



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

CERTIFICATION

House Chamber
September 13, 1991

I certify that House Bill No. 22-152 passed third reading on this date in the House of Representatives during its Second Regular Session of the Twenty-second Legislature of American Samoa.

Wally F. Ulu
CHIEF CLERK, HOUSE OF REPRESENTATIVES

Senate Chamber
September 20, 1991

I certify that House Bill No. 22-152 passed third reading on this date in the Senate during its Third Special Session of the Twenty-second Legislature of American Samoa.

Leo'o N. Ma'o
SECRETARY OF THE SENATE

THE TWENTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

**Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eighth day of July
one thousand nine hundred and ninety one**

**AN ACT ESTABLISHING A SOIL AND WATER CONSERVATION DISTRICT;
CREATING CHAPTER 05 UNDER TITLE 24 ASCA.**

PREAMBLE:

Whereas, there is a need in American Samoa to establish a soil and water conservation district which will promote soil and water conservation, and seek to protect and improve water quality; and

Whereas, in order to participate in the Federal conservation program, a soil and water conservation district must be in existence.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created Chapter 05 under Title 24 ASCA which reads:

"Chapter 05

AMERICAN SAMOA SOIL AND WATER CONSERVATION DISTRICT

Sections:

- 24.0501 Short title.
- 24.0502 Policy
- 24.0503 Definitions.
- 24.0504 Soil and water conservation district--Establishment--Tenure--Meeting--Management.

24.0505 Powers of the district board.

24.0506 Limitations of powers of the district and board.

24.0501 Short title.

This chapter shall be known as the "American Samoa Soil and Water Conservation District Act".

24.0502 Policy.

(a) It is the public policy of this Territory and the purpose of this chapter to promote soil and water conservation by creating a soil and water conservation district to advise on methods of preventing erosion, and protecting and improving water quality. The conservation district shall work in cooperation with other American Samoan government agencies to conserve, develop and use the soil and water resources of the Territory in order to control and prevent soil erosion, prevent flooding, and to protect and improve water quality of both surface and underground waters.

24.0503 Definitions.

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

(a) "Administrative district" means the Eastern, Western and Manu'a districts (Swains Island as a part of Manu'a district).

(b) "Conservation district" means a governmental subdivision of this Territory, and a public body corporate and politic, organized in accordance with this chapter.

(c) "Due notice" means notice given during a ten day period by publication in local newspapers.

(d) "Land occupier" or "occupier of land" includes both the person, firm, or corporation who is an owner or operator of any lands lying within a district organized under this act.

24.0504 Soil and water conservation district--Establishment--Tenure--Meeting--Management.

(a) There is a soil and water conservation district referred to in this chapter as the conservation district.

(b) A conservation district board is established. The board shall consist of sixteen members. Eight members shall be appointed from each of the following departments of the American Samoa Government by the Governor of American Samoa. These departments are:

- (1) American Samoa community college land grant program;
- (2) American Samoa environmental protection agency;
- (3) department of agriculture;
- (4) department of public works;
- (5) department of marine and wildlife resources;
- (6) office of economic development planning, coastal management program;
- (7) office of Samoan affairs; and
- (8) American Samoa power authority, water division.

Two members are to be appointed by the Governor from the environmentally concerned organizations. Three farmers are to be appointed by the Governor to be members of the district board. Three additional members are the three administrative District Governors or their designated representatives.

(c) The term of office of conservation district board members shall be three years. Vacancies will be filled in the same manner as the selection of board members. The conservation district board members shall designate a chairperson and may, from time to time, change the designation.

(d) Monthly meeting shall be held and eight of the board members shall constitute a quorum and the concurrence of a majority present on any official matter shall be necessary.

(e) Board members shall receive no compensation for their services, but shall be entitled to necessary expenses. They may employ such officers and employees as they may require, and fix their compensation, and shall provide for surety bonds for employees or officers who are entrusted with funds. They shall keep a record of proceedings, resolutions, regulations, and orders issued or adopted, and accounts of receipts and disbursements, and shall furnish to the Governor and Legislature copies of documents, instruments or information concerning their activities.

24.0505 Powers of the district and board.

A district organized under this chapter, and the board members thereof, shall have in addition to other powers granted in other sections of this chapter the following powers:

(1) To provide for and encourage surveys, investigation, and research relating to soil and water conservation and water quality, and to publish and disseminate information concerning such subjects.

(2) To provide for and encourage demonstrations relative to the control and prevention of erosion, the conservation of soil and water resources, and improvement of water quality on publicly owned lands within the Territory with the consent of the agency having jurisdiction thereof, and on other lands with the consent of the occupier of lands.

(3) To cooperate, or enter into agreements with and to furnish financial or other aid, including machinery, equipment, fertilizer, seeds, and other material, to any agency or any occupier of lands within the Territory, for carrying on soil and water conservation and water quality activities, subject to such conditions as the board may deem necessary.

(4) To acquire property, real or personal, or rights or interests therein; to maintain, administer, and improve the property, receive income from it, and expend the income in carrying out the purposes of this chapter; and to sell, lease, or otherwise dispose of any such property.

(5) To construct, improve, and maintain any structures necessary for carrying out the purpose of this chapter.

(6) To develop plans for the conservation of soil and water resources, the control and prevention of erosion and improvement of water quality within the district and to publish or otherwise bring them to the attention of district land occupiers.

(7) To apply for and accept grants, loans, contributions, appropriation, and assistance from any source, private or public (federal, territorial, or local); to enter into and carry out contracts of agreements in connection therewith, and to use or expend these resources in carrying on its operations.

(8) To sue and be sued; to have a seal, which seal will be judicially noticed; to make and execute any necessary contracts or other instruments.

(9) As a condition to the extending of benefits, or the performance of work upon lands under this chapter, the board may request land occupiers to contribute money, services or materials, to any operation conferring such benefits.

24.0506 Limitations of powers of the district and board.

The district and board will not interfere with the Samoan traditional land ownership system."

for 
Letuli Toloa
PRESIDENT OF THE SENATE


Tuana'itau F. Tuiā
SPEAKER OF THE HOUSE

Hereby Approved this _____ day of _____, 19 _____


Governor of American Samoa

NOFOAIGA LUASEFULU-LUA FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Lua

**Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Iulai
tasi afe iva selau iva sefulu-tasi**

**O SE TULAFONO E FA'ATUINA AI SE FALELIMA PUIPUIGA O LE ELEELE MA VAI;
FA'AVAEINA SE MATAUPU 05 I LALO O LE VAEGA 24 TTAS.**

FA'ATOMUAGA:

Taluai, e iai se mana'oga i Amerika Samoa e fa'atuina se falelima puipuiga o le eleele ma le vai e fa'ataunu'uina le puipuiga o eleele ma vai, ma saili e puipuia ma fa'aleleia tulaga manuia o vai; ma

Taluai, ina ia 'auai i polokalama puipuiga a le Malo Tele, e tatau ona iai se falelima puipuiga o le eleele ma vai.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se Mataupu 05 i lalo o le Vaega 24 TTAS e faitauina:

"Mataupu 05

FALELIMA PUIPUIGA O ELEELE MA VAI O AMERIKA SAMOA

Maga:

24.0501 Ulutala pu'upu'u.
24.0502 Tulafono faigaluega.
24.0503 Fa'amatalaga.
24.0504 Falelima puipuiga eleele ma vai--Fa'atuina--Tausaga--Umia--Fonotaga--Pulega.

- 24.0505 Malosi o le komiti falelima.
24.0506 Fa'atagaina o malosi o le falelima ma le komiti.

24.0501 Ulutala pu'upu'u.

O lenei mataupu e ta'ua o le "Tulafono Amerika Samoa Puipuiga o Eleele ma Vai".

24.0502 Tulafono Faigaluega.

(a) O le tulafono faigaluega lautele o lenei Teritori ma o le mafua'aga o lenei mataupu e u'una'i puipuiga o le eleele ma vai i le fa'avaeina o se falelima puipuiga o eleele ma vai e fautua i auala e puipuia ai le aia, ma puipuia ma fa'aleleia tulaga mama o vai. O le falelima puipuiga e galue i le felagolagoma'i ma isi ofisa o le Malo o Amerika Samoa e fa'aaoga fa'aeteete, atiina'e ma fa'aaoga alagamanuia o le eleele ma vai o le Teritori ina ia mafai ai ona pulea ma puipuia ma fa'aleleia tulaga mama o vai e le gata i luga o le eleele a'o vai i totonu o le eleele.

24.0503 Fa'amatalaga.

E pei ona fa'aaogaina i lenei mataupu, vagana ua iai se isi fa'aupuga e mana'omia:

(a) "Falelima pulega galue" o lona uiga o Falelima i Sasa'e, Sisifo ma Manu'a (Motu o Swains o se vaega o le Falelima o Manu'a).

(e) "Falelima puipuiga" o lona uiga o se soavaega o lenei Teritori, o se vaega pulea tele ma politiki, ua fa'atuina e tusa ma lenei mataupu.

(i) "Fa'aaliga faia tonu" o lona uiga o se fa'aaliga ua tu'uina atu i se taimi e sefulu aso i le lomía i se nusipepa lotoifale.

(o) "Tagata o nofoia fanua" po'o "tagata galue fanua" e aofia uma le tagata, kamupani, po'o se pisinisi pulea tele o ia e ona pe fa'agaoioi so'o se fanua o lo'o i totonu o se falelima ua fa'atulagaina i lalo o lenei tulafono.

24.0504 Falelima puipuiga o eleele ma vai--Fa'atuina--Tausaga--Fonotaga--Pulega.

(a) Ua iai se falelima puipuiga o eleele ma vai e fa'asinoina iai lenei mataupu o le falelima puipuiga.

(e) O se komiti falelima puipuiga ua fa'atuina. O le Komiti ia aofia ai totino e sefuluono. E valu totino e tofia mai le ta'itasi o matagaluega ua fa'aalia i lalo o Amerika Samoa e le Kovana O Amerika Samoa. O nei matagaluega o:

- (1) le polokalama fanua foa'i Kolisi Tu'ufa'atasi o Amerika Samoa;
- (2) le ofisa puipuiga o le si'omia o Amerika Samoa;
- (3) le matagaluega o fa'atoaga;
- (4) le matagaluega o galuega lautele;
- (5) le matagaluega alagamanuia o eleele ma le sami;
- (6) le ofisa fuafuaga tamaoiga atiina'e, polokalama pulea gataifale;
- (7) le ofisa o Mataupu tau Samoa; ma
- (8) le pulega o le eletise o Amerika Samoa, vaega o vai. E lua totino e tofia e le Kovana mai fa'alapotopotoga ma'elega i le si'omia. E tolu faifa'atoaga e tofia e le Kovana o le komiti falelima. Tolu totino fa'aopoopo o Kovana falelima pulega po'o latou sui tofia.

(i) O tausaga umia o tofi o totino o le komiti puipuiga falelima e tolu tausaga. O avanoa e fa'atumuina i le tulaga lava sa filifilia ai totino o le komiti. O totino o le Komiti puipuiga falelima ia tofia so latou ta'ita'ifono, ma e mafai ona suia mai lea taimi ma lea taimi.

(o) O fonotaga masina ta'itasi ia faia ma o le valu o totino o le komiti ua avea ma to'atele ma o le malilie o se fulisia o auai i so'o se mataupu taua ia mana'omia.

(u) O totino o le Komiti e leai se totogi mo la latou tautua, ae agava'a i tupe e tatau mo galuega. E mafai ona latou fa'afaigaluegaina ni ofisa ma tagata faigaluega e pei ona latou mana'omia, ma fa'atulaga o latou totogi, ma ia saunia mo pone inisiua mo tagata faigaluega ma ofisa ua iai le fatuaiga e tausia tupe. Ia latou tausia fa'amaumauga o fono, i'ugafono, poloa'iga, ma fa'atonuga sa tu'uina atu pe talia, ma pepa o risiti ma tupe fa'aaoga, ma ia aunia i le Kovana ma le Fonofaitulafono kopi o nei fa'amaumauga, pepa po'o tala e uiga i a latou galuega.

24.0505 Malosi o le falelima ma le komiti.

O se falelima e fa'avaeina i lalo o lenei mataupu, ma o totino o le komiti, ia iai e fa'aopoopo i isi malosi ua tu'uina atu iai i isi maga o lenei mataupu malosi ua fa'aalia i lalo:

- (1) E saunia ma u'una'i iloiloga, su'esu'ega, ma sailiiliga e uiga i tulaga manuia o puipuiga o eleele ma vai, ma lomina ma fa'asalalau tala e uiga i ia mataupu.
- (2) E saunia ma u'una'i fa'aaliga o galuega e uiga i le taofiofia ma le puipuiga o le 'aia, puipuia o le alagamanuia o le eleele ma vai, ma le fa'aleleia o le mama o vai i fanua e pule ai le malo i totonu o le Teritori fa'atasi ma le malie o le tagata o nofoia fanua.

(3) E galulue fa'atasi, pe faia feagaiga ma saunia tau tupe po'o isi fesoasoani, e aofia ai masini, meafaigaluega, fa'alelei eleele, fatu, ma isi mea e fai galuega i so'o se ofisa pe so'o se tagata o nofoia fanua i totonu o le Teritori, mo le fa'ataunu'uina o le pui puiga o eleele ma vai ma galuega o tulaga mama o vai, i lalo o auala ua silafia e le komiti e tatau.

(4) E saili meatotino, fanua po'o meatotino a tagata, po'o aia po'o mana'oga o iai; e tausia, pulea, ma fa'alelei fanua, talia tupe maua mai ai, ma fa'aaoga tupe maua i le fa'ataunu'uina o mafua'aga o lenei mataupu; ma fa'atau atu, lisi, pe faia fa'ai'uga o so'o se meatotino fa'apea.

(5) E fausia, fa'aleleia, me teuteina so'o se fausaga tatau mo le fa'ataunu'uina o le mafua'aga o lenei mataupu.

(6) E taumafai fuafuaga mo le pui puiga o alagamanuia o le eleele ma vai, le pulea ma pui puia o le aia ma fa'aleleiga o vai mama i totonu o le falelima ma lomia pe fa'ailoa i tagata o nofoia fanua i le falelima.

(7) E talosaga ma talia foa'i, nogatupe, mea tu'uina mai, tupe fa'asoasoa, ma fesoasoania mai so'o se se alagatupe, tagata tua po'o le malo (malo tele, teritori, po'o le lotoifale); e faia ma fa'ataunu'u konekalate o feagaiga e talafeagai ai, ma fa'aaoga pe fa'aalu tupe nei alagamanuia i le fa'ataunu'uina o ana galuega.

(8) E tagi pe fa'asaga iai tagi; ia faia se fa'amaufa'ailoga, o lea fa'amaufa'ailoga o le a avea ma fa'ailoga taualoa e le fa'amasinoga; ia faia ma fa'ataunu'u so'o se konekalate mana'omia po'o isi pepa aloaia.

(9) E avea ma tulaga e fa'alautele ai manuia, po'o le faia o galuega i eleele o i lalo o lenei mataupu, e mafai e le komiti ona talosaga tagata o nofoia fanua e fesoasoani mai i ni tupe, galuega po'o meafaigaluega, i so'o se galuega e maua ai ia manuia.

24.0506 Fa'agata le malosi o le falelima ma le komiti.

O le falelima ma le komiti o le a le fa'alavelave i tulaga o pulega fanua faitele o Samoa."

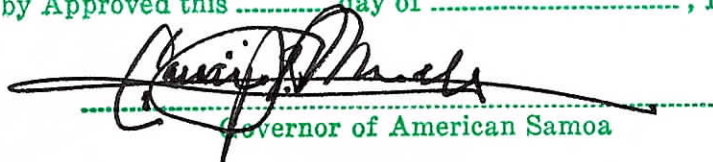


Letuli Toloa
PERESETENE, MAOTA MAUALUGA



Tuana'itau F. Tuia
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this day of, 19



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Governor of American Samoa