

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the fourteenth day of January
two thousand and eight

AN ACT EXPANDING THE DESIGNATION OF CAPITAL PROJECTS APPROVED FOR FUNDING WITH PROCEEDS OF THE AMERICAN SAMOA GOVERNMENT LOAN AUTHORIZED BY P.L. NO. 30-5; AMENDING SECTION 7.1444.5 A.S.C.A; AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to expand the designation of capital projects and provide immediate funding for certain projects that need emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 7.1444.5 is amended to read:

“7.1444.5 Loan to American Samoa Government—Renovations of Capital Improvements and Projects.

(a) In accordance with the provisions of section 7.1444(g)(3), which limits any investment in obligations or other instruments issued or guaranteed by the government to no more than seventeen and one-half percent of Fund assets at cost, the Governor, on behalf of the American Samoa Government (ASG), and the Board of Directors of the American Samoa Government Employees' Retirement Fund (ASGERF) are authorized to enter into a loan agreement whereby the ASGERF will lend and ASG will borrow an amount not to exceed \$20,000,000.

(b) The Governor is authorized to utilize the \$20,000,000 loan amount in financing the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the

Disable), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall. The Governor shall determine the application of available loan proceeds as between the various improvements set forth in this section (the "Improvements") so as to accomplish, as nearly as may be, all of such Improvements. If the Governor shall determine that it has become impractical to accomplish any of such Improvements or portions thereof for any reason, including changed conditions, lack of funding or costs substantially in excess of those estimated, the Governor shall not be required to finance all of such Improvements. Any remaining proceeds of the loan amount may be used to finance additional capital projects as approved by the Legislature.

(c) Such loan shall be general obligation of American Samoa Government and the Governor is authorized to pledge the full faith and credit of American Samoa Government to the full and prompt payment of the principal of and interest on such loan. The Governor, and/or his designee(s), are authorized to negotiate the terms of the loan, including an interest rate, repayment terms and such other terms and conditions as may be required, except that the interest rate shall be fixed at seven and one-half percent (7.5%). The Governor and the ASGERF Board are further authorized to execute all instruments and documents necessary to conclude the transaction, including promissory notes which evidence the indebtedness of ASG. The Governor is authorized to pledge the Full Faith and Credit of ASG as well as to provide collateral as required by the ASGERF Board to secure the loan.

(d) Interest and principal payments on the loan authorized in this section shall be amortized over a ten-year term and payments made quarterly.

(e) There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall.

(f) Funds shall be made available from the following sources as identified below, for repayment of the loan authorized in this section to finance the costs of

acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, and for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall:

(1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).

(2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).

(3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).

(4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5)."

Sec 2. Appropriation of revenue.

There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, Lau'ii stream realignment, Visa bridge and soil stabilization/retaining wall.

Sec 3. Source of funding.

Funds shall be made available from the following sources as identified below, for repayment of the loan authorized in this section to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive

office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, Laulii stream realignment, Visa bridge and soil stabilization/retaining wall:

(1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).

(2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).

(3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).

(4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5).

Sec 4. Sunset provision.

"7.1444.5 is hereby repealed on the date that the loan approved is fully paid and 7.1444(g)(3) shall be reenacted in the form in which it existed on the day before the effective date of this Act. Specifically, the limit on Fund assets that may be obligated and invested by ASGERF shall be restored to 10 percent."

Sec 5. Effective Date.

Due to the urgent need to expand the designation of capital projects and provide immediate funding for certain projects that need emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

Lolo M. Moliga
LOLO M. MOLIGA
President of the Senate

Savali Talavou Ale
SAVALI TALAVOU ALE
Speaker, House of Representatives

10th April 08
[Signature]
Governor of American Samoa