

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 MODERNIZING THE EXISTING CORPORATION LAW BY ESTABLISHING "CORPORATE MERGERS, DISSENTERS' RIGHTS AND CLARIFYING SHAREHOLDERS RIGHTS, AMENDING SECTION 30.0120 A.S.C.A. AND CREATING NEW SECTIONS 30.0133, 30.0170-30.0176, 30.0180-30.0182 AND 30.0190-30.1999 UNDER CHAPTER 01, TITLE 30 A.S.C.A.; AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to modernize existing corporation law, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA

Section 1. 30.0120 is amended to read:

"30.0120 Amendments--Procedure.

(a) Any corporation operating under this chapter may, when and as desired, amend its articles of incorporation by:

(1) additions to its corporate powers and purposes, or diminution thereof, or both, or by substitution of other powers and purposes, in whole or in part, for those prescribed by its articles of incorporation;

(2) increasing or decreasing its authorized capital stock or reclassifying the same, by changing the number, par value, designations,

preference, or relative, participating, optional or other special rights of the shares or the qualification, limitations or restrictions of such rights;

(3) changing its corporate title;

(4) making any other change or alteration in its articles of incorporation that maybe desired.

(b) All such changes or alterations may be effected by one certificate of amendment; provided, that any articles of incorporation as so amended, changed, or altered may contain only such provisions as it would be lawful and proper to insert in original articles or incorporation made at the time of making such amendments, and the procedures set forth in 30.0111 through 30.0115 must be followed with respect to the filing, approval by the Governor and recordation of any such amendment.

(c) A shareholder of the corporation does not have a vested property right resulting from any provision in the articles of incorporation, including provisions relating to management, control, capital structure, dividend entitlement, or purpose or duration of the corporation."

Sec 2. There is created a section 30.0133 which reads:

"30.0133 Corporation's acquisition of its own shares.

(a) A corporation may acquire its own shares and shares so acquired constitute authorized but unissued shares.

(b) If the articles of incorporation prohibit the reissue of acquired shares, the number of authorized shares is reduced by the number of shares acquired, effective upon amendment of the articles of incorporation."

Sec 3. Sections 30.0170-30.0176 are created to read:

#### "VII. MERGER AND SHARE EXCHANGE

30.0170 Merger.

(a) One or more corporations may merge into another corporation if the board of directors of each corporation adopts and its shareholders approve a plan of merger.

(b) The plan of merger must set forth:

(1) the name of each corporation planning to merge and the name of the surviving corporation into which each other corporation plans to merge;

(2) the terms and conditions of the merger; and

(3) the manner and basis of converting the shares of each corporation into shares, obligations, or other securities of the surviving or any other corporation or into cash or other property in whole or part.

(c) The plan of merger may set forth:

(1) amendments to the articles of incorporation of the surviving corporation; and

(2) other provisions relating to the merger.

#### 30.0171 Share exchange.

(a) A corporation may acquire all of the outstanding shares of one or more classes or series of another corporation if the board of directors of each corporation adopts and its shareholders approve the exchange.

(b) The plan of exchange must set forth:

(1) the name of the corporation whose shares will be acquired and the name of the acquiring corporation;

(2) the terms and conditions of the exchange;

(3) the manner and basis of exchanging the shares to be acquired for shares, obligations, or other securities of the acquiring or any other corporation or for cash or other property in whole or part.

(c) The plan of exchange may set forth other provisions relating to the exchange.

(d) This section does not limit the power of a corporation to acquire all or part of the shares of one or more classes or series of another corporation through a voluntary exchange or otherwise.

#### 30.0172 Action on plan.

(a) After adopting a plan of merger or share exchange, the board of directors of each corporation party to the merger, and the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger or share exchange for approval by its shareholders.

(b) For a plan of merger or share exchange to be approved:

(1) the board of directors must recommend the plan of merger or share exchange to the shareholders, unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the plan; and

(2) the shareholders entitled to vote must approve the plan.

(c) The board of directors may condition its submission of the proposed merger or share exchange on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting no fewer than 5 nor more than 20 days before the meeting date. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and contain or be accompanied by a copy or summary of the plan.

(e) Unless this chapter, the articles of incorporation, or the board of directors (acting pursuant to subsection (c)) require a greater vote or a vote by voting groups, the plan of merger or share exchange to be authorized must be approved by each voting group entitled to vote separately on the plan by a majority of all the votes entitled to be cast on the plan by that voting group.

#### 30.0173 Merger of subsidiary.

(a) A parent corporation owning at least 90 percent of the outstanding shares of each class of a subsidiary corporation may merge the subsidiary into itself without approval of the shareholders of the parent or subsidiary.

(b) The board of directors of the parent shall adopt a plan of merger that sets forth:

(1) the names of the parent and subsidiary; and

(2) the manner and basis of converting the shares of the subsidiary into shares, obligations, or other securities of the parent or any other corporation or into cash or other property in whole or part.

(c) The parent shall mail a copy or summary of the plan of merger to each shareholder of the subsidiary who does not waive the mailing requirement in writing.

(d) The parent may not deliver articles of merger to the treasurer for filing until at least 30 days after the date it mailed a copy of the plan of merger to each shareholder of the subsidiary who did not waive the mailing requirement.

(e) Articles of merger under this section may not contain amendments to the articles of incorporation of the parent.

#### 30.0174 Articles of merger or share exchange.

(a) After a plan of merger or share exchange is approved by the shareholders, or adopted by the board of directors if shareholder approval is not required, the surviving or acquiring corporation shall deliver to the treasurer for filing articles of merger or share exchange setting forth:

(1) the plan of merger or share exchange;

(2) if shareholder approval was not required, a statement to that effect;

(3) if approval of the shareholders of one or more corporations party to the merger or share exchange was required:

(i) the designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan as to each corporation; and

(ii) either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

(b) A merger or share exchange takes effect upon the effective date of the articles of merger or share exchange.

30.0175 Effect of merger or share exchange.

(a) When a merger takes effect:

(1) every other corporation party to the merger merges into the surviving corporation and the separate existence of every corporation except the surviving corporation ceases;

(2) the title to all real estate and other property owned by each corporation party to the merger is vested in the surviving corporation without reversion or impairment;

(3) the surviving corporation has all liabilities of each corporation party to the merger;

(4) a proceeding pending against any corporation party to the merger may be continued as if the merger did not occur or the surviving corporation may be substituted in the proceeding for the corporation whose existence ceased;

(5) the articles of incorporation of the surviving corporation are amended to the extent provided in the plan of merger; and

(6) the shares of each corporation party to the merger that are to be converted into shares, obligations, or other securities of the surviving or any other corporation or into cash or other property are converted, and the former holders of the shares are entitled only to the rights provided in the articles of merger or to their rights under this chapter.

(b) When a share exchange takes effect, the shares of each acquired corporation are exchanged as provided in the plan, and the former holders of the shares are entitled only to the exchange rights provided in the articles of share exchange or to their rights under this chapter.

30.0176 Merger or share exchange with foreign corporation.

(a) One or more foreign corporations may merge or enter into a share exchange with one or more domestic corporation if:

(1) in a merger, the merger is permitted by the law of the state or country under whose law each foreign corporation is incorporated and each foreign corporation complies with that law in effecting the merger;

(2) in a share exchange, the corporation whose shares will be acquired is a domestic corporation, whether or not a share exchange is permitted by the law of the state or country under whose law the acquiring corporation is incorporated;

(3) the foreign corporation complies with section 30.0174 if it is the surviving corporation of the merger or acquiring corporation of the share exchange; and

(4) each domestic corporation complies with the applicable provisions of sections 30.0170 through 30.0173 and, if it is the surviving corporation of the merger or acquiring corporation of the share exchange, section 30.0174.

(b) Upon the merger or share exchange taking effect, the surviving foreign corporation of a merger and the foreign acquiring corporation of a share exchange is deemed:

(1) to appoint the treasurer as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting shareholders of each domestic corporation party to the merger or share exchange; and

(2) to agree that it will promptly pay to the dissenting shareholders of each domestic corporation party to the merger or share exchange the amount, if any, to which they are entitled under Chapter 30.0180 et seq.

(c) This section does not limit the power of a foreign corporation to acquire all or part of the shares of one or more classes or series of a domestic corporation through a voluntary exchange or otherwise."

Sec 4. Sections 30.0180 - 30.0182 are created to read.

## **"VIII. DISSENTERS' RIGHTS**

### **I. Right to Dissent and Obtain Payment for Shares**

30.0180 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

(a) "Corporation", domestic or foreign, means the issuer of the shares held by a dissenter before the corporate action, or the surviving or acquiring corporation by merger or share exchange of that issuer.

(b) "Dissenter" means a shareholder who is entitled to dissent from corporate action under section 30.0181 and who exercises that right when and in the manner required by sections 30.0180 through 30.0198.

(c) "Fair value", with respect to a dissenter's shares, means the value of the shares immediately before the effectuation of the corporate action to which the dissenter objects, excluding any appreciation or depreciation in anticipation of the corporate action unless exclusion would be inequitable.

(d) "Interest" means interest from the effective date of the corporate action until the date of payment, at the average rate currently paid by the corporation on its principal bank loans or, if none, at a rate that is fair and equitable under all the circumstances.

(e) "Record shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(f) "Beneficial shareholder" means the person who is a beneficial owner of shares held in a voting trust or by a nominee as the record shareholder.

(g) "Shareholder" means the record shareholder or the beneficial shareholder.

#### 30.0181 Right to dissent.

(a) A shareholder is entitled to dissent from, and obtain payment of the fair value of his shares in the event of any of the following corporate actions:

(1) consummation of a plan of merger to which the corporation is a party (i) if shareholder approval is required for the merger by section 30.0172 or the articles of incorporation and the shareholder is entitled to vote on the merger or (ii) if the corporation is a subsidiary that is merged with its parent under section 30.0173;

(2) consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan;

(3) consummation of a sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange,

including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one year after the date of sale;

(4) an amendment of the articles of incorporation that materially and adversely affects rights in respect of a dissenter's shares because it:

(i) alters or abolishes a preferential right of the shares;

(ii) creates, alters, or abolishes a right in respect of redemption, including a provision respecting a sinking fund for the redemption or repurchase, of the shares;

(iii) alters or abolishes a preemptive right of the holder of the shares to acquire shares or other securities;

(iv) excludes or limits the right of the shares to vote on any matter, or to cumulate votes, other than a limitation by dilution through issuance of shares or other securities with similar voting rights; or

(v) reduces the number of shares owned by the shareholder to a fraction of a share if the fractional share so created is to be acquired for cash; or

(5) any corporate action taken pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

(b) A shareholder entitled to dissent and obtain payment for his shares under this chapter may not challenge the corporate action creating his entitlement unless the action is unlawful or fraudulent with respect to the shareholder or the corporation.

30.0182 Dissent by nominees and beneficial owners.

(a) A record shareholder may assert dissenters' rights as to fewer than all the shares registered in his name only if he dissents with respect to all shares beneficially owned by any one person and notifies the corporation in writing of the name and address of each person on whose behalf he asserts dissenters' rights. The rights of a partial dissenter under this subsection are determined as if the shares as to which he dissents and his other shares were registered in the names of different shareholders.

(b) A beneficial shareholder may assert dissenters' rights as to shares held on his behalf only if:

(1) he submits to the corporation the record shareholder's written consent to the dissent not later than the time the beneficial shareholder asserts dissenters' rights; and



(2) he does so with respect to all shares of which he is the beneficial shareholder or over which he has power to direct the vote."

Sec 5. Sections 30.0190-30.1999 are created to read.

## **"II. Procedure for Exercise of Dissenters' Rights - Judicial Appraisal of Shares**

30.0190 Notice of dissenters' rights.

(a) If proposed corporate action creating dissenters' rights under section 30.0181 is submitted to a vote at a shareholders' meeting, the meeting notice must state that shareholders are or may be entitled to assert dissenters' rights under this chapter and be accompanied by a copy of this chapter.

(b) If corporate action creating dissenters' rights under section 30.0181 is taken without a vote of shareholders, the corporation shall notify in writing all shareholders entitled to assert dissenters' rights that the action was taken and send them the dissenters' notice described in section 30.0192.

30.0191 Notice of intent to demand payment.

(a) If proposed corporate action creating dissenters' rights under section 30.0181 is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert dissenters' rights (1) must deliver to the corporation before the vote is taken written notice of his intent to demand payment for his shares if the proposed action is effectuated and (2) must not vote his shares in favor of the proposed action.

(b) A shareholder who does not satisfy the requirements of subsection (a) is not entitled to payment for his shares under this chapter.

30.0192 Dissenters' notice.

(a) If proposed corporate action creating dissenters' rights under section 30.0181 is authorized at a shareholders' meeting, the corporation shall deliver a written dissenters' notice to all shareholders who satisfied the requirements of section 30.0191.

(b) The dissenters' notice must be sent no later than 10 days after the corporate action was taken, and must:

(1) state where the payment demand must be sent and where and when certificates for certificated shares must be deposited;

(2) inform holders of uncertificated shares to what extent transfer of the shares will be restricted after the payment demand is received;

(3) supply a form for demanding payment that includes the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action and requires that the person asserting dissenters' rights certify whether or not he acquired beneficial ownership of the shares before that date;

(4) set a date by which the corporation must receive the payment demand, which date may not be fewer than 30 nor more than 60 days after the date the subsection (a) notice is delivered; and

(5) be accompanied by a copy of this chapter.

#### 30.0193 Duty to demand payment.

(a) A shareholder sent a dissenters' notice described in section 30.0192 must demand payment, certify whether he acquired beneficial ownership of the shares before the date required to be set forth in the dissenters' notice pursuant to section 30.0192(b)(3), and deposit his certificates in accordance with the terms of the notice.

(b) The shareholder who demands payment and deposits his share certificates under section (a) retains all other rights of a shareholder until these rights are canceled or modified by the taking of the proposed corporate action.

(c) A shareholder who does not demand payment or deposit his share certificates where required, each by the date set in the dissenters' notice, is not entitled to payment for his shares under this chapter.

#### 30.0194 Share restrictions.

(a) The corporation may restrict the transfer of uncertificated shares from the date the demand for their payment is received until the proposed corporate action is taken or the restrictions released under section 30.0196.

(b) The person for whom dissenters' rights are asserted as to uncertificated shares retains all other rights of a shareholder until these rights are canceled or modified by the taking of the proposed corporate action.

#### 30.0195 Payment.

(a) Except as provided in section 30.0197, as soon as the proposed corporate action is taken, or upon receipt of a payment demand, the corporation shall pay each dissenter who complied with section 30.0193

the amount the corporation estimates to be the fair value of his shares, plus accrued interest.

(b) The payment must be accompanied by:

(1) the corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, an income statement for that year, a statement of changes in shareholders' equity for that year, and the latest available interim financial statements, if any;

(2) a statement of the corporation's estimate of the fair value of the shares;

(3) an explanation of how the interest was calculated;

(4) a statement of the dissenter's right to demand payment under section 30.0198; and

(5) a copy of this chapter.

30.0196 Failure to take action.

(a) If the corporation does not take the proposed action within 60 days after the date set for demanding payment and depositing share certificates, the corporation shall return the deposited certificates and release the transfer restrictions imposed on uncertificated shares.

(b) If after returning deposited certificates and releasing transfer restrictions, the corporation takes the proposed action, it must send a new dissenters' notice under section 30.0192 and repeat the payment demand procedure.

30.0197 After acquired shares.

(a) A corporation may elect to withhold payment required by section 30.0195 from a dissenter unless he was the beneficial owner of the shares before the date set forth in the dissenters' notice as the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action.

(b) To the extent the corporation elects to withhold payment under subsection (a), after taking the proposed corporate action, it shall estimate the fair value of the shares, plus accrued interest, and shall pay this amount to each dissenter who agrees to accept it in full satisfaction of his demand. The corporation shall send with its offer a statement of its estimate of the fair value of the shares, an explanation of how the interest was calculated, and a statement of the dissenter's right to demand payment under section 30.0198.

30.0198 Procedure if shareholder dissatisfied with payment or offer.

(a) A dissenter may notify the corporation in writing of his own estimate of the fair value of his shares and amount of interest due, and demand payment of his estimate (less any payment under section 30.0195), or reject the corporation's offer under section 30.0197 and demand payment of the fair value of his shares and interest due, if:

(1) the dissenter believes that the amount paid under section 30.0195 or offered under section 30.0197 is less than the fair value of his shares or that the interest due is incorrectly calculated;

(2) the corporation fails to make payment under section 30.0195 within 60 days after the date set for demanding payment; or

(3) the corporation, having failed to take the proposed action, does not return the deposited certificates or release the transfer restrictions imposed on uncertificated shares within 60 days after the date set for demanding payment.

(b) A dissenter waives his right to demand payment under this section unless he notifies the corporation of his demand in writing under subsection (a) within 30 days after the corporation made or offered payment for his shares.

30.0199 Court action--Court costs and counsel fees.

(a) If a demand for payment under section 30.0198 remains unsettled, the corporation shall commence a proceeding within 60 days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the 60 day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

(b) The corporation shall commence the proceeding in the Trial Division of the High Court of American Samoa.

(c) The corporation shall make all dissenters, whether or not residents of this Territory, whose demands remain unsettled parties to the proceeding as in an action against their shares and all parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail to his or her last known address.

(d) The jurisdiction of the Trial Division of the High Court under subsection (b) is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the powers described in the order appointing them, or in any amendment to it. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

(e) Each dissenter made a party to the proceeding is entitled to judgment (1) for the amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the corporation or (2) for the fair value, plus accrued interest, of his after-acquired shares for which the corporation elected to withhold payment under section 30.0197.

(f) The court in an appraisal proceeding commenced under section 30.0199 shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously, or not in good faith in demanding payment under section 30.0198.

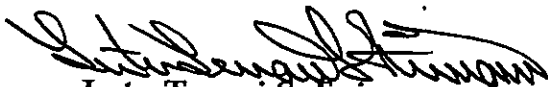
(g) The court may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

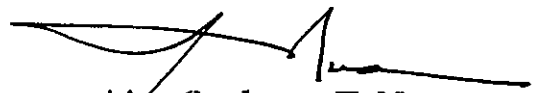
(1) against the corporation and in favor of any or all dissenters if the court finds the corporation did not substantially comply with the requirements of sections 30.0190 through 30.0198; or

(2) against either the corporation or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this chapter."

Sec 6. Effective date.

Due to the urgent need to modernize existing corporation law, this measure shall be effective immediately upon passage by the Legislature and approval by the Governor.

  
Lutu Tenari S. Fuimaono  
PRESIDENT OF THE SENATE

  
Ajina Saoluaga T. Nua  
SPEAKER OF THE HOUSE

Hereby Approved this 30th day of March, 2000

  
Governor of American Samoa

NOFOAIGA LUASEFULU-ONO FONOFAITULAFONO O AMERIKA SAMOA

FONO TELE LONA TOLU

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

O SE TULAFONO E AIAIĀ AI FA'AONAPONEI LE TULAFONO KOPORESI MAI LE FA'AVAEINA O LE TU'UFA'ATASIGA O KOPORESI, AIĀ O TAGATA FA'ATU'ESE MA FA'AMANINOINA AIĀ O TAGATA FAISIEA, SUIA AI LE MAGA 30.0120 T.T.A.S MA FA'AVAE MAGA FOU 30.0133, 30.0170-30.0176, 30.0180-30.0182 MA LE 30.0190-3.1999 I LALO O LE MATA'UPU 01, ULUTALA 30 T.T.A.S; MA SAUNIA MO SE ASO TAUALOA VAVE.

Fa'atomuaga

Taluai ona o se mana'oga fa'anatinati e aiaia fa'aonaponei tulafono koporesi o lo'o i ai nei; o le a taualoa ai lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA

Maga 1. 30.0120 ua suia e faitauina:

30.0120 Suiga --Taualumaga e fai a'i.

(a) So'o se koporesi o lo'o fa'agaoioia i lalo o lenei mata'upu e mafai, ona suia lona autu fa'avae fa'afoe, i so'o se taimi ma le aso e mana'omia ai i le:

(1) fa'aopoopoina lea o o'na malosi'aga fa'akoporesi ma fa'amoemoega, po'o le fa'aitiiti fo'i, po'o mea uma e lua, po'o le toe suia atoa po'o se vaega i isi malosi'aga ma fa'amoemoega, i tulaga ua aiaia e fai ma ta'ita'iga i lona autu fa'avae fa'afoe fa'amaumauina;

(2) fa'aopoopoina pe fa'aitiitiaina o o'na siea i meatotino ua fa'atulafonoina po'o le toefa'avasegaina, i le suia o le numera, tau

fa'atulagaina, fa'ailogaina, filifiliga, po'o se faiā, auai, sa'olotoga e filifili ai po'o isi aiā fa'apitoa, po'o agava'a, tapula'a po'o le taofiaina o ia aiā;

(3) suia o le igoa o le koporesi;

(4) faia o so'o se isi suiga po'o le teuteuina e mana'omia i lona autu fa'avae fa'afoe;

(e) o ia suiga uma po'o teuteuga e mafai ona fa'ataunu'uina i se pepa fa'amaonia e tasi o suiga, pe afai, o so'o se autu fa'avae fa'afoe ua suia, fa'aleleia, pe teuteuina e mafai ona aofia ai na'o ia tu'utu'uga o le a fa'atagaina ma alagatau e fa'aofi i le ulua'i autu fa'avae fa'afoe po'o le tu'ufa'atasiga sa faia i le taimi na aiaia ai ia suiga, ma auala e fa'ataunu'uina ai ua fa'atulagaina i le 30.0111 e o'o i le 30.0115 ma e ao ona mulimūlita'i i ai e fa'atatau i le failaina, fa'amaoniaina e le Kovana ma le fa'amaumauina o so'o se suiga.

(i) O se faisiea o le koporesi e le o i ai sona aiā ua fa'ae'eina atu fa'apitoa i meatotino e maua mai i so'o se tu'utu'uga i le autu fa'avae fa'afoe, e aofia ai tu'utu'uga e fa'atatau i le ta'ita'iga, puleaina, nofoaga mautu, ta'uagava'aina i le tufatufaga o tupe mamā, po'o le fa'amoemoe pe i le mutaga o le koporesi."

Maga 2. Ua fa'avaeina le maga 30.0133 e faitauina:

"30.0133 Mauaina e le koporesi o ana siea.

(a) E mafai e le koporesi ona sa'ili ana ia lava siea ma o siea e maua mai e taualoaina ae o siea e le'i atofaina.

(e) Afai e fa'asaina e le autu fa'avae fa'afoe ua fa'agaoioi ai le toe tu'uina atu o siea na maua, o le aofa'i o siea fa'atagaina ua fa'aitiitia i le aofa'i o siea ua maua, o le a taualoa i le suiga o le autu fa'avae fa'afoe ua fa'agaoioi ai."

Maga 3. Fa'avaeina 30.0170-30.0176 e faitauina:



## **"VII. TU'UFA'ATASIGA MA LE FESUIA'IGA O SIEA**

30.0170 Tu'ufa'atasiga

(a) E mafai e se koporesi se tasi pe sili atu ona tu'ufa'atasi e avea ma se isi koporesi pe afai e taliaina e le komiti o fa'afoe o koporesi ta'itasi ma fa'amaoniaina e ona faisiea se fuafuaga o le tu'ufa'atasiga.

(e) E tatau ona fa'atulagaina i le fuafuaga:

(1) igoa o koporesi ta'itasi ua fuafuaina e tu'ufa'atasia ma le igoa o le koporesi e fa'aauau pea ua fa'amoemoe isi koporesi ta'itasi e tu'ufa'atasi i ai;

(2) o aiaiga ma tu'utu'uga o le tu'ufa'atasiga; ma  
(3) le auala ma le fa'avae o le fa'aliliuina o siea o koporesi ta'itasi i siea, avega tau'ave, po'o isi fa'amalumaluga o le koporesi ua fa'aauauina po'o se isi koporesi po'o le liliuina atoa po'o se vaega o tupe po'o isi meatotino.

(i) E mafai ona aiaia ai i le fuafuaga:  
(1) suiga i le fa'avae autu o gaoioiga i le koporesi ua tula'i mai; ma  
(2) nisi aiaiga e fa'atatau i le tu'ufa'atasiga.

30.0171 Fesuia'iga o siea.

(a) E mafai e se koporesi ona tau'aveina siea uma o totoe o se ituaiga e tasi pe sili atu po'o se vaega a se isi koporesi pe afai e taliaina e le komiti fa'afae a koporesi ta'itasi ma fa'amaonia e faisiea le fesuia'iga.

(e) E tatau ona fa'atulagaina i le fuafuaga o le fesuia'iga:  
(1) le igoa o le koporesi e onaina siea ia o le a ave, ma le igoa o le koporesi o lo'o aveina.

(2) o tu'utu'uga ma aiaiga o le fesuia'iga;  
(3) le auala ma le fa'avae o le fesuia'iga o siea e sa'ilia mo siea, avega tau'ave, po'o isi fa'amalumaluga o le koporesi ua aveina po'o se isi lava koporesi po'o mo tino i tupe po'o isi mea totino atoa po'o ni vaega.

(i) E mafai e le fuafuaga o le tu'ufa'atasiga ona fa'aalia:  
(1) suiga i le autu fa'avae fa'afae o le koporesi ua tula'i mai; ma  
(2) isi aiaiga e fa'atatau i le tu'ufa'atasiga.

30.0171 Fa'afesuia'iga o siea.

(a) E mafai e se koporesi ona aveina uma siea totoe o se ituaiga po'o vaega e tasi po'o sili atu fo'i a se isi koporesi pe afai e taliaina e le komiti o fa'atonu o koporesi ta'itasi ma fa'amaoniaina e ona faisiea le fa'afesuia'iga.

(e) E tatau i le fuafuaga o le fa'afesuia'iga ona fa'ailoa ai:  
(1) le igoa o le koporesi o ona siea ia o le a aveina ma le igoa o le koporesi o lo'o aveina;

(2) o tu'utu'uga ma aiaiga o le fa'afesuia'iga;  
(3) le auala ma le fa'avae o le fesuia'iga o siea mo siea, fatua'iga, po'o isi fa'amalumaluga o le aveina po'o so'o se isi koporesi po'o mo tinoitupe po'o isi meatotino atoa po'o se vaega.

(i) e mafai e le fuafuaga mo le fesuia'iga ona fa'ailoa nisi tu'utu'uga e uiga i le fesuia'iga.



(o) e le fa'atapula'aina e lenei maga le malosiaga o se koporesi e aveina ai siea uma po'o se vaega o siea o se ituaiga e tasi po'o sili atu fo'i po'o vaega mai se isi koporesi pe a ave i se fesuia'iga ua faia i le lotomalie po'o se isi auala.

30.0172 Fa'atinoina o le fuafuaga.

(a) A maea loa ona aiaia le faufuaga e tu'ufa'atasi po'o le fesuia'iga o siea, e fa'auluina e le komiti fa'afoe a koporesi ta'itasi o le a tu'ufa'atasia, ma le komiti fa'afoe a le koporesi e ona siea ia o le a fa'afesuia'i, se fuafuaga mo le tu'ufa'atasia po'o le fa'afesuia'iga o siea mo le fa'amaoniga a le au faisiea.

(e) Mo le fa'amaoniaina o le fuafuaga e tu'ufa'atasia po'o le fa'afesuia'iga o siea:

(1) e tatau i le komiti fa'afoe ona o latou fautuaina le au faisiea e uiga i le fuafuaga e tu'ufa'atasia po'o le fa'afesuia'iga o siea, se'i vagana ua manatu le komiti fa'afoe e le tatau ona faia sa latou fautuaga ona o le fetena'iga o tiute po'o nisi mafua'aga fa'apitoa, ma fa'ao'o loa le mafua'aga o latou manatu i le au faisiea fa'atasi ma le fuafuaga; ma

(2) o le aufaisiea e agava'a e palota e tatau ona o latou fa'amaoniaina le fuafuaga.

(i) E mafai e le komiti fa'afoe ona fuafua le fa'auluina o le fuafuaga e tu'ufa'atasia po'o le fa'afesuia'iga o siea i so'o se mafua'aga.

(o) E tatau i le koporesi ona fa'afeso'ota'i fai-siea ta'itasi, tusa lava pe agava'a e palota pe leai, e uiga i se fonotaga ua fuafuaina mo le au faisiea i totonu o aso e aua nei i lalo ifo o le 5 po'o le silia ma le 20 mai le aso ua fuafua e fai ai le fonotaga. E tatau lava ona taua i le fa'aaliga e fa'apea o le fuafuaga, po'o se tasi o mafuaaga o le fonotaga, le iloiloina o le fuafuaga mo le tu'ufa'atasia po'o le fa'afesuiaiga o siea ma e tatau fo'i ona i ai po'o le ave fa'atasi ma se kopi po'o se 'oto'otoga o le fuafuaga.

(u) Se'i vagana ai e mana'omia e lenei Mataupu, aiaiga fa'afoe, po'o le komiti fa'afoe (i le fa'atinoina o a latou galuega e tusa ai ma le soaparakalafa (i) se palota lautele po'o le palota a vaega palota ta'itasi, o le fa'atagaina o le fuafuaga e tu'ufa'atasia po'o le fa'afesuiaiga o siea e tatau ona fa'amaonia o vaega palota ta'itasi e agava'a e palota 'ese'ese i le fulisia lea o palota uma na faia i le fuafuaga e lena vaega palota.

30.0173 Tu'ufa'atasia o Lalā.

(a) O se koporesi fa'amatua e onaina le 90 pasene o siea o ituaiga ta'itasi o koporesi ma ni ona lala e mafai ona ia tu'ufa'atasia ia te ia lava

lala laiti uma e aunoa ma le fa'atagaga a le au fai-siea a le koporesi fa'atama po'o ona lala.

(e) E tatau i le koporesi fa'atama ona taualoaina se fuafuaga mo le tu'ufa'atasia o lo'o fa'a'ailoa ai:

(1) igoa o le koporesi fa'atama ma lala; ma

(2) le auala ma le fa'avae e fa'afesuiiai siea o lala mo siea matafaioi, po'o isi malu puipuiga o le fa'atama po'o se isi koporesi po'o tino i tupe po'o mea totino atoa po'o ni vaega.

(i) E tatau i le fa'atama ona ia meliina se kopi po'o le 'oto'otoga o le fuafuaga e tu'ufa'atasia i fai-siea ta'itasi uma o le lala e le'i fa'aagafuaina i se tusitusiga le tu'utu'uga e tatau ai ona logoina ia i le meli.

(o) E le mafai e le fa'atama ona fa'ao'oina i le Teutupe aiaiga fa'afoe ini aia failaina se'ia vagana ua tuana'i aso e 30 talu ona ia meliina se kopi o le fuafuaga e tu'ufa'atasia i fai-siea ta'itasi uma o le lala e le'i fa'aagafuaina le tu'utu'uga e logoina ai ia i le meli.

(u) O aiaiga fa'afoe i lalo o lenei maga e le tatau ona aofia ai ma ni toe teuteuga o aiaiga fa'afoe a le fa'atama.

30.0174 Aiaiga o le Tu'ufa'atasia po'o le Fa'afesuiiaiga o Siea.

(a) A uma ona fa'amaonia e le au fai-siea se fuafuaga e tu'ufa'atasia po'o le fa'afesuiiaiga o siea, pe ua taualoaina fo'i e le komiti fa'afoe pe afai e le mana'omia le fa'amaoniga a le au fai-siea, e tauaoina e le koporesi lea ua tula'i mai po'o le koporesi lea ua mauaina siea, i le Teutupe mo le failaina o aiaiga fa'afoe o le tu'ufa'atasiga po'o le fa'afesuiiaiga o siea lea e aofia ai:

(1) le fuafuaga mo le tu'ufa'atasia po'o le fa'afesuiiaiga;

(2) afai e le mana'omia le fa'amaoniga a le au fai-siea, o se fa'amatalaga e uiga i lea tulaga;

(3) ma e afai na mana'omia le fa'amaoniga mai le au fai-siea o se tasi po'o le sili atu fo'i o itu uma o le tu'ufa'atasiga:

(i) le fa'atulagaga, le aofa'i o siea o lo'o totoe, ma le numera o le palota e agava'a ai itu palota ta'itasi ua agava'a e palota eseese i le fuafuaga e uiga i koporesi ta'itasi; ma

(ii) po'o le aofa'i atoa o palota na faia ma le fa'asaga agai i le fuafuaga a itu palota ta'itasi na agava'a e palota eseese i le fuafuaga po'o le aofa'i atoa o palota e le'o fesiligiaina na faia mo le fuafuaga e itu palota ta'itasi ma se fa'amatalaga e fa'apea na lava le aofa'i o palota na faia e itu palota ta'itasi mo se fa'amaoniga mai lena itu palota.

(e) O se tu'ufa'atasiga po'o se fa'afesuaiga o siea e amata taualoa mai le aso e taualoa ai aiaiga fa'afoe o le tu'ufa'atasiga po'o le fa'afesuaiga o siea.

30.0175 A'afiaga o le Tu'ufa'atasiga po'o le Fa'afesuaiga o Siea.

(a) A o'o ina ua taualoa se tu'ufa'atasiga:

(1) e tu'ufa'atasia uma isi koporesi i le koporesi lea o lea tula'i mai ma ua fa'amuta loa le taualoaina o isi lava koporesi uma.

(2) o pule i fanua ma isi mea totino uma a koporesi ta'itasi ia ua tu'ufa'atasia ua maua e le koporesi lea ua tula'i mai e aunoa ma le toe fa'afo'ia po'o ni fa'afitauli.

(3) ua i le koporesi lea ua tula'i mai a'afiaga uma a koporesi uma ia ua tu'ufa'atasia.

(4) o se taualumaga o lo'o fa'aauau pea fa'asaga i se koporesi ua tu'ufa'atasia e mafai ona fa'aauau pea e pei e le'i faia se tu'ufa'atasiga po'o le avea o le koporesi lea ua tula'i mai o le sui o le koporesi lea ua le toe iai.

(5) o aiaiga fa'afoe a le koporesi fou ua toe teuteuina ini aia tusa ai ma le fuafuaga e tu'ufa'atasia; ma

(6) o siea o koporesi ta'itasi ua auai i le tu'ufa'atasiga ua avea ma siea, matafaioi, po'o isi malu puipuiga o le koporesi fou po'o isi lava koporesi po'o tino i tupe po'o isi mea totino ma o e o lo'o umia siea e agava'a i aia o lo'o ta'ua e aiaiga o le tu'ufa'atasiga po'o o latou aia i lalo o lenei vaega.

(e) Afai ua fa'afesua'i loa siea, o siea o koporesi ta'itasi ua maua o lea aveina, ma o e na o latou umiaina muamua ia siea e agava'a i aia o le fa'afesuaiga o lo'o aofia i aiaiga o le fa'afesuaiga o siea po'o i a latou aia i lalo o lenei Vaega.

30.0176 Tu'ufa'atasiga po'o le Fa'afesuaiga o Siea ma Koporesi mai fafo.

(a) E mafai e se koporesi mai fafo se tasi po'o le sili atu fo'i ona tu'ufa'atasia pe fa'afesua'i siea ma se koporesi mai le lotoifale se tasi pe sili atu fo'i pe afai:

(1) i se tu'ufa'atasiga, o lea tu'ufa'atasiga ua fa'atagaina o tulafono o le setete po'o le atunu'u e onaina tulafono lea o lo'o fa'akoporesi ai le koporesi mai fafo ma o lo'o usita'i e koporesi ta'itasi mai fafo tulafono ia aua le fa'ataunu'uina o le tu'ufa'atasiga;

(2) i se fa'afesua'iga o siea, o le koporesi e onaina siea ia o le a aveina o se koporesi mai le lotoifale, e tusa lava pe fa'atagaina pe leai lea

fa'afesua'iga o siea e tulafono o le setete po'o le atunu'u e ou tulafono ia ua fa'akoporesi ai le koporesi lea o le a mauaina siea;

(3) o lo'o usita'ia e le koporesi mai fafo le maga 30.0174 pe afai o ia o le koporesi fou mai le tu'ufa'atasiga po'o o ia o le koporesi o le a mauaina siea mai le fa'afesuaiaiga o siea; ma

(4) o lo'o usita'ia e koporesi ta'itasi mai le lotoifale tu'utu'uga fetau o 30.0170 se'ia o'o i le 30.0173 ma, afai o ia o le koporesi fou e maua mai i le tu'ufa'atasiga po'o le koporesi e mauaina siea i le fa'afesua'iga o siea, Maga 30.0174.

(e) a taunu'u loa le tu'ufa'atasiga po'o le fa'afesuaiaiga o siea, o le koporesi mai fafo o lea totoe ai ma koporesi mai fafo ua fa'afesuai siea ua talito'nuina ua ma'ea ona:

(1) tofiina le Teutupe e fai ma ona sui e tau'a'ao ai pepa o se iloiloga e fa'amalosia ai se matafaioi po'o aia fa'atu'iese a ni fai-siea a se koporesi ua i ai i le tu'ufa'atasiga po'o le fa'afesuaiaiga o siea; ma

(2) malie e totogi vave i fai-siea fa'atu'iese ta'itasi ua i le tu'ufa'atasiga po'o le fa'afesuaiaiga o siea le aofa'i, pe afai e iai, o siea fa'afesuaiaiga ua faia i le loto malie po'o se isi auala.

(i) E le fa'atapula'aina e lenei. Vaega le malosiaga o se koporesi mai fafo e aveina ai siea uma po'o se vaega o vasega ma ituaiga o siea a se koporesi i le lotoifale pe afai o sea fa'afesua'iga ua faia i le lotomalie po'o se isi auala.

Maga 4: Ua fa'avaeina Maga 30.0180 - 30.0182 e faitauina.

## VIII AIA A E E FA'ATU'IESE

### I. Aiā e fa'atu'iese ai ma tali totogi o siea

30.0180 Uiga o Upu.

E pei ona fa'aaogaina i lenei mata'upu, vagana ai ua fa'aalia manino e 'ese mai ai:

(a) "Koporesi", lotoifale po'o mai fafo, o lona uiga o le mea na aumai siea ua umia e le ua fa'atu'iese ae le'i faia le gaoioiga lea a le koporesi, po'o le koporesi fou po'o koporesi na maua mai i le tu'ufa'atasiga po'o le fa'afesuaiaiga o siea a le na tu'uina atu ia siea.

(e) "O le Fa'atu'iese" o lona uiga o le fai-siea ua agava'a e fa'atu'iese i le mea ua faia a le koporesi i lalo o le maga 30.0181 ma ua ia fa'aaogaina lena aia e tusa ai ma mana'oga o maga 30.0180 se'ia o'o i le maga 30.0198.

(i) "Tau Fetau" o lona uiga, e tusa ai ma siea a le Fa'atu'iese, o lona uiga o le tau o siea i le taimi na muamua tonu lava i le taualoaina o le mea a le koporesi na fai ua fa'atu'iese ai, e le aofia ai le fa'ateleina po'o le fa'aitiitia o tau na fa'amoemoeina mo le mea lea na fai e le koporesi se'ia vagana o lenei aofia ai o se mea e le talafeagai.

(o) "Tupe Tului" o lona uiga o le tupe tului mai le aso na amata taualoa ai le mea na fai e le koporesi se'ia o'o i le aso e totogi ai, i le pasene o lo'o totogi ai e le koporesi ana nonoga tupe i fale tupe po'o, pe afai e leai se nonoga tupe, i se pasene e fea ma talafeagai i lalo o tu'utu'uga uma.

(u) "Fai-siea ua Fa'amaumauna" o lona uiga o le tagata ua fa'amauna i lona suafa siea i fa'amaumauga a le koporesi po'o le tagata ua tofia e onaina siea e tusa ai ma aia ua tu'uina atu e le na tofia ia ua fa'amaumauna i fa'amaumauga a le koporesi.

(f) "Fai-siea Tofia" o lona uiga o le tagata ua tofiaina e onaina ni siea o lo'o i se fa'apalota fa'agaaga po'o o lo'o umia ese fai-siea resitala lea na tofiaina ia e onaina siea.

(g) "Fai-siea o lona uiga o le fai-siea ua lesitalaina po'o le fai-siea tofia.

30.0181 Aia e Fa'atu'iese ai.

(a) Ua agava'a se fai-siea e fa'atu'iese i se, ma tali totogi o le tau fetau o ana siea pe afai e, tupu se mea o mea nei i le koporesi.

(1) fa'atinoina o se fuafuaga e tu'ufa'atasia ni koporesi (i) pe afai e mana'omia le fa'amaoniaina muamua o le tu'ufa'atasiga e le au fai-siea e tusa ai ma le maga 30.0172 po'o le aiaiga fa'afoe o le koporesi ma o le fai-siea ua agava'a e palota i le tu'ufa'atasiga po'o (ii) pe afai o le koporesi o se lala ua tu'ufa'atasia ma le koporesi fa'atama i lalo o le maga 30.0173.

(2) fa'atinoina o se fuafuaga e fa'atau atu pe fa'afesui ai siea ma i lena fa'atauga po'o le fa'afesui aiga, o le koporesi o ia e ona siea ia o lo'o fa'amoemoe e maua, pe afai e agava'a le fai-siea e palota i le fuafuaga.

(3) fa'atinoina o le fa'atau atu po'o le fa'afesui aiga o siea uma, po'o le matele o mea totino o le koporesi e ese mai i le fa'atinoina masani o galuega a le koporesi, pe afai e agava'a le fai-siea e palota i le fa'atauga po'o le fa'afesui aiga, e aofia ai se fa'atauga i le taimi e tapuni ai le pisinisi, ae le aofia ai se fa'atauga ona o se poloaiga a se Fa'amasinoga po'o se fa'atauga mo tupe i lalo o se fuafuaga ua ta'u-agava'a ai uma pe na'o ni vaega o fai-siea uma pe a tufatufa i totonu o le tausaga e tasi mai le aso na fai ai le fa'atauga.

(4) se toe suiga e faia i aiaiga fa'afoe e ono afaina ai aia e uiga i siea a le fai-siea ona ua ia:

- (i) suia pe fa'amuta aia patino a le fai-siea;
- (ii) gaosia, sui po'o le fa'amuta se aia e toe fa'atau, e aofai ai ma se tu'utu'uga e uiga i se teuga tupe fa'aagaaga mo le toe fa'atau atu o siea;
- (iii) sui pe fa'amuta se aia ma'oti o le tagata ua umia seia e maua ai siea ma isi malu puipuiga.
- (iv) ave'esea pe fa'atapula'a le aia o siea e palota ai i so'o mata'upu, pe fa'aputu ai palota, ese mai le fa'atapula'aina i le tu'uina atu lea o ni siea po'o isi malu puipuiga e iai o latou aia palota e tai tutusa; po'o
- (v) fa'aititia le aofa'i o siea e onaina e le fai-siea ina ia avea o se vaega mea i se siea pe afai o le siea vaega mea ua faia o lea aveaina e maua mai ai se tino i tupe; po'o

(5) so'o se mea lava a koporesi e faia ona o le palota na faia a fai-siea e uiga i aiaiga fa'afoe o le koporesi, tulafono fa'afoe, po'o se fa'aiuga a le komiti fa'afoe e fa'a'iloa ai o fai-siea palota po'o fai-siea le palota e taufai agava'a e fa'atu'iese ma tali totogi o a latou siea.

(e) E le mafai e le fai-siea ona agava'a e fa'atu'iese ma tali totogi o ana siea i lalo o lenei vaega ona ia lu'iina le mea ua faia e le koporesi na mafua ai ona ia agava'a se'ia vagana o sea mea ua le tusa ai ma le tulafono pe o se mea na faia i se auala tau fa'avalea e uiga i le fai-siea po'o le koporesi.

30.0182 Fa'atu'iesega a le e Tofia le tagata e onaina siea ma i latou na mauaina siea ona o ni tofiga.

(a) E mafai e se fai-siea resitala ona finauina aia a se e fa'atu'iese i ni nai aiā o lo'o resitala i lona igoa pe afai e fa'atu'iese ia e uiga i aia uma ua umia e so'o se tagata to'atasi mau e logo fo'i e ia le koporesi i se tusi e uiga i le igoa ma le tuatusi o tagata ta'ito'atasi e ona aia ia ua ia finau ai nei. O aiā a se fa'atu'iese afa'afa i lalo o lenei soa maga e fa'atulaga e pei lava o igoa o nisi fai-siea ese lea o lo'o resitala ai siea ia o lo'o ia fa'atu'iese ai ma isi siea.

(e) E fa'ato'a mafai e le tagata ua tofi e onaina siea ona finauina aia a le fa'atu'iese i siea o lo'o fa'aagaaga mo ia pe afai;

(1) na te tu'uina atu i le koporesi se fa'atagaga tusitusia mo ia e fa'atu'iese ai mai le fai-siea ua fa'amauina i le koporesi ae le'i tuana'i le taimi na finauina ai e le ua tofia e taliina siea ona aia fa'atu'iese; ma

(2) na te faia lava i siea uma na te ono taliina po'o siea uma ua i lona malosiga e fa'atautaia ai le palota.

Maga 5. Maga 30.0190-30.1999 ua fa'avae e faitauina.

II. Auala e uia i le Fa'aaogaina o Aia Fa'atu'iese-Faiaina e le Fa'amasinoga o Tau o Siea.

30.019 Fa'asilasilaga o Aia a ē Fa'atu'iese.

(a) Afai ua tu'uina atu i luma o se fonotaga a le au fai-siea se fuafuaga a le koporesi e fa'avae ai aia a e fa'atu'iese i lalo o le maga 30.0181, e tatau i se fa'asilasilaga o lena fono ona ta'ua ai e fa'apea ua agava'a fai-siea uma po'o, o le ā mafai ona finauina aia fa'atu'iese i lalo o lenei vaega ma ia auina atu fa'atasi ma se kopi o lenei vaega.

(e) Afai e faiaina e se koporesi se mea e fa'avae ai aia fa'atu'iese i lalo o le maga 30.0181 e aunoa ma se palota a le au fai-siea, e tatau i le koporēsi ona logoina i se tusi au fai-siea uma e agava'a e finauina aia fa'atu'iese, e pei ona fa'amatalaina e le maga 30.0192.

30.0191 Fa'asilasilaga o le Fa'amoemoe e Tapa le Totogi.

(a) Afai e tu'uina atu i se palota i se fonotaga a le au fai-siea se mea ua fuafua le koporesi e faia e tula'i mai ai aia fa'atu'iese i lalo o le maga 30.0181, so'o se fai-siea ua finagalo e finauina lona aia e fa'atu'iese ai e tatau ona (1) fa'ao'o atu i le koporesi ae le'i faia le palota se fa'aaliga tusitusia o lona finagalo e tapaina le totogi o ana siea pe afai o le a fa'atino le fuafuaga ma (2) e le tatau ona ia palotaina ana siea e sapaia ai le fuafuaga.

(e) O se fai-siea na te le fa'amalieina tu'utu'uga o le soa maga (a) o lo'o i luga e le agava'a i se totogi o ana siea i lalo o lenei vaega.

30.0192 Fa'aaliga i e Fa'atu'iese.

(a) Afai ua fa'atagaina i se fonotaga a le au fai-siea se fuafuaga a le koporesi e tula'i mai ni fa'atu'iese, e tatau i le koporesi ona o ave i fai-siea uma se fa'aaliga tusitusia e uiga i fa'atu'iesega i fai-siea uma ua fa'amalieina tu'utu'uga o le maga 30.0191.

(e) O le fa'aaliga i e fa'atu'iese e tatau tau'a'aoina ae le'i silia aso e 10 mai le aso na faia ai le fuafuaga a le koporesi, ma e tatau fo'i ona:

(1) ta'ua ai le mea e ave iai talosaga mo le tau o siea fa'atasi ai ma le mea ma le aso e ave i ai e teu ai tusi fa'amaonia o siea ua uma ona fa'amaoniaina.

(2) logoina i latou o lo'o umia siea e le'i fa'amaonia e uiga i saisaitiaga o le fa'afesui'iga o siea pe a taunu'u atu le talosaga mo le tau o siea.

(3) tau'a'aoina atu se pepa ua saunia e talosagaina ai le tau o siea ma e tatau ona iai i luga o lea pepa talosaga le aso na fa'aailoa ai muamua i

le au tusi tala po’o le au fai-siea ia tu’utu’uga o le fuafuaga fa’ata’atia a le koporesi ma tapa ai se fa’aaliga mai le ua finau mo le tau o siea na te fa’aalia mai i lena pepa talosaga pe na ia mauaina i tua atu o lena aso le tofiga ua agava’a ai ia e tali siea.

(4) fa’atulaga se aso e tatau ona maua atu ai e le koporesi talosaga mo le tau o siea, ma o lena aso e le tatau ona i lalo ifo o le 30 aso po’o le silia ma le 60 aso mai le aso na fa’ao’o atu ai le fa’aaliga o lo’o aiaia e le soa maga (a) i luga; ma

(5) ia ave fa’atasi ma se kopi o lenei vaega.

30.0193 Tiute e Tapa le Totogi.

(a) E’ tatau i se fai-siea ua fa’ao’o iai se fa’aaliga i e fa’atu’iese e tusa ai ma le maga 30.0192 ona tapa le totogi, fa’amaonia pe mata na ia mauaina le pule i siea ae le’i o’o i le aso e pei ona mana’omia ai e tu’utu’uga o le maga 30.0192 (e)(3), fa’aulu ana pepa fa’amaoni e tusa ai ma tu’utu’uga o le fa’aaliga.

(e) O se fai-siea na te talosagaina le tau o siea ma fa’aulu ana pepa fa’amaonia o siea e tusa ai ma le soa maga (a), e tumau pea isi ona aia fa’a-fai-siea, se’ia vagana ua fa’aagafua ia aia pe ua suia ona o le fuafuaga fa’ata’atia a le koporesi.

(i) O se fai-siea e le’i talosagaina le totogi o siea pe fa’aulu fo’i pepa fa’amaonia o siea i mea e mana’omia ai, e pei o le aso o lo’o i le fa’aaliga i e fa’atu’iese, e le agava’a mo le totogi o siea i lalo o lenei maga.

30.0194 Fa’asaaga tau i Siea.

(a) E mafai e le koporesi ona fa’asa le fa’afesuaiga o siea e le’i fa’amaonia mai le aso na faia ai le talosaga mo le tau se’ia o’o ina fa’atino le fuafuaga a le koporesi po’o le tatalaina o le fa’asaaga i lalo o maga 30.0196.

(e) O le tagata ua faia mo ia se fa’atu’iesega i ni nai siea e le’i fa’amaoniaina, e tumau pea isi ona aia fa’a-fai-siea se’ia o’o ina ua fa’aagafua ia aia pe ua suia i le fuafuaga fa’ata’atia a le koporesi.

30.0195 Totogi.

(a) Se’ia vagana ua fa’atonuina e le maga 30.0197, a fa’atino loa le fuafuaga fa’ata’atia a le koporesi, po’o le mauaina fo’i o le talosaga mo le totogi o siea, e tatau i koporesi ona totogi loa i le au fa’atu’iese ta’itasi ua fa’amalieina mana’oga o le maga 30.0193 le tau ua manatu le koporesi o le tau talafeagai o ana siea, fa’atasi ai ma le tupe tului.

(e) O le totogi e tatau ona momoli fa’atasi ma le:



(1) fa'amaumauga tusitusia o le tala i le tupe e muta i le fa'auiga o le tausaga fa'a-le tupe mulimuli e le silia le 16 masina muamua i le aso e fai ai le totogi, se fa'amatalaga o tupe maua mo lena tausaga, le fa'amatalaga e uiga i ni suiga i tufa'aga a le au fai-siea mo lena tausaga, ma ni fa'amaumauga tau tupe mulimuli na fai, pe afai e iai;

(2) se fa'amatalaga mai le koporesi e uiga i le tau talafeagai o siea;

(3) se fa'amatalaga e uiga i le metotia na fa'atulaga ai le tupe tului;

(4) se fa'amatalaga e uiga i aia a e fa'atu'iese e tapa ai totogi o siea i lalo o le maga 30.0198; ma

(5) se kopi o lenei vaega.

30.0196 O le le Fa'atinoina o le Fuafuaga Fa'ata'atia.

(a) Afai e le fa'atinoina e le koporesi lana fuafuaga fa'ata'atia i totonu o aso e 60 pe a tuana'i le aso na fa'atulaga e tapa ai totogi o siea ma le fa'auluina o siea, e fa'afo'iina e le koporesi pepa fa'amaonia o siea na fa'aulu ma fa'aagafua fa'asasaaga na tu'uina atu i siea e le'i talaina.

(e) Afai e uma ona fa'afo'i pepa fa'amaonia o siea ma fa'aagafua fa'asasaaga o siea e le'i talaina, ae te'i ua toe fa'atino e le koporesi le fuafuaga fa'ata'atia, e tataua i le koporesi ona toe ave ni fa'aaliga fou i e e fa'atu'iese e lalo o le maga 30.0192 ma toe uia auala fa'atulaga mo le fa'atalosagaina o tau o siea.

30.0197 Tuana'i le Mauaina o Siea.

(a) E mafai e le koporesi ona latou taofia le totogiina o siea e pei ona mana'omia e le maga 30.0195 mai se ua fa'atu'iese se'ia vagana o ia sa onaina sa'o siea ae le'i o'o i le aso na tusia i le fa'aaliga a e e fa'atu'iese o le aso na mua'i fa'asalalau ai i le au tusi tala po'o i le au fai-siea ia tu'utu'uga ma aiaiga o le fuafuaga fa'ata'atia.

(e) Afai e taofia e le koporesi totogi i lalo o tu'utu'uga o le soa maga (a), a mae'a ona fa'atinoina le fuafuaga fa'ata'atia a le koporesi, e tataua ia te ia ona fa'atulaga le tau talafeagai o siea, fa'atasi ma le tupe tului, ma totogi lena aofa'i i e ta'itasi na fa'atu'iese ua malie e tali atoa lena aofa'i e fa'amalie ai le talosaga na ia fa'aulu. E tataua i le koporesi ona tauaoina atu fa'atasi ma lana ofo se fa'amatalaga o lana tau talafeagai o siea ua ia fa'atulagaina, se fa'amatalaga o le fa'atulagaina o le tupe tului, ma se fa'amatalaga o le aia a e e fa'atu'iese e talosagaina ai le totogi o tau 9 siea i lalo o le maga 30.0198.

30.0198 Auala Uia pe afai e le Malie le Fai-siea i le Tau o Siea po'o le Ofo.

(a) E mafai e se isi e fa'atu'iese ona fa'ailoga i se tusitusiga i le koporesi lana ia tau o ana siea ma le aofa'i o le tupe tului e totogi, ma tapa loa le totogi o lana tau (to'ese mai ai ni totogi i lalo o le maga 30.0195), po'o le tete'e o le ofo a le koporesi i lalo o le maga 30.0197 ma tapa loa le totogi o le tau talafeagai o ana siea ma le tupe tului e tatau ona totogi, ma e afai;

(1) e talitonu le ua fa'atu'iese o le aofa'i e totogi i lalo o le maga 30.0195 po'o o lo'o ofo atu i lalo o le maga 30.0197 e la'ititi ifo i lo'o le tau talafeagai o ana siea pe e le sa'o fo'i le fa'aopoopoina o le tupe tului;

(2) ua le faia le koporesi le totogi i lalo o le maga 30.0915 i totonu o aso e 60 mai le aso na fa'atulaga mo tupe tapa; pe

(3) o le koporesi, ina ua ia le fa'atino ina le fuafuaga fa'ata'atia, le fa'afo'iina fa'amaoniga o siea na fa'aulu pe fa'aagafua le fa'asasa na faia i siea e le'i talia i totonu o aso e 60 mai le aso na fa'atulaga mo tupe tapa.

(e) Ua fa'aagafua e le ua fa'atu'iese lana aia e tapa ai totogi i lalo o lenei vaega se'ia vagana ua ia logoina le koporesi e uiga i lana talosaga i se tusitusiga i lalo o le soa maga (a) i totonu o aso e 30 mai le aso na faia ai e le koporesi le totogi pe ofoina atu se totogi mo ana siea.

30.0199 Fa'amasinoga, Totogi o le Fa'amasinoga ma le Totogi o Fautua.

(a) Afai e le'i fa'amae'aina lava se tapaga o totogi i lalo o le maga 30.0198, e tatau i le koporesi ona amataina se iloiloga i totonu o aso e 60 mai le aso na ia tauaaoina ai le talosaga mo le totogi o siea ma talosagaina loa le fa'amasinoga na te fa'atulagaina le tau talafeagai o siea ma tupe tului. Afai e le amataina e le koporesi se iloiloga i totonu o aso e 60, ona totogi loa lea i tagata fa'atu'iese ta'itasi ia totogi o ana siea lea o lo'o ia finau mai e totogi atu.

(e) O le Vaega o Fa'afinauga o le Fa'amasinoga Mauauga o Amerika Samoa e fa'auluina ai e le koporesi le iloiloga.

(i) E tatau i le koporesi ona avea o ni itu o le iloiloga ua fa'auluina i latou uma ua fa'atu'iese e le'i mae'a a la latou talosaga, tusa lava pe nonofo i lenei teritori pe leai ma ia tau'a'ao i ai se kopi o le talosaga. O i latou e aumau i fafo e tatau ona logoina i le meli puipuia e lafo i le tuatusi mulimuli o lo'o iloa.

(o) O le pule a le Vaega o Fa'afinauga a le Fa'amasinoga Mauauga a Amerika Samoa i lalo o le soa maga (e) e atoatoa ma e na'o ia lava. E mafai e le fa'amasinoga ona tofia se tagata po'o le sili atu fo'i e avea ma faitau latou te tauaaoina mau fa'amaonia ma fautuaina se

fa'ai'uga e uiga i se tau talafeagai. O le malosi'aga a le au faitau e maua mai i le polo'aiga a le fa'amasinoga, po'o ni suiga i lea polo'aiga. E agava'a e ua fa'atu'iese i aia fa'amasinoga ia e tatau ai ona fetufaa'i mau fa'amaonia i le va o itu uma o le fa'amasinoga.

(u) O i latou ta'itasi na fa'atu'iese ma ua avea o se itu o le fa'amasinoga ua agava'a mo se fa'ai'uga (1) mo le aofa'i, pe a iai, ua maua e le fa'amasinoga o le tau talafeagai mo ana siea, fa'aopoopo iai ma le tupe tului, ua sili atu i lo'o le aofa'i na totogi e le koporesi po'o (2) mo le tau talafeagai, fa'aopoopo iai ma le tupe tului, mo ana siea na maua mulimuli ane ma na taofiaina e le koporesi le totogiina i lalo o le maga 30.0197.

(f) O le fa'amasinoga, ise iloiloga mo le fa'atulagaina o tau o siea i lalo o le maga 30.0199 e tatau ona ia fa'atulagaina le tau atoa o le fa'amasinoga, e aofia ai ma se totogi talafeagai ma tupe na fa'aalu mo le au faitau na tofia e le fa'amasinoga. E tatau i le fa'amasinoga ona tu'u i le koporesi le tau atoa na te totogiina, ae o le'a mafai fo'i i le fa'amasinoga ona tu'uina le tau e totogi e i latou uma na fa'atu'iese pe na'o nisi fo'i, i ni aofa'i e maua e le fa'amasinoga e fetau, pe afai na maua e le fa'amasinoga o i latou na fa'atu'iese na amio le tonu, fa'alefiafia tagata, ma le loto mama i le tapaina o totogi o siea i lalo o le maga 30.0198.


(g) E mafai fo'i e le fa'amasinoga ona poloa'iina le totogi ma tupe na fa'aalu e fautua ma molimau e iai le tomai fa'apitoa i ni aofa'iga e maua e le fa'amasinoga e fetau:

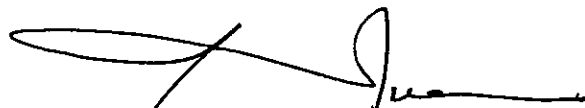
(1) e totogi e le koporesi mo nisi po'o i latou uma na fa'atu'iese pe afai na maua e le fa'amasinoga na le'i usita'ia e le koporesi mana'oga o maga 30.0190 se'ia o'o i le 30.0198; po'o

(2) le totogi e le koporesi po'o se itu na fa'atu'iese mo so'o se itu, pe afai e maua e le fa'amasinoga o le itu ua poloa'iina e totogi ia tau na amio le tonu, fa'alefiafia tagata ma le loto mama e tusa ai ma aia o lo'o fa'atulagaina e lenei mata'upu."

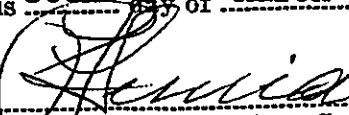
Maga 6. Aso e Taualoa ai.

Talu ai ona o se mana'oga vave e fa'aneionapoina tulafono fa'akoporesi o lo'o iai nei, o lenei tulafono e taualoaina pea mae'a ona fa'atulafonoina e le Fono Faitulafono ma fa'amaonia e le Kovana Sili.

  
Lutu Tenari S. Fuimaono  
PERESETENE, MAOTA MAUALUGA

  
Ajina Saoluaga T. Nua  
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 30th day of March, 2000

  
Governor of American Samoa