

# **TITLE 21**

## **SPORTS AND RECREATION**



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## CHAPTER 1 SPORTS COMMISSION

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**§1-101. Purpose.** — The Legislature finds that participation in competitive sports events is fundamental to sports and youth development and is an important component of community affairs within the state. However, since the repeal of S.L. No. 2L-215-83, which established a sports council to promote and coordinate sports and related activities, there has been a significant decline in the government’s abilities to obtain and coordinate community support for the planning, organization and conduct of athletic programs within the state. The purpose of this chapter is to revitalize the government’s efforts to promote and enhance the development of sports and the conduct of sporting events for the people of Pohnpei through the establishment of a statewide entity which will draw upon the enthusiasm and expertise of the many individuals and communities within the state who are committed to attaining the best levels of athletic prowess and sportsmanship among the youth and adults of this state.

Source: S.L. No. 4L-86-98 §1, 11/18/98

**§1-102. Commission created.** — There is hereby established in and for the state of Pohnpei an entity to be known as the Pohnpei State Sports Commission (hereinafter referred to as Commission) which Commission shall exist and operate with the vision and solely for the purpose specified in §1-101. The Commission shall be attached to the Office of Social Affairs for administrative and support services, which Office shall provide office and meeting space for the Commission and shall accord the Commission reasonable use of its administrative, technical, and clerical personnel.

Source: S.L. No. 4L-86-98 §2, 11/18/98; S.L. No. 5L-14-00 §3-43, 10/1/00

**§1-103. Composition of Commission; qualifications; terms; removal.** —

(1) The Pohnpei State Sports Commission shall be composed of eleven individuals appointed by the Governor with the advice and consent of the Legislature. In making the appointments, the Governor shall consult the Chief Executive Officers of each local government to obtain their preferred candidate. Initially, the Governor shall appoint six members of the Commission to four-year terms

and five to two-year terms. Thereafter, persons appointed shall hold membership on the Commission for four-year terms, subject to reappointment, and until their successors have been appointed and qualified; PROVIDED that there shall be one appointed member from each of the eleven local jurisdictions of Pohnpei. The Administrator of the Office of Social Affairs shall be an ex-officio member of the Commission.

(2) Individuals nominated by the Governor to serve on the Commission shall be drawn from among those citizens of the local jurisdictions who, through past actions, have demonstrated a strong commitment to sporting activities, have proven themselves to be fair and impartial in the conduct and judging of competitive events, and who exhibit a strong desire to help others develop their knowledge of competitive games, their prowess in athletic skills, and their inner sense of sportsman-like conduct when participating in sporting events.

(3) Any member of the Commission may be removed for cause by the Governor.

Source: S.L. No. 4L-86-98 §3, 11/18/98; S.L. No. 5L-14-00 §3-43, 10/1/00; S.L. No. 7L-54-09 §2, 12/23/09

#### **§1-104. Commission organization. —**

(1) The Commission shall first organize at the call of the Governor within 30 days following the appointment of its eleventh member, at which meeting the Commission shall elect a president, a vice-president, and a secretary-treasurer. Thereafter, the Commission shall reorganize annually at the first regular meeting of the Commission convened each year. The Commission may select such other officers and appoint such committees and other working groups as it shall determine from time to time in accordance with its rules of procedure established pursuant to this chapter.

(2) The Commission shall hold not less than four regular meetings each year and shall convene in special meetings at such other times as the rules of procedure shall provide. Said rules shall provide for the procedures for the designation of the time and place of regular and special meetings and the notice to the members and the general public of such meetings. All meetings of the Commission shall be open for interested members of the public to attend.

(3) The Commission shall establish its own rules of procedure; PROVIDED that not less than six members of the Commission shall constitute a quorum, and not less than a majority of those present shall be required for any official action taken by the Commission.

Source: S.L. No. 4L-86-98 §4, 11/18/98; S.L. No. 7L-54-09 §3, 12/23/09

**§1-105. Duties and responsibilities of the Commission. —** The Commission's primary responsibility is to formulate rules, regulations, and policies relative to sports. The Commission shall formulate policy and organize in activities dedicated to the development, promotion and coordination of sports activities and competitive events for all of the people of Pohnpei, both young and old alike. To this end, it shall be the responsibility and duty of the Commission:

(1) To identify sporting activities and plan for competitive events that are suitable for the development of sports within the state of Pohnpei and that will support the participation and representation of Pohnpei sportsmen and women in competitive events abroad;

(2) To seek out and introduce new sports to the people of Pohnpei and to develop and expand their athletic prowess in new and existing sporting activities;

(3) To actively encourage and assist in the formation of teams, athletic groups, clubs and all other forms of sporting associations, in all forms of sports and related activities, and to act as a liaison and coordinating body between these various associations;

(4) To secure, whenever possible, the services of qualified, capable coaches, instructors, officials, and other interested persons whose experience, enthusiasm or expert services may be used for the establishment, improvement, and development of sports and related activities;

(5) To develop, construct, maintain, and manage sporting venues and infrastructure, and to encourage the development, construction, maintenance, and management by others of sporting venues and infrastructure;

(6) To develop, sponsor, and provide training in sports and related activities for athletes, officials, and administrators;

(7) To serve as the official state coordinating center for all officially sanctioned sporting events and celebrations, unless otherwise provided by law, and to plan for and organize, from time to time, both at the statewide and local levels, sporting games and exhibitions, competitive events and series, league meetings, and other related activities;

(8) To join and to encourage sporting groups to join sporting associations both within the state and in the international community;

(9) To host and participate in regional and international sporting games and competitive events which are designed to encourage the development of that sport within this state or which will exhibit the potential of this state to serve as an appropriate venue for high-profile sports that will attract media attention and international visitors to the state;

(10) To prepare and submit to the Legislature and the Governor an annual program and status report, describing the activities of the Commission for the previous year and setting forth its goals and strategies for the future; and

(11) To work closely with the National Olympic Committee (NOC) and sports association in carrying out sporting events.

Source: S.L. No. 4L-86-98 §5, 11/18/98; S.L. No. 7L-54-09 §4, 12/23/09

**§1-105A. Coordinator of Sports Programs; powers and duties. —**

(1) The Commission shall appoint a Coordinator of Sports Programs, hereinafter referred to as the “Coordinator”. The Coordinator shall be recruited, employed and compensated in the manner prescribed by the Public Service System Act as a contract employee, which employment contract shall not exceed three years, but may be renewed. The Coordinator shall be responsible for carrying out the sports programs initiated or approved by the Commission in coordination with other sports entities. Pursuant to the directions of the Commission, the Coordinator shall exercise administrative control over the operation and maintenance of all sport facilities and other real and personal property controlled by the Commission, of construction of any facilities, and of necessary work on vehicles and equipment controlled by or required to be rebuilt or repaired by the Commission.

(2) The Coordinator of Sports Programs shall have the following powers and duties:

(a) To ensure that the sports programs initiated or approved by the Commission are carried out in a fair, efficient and sportsman-like manner;

(b) To ensure that all fees and charges imposed by the Commission are charged and collected;

(c) To submit a general report to the Commission on the affairs of the Commission;

(d) To keep the Commission advised on the needs of the Commission;

(e) To approve demand for payment of obligations within the purposes and amounts authorized by the Commission;

(f) To prepare or cause to be prepared all plans and specifications for the construction and repair of facilities, vehicles, and equipment operated by the Commission;

(g) To establish and maintain a system of recording the participation of athletes and organizations in sports activities and of documenting sports statistics, inclusive of championships, awards and other notable sports records;

(h) To devote his entire working time to the business of the Commission, to plan, organize, coordinate, and control the services of Commission employees in the exercise of the powers of the Commission under the general direction of the Commission, and to contract, under the general direction and approval of the Commission, with independent contractors, as persons, organizations or Commissions, to provide services;

(i) To cause to be published, within 30 days after the end of each fiscal year, a financial and operations statement showing the result of operations for the preceding fiscal year and the

financial status of the Commission on the last day thereof, which publication shall be made in the manner provided by the Commission;

(j) To perform such other and additional duties as the Commission may require; and

(k) To be an ex-officio, non-voting member of the Commission.

Source: P.L. No. 6L-117-08 §1, 1/27/08

**§1-106. Commission finances.** — Commissioners shall be compensated for meetings at the rates established by the Government Officers' Salary Act, Title 9 Chapter 4 Subchapter I, as amended or superseded by Pohnpei law, when actually attending meetings of the Commission, except that those members who are government employees shall receive, instead, their regular salaries while performing functions of the Commission. Commissioners shall also receive travel expenses and per diem at Pohnpei Government rates when these amounts would be payable to Pohnpei Government employees in the same circumstances.

Source: S.L. No. 4L-86-98 §6, 11/18/98

**§1-107. Pohnpei Sports Development Fund. —**

(1) There is hereby established within the Pohnpei Treasury a special expenditure fund to be known as the Pohnpei Sports Development Fund, the assets of which shall be accounted for separately and apart from all other funds.

(2) Unless otherwise provided by law, all monies appropriated under the authorization of this chapter, and all other revenues earned by the Commission or received through grants, donations, and fund-raising activities shall be deposited in the Pohnpei Sports Development Fund.

(3) The Pohnpei Sports Development Fund shall be administered by the Coordinator of Sports Programs in accordance with an annual budget adopted by the Commission and approved by the Governor, and monies may be withdrawn therefrom solely for purposes consistent with the provisions of this chapter. The Coordinator shall submit an annual financial report as to all transactions and obligations made with respect to the fund in the previous fiscal year within 30 days following the close of that fiscal year.

Source: S.L. No. 4L-86-98 §7, 11/18/98; S.L. No. 5L-14-00 §3-43, 10/1/00; P.L. No. 6L-117-08 §2, 1/27/08

**§1-108. Authorization for appropriation. —**

(1) There is hereby authorized for appropriation from such funds of the Pohnpei Treasury as may be identified in the annual Comprehensive Budget Act such sum or sums as are indicated and as may be allocated in said act to provide for the financing of the operations of the Commission and to provide a subsidy for the Pohnpei Sports Development Fund established by §1-107.

(2) Monies appropriated to the operations of the Commission not expended or obligated for expenditure at the close of the fiscal year of appropriation shall revert to the Treasury fund from which appropriated.

(3) Monies appropriated to the Pohnpei Sports Development Fund shall remain available within said fund until fully expended.

(4) In the event that monies appropriated under the authorization of this section are allocated to specific projects or programs in the annual Comprehensive Budget Act, such specific uses shall be reflected in the annual budget adopted by the Commission pursuant to the provisions of §1-107.

Source: S.L. No. 4L-86-98 §8, 11/18/98; P.L. No. 6L-117-08 §3, 1/27/08

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