



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

In reply refer to:

C E R T I F I C A T I O N

Senate Chamber
October 27, 1989

I certify that Senate Bill No. 54 passed third reading on this date in the Senate during its Third Special Session of the Twentyfirst Legislature of American Samoa.


MRS. FIALUPE FELILA FIAUI
Secretary of the Senate

House Chamber
November 3, 1989

I certify that Senate Bill No. 54 passed third reading on this date in the House of Representatives during its Third Special Session of the Twentyfirst Legislature of American Samoa.


WALLY F. UTU
Chief Clerk
House of Representatives

THE TWENTY-FIRST LEGISLATURE OF AMERICAN SAMOA

Third Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twenty-third day of October
one thousand nine hundred and eighty nine

AN ACT INCREASING THE ANNUITIES FOR RETIREES AND CLARIFIES
AND CORRECTS INCONSISTENCIES IN THE PRESENT STATUTE; AMEND-
ING SECTIONS 7.1403, 7.1411, 7.1421, 7.1441, AND 7.1442
ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1403 is amended to read:

"7.1403 Definitions.

As used in this chapter:

(a) "Actuary" means any actuary that is qualified and has been engaged by the board to provide actuarial services.

(b) "Average annual salary" means the highest average annual salary received by a member during any 3 consecutive years of creditable service of the most recent 10 years of creditable service accruing to a member ~~prior-to-the-fund year-in-which-that-member-attains-age-66~~. Overtime compensation shall not be considered when calculating a member's average annual salary.

(c) "Board" means the board of trustees provided for in this chapter as the agency responsible for the direction and operation of the affairs and business of the retirement fund.

(d) "Creditable service" means service credited for purposes of computation of benefits, and may not exceed 30 years of creditable service ~~beginning-with-creditable service-in-the-first-calendar-year-in-which-creditable service-accrues-to-a-member~~.

(e) "Early retirement date" means the date on which the member attains age 55 and 10 years of creditable service, or a later date elected by the member.

(f) "Employee" means any person in the employ of the government, in all occupational classifications.

(g) "Fiscal year" means the period of twelve consecutive months beginning on the first day of October each year.

(h) "Fund" means the "American Samoa Government Employees' Retirement Fund".

(i) "Fund-year" means a period of 12 consecutive months beginning 1 October 1981 or any 1 October thereafter.

(j) "Member" means any employee included in the membership of the fund.

(k) "Membership service" means service rendered on or after the operative date of the fund.

(l) "Normal retirement date" means the earlier of the dates on which the member attains age 65 and 5 years of creditable service or the member attains age 55 and 30 years of creditable service.

(m) "Operative date" means 1 January 1971, the day upon which the fund is to begin operations.

(n) "Prior service" means service rendered prior to the operative date of the fund.

(o) "Regular interest" means such rate as shall be fixed by the board; provided, that for the first 5 years of operation of the fund, the regular interest shall be 3 percent per year, compounded annually.

(p) "Salary" means the amount received by an employee for service, which shall include allowance for maintenance at the prescribed rate and any territorial post differential.

(q) "Service" means actual employment by the government as an employee for salary or compensation, or service otherwise creditable as herein provided.

(r) "Spouse" means the husband or wife of a member to whom the member was lawfully married.

(s) "Total service" means prior service, membership service and military service."

Sec 2. 7.1411 is amended to read:

"7.1411 Board of trustees--Duties.

The board of trustees shall have, in addition to other duties arising out of this chapter, the following duties:

(1) establish and maintain an office, in the facilities provided by the government; provided, however that should the trustees determine that facilities provided by the government are inadequate, appropriate facilities may be built or leased by the fund, for the meetings of the board and the keeping of the books, accounts and records of the fund; hold regular meetings bimonthly, and such special meetings as may be deemed necessary; and keep a full record of all of its proceedings which shall be open to inspection by the public;

(2) hire an executive director who shall be directly responsible to the board for the management of the retirement fund and retirement fund office;

(3) provide for the installation of a system of accounts and records which will give full effect to the requirements of this chapter; adopt all necessary actuarial tables to be used in the operation of the fund; and provide for the compilation of such statistical and financial data as may be required for actuarial valuations, periodic surveys and calculations;

(4) obtain such information from the participating members and the government as shall be necessary for the proper operation of the fund;

(5) consider and pass upon all applications for annuities, benefits, refund and other payments, and authorize the expenditures for such purposes, in accordance with the provisions of this chapter; the board may delegate this duty, in whole or in part, to the executive director;

(6) accept any gift, grant, or bequest of any money or property of any kind, for the purposes designated by the grantor if such purposes are specified as providing cash benefits to some or all of the members or annuitants of the fund; if no such purposes are designated, the same shall be credited to the account representing income from investments;

(7) have the accounts of the fund audited at the end of each fiscal year by a certified public accounting firm, and submit an annual report to the Governor and Legislature no later than 120 days following the close of the fiscal year embodying, among other things, a balance sheet showing the financial and actuarial condition of the fund; a statement of income and expenditures for the year, a statement showing changes in the asset, liability and reserve accounts during the year, a statement of investments owned by the fund, and such other financial and statistical data as are necessary for proper interpretation of the condition of the fund and the results of its operation; the board shall also cause to be published for distribution among the members a synopsis of such report;

(8) the board or its qualified agents or custodians shall hold, for the fund, title to all assets of the fund;

(9) establish and promulgate rules and regulations, not inconsistent with this chapter, determined necessary by the board to carry out the purposes of this chapter."

Sec 3. 7.1421 is amended to read:

"7.1421 Persons ineligible for membership.

The following employees are not eligible for membership in the fund:

(1) a person occupying a position whose duties will not permit service for more than 50 days a year;

(2) a person whose services are compensated on a fee basis;

(3) an independent contractor;

(4) a person whose employment is purely temporary, seasonal, intermittent, part-time, or only for a specific project;

(5) an employee who is a member of any other retirement system except the military, and who is accruing creditable service in that system, unless the employee terminates his membership in the other system. This provision does not only apply to former government employees with ten years vested interest;

~~(6) -- an employee over 70 years of age;~~

~~(7)~~(6) an employee of the government for a definite or fixed term; however, notwithstanding the foregoing, judges, district, county and village officials and employees, and noncareer service employees of the Legislature, other than contract employees are eligible for membership."

Sec 4. 7.1441 is amended to read:

"7.1441 Retirement--Voluntary and mandatory--Elected officials may finish term.

(a) Notice. All employees must be advised of their eligibility for normal or early retirement upon attaining the necessary age and creditable service. ~~given at least 60 days' notice of their pending retirement, whether voluntary or mandatory. -- The notice must be by certified mail to their last known address. -- Failure~~ However, failure to receive the notice shall not prevent the retirement or postpone the retirement date.

(b) Voluntary Retirement. Any member of the fund may voluntarily retire if he is at least 55 years of age and has completed 30 years of creditable service or has reached 65 years of age with 5 years of creditable service. Any member qualified for retirement under this subsection may apply for retirement on forms provided by the board. His retirement shall be executed on the day he specifies; provided, however, the retirement may not be less than 30 days nor more than 90 days after the date the application is filed.

~~(c) -- Mandatory Separation. -- (1) -- A member of the fund must be separated from government employment at the age of 70 years. -- Upon the separation the member is entitled to an immediate retirement annuity, provided the member has been employed by the government for 12 consecutive months immediately preceding retirement and has had at least 5 years of creditable service.~~

~~(2) -- Separation shall be at the end of the month next preceding the birthdate of the member if that birthdate is the first day of a month, otherwise at the end of the month; provided the member has had the 60-day notice required by subsection (a) in advance of the effective date of the mandatory separation.~~

~~(3) -- The Governor is authorized to waive this separation requirement in any particular case when, in his judgment, the public interest requires the retention of an employee. -- The Governor may delegate this authority to the board of trustees of the fund. -- A government department's recommendation for exemption must be forwarded to the board 30 days in advance of the mandatory separation date.~~

~~(d) -- Public Officers. -- Regardless of age, length of service or any provision of this chapter, any duly elected public official, including members of the legislature, may continue to serve in office until the end of the term to which he is elected.~~

~~(e)(c) Medical Separation. (1) A member who has attained his normal retirement date or early retirement date may be involuntarily separated and entitled to an immediate unreduced retirement annuity if it is determined by the board after certification of the director of health, that the member's health is not likely to improve; provided, the member is not eligible for workmen's compensation for the condition causing the involuntary separation.~~

~~(2) A member who has not attained his early retirement date and who has contributed to the fund for at least 5 years may be separated and entitled to an immediate unreduced retirement annuity if it is determined by the board, after certification of the director of health, that the member's health prohibits him from satisfactorily performing the duties of any assigned position in the service of the government; provided, the member is not eligible for workmen's compensation for the condition causing the separation.~~

~~(3) At least once each year during the first 5 years following the approval of a medical retirement annuity to a member under subsection (2) and at least once in every 3-year period thereafter, the board requires the disabled annuitant to undergo a medical examination at the place of residence of the annuitant or at any other place mutually agreed upon, by a physician or physicians engaged by the board of trustees. If the examination indicates that the annuitant is no longer physically or mentally incapacitated for service, or that he is able to engage in a gainful occupation, payments of disability retirement annuity from the fund shall be discontinued, and the annuitant shall be reinstated in governmental service in a position for which he is found qualified and capable of performing. However, in no case shall the payments be discontinued if the member has attained age 65.~~

~~Should the disabled annuitant become gainfully employed in any capacity and his earnings are less than his salary on his medical retirement date or the salary currently paid for a similar position, whichever is lower, the board shall continue a medical retirement annuity in an amount which is equal to the difference, but not to exceed the amount of the medical retirement annuity.~~

~~Should any member receiving a medical retirement annuity refuse to submit to the medical examination, payments by the fund shall be discontinued by the board until the withdrawal of his refusal, and, should his refusal continue for one year, all rights of the member to any medical retirement annuity are revoked by the board. After a medical retiree reaches the age of 65, no further annual or 3-year medical examinations may be required.~~

(4) A member who has recovered from medical retirement and who is restored to active service immediately becomes an active member of the fund and has member contributions deducted from his pay and upon subsequent retirement has his service retirement allowance based upon all creditable service including both that service upon which his medical retirement annuity was based and his creditable service after his recovery.

{#}(d) Early Retirement. A member of the fund may voluntarily retire with a reduced pension if he is at least 55 years of age and has completed 10 years of creditable service.

{g}(e) Vested Retirement. A member of the fund who separates from service on or after 1 October, 1984 and who has completed 10 years of creditable service but is not eligible for early retirement may voluntarily retire with a reduced pension as of the first day of any month after attaining age 55 provided the member does not withdraw his member contributions.

{h}(f) A retired member receiving an annuity who is re-employed by the government in any capacity in which he again becomes a member of the fund, or who is remunerated by the government for personal services in a status other than as an employee or official for a period in excess of six months, including renewals, has his right to receive payment of his annuity suspended for the duration of his employment or contract, but all other rights pertaining to his annuity are retained by him."

Sec 5. 7.1442 is amended to read:

"7.1442 Retirement payments.

(a) Each member shall receive an annual service retirement annuity on retirement equal to 2 percent of the average annual salary of the member multiplied by his total years of service up to a maximum of 30 years. Beginning October 1, 1983, the annual service retirement annuity is increased to retirees by percentage according to the calendar year of retirement as follows:

1982.....	2%
1981.....	4%
1980.....	6%
1979.....	8%
1971-1978.....	10%

Beginning October 1, 1986, the annual service retirement annuity is increased to retirees by percentage according to the calendar year of retirement as follows:

1986.....	2%
1985.....	3%
1984.....	4%
Before 1984.....	5%

Beginning October 1, 1988, the annual service retirement annuity is increased to retirees by percentage according to the year of retirement as follow:

October 1987 to September 1988.....	2%
October 1986 to September 1987.....	3%
September 1986 or Before.....	4%

(b) Service retirement annuities shall be payable in equal monthly installments, rounded to the nearest dollar, as life annuities, and shall not be increased, decreased, revoked, or repealed except for error, or except where specifically otherwise provided.

(c) The first payment of a life annuity shall be made pro rata for the fraction of a month elapsing between the date of retirement and the end of that month. The last payment shall be made as of the date of death.

(d) Instead of an annuity payable for the life of a retired member, the member may elect to receive a lesser retirement annuity during his lifetime but with all or a portion of that annuity continued to a contingent annuitant designated by the member at the time of retirement. The amount of the lesser annuity elected is determined by the board so that the value of that annuity at the time of retirement will be the same as the value of the life annuity otherwise payable without an election. The election may not be permitted by the board unless the value at retirement of expected monthly annuity payments during the life of the retired member is no less than one-half the value of the life annuity otherwise payable without such an election.

(e) Should a member who is eligible for early retirement as provided by 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described, but then reduced by one-fourth of one percent multiplied by the number of completed months in the period which begins at the date of early retirement and ends at the date when the member first would be eligible to retire because of age or accrued service credit with an unreduced retirement annuity.

(f) Should a member who is eligible for vested retirement as provided by section 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described, but then reduced by one-half of one percent multiplied by the number of completed months in the period which begins at the date of retirement, and ends at the date of the member's sixty-fifth birthday. The annuity so determined, that is normal retirement annuity less early-retirement deduction for retirement prior to attaining age 65 as calculated above, will be paid to retiree or beneficiary.

(g) Should a member retire after attaining age 65, the amount of his retirement annuity is determined as described, but is additionally increased by one-fourth of one percent multiplied by the number of completed months in the period which begins on the date of the member's sixty-fifth birthday and ends on the member's retirement date.

(h) Not less often than once every 2 years the board recommends to the Governor, for proposal to the Legislature, that service and medical retirement annuities currently payable to retired members and other annuitants be increased or not. These recommendations by the board are made after due consideration by the board of current conditions, and are accompanied by a statement of the cost of any proposed increase as certified by the actuary."

A. P. Lutali
A. P. LUTALI
President Pro Tempore

Tuana'itau F. Tuia
TUANA'ITAU F. TUIA
Speaker of the House

Hereby Approved this 28th day of November, 1989.

Peter Coleman
Governor of American Samoa

NOFOAIGA LUASEFULUTASI FONOFAITULAFONO O AMERIKA SAMOA

Fono Fa'apitoa Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso luasefulutolu o Oketopa
tasi le afe iva selau valusefulu iva

O SE TULAFONO E FA'AOPOPO TUPE MAUA MO TAGATA RITAEA MA
FA'AMANINO MA FA'ASA'O TULAGA E LE O TALAFEAGAI AI I TULAFONO
O IAI NEI; SUIA MAGA 7.1403, 7.1411, 7.1421, 7.1441, MA
7.1442 TFAS.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 7.1403 ua suia e faitauina:

"7.1403 Fa'amatalaga.

E pei ona fa'aaoga i lenei mataupu:

(a) "Tagata inisiua fa'apitoa" o lona uiga so'o se tagata inisiua fa'apitoa ua agava'a ma ua fa'afaigaluega e le komiti e saunia galuega tau inisiua fa'apitoa.

(e) "Totogi tu'ufa'atasi tausaga ta'itasi" o lona uiga o le totogi maualuga tu'ufa'atasi tausaga ta'itasi sa maua e le totino i le 3 tausaga soso'o o tausaga taulia o tausaga pito lata mai e 10 o tausaga taulia i se totino a¹e-le¹i-e¹e-i-le-tausaga-teugatupe-ua-atea-ai-le-66 tausaga-e-lona-tetine. Totogi ovataimi e le taulia ai pe a fuafuaina le totogi tausaga tu'ufa'atasi o le totino.

(i) "Komiti" o lona uiga o le komiti tausua ua saunia i lenei mataupu e avea ma ofisa ua iai le fatuaiga mo le pulea ma fa'agaoioia galuega ma pisinisi o le teugatupe o le ritaea.

(o) "Tausaga taulia" o lona uiga o tausaga aloaia galue mo le fuafuaina o tupe maua, ma e le silia le 30 tausaga o tautua taulia e-amata-i-le-tautua-taulia-i-le-ulu¹a-i-tausaga-kalena-e-fa'aputaputu-ai-le-tautua-i-se-tetine.

(u) "Aso ritaea vave" o lona uiga o le aso e atoa ai le 55 tausaga o le olaga ma le 10 tausaga o le tautua taulia, po'o se aso mulimuli e filifili e le totino.

(f) "Tagata faigaluega" o lona uiga so'o se tagata e galue i le malo, i galuega fa'atulagaina uma.

(g) "Tausaga tupe" o lona uiga o le taimi e sefululua masina soso'o e amata i le aso muamua o Oketopa tausaga ta'itasi.

(l) "Teugatupe" o lona uiga o le "Teugatupe o le Ritaea Tagata Faigaluega Malo Amerika Samoa".

(m) "Tausaga-teugatupe" o lona uiga o le taimi e 12 masina soso'o e amata i le 1 Oketopa 1981 po'o isi aso 1 Oketopa e mulimuli mai.

(n) "Totino" o lona uiga so'o se tagata faigaluega e aofia i tagata o le teugatupe.

(p) "Tautua totino" o lona uiga o galuega i le aso pe ua te'a le aso taualoha o le teugatupe.

(s) "Aso ritaea masani" o lona uiga o le aso muamua o aso e atoa ai le 65 tausaga o le olaga ma le 5 tausaga tautua taulia pe atoa ai le 55 tausaga o le olaga ma le 30 tausaga tautua taulia.

(t) "Aso taualoha" o lona uiga aso 1 Ianuari 1971, o le aso sa amata ai le teugatupe.

(v) "Tautua muamua" o lona uiga o le tautua sa faia a'o le'i o'o i le aso sa amata ai le teugatupe.

(aa) "Tului masani" o lona uiga o le fua e pei ona fa'atulagaina e le komiti; pe afai, o le 5 tausaga muamua o galuega a le teugatupe, o le tului masani e 3 pasene i le tausaga, fa'aluaina i tausaga ta'itasi.

(ee) "Totogi" uiga i le aofa'iga e mauaina e se tagata faigaluega mo galuega, aofia ai alauni mo tausiga i le fua aiaia ma so'o se eseese tulaga tau teritori.

(ii) "Tautua" o lona uiga o le faigaluega moni i le malo mo se tupe po'o se totogi, po'o se tautua taulia ua saunia nei.

(oo) "To'alua" o lona uiga o le tane po'o le avā o se totino ua fa'aipoipo i le tulafono ma le totino.

(uu) "Tautua atoa" o lona uiga o le tautua muamua, tautua a le totino ma le tautua i vaegaau o le taua."

Maga 2. 7.1411 ua suia e faitauina:

"7.1411 Komiti Tausi--Tiute.

O le komiti tausua ua iai, e fa'aopoopo i isi lava tiute e tupu mai i lenei mataupu, tiute ua fa'aalia i lalo:

(1) fa'atuina ma tausua se ofisa, i fale ua saunia e le malo; i

pe afai, e ui i lea afai ua silafia e le komiti tausī e le talafeagai fale ua saunia e le malo, e mafai ona fauina ni fale lelei pe lisi e le teugatupe, mo fonotaga a le komiti ma le tausiga o tusi, teugatupe ma fa'amaumauga o le teugatupe; faia fonotaga ta'iluā i masina, ma ni fono fa'apitoa pe a iloa ua tatau; ma tausia fa'amaumauga atoa o ana galuega uma, o ia tusi e matala mo iloiloa a le lautele;

(2) fa'afaigaluega se fa'atonu pule galuega o ia e ripoti sa'o i le komiti mo le pulea o le teugatupe o le ritaea ma le ofisa teugatupe o le ritaea;

(3) saunia mo le fa'aaogaina o se faiga manuia o teugatupe ma fa'amaumauga o iai tala mae'a o mana'oga o lenei mataupu; talia fa'atulagaga tatau ma fua o inisiua fa'apitoa e fa'aaoga i galuega o le teugatupe; ma saunia mo le tu'ufa'atasiga o tala o tupe e pei ona mana'omia mo le sailiga o le tau o inisiua fa'apitoa, fuafuaga faia pea ma fa'atulagaga;

(4) saili nei tala mai totino o auai ma le malo pe a mana'omia mo le pulea tonu o galuega o le teugatupe;

(5) iloilo ma pasia talosaga uma mo tupe maua ta'itausaga, fa'aoloaga, fa'afo'i ma isi tupe totogi, ma fa'ataga tupe fa'aaoga mo ia galuega, e tusa ma aiaiga o lenei mataupu; e mafai e le komiti ona tu'uina atu lenei tiute, atoa po'o se vaega, i le fa'atonu pule galuega;

(6) talia so'o se meaalofa, foa'i, po'o se folafolaga o so'o se tupe po'o meatotino o so'o se ituaiga, mo mafuaaga ua fa'apitoina e le tagata foa'i pe afai o ia mafuaaga ua fa'amaoti e pei o le saunia o tinoitupe maua i nisi po'o totino uma po'o tupe maua tausaga ta'itasi o le teugatupe; afai e leai ni fa'asinoga fa'apena e fa'amaoti mai, o lea lava aofa'i e tu'uina i le teugatupe mai tupe maua mai tupe galue;

(7) fa'atonu teugatupe a le ritaea e su'eina i fa'aiuga o tausaga tupe ta'itasi e se kamupani su'etusi fa'amauina lautele, ma auina atu se ripoti fa'aletausaga i le Kovana ma le Fonofaitulafono e le silia i le 120 aso pe a uma ona tapunia le tausaga tupe o lo'o tusia, i le tele o isi mea, se pepa o le tupe paleni e fa'ailoa le tulaga tau tupe ma tulaga inisiua fa'apitoa o le teugatupe, se tala o tupe maua ma tupe fa'aaoga o le tausaga, se tala e fa'ailoa ai ni suiga o meatotino, mea e totogi atu ma tupe fa'aleoleo o le tausaga, se tala o tupe galue a le teugatupe, ma nisi lava tala o tupe ma tala fa'amaumau tatau mo le pulea lelei ma le fa'amatalaga o le tulaga o le teugatupe ma le mea sa maua i ana galuega; e lomia fo'i e le komiti mo le tufatufaga i totino se tala tu'ufa'atasi o ia ripoti;

(8) o le komiti po'o ona sui agava'a po'o tagata tausaga e umia, mo le teugatupe, le pule i mea uma a le teugatupe;

(9) fa'atuina ma fa'atupeina poloaiga ma tulafono galue, ia le fete'ena'i ma lenei mataupu, ua fuafua ua tatau e le komiti mo le fa'ataunu'uina o mafua'aga o lenei mataupu."

Maga 3. 7.1421 ua suia e faitauina:

"7.1421 Tagata e le agava'a avea ma totino.

O tagata faigaluega ua fa'aailoa i lalo e le agava'a mo totino o le teugatupe:

(1) se tagata o iai se tofi o lona tiute e le taga se galuega e sili i le 50 aso i le tausaga;

(2) se tagata e galue ma e totogi i se tulaga tasi le totogi;

(3) se konekalate tuto'atasi;

(4) se tagata e galue le tumau, galue i vaitausaga, galue i se taimi, galue vaega o le aso, pe galue na'o se galuega fa'apitoa;

(5) se tagata faigaluega o ia o se totino o se isi lava ritaea vagana le militeri, ma o lo'o fa'aputu tautua taulia i lona galuega, vagana ua fa'amuta lona auai i lona galuega. O lenei aiaiga e le fa'asino i tagata sa galulue muamua i le malo ua atoa lo latou sefulu tausaga o galulue ai ma auai i le teugatupe;

(6) --se-tagata-faigaluega-ua-sili-i-le-70-tausaga-e-le-olaga;

(7) (6) o se tagata faigaluega mo se taimi maoti pe fa'atulagaina; ae ui i lea, e le faitauina ai le faitauga muamua, fa'amasino, itumalo, falelima ma ali'i ofisa o nuu ma tagata faigaluega, fa'apea tagata faigaluega tautua le aloaia o le Fonofaitulafono, isi e ese mai ai tagata faigaluega konekalate ua agava'a e fai ma totino."

Maga 4. 7.1441 ua suia e faitauina:

"7.1441 Riteaea--Loto iai ma fa'amalosi--Tofi palotaina fa'auma tagata tausaga umia.

(a) Fa'aaliga. O tagata faigaluega uma e tataua ona tu'uina atu iai se fa'aaliga o lo latou agava'a i le ritaea masani po'o le ritaea vave pe a atoa tausaga e tataua ai ma le tautua taulia. i-le-60-ase-a-le-lumana'i-le-latou-ritaea-pe-loto-iai-pe-fa'amalosi--o-lenei-fa'aaliga-e-tataua-ona-auina-atu-i-le-meli-fa'amaenia-i-le-latou-tuatusi-mulimuli-sa-fa'aailoa-mai--o-le-le-maua E ui i lea, o le le maua o lea fa'aaliga e le puipuia le ritaea pe toe tolo ai le aso o le ritaea.

(e) Ritaea loto iai. So'o se totino o le teugatupe e mafai ona ritaea loto iai pe afai ua atoa lona 55 tausaga o le olaga ma ua atoa le 30 tausaga o le tautua taulia po'o ua aulia le 65 tausaga o le olaga ma le 5 tausaga o le tautua taulia. So'o se totino ua agava'a mo le ritaea i lalo o lenei soamaga e mafai ona talosaga mo le ritaea i pepa ua saunia e le komiti. O lona ritaea e amataina i le aso e fa'asinoina e ia; pe afai, o le ritaea e itiiti i lo le 30 aso pe silia i le 90 aso pe a mavae le aso sa faila ai le talosaga.

(1) -- Tu'ueseina Fa'amalosī -- (1) -- o se totino o le teugatupe e tatau ona tu'ueseina mai galuega a le malo i le 70 tausaga o le olaga. -- Pe e tu'ueseina ua agava'a le totino i le tupe maua vave ritaea tausaga ta'itasi, pe afai se galue le totino i le malo mo le 12 masina soso'o a le 1 i ritaea ma ua atoa le 5 tausaga o le tautua tauia.

(2) -- O le tu'ueseina e faia i le iuga o le masina e soso'o ma le ase fanau o le totino pe afai o lona ase fanau o le ase muamua o le masina, afai e leai ona faia lea i le iuga o le masina, pe afai o le totino ua auina ai le fa'aaliga mana'omia e le soamaga (a) i se ta'imi muamua o le ase taualea o le tu'ueseina fa'amalosī.

(3) -- O le Kevana ua fa'atagaina e fa'agafua lona mana'oga tu'ueseina pe afai se tagata maoti, i lona manatu e manuia ai mana'oga o le lautele pe a taofi se tagata faigaluega. -- O le Kevana e mafai ona tu'uina atu lenei pule i le komiti tausī o le teugatupe. -- O se fautuaga a se matagaluega o le malo mo fa'agafuaga e tatau ona auina atu i le komiti i ase e 30 muamua ae le'i o le i le ase e tu'uese e fa'amalosī ai.

(4) -- Tofi lautele. -- E le afaina ai tausaga, umi o le tautua pe o se isi aiaga o lenei mataupu, se o se tofi palotaina lautele, e aofia ai totino o le Fonofaitulafono e mafai ona tauave pea le tofi seia o le i le iuga o le tausaga umia sa filifilia ai o ia.

(u) (i) Tu'ueseina ona o le gasegase. (1) O se totino ua atoa aso o le ritaea masani po'o le ritaea vave e mafai ona ritaea le loto iai ma agava'a i le ritaea vave le fa'aitiitia tausaga ta'itasi pe afai ua iloilo e le komiti ina ua uma ona fa'amaonia e le fa'atonu o le soifua fa'apea o le soifua o se totino e le aga'i ina manuia; pe afai o le totino e le agava'a i le tupe maua tagata faigaluega mo le tulaga ua mafua ai ona tu'ueseina le loto iai.

(2) O se totino e le'i atoa aso o lona ritaea vave ma ua lafoina e ia i le teugatupe mo le 5 tausaga e mafai, ona tu'ueseina ma agava'a i le ritaea vave le fa'aitiitia pe afai ua iloilo e le komiti, ina ua uma ona fa'amaonia e le fa'atonu o le soifua, fa'apea o le soifua o le totino ua le mafai ai e ia ona faia lelei ona tiute o so'o se tofi i galuega a le malo; pe afai o le totino e le agava'a mo le tupe maua a tagata faigaluega i tulaga ua ala ai ona tu'ueseina.

(3) E tasi i tausaga ta'itasi i le ulua'i 5 tausaga pe a uma ona fa'amaonia o le ritaea ona o le ma'i i se totino i lalo o le soamaga (2) ma e tasi i tausaga tolu ta'itasi e soso'o ai, e mana'omia e le komiti le tagata ritaea e faia se suega foma'i i le nofoaga o le tagata ritaea pe o se isi mea e malilie fa'atasi iai, e se foma'i po'o ni foma'i e fa'atonuina e le komiti tausī. Afai e fa'ailoa mai e le suega foma'i fa'apea ua malosī le tagata ritaea, pe fa'apea o lo'o faia e ia pe ua mafai fo'i e ia ona galue i se galuega mo se totogi, ona fa'agata lea o tupe mai le ritaea. Ae peita'i, e leai se tulaga e taofia ai le tupe pe afai o se totino ua atoa le 65 tausaga.

Afai o le tagata ritaea ma'i ua mafai ona galue mo se totogi ma o lona totogi e itiiti i lo le tupe ritaea pe fa'apea o le totogi o iai nei e tutusa, po'o le a le mea e maualalo, e totogi pea e le komiti le ritaea i le aofa'i e tusa o le eseeseaga.

Afai so'o se totino o lo'o maua se ritaea ma'i ua musu e faia se suega a le foma'i, ona fa'amuta lea o le tupe e le komiti vagana ua gaua'i o ia, ma, afai e musu pea mo le tausaga e tasi, o aia uma o le totino i so'o se ritaea ma'i o le a aveesea e le komiti. Pe afai ua atoa le 65 tausaga o le tagata ma'i, e leai se isi suiga 3 tausaga e mana'omia.

(4) O se totino ua malosi mai le ritaea ma'i ma ua toe fo'i i galuega e avea vave ma totino galue tonu o le teugatupe na toese mai ana tupe lafo mai lona totogi ma pe a ritaea mulimuli ane o lona ritaea maua e fa'avae mai tautua taulia e aofia a'o sa ritaea a'o ma'i fa'apea fo'i aso ua toe malosi ai.

(f) (o) Ritaea vave. O se totino o le teugatupe e mafai ona ritaea vave loto iai ae maua se ritaea fa'aitiitia pe afai ua atoa lona 55 tausaga o le olaga ma ua atoa lelei tausaga o le tautua taulia.

(g) (u) Ritaea mausali. O se totino o le teugatupe ua tu'ueseaa mai galuega i le aso pe ua te'a Oketopa 1, 1984 ma ua atoa lona 10 tausaga o le tautua taulia ae ua le agava'a mo le ritaea vave e mafai ona ritaea loto iai ae fa'aitiitia le ritaea i le ulua'i aso o so'o se masina pe a uma ona atoa le 55 tausaga o le olaga pe afai e le se'i ese e le totino lana tupe lafo.

(i) (f) O se totino ritaea o lo'o maua se ritaea o le tautua ae o ia ua toe fa'afaigaluega e le malo i so'o se tualga ina ia toe avea ai o ia ma totino o le teugatupe, po'o le totogia e le malo o galuega fa'apitoa i tulaga e ese mai tagata faigaluega po'o ofisa i le umi e le itiiti i le ono masina, aofia ai fa'afouga, ma e ia te ia le aia e maua ai le totogi o lana tupe maua mai le fa'amutaina o lana galuega po'o konekalate, a'o isi aia e fa'atatau i lana tupe maua o le a taofia pea e ia."

Maga 5. '7.1442 ua suia e faitauina:

"7.1442 Tupe maua o le ritaea.

(a) O totino ta'itasi ia maua se tupe ritaea o le ritaea i tausaga ta'itasi e tusa o le 2 pasene o le tu'u fa'atasi o le totogi i le tausaga a le totino fa'atele i ona tausaga atoa galue e o'o atu i le 30 tausaga. E amata ia Oketopa 1, 1983 o le tupe maua i le tausaga mo le tautua ua fa'aopopo i tagata ritaea i pasene e tusa i tausaga kalena o le ritaea e pei ona fa'aalia i lalo:

1982	2%
1981	4%
1980	6%
1979	8%
1971-1978	10%

E amata ia Oketopa 1, 1986, o le tupe maua i tausaga ta'itasi o le tautua ua fa'aopoopo i tagata ritaea i le pasene e tusa ai ma le tausaga kalena o le ritaea e pei ona fa'aailoa i lalo:

1986	2%
1985	3%
1984	4%
Luma o le 1984	5%

E amata ia Oketopa 1, 1988, o le tupe maua i tausaga ta'itasi o le tautua ua fa'aopoopo i tagata ritaea i le pasene e tusa ai le tausaga o le ritaea e pei ona fa'aailoa i lalo:

Oketopa 1987 ia Setema 1988	2%
Oketopa 1986 ia Setema 1987	3%
Setema 1986 po'o le taimi i tala atu	4%

(e) Tupe maua o le ritaea i tausaga ta'itasi ia totogia ia aofa'i tutusa i masina ta'itasi, ia latou i se talā, e avea ma tupe maua i le olaga atoa, ma ia le fa'aopoopoina, fa'aitiitia, aveese, pe soloia vagana se mea ua sese, pe vagana ua iai se isi mea ua saunia fa'apitoa.

(i) O le ulua'i tupe totogi atu o le tupe maua tausaga ta'itasi mo le olaga atoa o se totino ritaea ia faia i le fa'atulagaga muamua mo le vaegamea o le masina e va a'i le aso o le ritaea ma le i'uga o le masina. O le tupe mulimuli e maua ia faia i le aso e oti ai.


(o) Afai e le totogi atu i se totino ritaea tupe maua i tausaga ta'itasi i lona olaga atoa, o le totino e mafai ona filifili e maua se aofa'i itiiti i lona olaga atoa a'o se vaega o lona tupe e maua pea e se tagata fa'asinoia e le totino i le taimi e ritaea ai. O le aofa'i itiiti o le tupe ua filifilia e fuafua e le komiti ona o le aofa'i o lona tupe maua i le taimi o le ritaea e tutusa ma le aofa'i o le tupe maua i le olaga atoa afai e leai e totogi atu lava e aunoa ma se filifiliga. O le filifiliga e le mafai ona fa'atagaina e le komiti vagana o le aofa'i o le ritaea o masina fuafuaina i le olaga atoa o le totino ritaea e le itiiti i le tasi le afa o le aofa'i o le tupe maua tausaga ta'itasi afai e leai e totogi atu lava e aunoa ma se filifiliga.

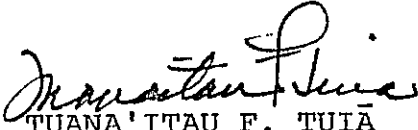
(u) Afai o se totino ua agava'a mo le ritaea vave e pei ona saunia i le 7.1441 ua ritaea, o le aofa'i o lona ritaea tausaga ta'itasi ua fuafua i le tulaga lava e pei ona fa'amatalaina, ae fa'aitiitia i le tasi-o-vaega o le tasi pasene fa'atele i le numera o masina ua mae'a i le taimi e amata i le aso o le ritaea vave ma e uma i le aso sa ulua'i agava'a ai e ritaea ona o tausaga po'o le tautua fa'aputu taulia ae le fa'aitiitia le tupe ritaea tausaga ta'itasi.

(f) Afai o se totino ua agava'a mo le ritaea manuia fa'ae'e e pei ona saunia i le Maga 7.1441 ua ritaea, o le aofa'i o le tupe maua o le ritaea tausaga ta'itasi e fuafua i le tulaga lava e pei ona fa'amatalaina, ae fa'aitiitia i le tasi-afa o le pasene e tasi fa'atele i le numera o masina ua mae'a i le taimi e amata i le aso o le ritaea, ma fa'ai'u i lona onosefulu-lima aso fanau o le totino. O le tupe maua tausaga ta'itasi ua fuafuaina, o le ritaea masani toese mai ai ritaea-vave lona tupe tipi mo le ritaea a'o le'i atoa le 65 tausaga e pei ona fuafuaina i luga, o le a totogia i le tagata ritaea po'o tagata fa'asinoia o le aiga.


(g) Pe afai e ritaea se totino pe a te'a lona 65 tausaga, o le aofa'i o lona ritaea i tausaga ta'itasi e fuafuaina e pei ona fa'amatalaina, ae ua fa'aopoopo lona sili i le tasi-vaefa o le tasi pasene fa'atele i le numera o masina ua uma i le taimi o le aso e atoa ai le onosefulu-lima tausaga ma fa'amuta i le aso o le ritaea o le totino.

(1) E le itiiti i le tasi i tausaga ta'itasi e 2 e fautua e le komiti i le Kovana, mo se tulafono taufa'aofo i le Fonofaitulafono, fa'apea o tautua ma ritaea falema'i o lo'o totogi nei i tagata ritaea ma isi tagata maua ritaea e fa'aopoopo pe leai. O nei fautuaga a le komiti e faia pe a uma ona iloilo e le komiti tulaga o iai nei, ma o i ai ma se tala o le tau o so'o se si'i fuafuaina e pei ona fa'amaonia e le su'esu'e inisiua fa'apitoa."


A. P. LUTALI
Peresetene Le Tumau,
Maota Maualuga


TUANA'ITAU F. TUIĀ
Fofoga Fetalai, Maota o Sui

Hereby Approved this 28th day of November, 1929


Governor of American Samoa