

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT EXPANDING THE DESIGNATION OF CAPITAL PROJECTS APPROVED FOR FUNDING WITH PROCEEDS OF THE AMERICAN SAMOA GOVERNMENT LOAN AUTHORIZED BY P.L. NO. 30-5; AMENDING SECTION 7.1444.5 A.S.C.A; AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to expand the designation of capital projects and provide immediate funding for certain projects that need emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1444.5 is amended to read:

“7.1444.5 Loan to American Samoa Government—Renovations of Capital Improvements and Projects.

(a) In accordance with the provisions of section 7.1444(g)(3), which limits any investment in obligations or other instruments issued or guaranteed by the government to no more than seventeen and one-half percent of Fund assets at cost, the Governor, on behalf of the American Samoa Government (ASG), and the Board of Directors of the American Samoa Government Employees' Retirement Fund (ASGERF) are authorized to enter into a loan agreement whereby the ASGERF will lend and ASG will borrow an amount not to exceed \$20,000,000.

(b) The Governor is authorized to utilize the \$20,000,000 loan amount in financing the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the

Disable), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall. The Governor shall determine the application of available loan proceeds as between the various improvements set forth in this section (the "Improvements") so as to accomplish, as nearly as may be, all of such Improvements. If the Governor shall determine that it has become impractical to accomplish any of such Improvements or portions thereof for any reason, including changed conditions, lack of funding or costs substantially in excess of those estimated, the Governor shall not be required to finance all of such Improvements. Any remaining proceeds of the loan amount may be used to finance additional capital projects as approved by the Legislature.

(c) Such loan shall be general obligation of American Samoa Government and the Governor is authorized to pledge the full faith and credit of American Samoa Government to the full and prompt payment of the principal of and interest on such loan. The Governor, and/or his designee(s), are authorized to negotiate the terms of the loan, including an interest rate, repayment terms and such other terms and conditions as may be required, except that the interest rate shall be fixed at seven and one-half percent (7.5%). The Governor and the ASGERF Board are further authorized to execute all instruments and documents necessary to conclude the transaction, including promissory notes which evidence the indebtedness of ASG. The Governor is authorized to pledge the Full Faith and Credit of ASG as well as to provide collateral as required by the ASGERF Board to secure the loan.

(d) Interest and principal payments on the loan authorized in this section shall be amortized over a ten-year term and payments made quarterly.

(e) There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall.

(f) Funds shall be made available from the following sources as identified below, for repayment of the loan authorized in this section to finance the costs of

acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall:

- (1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).
- (2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).
- (3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).
- (4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5)."

Sec 2. Appropriation of revenue.

There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, Laulii stream realignment, Visa bridge and soil stabilization/retaining wall.

Sec 3. Source of funding.

Funds shall be made available from the following sources as identified below, for repayment of the loan authorized in this section to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive

office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, Laulii stream realignment, Visa bridge and soil stabilization/retaining wall:

- (1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).
- (2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).
- (3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).
- (4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5).

Sec 4. Sunset provision.

"7.1444.5 is hereby repealed on the date that the loan approved is fully paid and 7.1444(g)(3) shall be reenacted in the form in which it existed on the day before the effective date of this Act. Specifically, the limit on Fund assets that may be obligated and invested by ASGERF shall be restored to 10 percent."

Sec 5. Effective Date.

Due to the urgent need to expand the designation of capital projects and provide immediate funding for certain projects that need emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

Lolo M. Moliga
LOLO M. MOLIGA
President of the Senate

Savali Talavou Ale
SAVALI TALAVOU ALE
Speaker, House of Representatives

[Signature]
10th April 2008
Blandy Approved 10th April 2008
Governor Of American Samoa

NOFOA'IGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA TOLU

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefulufa o Ianuari
 lua afe ma le valu

O SE TULAFONO E FA'ALAUATELE AI LE FA'ASINOMAGA O GALUEGA
 TETELE UA FA'AMAONIAINA MO LE FA'ATUPEGA I TUPE O LE
 NOGATUPE A LE MALO O AMERIKA SAMOA UA FA'ATAGAINA MAI LE
 T.L. NU. 30-5; SUIA AI LE MAGA 7.1444.5 T.T.A.S.; MA SAUNIA AI MO SE
 ASO TAUALOA VAVE.

Fa'atomuaga:

Ona o le mana'oga fa'anatinati e fa'alauatele atu ai le fa'asinomaga o galuega taūa ma saunia se fa'atupega vave mo nisi o galuega e mana'omia vave le fa'atupega, o le a taualoa vave ai lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1..**"7.1444.5 Tupe nono e le Malo o Amerika Samoa—Toe faaleleia o Galuega Tetele.**

(a) Ina ia tusa ai ma aiaiga o le maga 7.1444(g)(3), lea e faatapulaa ai soos se inivesi i aitalafu poo isi tupe e tuuina mai pe faamauina e le malo ia le sili atu i le 17.5% o aseta a le Litaea i le tau na faatau mai ai, e faatagaina le Kovana, e fai ai ma sui o le Malo (ASG) ma le Komiti Faafaoe o le Tupe o le Litaea (ASGERF) e faia se maliliega o se nogatupe e faa'une mai ai e le ASGERF i le Malo (ASG) se tupe e le silia i le \$20,000,000.

(e) E faataga le Kovana na te faaaoga le tupe lea e \$20,000,000 e faatupe ai le tau o le faia o galuega toe faaleleia poo se vaega foi o galuega ia o le a ta'ua: faalolotoina o uafu i Tutuila ma Manu'a, fale mo ofisa o le taulaga ma le tineimu, vaa tosovaa, poufaasalalau a le KVZK, faleteuoloa a le tiute, faaopoopoga o le fale mo ofisa o le malo (Ofisa o le Enetia), Ofisa o Palotaga ma le Ofisa o le Puipuiga ma Fautuaga mo tagata e le atoatoa le malosi), faaopoopoga mo le ofisa o lafoga, le taualuga o le fale o ofisa o le malo, ofisa o le lesitala, faaopoopoga o le faletusi, ofisa o femalaga'iga, faleteuoloa mo oloa a le malo, faleteuvaalele, falefaatalipasese/faaeevaa a le malaevaalele ma le auala savali mo pasese, o taligalu, fale e tuu ai meaola ma le ofisa o le foma'imana,

Falefono ma le faatupeina o le Faaaliga o aganuu a le Pasefika. O le a i le Kovana le faaaogaina o ni tupe o le nogatupe e fuafua lava i galuega o loo ta'ua i lenei maga (o le "Faaleleia") ina ia mafai ona faataunuu ai le tele o galuega e mafai ona faia. Afaia e manatu le Kovana ua le talafeagai nisi galuega faaleleia poo se vaega foi o ia galuega poo le a lava se mafuaga, e aofia ai ni suiga e faia, le le lava o le tupe poo ua taugata tele foi ua sili mamao atu nai lo le mea sa fuafua ai, ona le moomia lea o le Kovana e faatupe ia Galuega faaleleia. O ni tupe e totoe mai le nogatupe e mafai ona faaaoga e faatupe ai nisi galuega e pasia atu e le Fonofaitulafono.

(i) O lenei nogatupe o se aitalafu aoao a le Malo o Amerika Samoa ma e faataga le Kovana na te folafola atu le faatuatuaga atoa ma le faamoemoeina o le Malo o Amerika Samoa i le vave ona toe totogi atoa o le aofaiga amata ma le tului o lea lava nogatupe. E faatagaina le Kovana, ma/poo sona sui latou te feutaga'ia tuutuuga o le nogatupe, e aofia ai le pasene o le tupu tului, tuutuuga o le toe totogiina ma nisi lava tuutuuga ma aiaiga e faaono manaommia, vagana ai o le tului e tāmau i le fitu ma le tasi ma le afa pasene (7.5%). E faatagaina atili foi le Kovana ma le Komiti Tausimavaega a le Litaea (ASGERF) latou te faagaoioia pepa uma lava ma isi mea e talafeagai ai mo le faamae'aina o lenei faiga-feagaiga, e aofia ai folafolaga tusitusia e faamaonia ai le nofoatalafu o le Malo (ASG). E faataga le Kovana na te folafola le Faatuatuaina Atoatoa ma le Faamoemoeina o le Malo atoa ai foi ma le tuiina atu o se mea e faamauina ai le aitalafu e pei ona manaomia e le Komiti Tausimavaega a le Litaea ina ia faamausali ai le nogatupe.

(o) O totogi o le aofai na amata ai le nogatupe ma le tului o loo faataga atu i lenei maga e tuu'ese lava mai lea taimi i lea taimi i totonu o se vaitaimi e 10 tausaga ma ia totogi ta'imasina peimeni.

(u) Ua faasoa nei se tupe mai totonu o le teugatupetele a le Malo e talafeagai ma le toe totogiina o le nogatupe ua faatagaina i lenei maga, ina ia faatupe ai le faia o galuega tetele nei: faalolotoina o uafu i Tutuila ma Manu'a, fale mo ofisa o le taulaga ma le tineimu, vaatosovaa, poufaasalalau a le KVZK, faleteuoloa o le tiute, faaopoopoga o le fale mo ofisa o le malo, (Ofisa o le Enetia, Ofisa o Palotaga, ma le Ofisa o le Puipuiga ma Fautuaga mo tagata e le atoatoa le malosi), faaopoopoga mo le ofisa o lafoga, le taualuga o le fale o ofisa o le malo, ofisa o le lesitala, faaopoopoga o le faletusi, ofisa o femalaga'iga, faleteuoloa mo oloa a le malo, faleteuvaalele, falefaatalipasese/faaeevaa a le malaevaalele ma le auala savali mo pasese, le taligalu, fale e tuu ai meaola ma le ofisa o le foma'imamu, Falefono, ma le faatupeina o le Faaaliga o aganuu a le Pasefika, ueae o feso'ota'iga e ui ilititai, Lee Auditorium, toe fa'atulagaina o auvai, aualasima ma papuipui e fa'atumauina/taofiofi ai le eleele..

(f) O tupe o le a faaavanoa mai i alatupe nei o le a faailoa atu i lalo mo le toe totogiina o le nogatupe ua faataga i lenei maga e faatupe ai le faaleleia poo le toe faafouina o galuega tetele nei: faalolotoina o uafu i Tutuila ma Manu'a, fale o ofisa o le taulaga/tineimu, vaatosovaa, poufaasalalau a le KVZK, faleteuoloa o

le tiute, faaopoopoga o le fale o ofisa o le malo (Enetia, Ofisa Palota ma le Ofisa o le Puipua ma Fautuaga mo tagata e le atoatoa le malosi), faaopoopoga o le ofisa o lafoga, taualuga o le fale o ofisa o le malo, ofisa o le lesitala, faaopoopoga o le faletusi, ofisa o femalaga'iga, faleteuoloa o oloa a le malo, faleteuvaalele, falefaatalipasese/faaeevaa a le malaevaalele ma le auala savali pasese, o taligalu, nofoaga mo meaola ma le ofisa o e vaaia ai meaola, Falefono, ma le faatupeina o Faaaliga aganuu a le Pasefika, uaea o feso'ota'iga e ui i le ilititai, Lee Auditorium, toe fa'atulagaina o auvai, auala-sima ma le papuipui e fa'atumauina/taofiofi ai le 'ele'ele..

(1) 40% o le lafoga oloa o loo aoina mai le pia ma le molo e pei ona faaee ai e tusa ma le maga 11.1002(a)(1)(A), T.T.A.S.

(2) 12.5% o lafoga oloa o loo aoina mai le 'avamalosi poo taumafa alakaholo e pei ona faaee i le Maga 11.1002(a)(1)(E), T.T.A.S.

(3) 20% o lafoga oloa o loo aoina mai oloa tau tapaa e pei ona faaee ai i le Maga 11.1002(a)(1)(I) T.T.A.S,

(4) O tupemaua uma e aoina mai le totogi o Pepa Ulufale a le Tiute e pei ona faaee aii le maga 27.1014(a)(5) T.T.A.S.”

Maga 2. Faasoaina o tupemaua.

Ua faasoaina nei ni tupe mai le teugatupetele a le Malo e talafeagai ma le toe totogiina o le nogatupe o loo faatagaina i lenei maga, ina ia faatupe ai le tau o le faatinoina, faaleleia, poo le toe faafou foi o galuega uma lava poo se vaega foi o galuega tetele nei: faalolotoina o uafu i Tutuila ma Manu'a, fale o ofisa o le taulaga/faletineimu, vaatosovaa a le taulaga, pou faasalalau a le KVZK, faleteuoloa a le tiute, faaopoopoga o fale mo ofisa o le malo (EOB - Ofisa o le Enetia, Ofisa o Palotaga ma le Ofisa o le Puipua ma le Fautua mo i latou e le atoatoa le malosi), faaopoopoga e faatele i ai le ofisa o lafoga, taualuga o le EOB, ofisa o le Resitara, faaopoopoga mo le faletusi, ofisa o femalaga'iga, faleteuoloa o le Ofisa o oloa a le Malo, faleteuvaalele, falefaatalipasese/faaeevaa a le malaevaalele ma le auala savali mo pasese, taligalu, nofoaga e tuu ai meaola ma le faletalavai mo meaola, Falefono, faatupeina o le Faaaliga – Aganuu a le Pasefika, uaea o feso'ota'iga e ui i le ilititai, Lee Auditorium, toe fa'atulagaina o auvai, auala-sima o Visa ma le papuipui e fa'atumauina/taofiofi ai le 'ele'ele..

Maga 3. Le mea e sau ai le tupe.

E faaavanoa mai tupe mai mea nei o le a ta'ua i lalo e toe totogi ai le nogatupe ua fatagaina i lenei maga mo le faatupeina o galuega i le faatinoina, faaleleia poo le toe faafou o galuega tetele uma o le a ta'ua poo se vaega foi: faalolotoina o uafu i Tutuila ma Manu'a, ofisa o le taulaga/faletineimu, vaatosovaa, pou faasalalau a le KVZK, faleteuoloa a le tiute, faaopoopoga o ofisa o le malo (Ofisa ole Enetia, Ofisa o Palota ma le Ofisa o le Puipua ma le Fautua mo tagata e le atoatoa le malosi), faaopoopoga mo le ofisa o lafoga, taualuga o le fale o ofisa o le malo, ofisa o le Resitara, faaopoopoga o le faletusi, ofisa o

femalaga'iga, faleteuoloa o oloa a le malo, faleteuvaalele, Falefaatalipasese/faaeveaa i le malaevaalele ma le auala savali mo pasese a vaalele, taligalu, nofoaga e tuu ai meaola ma talavai mo meaola, Falefono, faatupeina o le Faaaliga-aganuu a le Pasefika, uaea e ui i le ilititai, Lee Auditorium, toe fa'atulagaina o auvai o Lauli'i, auala-sima o Visa ma le papuipui e fa'atumauina/taofiofi ai le 'ele'ele;

(1) 40% o le lafoga oloa o pia ma taumafa mai le molo e pei ona faaee ai I le T.T.A.S. Maga 11.1002(a)(1)(A).

(2) 12.5% o le lafoga oloa mai taumafa alakaholo e pei ona faaee i le T.T.A.S. Maga 11.1002(a)(1)(E).

(3) 20% o le lafoga mai oloa tau tapaa e pei ona faaee i le T.T.A.S. maga 11.1002(a)(1)(I).

(4) O tupemaua uma lava e aoina mai i le faagaoioia o Pepa e folafola ai ni oloa e tiuteina a le Tiute e pei ona faaee i le T.T.A.S. maga 27.1014(a)(5).

Maga 4. Aiaiga o le gagaifo o le la o lenei tulafono.

"Ua soloia nei le 7.1444.5 i le aso e mae'a uma ai ona toe totogi le nogatupe ua pasia ma o le 7.1444(g)(3) o le a toe faatulafonoina i lona tulaga sa i ai i le aso ao lei taualoaina lenei Tulafono. E faapito lava le tapulaa o aseta a le Tupe (litaea) atonu e mafai ona faa'aitalafu ma inivesi e le ASGERF ina ia toe foi i le 10%."

Maga 5. Aso e taualoa ai.

Ona o le mana'oga fa'anatinati e fa'alauatele ai le fa'asinomaga o galuega taūa ma saunia ai se fa'atupega vave mo nisi o galuega ie mana'omia vave ai le fa'atupega, o le a taualoa vave ai lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Savali Talavou Ale
SAVALI TALAVOU ALE
Fofoga Fatalai, Maota o Sui

Hereby Approve
10th day of April 2008
Governor of American Samoa
