

THE TWENTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

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

AN ACT PROVIDING ASSENT OF THE TERRITORY OF AMERICAN SAMOA TO THE FEDERAL AID IN SPORT FISH RESTORATION ACT; THE FEDERAL AID IN WILDLIFE RESTORATION ACT; AND PRESCRIBES POWERS AND DUTIES OF THE DEPARTMENT OF MARINE AND WILDLIFE RESOURCES IN FURTHERANCE THEREOF; AMENDING SECTION 24.0304 A.S.C.A.; AND PROVIDING FOR AN EARLIER EFFECTIVE DATE.

Preamble:

WHEREAS, the legislature finds that the congress of the United States having passed the Federal Aid in Sport Fish Restoration Act, approved on August 9, 1950, and which is known as Public Law 681-81st Congress. Chapter 658-Second Session, wherein it is among other things provided that "no money apportioned under this act to any state, except as hereinafter provided, shall be expended therein until its legislature, or other state agency authorized by the state constitution to make laws governing the conservation of fish, shall have assented to the provisions of this act and shall have passed laws for the conservation of fish which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said fish, wildlife, and parks department, except that, until the final adjournment of the first regular session of the legislature held after passage of this act, the assent of the Governor of the state shall be sufficient;" and

WHEREAS, the Legislature finds that the congress of the United States having passed the Federal Aid in Wildlife Restoration Act which was approved on September 2, 1937, and which is known as Public Law 415, 75th Congress, First Session, wherein it is among other things provided that "no money apportioned under this chapter to any state shall be expended therein until its legislature or other state agency authorized by the state constitution to make laws governing the conservation of wildlife shall have assented to the provisions of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said department;" and

WHEREAS, the meaning of "state" under both acts includes the Territory of American Samoa; and

WHEREAS, in the past the Governor of the Territory of American Samoa gave assent to the provisions of the acts which has resulted in monetary appropriations to the Territory under the acts; and

WHEREAS, the continuing eligibility of the Territory of American Samoa for such monetary appropriations requires that the Legislature pass laws assenting to the provisions of the acts and prohibiting diversion of license fees; and

WHEREAS, this act is effective immediately upon passage by the Legislature and approval by the Governor, due to the urgent need to satisfy the federal requirements imposed by the Federal Aid in Wildlife Restoration Act.

NOW, THEREFORE, the Legislature hereby approves and enacts the following amendments to Chapter 3, Title 24 of the American Samoa Code Annotated.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 24.0304 is amended to read:

"24.0304 Powers and duties.

(a) The department has the following general powers and duties.

(1) Manage, protect, preserve and perpetuate the marine and wildlife resources in the Territory;

(2) Prepare and develop a comprehensive plan or plans for the management, protection and preservation of marine and wildlife resources in the Territory;

(3) Collect, analyze, and disseminate data and information relating to the marine and wildlife resources in the Territory;

(4) Keep records necessary to monitor and regulate the commercial, recreational and subsistence fisheries;

(5) Encourage and conduct studies, investigations and research relative to commercial, recreational, and subsistence fisheries and wildlife and natural resources;

(6) In coordination with the local government, conduct education and training programs relating to the management and preservation of marine and wildlife resources in the Territory;

(7) Adopt and amend rules or regulations implementing and consistent with this chapter to protect, preserve and perpetuate marine and wildlife resources in the Territory;

(8) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(9) Hold hearings relating to any aspect or matter in the administration of this chapter, and in connection therewith, compel the attendance of witnesses and the production of evidence; and

(10) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter.

(b) Assent to Federal Aid in Sport Fish Restoration Act-powers and duties.

The Territory of American Samoa hereby assents to the provisions of the act of the congress of the United States which was approved on August 9, 1950, known as Public Law 681-81st Congress, Chapter 658-Second Session and popularly known as the Federal Aid in Sport Fish Restoration Act. The department of marine and wildlife resources is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects as defined in said act

and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the Territory of American Samoa from license fees paid by fishermen shall be diverted for any other purpose than the administration of the department of marine and wildlife resources and for the protection, propagation, preservation, and investigation of fish and game.

(c) Assent to Federal Aid in Wildlife Restoration Act-powers and duties.

The Territory of American Samoa hereby assents to the provisions of the act of the congress of the United States which was approved on September 2, 1937, known as Public Law 415, 75th Congress. First Session and popularly known as the Federal Aid in Wildlife Restoration Act. The department of marine and wildlife resources is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects as defined in said act of Congress in compliance with said act and rules and regulations promulgated by the secretary of the interior thereunder; and no moneys accruing to the Territory of American Samoa from license fees paid by hunters shall be diverted for any other purpose than the administration of the department of marine and wildlife resources.

(d) Reservation of Rights. The Territory of American Samoa does not by the passage of sections 24.0304 (b) and (c) or by the consent therein given, surrender to the congress of the United States or any department of the government of the United States any of those rights or entitlements of the chiefs or the people which are guaranteed to them or retained by them under the following laws: 1) the Cession of Tutuila and Aunu'u, 2) the Cession of Manu'a Islands and 3) Title 48 U.S.C. Sections 1661 and 1662.

Sec 2. Effective date.

This act is effective immediately upon passage by the Legislature and approval by the Governor, due to the urgent need to satisfy the federal requirements imposed by the Federal Aid in Wildlife Restoration Act."

Fa'afetai Lefiti
Fa'afetai Lefiti
SENATE PRESIDENT PRO-TEMP

Matagi R. McMoore
Matagi R. Ma'ilo McMoore
SPEAKER OF THE HOUSE

26th April 2001
Matagi R. McMoore
Governor of American Samoa

NOFOAIGA LUASEFULU-FITU FONO FAITULAFONO A AMERIKA SAMOA

Fono Tele Muamua

***Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, asovalu o Ianuari
lua afe ma le tasi***

***O SE TULAFONO E SAUNIA AI LE LAGOLAGOINA E LE TERITORI
O AMERIKA SAMOA TU'UTU'UGA AIAIA O LE FESOASOANI-TUPE
A LE FETURALE I LE TULAFONO O LE TOEFA'AOLAOLAINA O
FA'AGATAMA I LE TAI; LE FESOASOANI-TUPE A LE FETURALE I
LE TULAFONO O LE TOEFA'AOLAOLAINA O MEAOLA I LE
VAOMATUA; MA FA'ATULAGA MALOSI MA TIUTE O LE
MATAGALUEGA O ALAGAMANUIA O MEAOLA I LE SAMI MA LE
VAOMATUA INA IA FA'AOLAOLAINA ATILI; SUIA AI LE MAGA
24.0304 T.T.A.S.; MA SAUNIA MO SE ASO TAUALOA.***

Fa'atomuaga:

TALUAI, *ua silafia e le Fono Faitulafono e fa'apea ua pasia e le Fono Faitulafono Aoa o le Iunaita Setete le Fesoasoani-tupe a le Feturale i le Tulafono o le Toefa'aolaolaina o Fa'agatama i le Tai, sa fa'amaoniaina ia Aukuso 9, 1950, ma ua ta'ua o le Tulafono Lautele 681-nofoa'iga lona 81 a le Konekaresi. Mata'upu 658-Fonotele Lona Lua, ua aiaia ai ma isi mea e fa'apea "e leai se tupe ua vavaeina atu i lalo o lenei tulafono i so'o se setete, vagana ai e pei ona fa'atulagaina mulimuliane, o le a fa'aaogaina lena tulaga pe afai ua fa'atagaina lana fono faitulafono, po'o isi vaega o setete e le fa'avae o le setete e aiaia tulafono e pulea ai le fa'asaoina o i'a, ma ia fa'apea ona ogatasi ma tu'utu'uga o lenei tulafono ma pasia tulafono mo le fa'asaoina o i'a ma ia aofia ai fo'i ma le fa'asaina e fa'atatau i le suiga o le tau o laisene ua totogia e tagatafaifaiva mo so'o se isi fa'amoemoe e 'ese mai ai nai le puleaina o ia i'a, meaola i le vaomatua, ma*

le matagaluega o paka fa'asao, vagana ai e fa'apea, se'ia mae'a le fa'amalologa fa'ai'u o le ulua'i fonotele masani sa nofoia ai le fono faitulafono ina ua uma ona pasia lenei tulafono, ma o le malie o le kovana o le setete ua lava;" ma

TALUAI, *ua silafia e le Fono Faitulafono e fa'apea ua pasia fo'i e le konekaresi a le Iunaite Setete Fesoasoani-tupe a le Feturale mo le Toefa'aolaolaina o Meaola o le vaomatua fa'apea sa fa'amaoniaina ia Setema 2, 1937, ma sa fa'aigoaina o le Tulafono Lautele 415, Nofoa'iga Lona 75 a le Konekaresi, Fonotele Muamua, e fa'apea sa aofia ma isi mea sa aiaia ai e fa'apea "e leai se tupe ua vavaeina atu i lalo o lenei mata'upu i so'o se setete e fa'aaogaina lena tulaga vagana ua fa'atagaina e le fa'avae a le setete lana fono faitulafono po'o se isi vaega o le setete e aiaia tulafono e pulea ai le fa'asaoina o meaola o le vaomatua ma ia fa'apea ona ogatasi ma tu'uiu'uga o lenei mata'upu ma ia pasia tulafono mo le fa'asaoina o meaola, lea o le a aofia ai se fa'asaina e fa'atatau i le suiga o le totogi fa'ae'e o laisene ua totogia e tagatafanafana mo so'o se isi fa'amoemoe nai lo le puleaina o lea matagaluega;" ma*

TALUAI, *o le fa'auigaina o le "setete" i lalo o ia tulafono e lua e aofia ai le Teritori o Amerika Samoa; ma*

TALUAI, *i taimi ua tuana'i o le Kovana o le Teritori o Amerika Samoa sa tu'uina atu lona malie i aiaiga o tulafono e maua ai le fa'ai'uga o fa'asoaga o tupe mo le Teritori i lalo o ia tulafono; ma*

TALUAI, *o le agava'a fa'acua pe a le Teritori o Amerika Samoa mo ia fa'asoaga o tupe e mana'omia ai le pasia e le Fono Faitulafono tulafono e o gatasi ma tu'utu'uga o tulafono ma suiga o le fa'asaina o tau fa'ae'e o laisene; ma*

TALUAI, *o lenei tulafono e taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana, ona o se mana'oga fa'atinati e fa'amalie ai aiaiga a le feturale ua fa'ae'eina atu e le Fesoasoani-tupe i le Tulafono o le toefa'aolaolaina o Meaola o le vaomatua.*

O LENEI, O LE MEA LEA, ua fa'amonía ma aiaia e le Fono Faitulafono suiga ua fa'aalia i lalo i le Mata'upu 3, Ulutala 24 o le Tulafono Toeteuteuina a Amerika Samoa:

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 24.0304 ua suia e faitauina:

"24.0304 Malosi ma tiute.

(a) O le matagaluega ua i ai malosi ma tiute lautele ua fa'aalia i lalo:

(1) Pulea, puipui, fa'asao ma fa'afualoa alagamanuia o meaola i le sami ma le vaomatua i le Teritori;

(2) Saunia ma faufua se fuafuaga manino lelei po'o fuafuaga mo le puleaina, puipuiga ma le fa'asaoina o alagamanuia o meaola i le sami ma le vaomatua i le Teritori;

(3) Ao, fa'avasega ma fa'alaua'itele mea moni ma fa'amaumauga e fa'atatau i alagamanuia o meaola i le sami ma le vaomatua i le Teritori;

(4) Tausia fa'amaumauga e mana'omia e va'ava'aia ma pulea ai faigafaiva o fefa'ataua'iga, fa'agatama ma le tausiga o le soifua;

(5) U'una'i ma fa'atulaga a'oa'oga, iloiloga ma su'esu'ega e fa'atatau i faigafaiva tau fefa'ataua'iga, fa'agatama ma le tausiga o le soifua ma alagamanuia o meaola ma le natura;

(6) Mo fegalegalea'iga ma le malo lotoifale, fa'atulaga porokalama tau a'oa'oga ma fa'amasani e fa'atatau i le puleaina ma le fa'asaoina o alagamanuia o meaola i le sami ma le vaomatua i le Teritori;

(7) Talia ma suia tulafono galue p o'o tulafono tausisia e fa'atinoina ai ma ia fa'apea ona ogatasi ma lenei mata'upu e puipuia ai, fa'asao ma fa'afualoa ai alagamanuia o meaola i le sami ma le vaomatua i le Teritori;

(8) Tu'uina atu poloa'iga pe afai e alagatatau e fa'atinoina ai fa'amoemoega o lenei mataupu ma fa'amalosia ai tulafono e ala i taualumaga talafeagai fa'alepulega ma fa'afa'amasinoga;

(9) Fa'atulaga iloiloga e fa'atatau i so'o se vaega po'o se mata'upu mo le puleaina o lenei mata'upu, ma e feso'ota'i fa'atasi, fa'amalosi le auai o molimau ma le aumaia o mau fa'amaonia; ma

(10) Talia, tauaao ma pulea foa'i tupe po'o isi tupe po'o meaalofa mai le malo ma vaega tua, e aofia ai le malo feturale, mo le fa'amoemoe e fa'ataunu'u ai so'o se fatuaiga o lenei mataupu.

(e) Lagolagoina le Tulafono-o malosi ma tiue o Tupe-fesoasoani a le Feturale mo le Toefa'aolaolaina o Fa'agatama o le Tai. O le Teritori o Amerika Samoa ua fa'apea ona lagolagoina tu'utu'uga o le tulafono a le konekaresi o le Iunaite Setete sa fa'amaoniaina ia Aokuso 9, 1950, ua fa'aigoaina o le Tulafono Lautele 681-Nofoaiga Lona 81 a le Konekaresi, Mata'upu 658-Fonotele Lona Lua ma ua ta'ua fa'alau'itele o le Fesoasoani-tupe a le Malo Tele i le Tulafono o le Toefa'aolaolaina o Fa'agatama o le Tai. O le matagaluega o alagamanuia o le sami ma le vaomatua ua fa'atagaina, fa'ae'eina i ai le malosi ma fa'atonuina e fa'ataunu'u gaoioiga e alagatatau e fa'atulaga ma fa'atuina ai fuafuaga fegalegalea'i o le toefa'aolaolaina o i'a e pei ona fa'amalamalamaina i lea tulafono ma tulafono galue ma tulafono ta'iala ua fa'ataualoaina i le fa'asilasilaga fa'alau'itele a le failautusi o le initeria e tusa ma lena malosi; ma e leai ni tupe ua maua i le Teritori o Amerika Samoa mai tau fa'ae'e o laisene ua totogia e tagatafaifaiva o le a fa'aaogaina e pei ona aiaia mo so'o se isi fa'amoemoega nai lo le fa'ataunu'uina o fatuaiga o le matagaluega o alagamanuia o meaola o le sami ma le vaomatua ma le puipuiga, fa'aolaolaina, fa'asaoina, ma le su'esu'eina o i'a, manu ma manufelegei.

(i) Lagolagoina le Fesoasoani-tupe a le Malo Tele i le Tulafono-malosi ma tiute o le Toefa'aolaolaina o Meaola i le vaomatua. O le Teritori o Amerika Samoa ua taliaina tu'utu'uga o le tulafono a le konekaresi a le Iunaite Setete sa fa'amaoniaina ia Setema 2, 1937, ua fa'aigoaina o le Tulafono Lautele 415, Nofoa'iga Lona 75 a le Konekaresi, Fonotele Muamua ma ua ta'ua fa'alau'itele o le Fesoasoani-tupe a le Feturale i le Tulafono o le Toefa'aolaolaina o Meaola o le vaomatua. O le matagaluega o alagamanuia o meaola o le sami ma le vaomatua ua fa'atagaina, fa'ae'e i ai le malosi ma fa'atonuina e fa'ataunu'u gaoioiga e fa'atatau i ai e alagatatau mo le fa'atonutonuina ma fa'atuina fuafuaga fegalegalea'i o le toefa'aolaolaina o meaola o le vaomatua e pei ona fa'amalamalamaina i lea tulafono a le Konekaresi e ogatasi ma lea tulafono ma tulafono galue ma tulafono ta'iala ua taualoa i le fa'asilasilaga fa'alau'itele a le failautusi o le initeria e fa'atatau i ai; ma e leai ni tupe e maua i le Teritori o Amerika Samoa mai tau fa'ae'e o laisene ua totogia e tagatafanafana e fa'aaogaina e pei ona fa'atulagaina mai mo so'o se isi lava fa'amoemoega tau lava mo le fa'ataunu'uina o fatuaiga o le matagaluega o alagamanuia o meaola o le sami ma le vaomatua

(o) Taofia o Aiā. O le Teritori o Amerika Samoa o le a le fa'apea o le pasia o le maga 24.0304(e) ma le (i) pe auala atu fo'i i le malie ua tu'uina

atu, fa'au i le konekaresi o le Iunaite Setete po'o so'o se matagaluega o le malo o le Iunaite Setete i so'o se tasi o ia aia po'o aia ua fa'ae'eina atu i tamali'i po'o tagata ua fa'amautuina ai se folafolaga ia i latou po'o taofia e i latou i lalo o tulafono ua fa'aalia i le (1) Tu'uina atu o Tutuila ma Aunu'u (2) o le Tu'uina atu o Motu o Manu'a ma le (3) Ulutala 48 T.U.S. Maga 1661 ma 1662.

Maga 2. Aso taualoa.

O lenei tulafono e taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana ona o se mana'oga fa'anatinati e fa'amalie ai tu'utu'uga a le feturale ua fa'ae'eina atu i Fesoasoani-tupe a le Malo Tele i le Tulafono o le Toefa'aolaolaina o Meaola o le vaomatua."

Fa'afetai Lefiti
Fa'afetai Lefiti
PERESETENE LĒ-TUMAU,
MAOTA MAUALUGA

Matagi R. McMoore
Matagi R. Ma'ilo McMoore
FOFOGA FETALAI,
MAOTA O SUI

Hereby Approved this

76th April, 2001

[Signature]
Governor of American Samoa