

THE THIRTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

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

AN ACT ALLOWING THE AMERICAN SAMOA GOVERNMENT TO STAFF THE AMERICAN SAMOA RETIREMENT BOARD OF DIRECTORS WITH MEMBERS WHO ARE ALSO MEMBERS OF THE RETIREMENT FUND; AMMENDING SECTION 7.1410 A.S.C.A.

Preamble:

WHEREAS, it is imperative to have a fully staffed Board of Directors for the American Samoa Retirement Office in order to conduct business; and

WHEREAS, it is incredibly important these members of the Board of Directors be fully invested in protecting the Retirement Fund and helping it to grow; and

WHEREAS, to ensure members who are fully invested in the Retirement Fund, it is essential that they are actual members of the Retirement Fund with their own retirement accounts; and

WHEREAS, members of the Board of Directors who have their own money in the fund will be absolutely motivated to do all they can to ensure the success of the retirement fund.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1410 is amended to read:

“7.1410 Board of Trustees—Term of office.

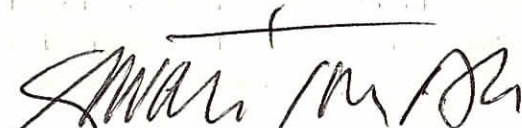
(a) The responsibility for the proper administration of the fund and the direction of its policies shall be vested in a Board of Trustees consisting of seven members as follows: at least four five (5) members appointed by the Governor, who shall be members of the Fund having at the minimum of five years of service; and ~~three~~ two (2) members appointed by the Governor who shall not be a members of the Fund but shall include among them at least two members with have experience in the private sector business community. The Governor, in consultation with the

Board will decide upon suitable candidates to fill any Board vacancy or vacancies. The Governor will choose his appointee(s) from among those individuals and send the name(s) to the Legislature for confirmation. The Board shall select its own chairman.

(b) The term of office of the members shall be 5 years except that the original appointees shall be appointed for terms of 2, 3, 4 and 5 years. Two board members, one a fund member and one not a member of the fund, shall serve the original terms of 2, 3, and 4 years. One board member, who shall be a member of the fund, shall serve for the original term of 5 years. As their terms expire, new members shall be appointed to fill vacancies and such appointments shall be made for terms of 5 years. The term of any incumbent member shall continue after its expiration except he shall be deemed resigned from the board and shall no longer serve if he, or his replacement, is not appointed and submitted by the Governor to the Legislature prior to the adjournment of any session during which the term expired, or if the term expires after adjournment of that session, then prior to the adjournment of the next session of the Legislature, regular or special. A trustee can be removed from the Board by the Governor only for breach of his fiduciary responsibilities or for just cause.”



TUAOLO MANAIA FRUEAN
President of the Senate



SAVALI TALAVOU ALE
Speaker, House of Representatives



Lemanu S. P. Mauga
Kovana
Amerika Samoa

October 14, 2021

NOFOAIGA TOLUSEFULU-FITU FONOFAITULAFONO AMERIKA SAMOA

Fono Lona Lua

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefululua o Iulai
lūa afe ma le tasi

O SE PILI MO SE TULAFONO E FAAULUTALAINA: "O SE TULAFONO E FAATAGA AI LE MALO O AMERIKA SAMOA E FA'AAOGA AI TOTINO O LE TUPE O LE LITAEA O LOO I TOTONU O LE KOMITI FAAFOE E FAI MA AUFAGALUEGA A LE KOMITI; SUIA AI LE MAGA 7.1410 T.T.A.S."

Faatomuaga:

TALUAI, e taua lava le iai o se aufaigaluega a le Komiti Faafoe i le Ofisa o le Litaea a Amerika Samoa ina ia sologalelei ai le faagasologa o pisinisi; ma

TALUAI, e taua tele le atoatoa ma le lava puipuia o le Tupe o le Litaea ma fesoasoani ai ina ia tupu ma ola le Tupe; ma

TALUAI, ina ia mautinoa totino o loo invest i atoatoa i le Tupe o le Litaea, e tatau lava ona o sui nei, o totino moni lava o le Tupe o le Litaea e tofu lava latou ma teugatupe o le litaea; ma

TALUAI, o totino o le Komiti Faafoe o loo i ai a latou lava tupe i totonu o le teugatupe lenei, o le a matua una'ia lava latou ina ia faia mea uma e tatau ona fai mo le manuia o le tupe o le litaea.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 7.1410 ua suia e faitauina faapea:

"7.1410 Komiti Faafoe Tausimavaega—Umi e galue ai.


(a) O le matafaioti mo le pulea lelei o le tupe ma le mea e agai i ai ana faigatausisia, e tatau lava ona pa'ū tonu i se Komiti Fa'afoe Tausimavaega e to'afitu ni sui e fa'apenei: ia le itiiti ifo i le to'afa to'alima (5) sui e tofia e le Kovana, o ni totino o le Tupe, ia le ititi ifo i le 5 tausaga o lana tautua; ma le to'atolu to'alua (2) e tofia e le Kovana e le o se totino o le Tupe, a ia aafia i le nofaiga lea ni sui se to'alua e i ai le tomai masani i mea tau pisinisi tua. O le Kovana, i le fesoota'i ai ma le Komiti Faafoe, o le a filifilia ai ni sui talafeagai e fa'atumu ai so'o se ayanoa po'o ni

avanoa e tulai mai. O le a filifili e le Kovana ana tagata e tofia mai ia i latou mai tagata na, ma fa'ao'o atu suafa i le Fonofaitulafono mo le fa'amaoniaina. O le Komiti Fa'afaoe lava ia e filifilia lo latou taitaifono.

(e) O le umi o le taimi e nofoia ai totino ia e 5 tausaga vagana ai i latou na mua'i tofia mo le 2, 3, 4 ma le 5 tausaga. E to'alua sui, o le tasi o se totino o le Tupe, ma le isi e le o se totino o le Tupe o le a galulue mo le 2, 3, ma le 4 tausaga. E toatasi le sui o se totino o le Tupe e galue mo le uluai 5 tausaga. A o'o ina mae'a taimi e galulue ai i latou nei, o le a tofia sui fou e fa'atumu ai avanoa na, ma o tofiga na e ta'i 5 tausaga. O le a fa'aaauu pea le taimi o se sui o lo'o i ai i tua atu o le taimi na fa'atulaga, vagana ai e i ai le manatu ua fa'amavae lea sui mai le komiti fa'afaoe ma ua le toe tautua, pe afai ua le toe tofia o ia, po'o se tasi foi e sui tulaga ia te ia ma fa'ao'o atu le tofiga e le Kovana i le Fonofaitulafono a o le'i o'o ina malolo se tauaofiaga a le Fono sa fetau ma le vaitaimi na mae'a ai lona taimi fa'atulaga, po'o le mae'a foi o le taimi fa'atulaga a ua tuua le tauaofiaga lena a le Fono, ona faia lea a o lei mae'a le isi tauaofiaga masani po'o se tauaofiaga fa'apitoa foi e soso'o ai. E mafai ona aveesea e le Kovana o se tausimavaega mai le Komiti Fa'afaoe, pe afai lava ua le fa'ataunuuina ona tiute e tusa ai, po'o se isi fo'i mafua'aga tataau."


TUAOLO MANAIA FRUEAN
Peresetene, Maota Maua-luga


SAVALI TALAVOU'ALE
Fofoga Fetalai, Maota o Sui


October 14, 2021
Lemanu S. P. Mauga
Kovana
Amerika Samoa