a) O le tiute o le komisi le faia o maliliega tau konekarate ma soo se vaega i totonu o le itulagi e ofoina mai ni a'oa'oga i luga atu ma faaporofesa ma soo se setete poo se teritori e pei ona manaomia ai e maua ai ni auunaga ia lava ma ni nofoaga e faia ai aoga faapea mo tagata-nuu o setete ma teritori o le pulega. O le a taumafai muamua le komisi ia maua nofoaga talafeagai mo mataupu tau fa'inifo, vaila'au, soifumaloloina lautele, ma vaila'au tau meaola; ma faapena ai foi ma isi itu o a'oa'oga faapitoa maualuluga.

(e) Mo mafuaaga o le a ta'ua i lalo, e mafai ona faia o ni maliliega faakonekarate e le komisi:

(1) Ma le pulega o soo se a'oga i le itulagi, poo se setete poo se teritori i totonu o le pulega e maua mai ai ni auunaga tau a'oa'oga e faalagolago i tuutuuga ma aiaiga o le a malilie i ai itu e lua.

(2) Ma le pulega o soo se a'oga i le itulagi poo se setete poo teritori i le itulagi e fesoasoani ai i le tuuina atu i e o loo taumafai i matuaofaiva pe sili atu, le faailoga i luga o tuutuuga ma aiaiga e tuuina atu e le komisi.

(i) O le tiute o le komisi o le taga'i lelei i soo se ituaiga o a'oa'oga i le o loo moomia, o mea ma alamanua e mana'omia mo ia mana'oga, ma vaai mamao i i'uga o le pulega lena mo a'oga maualuluga ma saunia ni lipoti auiliili oia suesuega mo le folasia atu i luma o fonofaitulafono a kovana i sisifo ma faipule o setete ma teritori auai. I le faia o ia suesuega, e mafai ona fesootea o le komisi ma soo se vaega fai fuafuaga e mafai ona faavaeina i totonu o le itulagi ma malo foi. O le a faataatia e le komisi ma fautua foi i kovana o setete ma teritori i ni tulafono e gafa ma faafitauli mo a'oa'oga maualuluga i totonu o le itulagi.

(o) Mo mafuaaga o lena lava pulega, o le upu "itulagi" e faauigaina e tapulaa e pau mai ai mea o loo tu ai le setete poo teritori o le pulega.

16.2207 Tau o Galuega/Faagaioia ai.

O le tau o le faagaioia o le komisi o le a vaevaeina tutusa i le va o setete ma teritori.

16.2208 Aso e Faagaioia ai.

O lena Pulega o le a faagaioia ma tuufaatasia i le taimi lava e pasia ai e setete ma teritori o loo i ai, i soo se taimi lava e pasia ai e nisi o setete e lua mai setete

poo teritori o Arizona, Kalefonia, Colorado, Alaska, ma Hawaii ao lei oo ia Iulai 1, 1953. O le a aloa'ia lenei pulega i soo se setete ma teritori faaopoopo i le taimi lava latou te pasia ai.

16.2209 Faamutaina, Maliega, ma le See ese.

E mafai ona faamuta o lenei pulega i soo se taimi e ala i se maliega a se vaega tele o setete ma teritori o loo i totonu. O le malie mai e ala lea i le pasia ma le sainia e pei ona masani ai o se tulafono e faailoa le maliega e le fonofaitulafono ma le kovana o le setete ua fia see ese. E mafai ona alu ese mai o seoo se setete ma se teritori mai le pulega e ala i se tulafono e faia mo lea faamoemoe. O lea see ese mai, e le aloa'ia sei vagana ua mavae le 2 tausaga talu ona faaoo atu e le kovana o se faaaliga tusitusia a le setete poo le teritori, e avatu faatasi ai ma se kopi ua uma ona faamaonia lelei o se gaoioiga a le fonofaitulafono e faaoo atu i le komisi. O lea see ese mai, o le a le faagafuaina ai lea setete poo se teritori mai ona tiute sa tatau lava ona fai a o lei oo ina taualoga lona alu ese. E mafai e se setete poo le teritori ona toe tatala i tua lana gaoioia e alu ese mai i soo se taimi lava i totonu o le vaitaimi e 2 tausaga. Afai e mavae loa lea, ona mafai lea ona toe faaulu i totonu lea setete poo le teritori e ala i sana talosaga ma le faamaoniga a se palota a le toatele o totino o le komisi.

16.2210 Lape o se totino ona ua le faia se mea.

(a) Afai e i ai se setete poo se teritori ua lape ona ua le faia ona tiute e tatau ai pe na faaee foi i ai e tusa ai ma aiaiga o le pulega, o le a aveesea e le komisi aia uma, o mea sa ia maua, ma penefiti sa tuu atu i ai poo maliliega foi na faia e amata atu i le aso na taualoga ai le le faia o ia tiute e tusa ai ma le faaaliga a le komisi.

(e) Vagana ai ua fai se faiga e fofo ai lea faiga i totonu o le 2 tausaga mai le aso na aloa'ia ai le le tauavea o tiute, o le a faamuta loa le auai o lea setete poo le teritori e ala i se palota ioe a le 3/4 o isi totino o le pulega.

(i) E mafai ona toe faaulu e soo se setete faapea e ala i le faia o mea nei:

(1) faia o gaoioiga uma ma faataunuu tiute sa mafua ai ona aveese; ma

(2) faaoo atu o se talosaga ma ua faamaonia i se palota a le toatele o le

komisi."

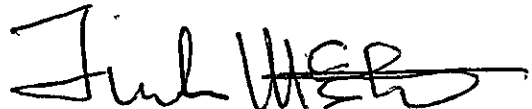
Maga 2. Aso e taualoga ai.

O le Maga 1 o lenei pili o le a aloa'ia i totonu o le 60 aso talu ona mae'a le tauaofiaga na pasia ai.



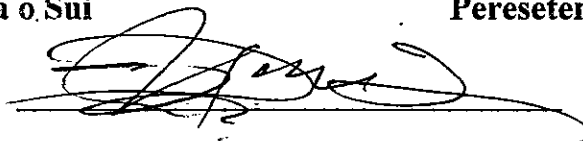
SAVALI TALAVOU ALE

Fofoga Fetalai, Maota o Sui



TUAOLO MANAIA FRUEAN

Peresetene, Maota Maualuga



LEMANU P. S. MAUGA
Kovana o Amerika Samoa