

THE TWENTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

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

AN ACT INCREASING THE ANNUITIES FOR RETIREES; AMENDING SECTION 7.1442 A.S.C.A.; 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. Effective immediately and payable from October 1, 2000, as applicable, the annual service retirement annuity is increased to retirees by percentage according to the fiscal year of retirement as follows:**

<del>1991-1997</del> <u>1993-1999</u>	2%
<del>1985-1990</del> <u>1987-1992</u>	3%

<del>1979-1984</del> <u>1981-1986</u>	4%
<del>1978</del> <u>1980--and before</u>	6%

~~(b) Additionally, service retirement annuities paid under terms of subsection (a), shall be increased for retirees who retired at age 55 or older with 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, 10% increase.~~

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

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

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installments, rounded to the nearest dollar, as life annuities, and shall not be increased, decreased, revoked, or repealed except for error, or except where specifically otherwise provided.~~

~~(d) (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.~~

~~(e) (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.~~

~~(f) (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.

~~(g)~~ (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 ~~(f)~~ (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 the additional deduction as calculated above, will be paid to retiree or beneficiary.

~~(h)~~ (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.

~~(i)~~ (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.

~~(j)~~ (i) In addition to service retirement annuities paid under terms of subsections (a), ~~(f)~~ (e) and ~~(h)~~ (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.

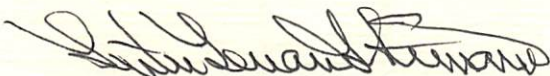
(2) An annual incentive benefit equal to \$100.00 per year of service, up to a maximum of 30 years, will be paid on a prorated monthly basis as a supplement to the service retirement annuity until the retiree reaches the age of 62, or for a minimum period of five years.

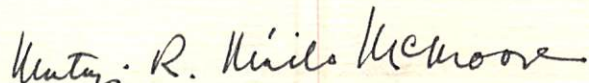
(3) Reemployment by the government, in any capacity, will result in termination of the retirement incentive supplement and loss of eligibility for such benefits.

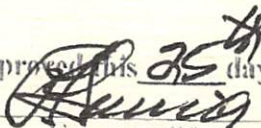
(4) Supplemental incentive benefits will not be considered in determining the amount of contingent annuities or for future increases authorized under subsection (a), ~~(e)~~ (d) and ~~(i)~~ (h) above.”

Sec 2. Effective date.

Due to the urgent financial needs of our retired employees, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.

  
LUTU TENARI S. FUIMAONO  
President of the Senate

  
MATAGI R. MA'ILO MCMOORE  
Speaker of the House

Hereby Approved this 35<sup>th</sup> day of Sept 30 02  
  
Governor Of American Samoa

NOFOAIGA LUASEFULU-FITU FONO FAITULAFONO A AMERIKA SAMOA

Fono Tele Lona Fa

Nofioia ma usua i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso valu o Iulai  
lua afe ma le lua

O SE TULAFONO E SI'I AI LE TUPEMAUA FA'ALETASAGA E TOTOGI  
ATU (ALAUNI) MO TAGATARITAEA; SUIA AI LE MAGA 7.1442 T.T.A.S.;  
MA SAUNIA AI MO SE ASO TAUALOA AUPITO VAVE LATA MAI.

Fa'atomuaga

O lo'o nofoaitalafu le Malo o Amerika Samoa i le agaga fa'afetai ona o le  
auaunaga lē-fa'atuaoiā fa'apitoa a ōna tagatafaigaluega ua ritaea. O lenei tulafono  
o le a fesoasoani ia i latou mo le tausiga o latou aiga e ala i le aiaia o si'itaga ma le  
fa'aopoopoina talafeagai o a latou siaki fa'alemasina o le ritaea. Taluai la, ona o ni  
mana'oga fa'anatinati fa'aletupe, e alagatau ai mo lenei tulafono ona taualoa  
vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA

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

**7.1442 Totogi fa'aopoopo mo ritaea.**

(a) O le a maua e totino ta'itasi se tupemaua o tautua fa'aletausaga o le  
ritaea e tusa ma le 2 pasene o le averise o le totogi fa'aletausaga o le totino  
fa'atele i le aofa'i atoa o tausaga o lana tautua e o'o atu i le maualuga o le 30  
tausaga. E taualoa vave ma e totogi atu e afua mai ia Oketopa 1, 2000 e pei  
ona fa'atatau i ai, o tupemaua fa'aletausaga o le ritaea o tautua e fa'aopoopo  
atu i tagataritaea e ala i pasene e tusa ma tausaga tupe o le ritaea e pei ona  
ta'uā i lalo:

<u>1991-1997</u> <u>1993-1999</u>	2%
<u>1985-1990</u> <u>1987-1992</u>	3%

~~1970-1984~~ 1981-1986 4%  
~~1978~~ 1980 ma tua atu 6%

~~(e) Fa'aopoopo i a; o tupemaua o lo ritaea o tautua e totogi atu i lalo o aiaiga o le soamaga (a), o le afa'aopoopoina mo tagataritaea o i latou sa ritaea i le 55 tausaga pe sili atu i le maualalo o le 10 tausaga o le tautua, e tusa ma taualumaga ua ta'ua i lalo:~~

~~(1) Mo tagataritaea o lo'o latou mauaina nei se penefiti e itiiti ifo i lalo o le \$100 i le masina, e fa'aopoopo atu i ai le 10%~~

~~(2) Mo tagataritaea o lo'o latou mauaina nei se penefiti o le \$100 e o'o atu i le 149 i le masina; 5% e fa'aopoopo i ai.~~

~~(3) Mo tagataritaea o lo'o latou mauaina nei se penefiti o le \$150 e o'o atu i le \$200 i le masina; 3% e fa'aopoopo i ai.~~

~~(i) (e) O tupemaua fa'aletausaga o le ritaea o le tautua o le a totogi atu i totogi masina tutusa, fa'aatoa i le tala pito lata i ai, o se tupemaua fa'aletausaga mo le olaga atoa, ma o le a le si'ia, fa'aitiitia, fa'aleaogaina, pe soloia vagana se sese, pe vagana ua 'ese se isi aiaiga ma'oti.~~

~~(i) (i) O le totogi muamua o le tupemaua fa'aletausaga o le olaga o le a faia e fuafua i le vaega o le masina na alu i le va o le aso o le ritaea ma le fa'ai'uga o lona masina. O le totogi mulimuli o le a faia e fa'amuta i le aso e maliu ai.~~

~~(u) (o) E sui ai le tupemaua fa'aletausaga e totogi atu mo le olaga atoa o le totino ua ritaea, e mafai e le totino ona filifili na te talia se aofa'iga o le tupemaua ritaea e itiiti i taimi o lona ola ae tu'u uma pe tu'u fo'i se vaega o lona tupemaua fa'aletausaga e fa'aauau i se tasi ua fa'asinoia e le totino i le taimi e ritaea ai e fai ma se tasi e talia le tupemaua fa'aletausaga. O le aofa'i o le tupemaua fa'aletausaga fa'aitiitia e filifilia e fa'ai'uina i se iloiloga a le komiti ina ia fa'apea ai o le aofa'i o lona tupemaua fa'aletausaga i le taimi na ritaea ai o le a tutusa ma le aofa'i o le tupemaua fa'aletausaga mo le olaga semanu e totogi atu pe a na leai se filifiliga. E le mafai e le komiti ona fa'ataga le filifiliga vagana o le aofa'i o le ritaea ua fuafua e maua mai totogi masina o le tupemaua fa'aletausaga i le taimi atoa o le olaga o le totino ua ritaea e le itiiti na i lo le afa e tasi o le aofa'i o le tupemaua fa'aletausaga o le olaga semanu e totogi atu pe a leai se filifiliga.~~

~~(f)~~ (u) Afai ua ritaea se totino ua agava'a e ritaea vave e pei ona aiaia i le 7.1441, o le aofa'i o lana tupemaua fa'aletausaga o le ritaea e sa'ili i le faiga e tusa ma lena ua fa'amatalaina, aepeita'i ia fa'aitiitia i le tasi-o-vae-fa o le pasene e tasi fa'atele i le aofa'i o masina atoatoa i se piriota e amata i le aso o le ritaea vave ma uma i le aso muamua e agava'a ia le totino e ritaea e ala i ōna tausaga po'o le tautua fa'aputupu fa'atasi ma se tupemaua fa'aletausaga e le fa'aitiitia.

~~(g)~~ (f) Afai e ritaea se totino ua agava'a e ritaea i tulaga mautu e pei ona aiaia i le 7.1441, o le aofa'i o lana tupemaua fa'aletausaga o le ritaea e sa'ilia i le faiga lava e tasi e pei ona fa'amatalaina mo le ritaea vave i le maga 7.1442 ~~(f)~~ (u), ae peita'i e fa'aitiitia, i le tasi-o-vae-fa o le pasene fa'atele i le aofa'i o masina atoatoa i le piriota e amata i le aso na tu'uese ai, ma uma i le aso fanau lona 55 o le totino, fa'alagolago i le isi fo'i fa'aitiitiga maualuga o le 15 pasene. O le tupemaua fa'aletausaga ua fa'apea ona sa'ilia, fa'apea o le tupemaua fa'aletausaga ritaea masani ua tatau ai ona to'ese ai le fa'aitiitiga mo le ritaea vave, ma le isi fa'aitiitiga pei ona fuafuaina i luga, o le a totogi atu i lē ua ritaea po'o se penefisiari.

~~(h)~~ (g) Afai e ritaea se totino ina ua o'o i le tausaga e 65, o le aofa'i o le tupemaua fa'aletausaga o lona ritaea o le a sa'ilia e pei ona fa'amatalaina, ae toe fa'aopoopo i ai le tasi-o-vae-fa o le pasene e tasi fa'atele i le aofa'i o masina atoatoa i le piriota na amata i le aso fanau 65 o le totino ae uma i le aso ua ritaea ai le totino.

~~(m)~~ (l) E le itiiti i le fa'atasi i tausaga ta'ilua uma e fautua ai le komiti i le Kovana, mo le fa'aofi atu i le Fono Faitulafono, pe si'i pe leai fo'i ni tupemaua fa'aletausaga o le tautua ma le ma'i fo'i e pei ona o lo'o totogia atu i totino ritaea ma isi o lo'o talia tupemaua fa'aletausaga. O ia fautuaga a le komiti e faia ina ua uma ni iloiloga tatau a le komiti i tulaga o lo'o i ai i le taimi nei, ma e auina fa'atasi ma se fa'amatalaga o le tau o se si'i ua fuafuaina e pei ona fa'amaonia e se tagata e tomai i le fuafuaina o fa'atama'iga e tula'i mai ma le aofa'i o tupe totogi atu mo inisiua.

~~(n)~~ (m) E fa'aopoopo i tupemaua fa'aletausaga o ritaea o le tautua o lo'o totogi i lalo o aiaiga o soamaga (a), ~~(f)~~(u), ma ~~(h)~~(g) i luga, o se fesoasoani fa'aopoopo e fa'atosina ai ē ritaea o le a totogi atu e tusa ma tu'utu'uga ma tulaga nei:

(1) E fa'apito le agava'a i totino o lo'o galulue ua 55 tausaga o le olaga pe sili atu i le sefulu pe silia tausaga o le tautua, o i latou o lo'o agava'a i le

taimi nei mo le ritaea vave, ma ua mae'a a latou talosaga mo le ritaea i totonu o aso e ivasefulu (90) aso mai le aso taualoha o leni tulafono.

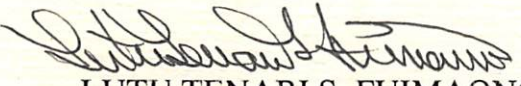
(2) O se fesoasoani fa'atosina fa'aletausaga e tusa ma le \$100.00 i le tausaga o le tautua, e o'o i le tapula'a maualuga e 30 tausaga, o le a totogi atu e fuafua i se vaevaega fa'alemasina e avea ma fa'aopoopoga i le tupemaua fa'aletausaga ritaea o le tautua se'ia o'o le tagata ritaea i le 62 tausaga, pe mo le piriota maualalo e 5 tausaga.

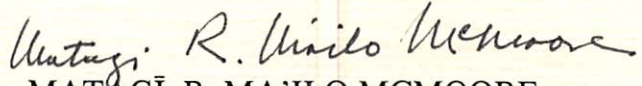
(3) O le toe fa'afaigaluegaina e le malo, i so'o se tulaga, o le a fa'amuta ai le fa'aopoopoga fa'atosina i le ritaea ma ua ave'esea ai le agava'a mo ia fesoasoani.

(4) O fesoasoani fa'atosina fa'aopoopo o le a le fa'aaogaina i le sa'iliga o le aofa'i o tupemaua fa'aletausaga fa'afuase'i po'o si'itaga i le lumana'i o le a fa'atagaina i lalo o le soamaga (a), ~~(u)~~(o) ma le ~~(m)~~ (l) i luga."

Maga 2. Aso taualoha.

Ona o mana'oga fa'anatinati fa'aletupe mo o tatou tagatafaigaluega ua ritaea, o le a taualoha vave ai leni tulafono pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.

  
LUTU TENARI S. FUIMAONO  
Peresetene, Maota Maualuga

  
MATAGI R. MA'ILO MCMOORE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this 25 day of Sept 2002  
  
Governor Of American Samoa