

ACT NO. 7659

BILL NO. 30-0418

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2014

An Act amending title 3 Virgin Islands Code, chapter 18 to establish the Virgin Islands Sports Commission and a National Sports Policy within the Department of Sports, Parks and Recreation that would be responsible for regulating sports, recreation, leisure and wellness programs in the Virgin Islands

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WHEREAS, the Legislature declares that it is the intent of this act to ensure that there is established a Virgin Islands Sports Policy for the territory to be administered by a Sports Commission under the auspices of the Department of Sports, Parks and Recreation; and

WHEREAS, it is recognized that in the Virgin Islands there is no coherent well-coordinated and well organized national sports policy and program for the development and promotion of individual and team sports, and recreational, leisure and wellness programs in the territory; and that policy in this act refers to a high-level overall plan embracing general goals and acceptable procedure to guide and determine present and future decisions regarding sports in the Virgin Islands.

WHEREAS, there is a need to establish a framework for the development of policies that define the vision, values, strategic directions and objectives that would provide guidance for the development of national sports, recreation, leisure and wellness programs; and

WHEREAS, there has been and continues to be a total absence of appropriate record management of local sports events, including the retention of official records for all organized sports and major recreational events; and

WHEREAS, there is a need for public and private-sector organizers of sport events to begin the process of developing a culture of record management, documentation and retention of all aspects of sports records which would help to preserve the history of sports and recreation in the territory for future generations; and

WHEREAS, there is no national policy that provides guidance for the administration, supervision and conduct of school sports in the Territory; and

WHEREAS, there is a need to improve the delivery of sports and recreational programs, including school sports, throughout the Territory and encourage greater participation of Virgin Islanders in sports, recreation, leisure and wellness programs as a means of enhancing intellectual, physical health and the pursuit of excellence in mind and body; and in order to establish minimum standards for sports, recreation, leisure and wellness programs, and facilities for residents and visitors there is a need to adopt territory-wide guidelines for these programs and their organizers; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 18 is amended by designating the existing provisions as subchapter I and adding subchapter II to read as follows:

“Subchapter II. The Virgin Islands Sports Commission

§311. Definitions

As used in this subchapter the following terms have the following meanings

- (1) “Commission” means the Virgin Islands Sports Commission established in section 312;
- (2) “Exercise” means a physical activity that is planned, structured, and repetitive for the purpose of conditioning any part of the body;
- (3) “Games” means an activity providing entertainment or amusement or a competitive activity or sport in which players engage in an activity;
- (4) “Leisure and recreation” means a time for off-work activity which refreshes a person’s health or spirits by relaxation and enjoyment;
- (5) “Physical Education” means instruction in the development and care of the body ranging from simple callisthenic exercises to a course of study;
- (6) “Sports” means all forms of usually competitive physical activity which, through casual or organized participation, aim to use, maintain or improve physical ability and skills while providing entertainment to participants, and, spectators alike;
- (7) “Sports for All” means sport and physical education as a fundamental right for all according to United Nations Educational, Scientific, and Cultural Organization (UNESCO).

(8) "Sports Policy" means a set of ideas or a plan of what to do in the particular area of sports. It is the official policy of the government to guide future development of sports.

(9) "Sports Tourism" means specific travel outside of the usual environment of either passive or active involvement in competitive sports where sport is the primary motivational reason for travel and the touristic or leisure element may act to reinforce the overall experience.

(10) "Sports Governance" means the manner in which governing bodies are directed, controlled and regulated, and how rights, authority, and responsibility are distributed among the participants in order to monitor performance and achieve goals.

(11) "Sports Industry" means a market in which similar or closely related products are sold to buyers. It consists of a multitude of segments: youth sports, interscholastic sport, intercollegiate sport, Olympic sport, professional sport, sport manufacturing, sport retailing, sport consulting, sports marketing, sport merchandising, facility management, sport medicine and sport economics.

§312 Established of the Virgin Islands Sports Commission

(a) There are established within the Department of Sports, Parks & Recreation the Virgin Islands Sports Commission comprised of:

- (1) the Commissioner of Sports, Parks and Recreation who serves ex-officio;
- (2) the president of the Virgin Islands Olympic Committee;
- (3) three representatives from the Virgin Islands Sports Federations, recommended by the Virgin Islands Olympic Committee, who rotate among the federations every four years; to run concurrent with Olympic quadrennial;
- (4) the Commissioner of the Department of Education, or a designated representative;
- (5) the Commissioner of the Department of Tourism, or a designated representative;
- (6) the Chief Executive Officer of the Virgin Islands Economic Development Authority, or a designated representative;
- (7) the Territorial Chair of the Virgin Islands Horse Racing Commission;
- (8) the Territorial Chair of the Virgin Islands Boxing & Wrestling Commission;
- (9) the Territorial Chair of the Virgin Islands Automobile Racing Commission; and

(10) Two individuals from the private sector appointed by the Governor.

(b) Members on the Commission shall serve staggered four-year terms with the exception of the President of the Virgin Islands Olympic Committee; Commissioners of the Virgin Islands Departments of Sports, Parks and Recreation, Education, and Tourism and the Chief Executive Officer of the Virgin Islands Economic Development Authority. The representatives of the VI Sports Federations shall serve four-year terms. The representatives from the private sector shall begin their terms as four-year terms.

§313 Powers and Duties of the Commission

The Commission shall:

- (1) Develop and enforce all laws and policies that govern sports and recreation in the Virgin Islands;
- (2) Facilitate the establishment and maintenance of a Virgin Islands Sports Hall of Fame;
- (3) Induct athletes, sports officials, and persons who are deserving of national awards into the Virgin Islands Sports Hall of Fame based on appropriate criteria established by regulations promulgated by the Commission;
- (4) Recommend to the National Hall of Fame Committee, persons who are deserving of national awards and make recommendations for the honoring of sports achievers in ways other than induction into the Hall of Fame;
- (5) Establish policies and guidelines for training and selecting Virgin Islands elite and potential elite athletes in collaboration with the Virgin Islands Olympic Committee; and national sports organizations;
- (6) Establish a Sports Tourism Policy in collaboration with the Department of Tourism, the Virgin Islands Olympic Committee and Virgin Islands National Sports Organizations;
- (7) Establish alternative dispute programs to deliberate on matters affecting non-olympic sports, recreation, leisure and wellness programs in the Territory and to advise the Government on the implementation of the National Sports Policies;
- (8) Identify locations and advise on the establishment, use, and maintenance of playing facilities in the territory;
- (9) Include activities for children, youth, adults, senior citizens, and the challenged;

- (10) Offer coaching development opportunities;
- (11) Recommend to the Government and the VI Olympic Committee areas of priority for providing funds for training and the development of personnel and athletes;
- (12) Generate and administer funds for the administration of the Sports Commission through programs and fees generated from sports tourism programs and activities;
- (13) Serve as a link between local non- Olympic sports associations/organizations, the Virgin Islands Olympic Committee, local sports federations, inter-scholastic sports and organized recreational and wellness programs;
- (14) Provide assistance to sports, recreational and other related organizations where possible; such assistance will be based on accountability and proper management systems;
- (15) Set and monitor standards to guide athletes and sports development in areas such as safety, health, conditions, etc.;
- (16) Establish and maintain all records of the activities of organized sports activities territory wide;
- (17) Serve as the custodian of all records for all organized sports and major recreational activities in the territory;
- (18) Work closely with sports organizations to help strengthen their financial management and accountability systems;
- (19) Develop as a funding source for the Commission's operation revenues collected from activities related to sports programs;
- (20) Make sports, recreation and leisure programs accessible to all;
- (21) Facilitate an environment and culture in which there will be increased participation in sports and recreational activities;
- (22) Create career opportunities in sports, recreation, leisure and wellness;
- (23) Promote a coordinated and structured program of sports, recreation and leisure that support the development of the athlete's wellbeing and elite status;
- (24) Coordinate with all sports organizations to create and disseminate a sports calendar to help prevent major sports events from being scheduled simultaneously;

(25) Ensure widespread representation and collaboration with the Territory's sporting entities;

(26) Increase professional sports opportunities for youth;

(27) Advocate for sports complexes to accommodate multiple sports and dormitory facilities in each island district;

(28) Incorporate competence, confidence, connections, character, and caring in sports activities;

(29) Create a national uniform standard and logo for Virgin Islands sports organizations;

(30) Organize elimination tournaments to select the best athletes for international competition;

(31) Create a national uniform standard and logo for Virgin Islands Sports Organization;

(32) Organize territorial tournaments to select the best athletes for international competition;

(33) Work to incorporate sports into the curriculum from elementary school to college;

(34) Adopt an anti-doping policy;

(35) Conduct robust assessment of current and future needs of sports in the Virgin Islands;

(36) maintain, enhance, and protect sports and recreational facilities;

(37) Require and validate that sports training is offered by certified or competent individuals;

(38) Facilitate the offering of clinics for coaches, recreation leaders, game officials, and Department of Sports, Parks & Recreation specialists;

(39) Offer elite summer camps and child safeguarding courses;

(40) Advocate for renovating existing sports facilities;

Seek business sponsorships for national sports representatives;

(41) advocate for free inter-national travel for National team members to train and practice together;

(42) promote opportunities for the economic development of the Territory and prosperity through sports;

(43) promote the development of public/private partnerships in the Virgin Islands and abroad among the Virgin Islands' Diaspora for funding and financial support for sports;

(44) promote healthy lifestyle and wellness for all;

(45) institute a program for the collection, management and retention of sports records;

(46) promote the participation of Virgin Islanders in international and national sports through the VI Olympic Committee, local sports organizations, Interscholastic Sports programs and community based physical and wellness activities;

(47) advocate for the enhancement and a well-coordinated development plan for sports facilities; and

(48) promote sports education and the achievement of national sport figures throughout the U.S. Virgin Islands via the media.

§314. Virgin Islands Sports Policy

(a) The Commission shall develop and publish a National Sports Policy that serves as the framework for the development, guidance and administration of sports, recreation, leisure and wellness programs in the Territory.

(b) The Commission shall administer sports policies and has oversight responsibility for the regulation and enforcement of all matters related to the implementation and management of the National Sports Policy.

(c) The Commission shall adhere to the United Nations Inter-Agency Task Force on Sport for Development and Peace that adopted the following definition of Sport:

“All forms of physical activities that contribute to physical fitness, intellectual and economic well-being; as well as social interaction, such as play, recreation, organized or competitive sport, indigenous sport and games.”

(d) The Commission shall adhere to the United Nations Inter-Agency Task Force on Sport for Development adoption of the following policy: “Sport for Development and Peace: Towards Achieving the Millennium Development Goals, outlines the universal appeal and unique attributes of sport and reflects on the important and diverse role it plays in virtually every society.”

§ 315. Strategic plan

The Commission shall establish from its inception a five or ten-year strategic master plan with a vision statement, mission statement, and policy objectives. Until the Commission adopts a new vision and mission statement and policy objectives, the following vision statement, mission statement, and policy objectives are in effect:

(1) Vision Statement: To create a Virgin Islands society in which the residents participate in sports, recreation and leisure activities for all while building relationships with individuals inside and outside of their communities and enhancing individual personal wellbeing.

(2) Mission Statement: The Mission of the National Sports Policy Statement is to provide guidance for the development of the Virgin Islands into a leading sports country in the region and the rest of the world.

(3) Policy Objectives: This national sports policy is intended to serve as a vehicle to a new era in the development and administration of sports, recreation and leisure events that would improve the sports performance of individuals locally and internationally and the physical wellbeing of Virgin Islanders.

§316. The Commission's Goals

The Major goals of the Commissions are to:

- (1) Improve programming to ensure that sports are accessible, equitable and inclusive to meet the needs and interests of all participants, including individuals with special needs.
- (2) Increase participation in competitive, recreational and leisure sports and activities.
- (3) Increase students' participation and graduation rates.
- (4) Increase appreciation for the cultural values of the Virgin Islands, the values of fair play, ethical practices, including a commitment to dope-free sports and leadership among all participants.
- (5) Increase enhanced health, wellness and prosperity for all.
- (6) Implement a program for the collection, management and retention of sports records in the Territory.
- (7) Support the development of a program for the advancement of national and international athletes;
- (8) Support the development of a program for coaching and officiating education.

§317. Mandatory programs

The following programs must be included as part of the programming of the Commission and may be reviewed for continuation at a later date.

- (1) Physical Education and Interscholastic Sports in Educational Institutions in the Virgin Islands.
- (2) Sports Tourism.
- (3) Sports for All.
- (4) Private Sector Sponsorship and Investment Sports, Recreation and Leisure activities.
- (5) Print, Broadcast and Electronic Media in Promoting Sports, Recreation and Leisure activities.
- (6) Sports Culture and the Environment.
- (7) Health and Wellness for All.
- (8) Drug Free Sports Environment.
- (9) Virgin Islands Archives and the Collection and Retention of Sports Information.

§318. Financial accountability

(a) The Commission shall institute a system of financial accountability and expenditures for the development of sports and recreation in the Territory.

(b) The Commission shall:

- (1) assume a leadership role in identifying and seeking financial support for sports and recreation programs from the federal government, the Virgin Islands Government, the public and private sector;
- (2) collaborate with the Department of Sports, Parks and Recreation and the Virgin Islands Olympic Committee to administer the allocation of financial resources for sports in the Virgin Islands;
- (3) collaborate with sports organizations and coordinate their plans to undertake fund-raising programs; and

- (4) Assist in identifying sports that have high potential as viable economic opportunities for the territory.

§319 Training and development

(a) The Commission shall ensure that a Training and Development program is established for the enhancement of Virgin Islanders to pursue higher goals in sports, education, recreation and wellness.

(b) The Commission shall endeavor to adequately improve the standard of sports and efficiency in implementing programs, training and development opportunities which must be provided to sports practitioners. To attain these ideals, the Commission shall give attention to development of human resources and to the following:

- (1) establishment of a program for the provision of technical support for approved national sporting bodies on an agreed criterion;

- (2) Providing scholarships for sports persons to allow for exposure at a higher level of performance and to encourage professional development through education;

- (3) Maintaining and administering in the Territory a comprehensive health insurance program for sports organizations' personnel, athletes and other technical personnel; and

- (4) Compensation of athletes who win medals for the Virgin Islands.

(c) Training for officials to enhance their capacity to officiate and administer sporting activities;

(d) Acquiring and developing resource material such as manuals, coaching kits and electronic aids, which will assist in improving knowledge and advancing the technical skills of sport persons; and

(e) Exposing national sport representatives to specialized personal development activities which will assist in their overall development.

§320. The Commission shall encourage the wider coverage and promotion of sports activities and shall undertake to advocate for:

- (1) Increase in the publicity and exposure to sporting activities that highlight the endeavor of our sports persons and to stimulate public support and participation;

- (2) Assurance that all media houses play an active role in promoting sports as a healthy lifestyle and encourage the participation of all;

(3) National sport organizations and affiliates to undertake marketing and promotional activities aimed at increasing and sustaining spectator attendance at sporting activities;

(4) Educational activities to be developed to instruct the general public about the rules and skills of different sporting disciplines;

(5) Media houses to record sporting events and develop structured sports programs; and

(6) Media houses to pay due regard to the rights of the sporting bodies for their events.

§321 Sporting activities within the school system

(a) The Commission shall promote its recognition that it is a fundamental objective of the Virgin Islands Education System to nurture an enquiring mind in a fit body and the future emergence of sports elite will depend on the development of a structured approach to sports in the primary, secondary and university levels of education. The Virgin Islands National Sports Policy must therefore seek to ensure that:

(1) Sports are included as an integral part of the school curriculum and that a teaching manual be designed for physical education in schools, public and private;

(2) Sports are promoted as a viable career opportunity;

(3) All schools establish a structured sporting program which incorporates every student unless medically certified;

(4) Physical education is taught at all levels of the education system; and

(5) Every physical education teacher is duly certified.

(b) The Virgin Islands Sports Commission shall encourage the wider coverage and promotion of sports activities and shall undertake to advocate for:

(1) increase in the publicity and exposure to sporting activities that highlight the endeavor of our sports persons and to stimulate public support and participation;

(2) National sport organizations and affiliates to undertake marketing and promotional activities aimed at increasing and sustaining spectator attendance at sporting activities;

(3) Educational activities to be developed to instruct the general public about the rules and skills of different sporting disciplines; and

(4) Media houses to be encouraged to record sporting events and develop structured sports programs.

§322 Long term goals

The Commission shall advocate for high standards and safety, and improved performance as part of a National Sports Policy. The Sports Policy must seek to ensure that:

(a) Facilities of an acceptable standard are established to allow for the development of a range of sports disciplines;

(b) A proper system of management is established for the management and maintenance of sporting facilities;

(c) Government ensures the availability of recreational space at schools, communities and housing developments; and

(d) A special package of incentives is provided to the private sector for the establishment of sporting infrastructure.

§323. Promoting sports within the private sector.

(a) The Commission shall promote a supportive atmosphere that inspires and facilitates the emergence of elite performers. The Commission shall encourage greater recognition to sports personalities and administrators by Government, national sporting bodies and affiliates, the private sector and community organizations.

(b) The Commission shall work towards national representatives and teams to have free access to all facilities to prepare for approved international competitions;

(c) Special consideration must be given to outstanding national sports representatives to assist in securing employment and other benefits;

(d) All departments, agencies and instrumentalities of the Government of the Virgin Islands shall cooperate with the Commission in implementing the Virgin Islands Sports Policy.

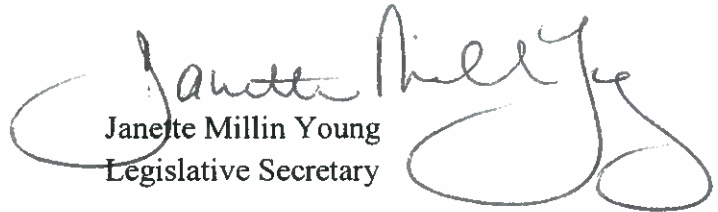
§324. If there is a conflict between this subchapter and other law, this subchapter controls.

Thus passed by the Legislature of the Virgin Islands on September 25, 2014.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 25th Day of September, A.D., 2014.



Shawn-Michael Malone
President



Janette Millin Young
Legislative Secretary



Bill No. 30-0418 is hereby approved.

Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 13th day of October
A.D., 2014.



John P. de Jongh, Jr.
Governor