

**39<sup>th</sup> LEGISLATURE  
2ND REGULAR SESSION**

**S.B. NO. 39-12  
IN THE SENATE**

15 JULY 2025

INTRODUCED BY: Sen Togiola T. Tulafono, D-5

REFERRED TO COMMITTEE ON:

**SUBJECT:**

EXECUTIVE—EXECUTIVE DEPARTMENTS, BOARDS AND AGENCIES

**SUMMARY:**

This bill provides for the automatic resignation of appointed board members upon termination of employment with the American Samoa Government.

OWN VOTE			LEGISLATIVE VOTE		
YES	NO		YES	NO	DATE
<input type="checkbox"/>	<input type="checkbox"/>	1ST READING			
<input type="checkbox"/>	<input type="checkbox"/>	COMMITTEE REPORT			
<input type="checkbox"/>	<input type="checkbox"/>	2ND READING			
<input type="checkbox"/>	<input type="checkbox"/>	3RD READING			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE CALENDAR DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	RECOMMITTED			
<input type="checkbox"/>	<input type="checkbox"/>	ORDERED TO LIE			
<input type="checkbox"/>	<input type="checkbox"/>	WITHDRAWN			

1 S.B. NO. \_\_\_\_\_

2 INTRODUCED BY: \_\_\_\_\_

3  
4 A BILL FOR AN ACT ENTITLED: “AN ACT PROVIDEING FOR THE  
5 AUTOMATIC RSIGNATION OF APPOINTED BOARD MEMBERS UPON  
6 TERMINATION OF EMPLOYMENT WITH THE AMERICAN SAMOA  
7 GOVERNMENT; CREATING A SECTION 4.0345 IN TITLE 4 A.S.C.A.”

8  
9 Preamble:

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11 WHEREAS, the American Samoa Government (ASG) requires clarity and  
12 consistency in the governance of boards and commissions to ensure  
13 alignment with government policies and objectives; and

14  
15 WHEREAS, employees of the ASG are often appointed to serve on such boards as  
16 part of their duties and to contribute to public service; and

17  
18 WHEREAS, continuity and accountability in board membership are critical to  
19 maintaining the integrity and effectiveness of these bodies; and

20  
21 WHEREAS, it is in the public interest to ensure that board members maintain their  
22 affiliation with the ASG to represent government interests effectively;  
23 and

24  
25 WHEREAS, let it be resolved by the Legislature of American Samoa to enact  
26 provisions ensuring the automatic resignation of appointed board  
27 members upon the termination of their ASG employment.

1 BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

2  
3 Section 1. There is created a section 4.0345 in Title 4 A.S.C.A. which reads:

4 “4.0345 Purpose.

5 (1) This Act ensures continuity and alignment in governance by  
6 automatically deeming American Samoa Government (ASG) employees who are  
7 appointed to serve on statutorily created boards as having resigned from said boards  
8 upon leaving ASG employment.

9 (2) Definitions for purposes of this Act:

10 (a) Board: Refers to any governing, advisory, or administrative body  
11 statutorily created to which an ASG employee may be appointed by reason of their  
12 employment with the government.

13 (b) Appointed Board Member: An individual serving on a board by virtue of  
14 an appointment by the governor, whether or not they are confirmed by the  
15 Legislature.

16 (c) ASG Employment: Active employment with the American Samoa  
17 Government, either as career service, election or political appointment.

18 (3) Automatic resignation upon termination:

19 (a) Any ASG employee appointed or designated by reason of their office or  
20 position or commission to serve on any statutorily created board shall be deemed to  
21 have automatically resigned from said board upon termination of their ASG  
22 employment, whether through resignation, retirement, dismissal, or other means.

23 (b) The automatic resignation shall take effect immediately upon the  
24 termination of ASG employment without requiring further action or notification.

25 (4) Notification:

26 (a) Upon the termination of ASG employment, the Governor’s Office,  
27 working with the Human Resources Director, shall notify the respective board to  
28 confirm the former employee's automatic resignation.



NOFOA 'IGA TOLUSEFULU-IVA  
FONO TELE LONA LUA

**PMM NU. 39-12**  
**I LE MAOTA MAUALUGA**

15 IULAI, 2025

FA'AULUFALEINA E: Senatoa Togiola T.A. Tulafono, Itumalo-5

TU'UINA ATU I LE KOMITI:

**MATA'UPU:**

FAAMALOSI TULAFONO – VAEGA FA'AMALOSI TULAFONO, KOMITI FA'AFOE,  
MATAGALUEGA.

**'OTO'OTOGA:**

O lenei pili e saunia ai le otometi ona fa'amavae o sui filifilia o Komiti Fa'afoe i le  
fa'amutaina ai o latou auaunaga mai le Malō o Amerika Samoa.

LANA PALOTA MONI			PALOTAGA A FAIPULE		
IOE	LEAI		IOE	LEAI	ASO
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA MUAMUA			
<input type="checkbox"/>	<input type="checkbox"/>	RIPOTI A LE KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ALUA			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ATOLU			
<input type="checkbox"/>	<input type="checkbox"/>	SUI – VA'AI ASO I LE KALENA			
<input type="checkbox"/>	<input type="checkbox"/>	SUI – VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	SUI – VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	TU'U ATU LE ISI KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FA'ATONU E FA'ATA'ATIA			
<input type="checkbox"/>	<input type="checkbox"/>	TOE TAOFI			

1 P.M.M. NU. \_\_\_\_\_

2 FAAULUFALEINA E: \_\_\_\_\_

3  
4 O SE PILI MO SE TULAFONO UA FAAIGOAINA: “O SE TULAFONO E SAUNIA  
5 AI LE OTOMETI ONA FA’AMAVAE O SUI FILIFILIA O KOMITI FA’AFOE I LE  
6 FA’AMUTAINA AI O LATOU AUAUNAGA MA LE MALŌ O AMERIKA SAMOA,  
7 FAAVAE AI SE MAGA 4.0345 I LE ULUTALA 4 TTAS.”

8  
9 Faatomuaga:

10 TALUAI, e tatau i le Faigamalo a Amerika Samoa ona fa’amanino ma gatasi le  
11 fa’atautaiga o ana Komiti Fa’afaoe ma Komisi ina ia o gatasi ma aiaiga ma  
12 fa’amoemoega a le faigamalo; ma

13  
14 TALUAI, o tagata faigaluega a le Faigamalo o Amerika Samoa e filifilia mo nei  
15 Komiti Fa’afaoe, o se vaega o latou tiute fai e tautua ai le mamalu lautele;  
16 ma

17  
18 TALUAI, o le fa’aauauina ma le fa’atuatuaina o nei totino o Komiti Fa’afaoe e taua  
19 tele i le fa’amausalīina o le fa’amaoni ma le fa’agaioiga o nei totino; ma

20  
21 TALUAI, mo le manuia lautele o le atunu’u e tatau i totino nei o Komiti Fa’afaoe, ia  
22 fa’atumauiina o latou so’otaga ma le Faigamalo o Amerika Samoa mo le  
23 fa’atinoina o ona tiute mo le manuia lautele i se tulaga ato’atoa; ma

24  
25 TALUAI, ia fa’atulafonoina e le Fonofaitulafono o Amerika Samoa ina ia aiaia se  
26 vaega e fa’amausalī ai le otometi ona fa’amavae o totino o Komiti Fa’afaoe i  
27 le fa’amutaina o latou auaunaga mai le Faigamalo o Amerika Samoa.

1 IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

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3 Maga 1. Ua faavaeina nei se Maga 4.0345 i le Ulutala 4 TTAS e faitauina faapea.  
4 “4.0345 Mafua’aga.

5 (1) O lenei tulafono e fa’amausalī ai le fa’aauauina ma le talafeagai o aiaiga a le  
6 Faigamalo o Amerika Samoa ona fa’aotometi le fa’amaloloina o sui filifilia o Komiti  
7 Fa’afoe i luga o tulafono fa’avae, i le fa’amavae mai ai i o latou galuega i le Faigamalo o  
8 Amerika Samoa.

9 (2) Au’ili’iliina o le mafua’aga o lenei Tulafono:

10 (a) Komiti Fa’afoe: E fa’asino i so’o se vaega, totino faufautua, po’o se pulega i  
11 lalo o tulafono fa’avae o lo’o filifilia ai se tagata faigaluega a le Faigamalo o Amerika  
12 Samoa e tusa ai ma mafuaaga o lona fa’afaigaluegaina.

13 (e) Totino Filifilia o le Komiti Fa’afoe: O so’o se tasi o lo’o auauna i se Komiti  
14 Fa’afoe e tauala mai i se filifiliga a le Kovana, pe na fa’amaonia pe le’i fa’amaonia fo’i e  
15 le Fono Faitulafono.

16 (i) Tagata Faigaluega Faigamalo Amerika Samoa: So’o se tasi o lo’o faigaluega i  
17 le malo o Amerika Samoa i galuega tumau po’o filifiliga fa’apolokiti.

18 (3) Otometi le fa’amavae i le fa’amutaina:

19 (a) So’o se tagata faigaluega a le malo ua filifilia pe tofia ona o mafuaaga e ala  
20 mai i o latou ofisa, o tulaga po’o komisi e auauna i so’o se Komiti Fa’afoe i lalo o  
21 tulafono fa’avae, e tatau ona otometi le fa’amavae mai i lea Komiti Fa’afoe i le  
22 fa’amutaina o lana auaunaga, ona ua fa’amavae, ua ritaea, fa’amalolo, po’o se isi lava  
23 mafua’aga.

24 (e) O le otometi o le fa’amavae o lea totino e tatau ona fa’atinoina i le taimi lava  
25 ua fa’amutalia ai lana auaunaga mai le malo Amerika Samoa e aunoa ma se isi gaioiga  
26 po’o se isi fa’asilasilaga.

27 (4) Fa’asilasilaga:

28 (a) I le mae’a ai o le fa’amutaina o le auaunaga a lea tagata faigaluega a le malo, o  
29 le Ofisa o le Kovana, galulue faatasi ai ma le Fa’atonu o le Matagaluega o Galuega mo

1 Tagata Lautele, ia fa'ailoa i lea Komiti Fa'afoe ia fa'amaonia loa le otometi o le  
2 fa'amavaega a lea tagata faigaluega a le malo,

3 (e) E tatau ona toe fa'atumuina lea avanoa e tusa ai ma aiaiga o tulafono o loo iai  
4 poo tofiga a le Komiti Fa'afoe.”

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6 Vaega 2. Aso e taualoa ai.

7 O lenei tulafono e tatau ona taualoa mo lona fa'atinoina i le taimi e pasia ai.

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