

Eighteenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2013

H. B. 18- ///

A BILL FOR AN ACT

To establish the Northern Marianas Sports Association as a private not for profit corporation and provide for its powers and duties.

BE IT ENACTED BY THE EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Short title.** This act may be cited as the "Northern Marianas
2 Sports Act of 2013."

3 **Section 2. Statement of purpose.** The Legislature finds that a strong and
4 independent national sports organization is essential to the promotion and
5 development of sports in the Commonwealth. The existing legislation
6 establishing the Northern Marianas Amateur Sports Association, 5 CMC §9501 et
7 seq., was enacted in 1985, and no longer meets the needs of the sporting
8 community in the Commonwealth. This act repeals the existing law, and re-
9 establishes our national sporting organization as the Northern Marianas Sports
10 Association, NMSA, a private non-profit corporation. The act is modeled on
11 United States law establishing the United States Olympic Committee.

1 **Section 3. Enactment.** The following is hereby enacted:

2 **“Section 101. Establishment of the Northern Marianas Sports**
3 **Association.**

4 (a) The Northern Marianas Sports Association is hereby
5 established and chartered as a private not for profit corporation. If
6 and when the corporation is recognized by and affiliated to the
7 International Olympic Committee, the corporation may change its
8 name to the Northern Marianas Sports Association and National
9 Olympic Committee.

10 (b) The corporation is not a government corporation or an agency
11 or instrumentality of the Government Commonwealth.

12 (c) The corporation shall be managed by a board of directors
13 consisting of eight members. The method of selecting directors
14 and change in the number of directors shall be established by the
15 bylaws of the corporation.

16 (d) The corporation shall have perpetual existence.

17 **Section 102. Definitions.** For purposes of this act:

18 (a) "Athlete" means an athlete who meets the eligibility standards
19 established by the national federation or paralympic sports
20 organization for the sport in which the athlete competes.

21 (b) "Athletic Competition" means a contest, game, meet, match,
22 tournament, regatta, or other event in which athletes compete, other

1 than one not organized by a sports association, as defined in
2 paragraph 3 of this subsection (b).

3 (c) "Sports organization" means a not-for-profit corporation,
4 association, or other group organized in the Commonwealth that
5 sponsors or arranges an athletic competition.

6 (d) "Corporation" means the Northern Marianas Sports
7 Association.

8 (e) "International Athletic Competition" means an athletic
9 competition between one or more athletes representing the
10 Commonwealth, individually or as a team, and one or more
11 athletes representing a foreign country, territory, or political
12 subdivision thereof.

13 (f) "National Federation" means a sports organization that is
14 recognized by the corporation under section 13 of this act.

15 (g) "Paralympic Sports Organization" means a sports organization
16 which is recognized by the corporation under section 13 of this act.

17 (h) "Sanction" means a certificate of approval issued by a national
18 federation.

19 (i) "Commonwealth" means Commonwealth of the Northern
20 Mariana Islands.

21 **Section 103. Purposes.** The purposes of the corporation are:

- 1 (a) To establish Commonwealth-wide goals for athletic activities
2 and encourage the attainment of those goals;
- 3 (b) To coordinate and develop athletic activity in the
4 Commonwealth, directly related to international athletic
5 competition, to foster productive working relationships among
6 sports-related organizations;
- 7 (c) To exercise exclusive jurisdiction, directly or through
8 constituent members or committees, over:
- 9 (1) All matters pertaining to Commonwealth participation
10 in the Olympic Games, the Paralympic Games, the
11 Universiades, the Pacific Games (including the Pacific
12 Mini-Games), and the Micronesian Games, including
13 representation of the Commonwealth in such games; and
- 14 (2) The organization of the Pacific Games (including the
15 Pacific Mini-Games), the Micronesian Games, and other
16 international multi-sport competitions when held in the
17 Commonwealth;
- 18 (d) To obtain for the Commonwealth, directly or by delegation to
19 the appropriate national federation, the most competent
20 representation possible in each event of the Olympic Games, the
21 Paralympic Games, the Universiades, the Pacific Games (including

- 1 the Pacific Mini-Games), the Micronesian Games, and other
2 international multi-sport competitions;
- 3 (e) To promote and support athletic activities involving the
4 Northern Mariana Islands and foreign nations, territories, and
5 political subdivisions thereof;
- 6 (f) To promote and encourage physical fitness and public
7 participation in athletic activities;
- 8 (g) To assist organizations and persons concerned with sports in
9 the development of athletic programs for athletes;
- 10 (h) To provide swift resolution of conflicts and disputes involving
11 athletes, national federations, and sports organizations, and protect
12 the opportunity of any athlete, coach, trainer, manager,
13 administrator, or official to participate in athletic competition;
- 14 (i) To foster the development of athletic facilities for use by
15 athletes and assist in making existing athletic facilities available for
16 use by athletes;
- 17 (j) To provide and coordinate technical information on physical
18 training, equipment design, coaching, and performance analysis;
- 19 (k) To encourage and support research, development, and
20 dissemination of information in the areas of sports medicine and
21 sports safety;

1 (l) To encourage and provide assistance to athletic activities for
2 women;

3 (m) To encourage and provide assistance to athletic programs and
4 competition for athletes with disabilities, including, where feasible,
5 the expansion of opportunities for meaningful participation by such
6 athletes in programs of athletic competition for able-bodied
7 athletes;

8 (n) To encourage and provide assistance to athletes of racial and
9 ethnic minorities for the purpose of eliciting the participation of
10 those minorities in athletic activities in which they are
11 underrepresented; and

12 (o) To operate and manage the Gilbert C. Ada Gymnasium and
13 adjoining sports facilities (collectively known as the Oleai Sports
14 Complex), and such other sports facilities as the corporation may
15 be designated to manage.

16 **Section 104. Membership.**

17 (a) Eligibility. Eligibility for membership in the corporation is to
18 be provided in the bylaws of the corporation.

19 (b) Required provisions for representation. In its bylaws, the
20 corporation shall establish and maintain provisions with respect to
21 its governance and the conduct of its affairs for reasonable
22 representation of:

- 1 (1) Sports organizations recognized as national federations
2 and paralympic sports organizations in accordance with
3 section 111 of this act;
- 4 (2) athletes who are actively engaged in athletic
5 competition or who have represented the Commonwealth in
6 international athletic competition within the preceding 10
7 years; and
- 8 (3) Individuals not affiliated or associated with any sports
9 organization who, in the corporation's judgment, represent
10 the interests of the public in the activities of the
11 corporation.

12 **Section 105. Powers.**

- 13 (a) Bylaws. The board of directors of the corporation shall adopt
14 such bylaws as are deemed necessary for the corporation to
15 exercise its powers and purpose.
- 16 (b) General corporate powers. The corporation may:
- 17 (1) Adopt and alter a corporate seal;
- 18 (2) Establish and maintain offices to conduct the affairs of
19 the corporation;
- 20 (3) Make contracts;
- 21 (4) Accept gifts, legacies, devises, and government
22 appropriations, in furtherance of its corporate purposes;

1 (5) Acquire, own, lease, encumber, and transfer property as
2 necessary to carry out the purposes of the corporation,
3 except to the extent prohibited by the Commonwealth
4 Constitution;

5 (6) Borrow money, issue instruments of indebtedness, and
6 secure its obligations by granting security interests in its
7 property;

8 (7) Publish a magazine, newspaper, and other publications
9 consistent with its corporate purposes;

10 (8) Approve and revoke membership in the corporation;

11 (9) Sue and be sued, except that neither this paragraph nor
12 any other provision of this act shall create a private right of
13 action under this act;

14 (10) exercise any and all other powers which corporations
15 organized not for profit may have and exercise, and which
16 are not expressly prohibited to it; and

17 (11) Do any other act necessary and proper to carry out the
18 purposes of the corporation.

19 (c) Powers related to athletics and international competition. The
20 corporation may--

1 (1) Serve as the coordinating body for athletic activity in
2 the Commonwealth directly related to international athletic
3 competition;

4 (2) Represent the Commonwealth in relations with the
5 International Olympic Committee, the International
6 University Sports Federation (FISU), the Pacific Games
7 Council, the Micronesian Games Council, and other bodies
8 which organize and conduct international multi-sport
9 athletic competitions, and as its national Paralympic
10 committee in relations with the International Paralympic
11 Committee. If and when the Commonwealth is recognized
12 by the International Olympic Committee, the corporation
13 shall be the National Olympic Committee of the
14 Commonwealth;

15 (3) Organize, finance, and control the representation of the
16 Commonwealth in the competitions and events of the
17 Olympic Games, the Paralympic Games, the Universiades,
18 the Pacific Games (including the Pacific Mini-Games), the
19 Micronesian Games, and other international multi-sport
20 competitions, and obtain, directly or by delegation to the
21 appropriate national federation, representation for those
22 games;

1 (4) Recognize eligible sports organizations as national
2 federations for any sport that is included on the program of
3 any international athletic competition in which the
4 Commonwealth participates or may participate, or as
5 paralympic sports organizations for any sport that is
6 included on the program of the Paralympic Games;

7 (5) facilitate, through orderly and effective administrative
8 procedures, the resolution of conflicts or disputes that
9 involve any of its members and any athlete, coach, trainer,
10 manager, administrator, official, national federation, or
11 sports organization and that arise in connection with their
12 eligibility for and participation in any international athletic
13 competition; and

14 (6) Provide financial assistance to any organization or
15 association, except a corporation organized for profit, in
16 furtherance of the purposes of the corporation.

17 (d) Specific powers and responsibilities. The corporation:

18 (1) Shall operate, maintain, and regulate the usage of the
19 sports facilities and fields within the Oleai Sports Complex;

20 (2) May levy reasonable fees for the use of sports facilities
21 and fields within the Oleai Sports Complex and other
22 facilities under its operation and control;

- 1 (3) Shall have exclusive rights to award vending and
- 2 advertising rights at the Oleai Sports Complex, subject to
- 3 any restrictions on such rights as may be set forth in the
- 4 memorandum described in paragraph (1) of this subsection
- 5 (d);
- 6 (4) Shall receive, hold, and expend funds and property
- 7 necessary or appropriate to accomplish the purposes of the
- 8 corporation; and
- 9 (5) May operate a public lottery, as defined in Section 9301
- 10 of Title 1 of the Commonwealth Code.

11 **Section 106. Exclusive right to name, seals, emblems, and badges.**

12 (a) Exclusive right of corporation. Except as provided in

13 subsection (d) of this section, the corporation has the exclusive

14 right to use--

- 15 (1) The name "Northern Marianas Sports Association";
- 16 (2) if and when recognized by the International Olympic
- 17 Committee, the symbol of the International Olympic
- 18 Committee, consisting of 5 interlocking rings, and the
- 19 words "Olympic", "Olympiad", and "Citius Altius Fortius",
- 20 or any combination of those words; provided, that use of
- 21 the word "Olympic" to identify a business or goods or
- 22 services is permitted by this section where such use is not

1 combined with any of the intellectual properties referenced
2 in this section;

3 (3) The symbol of the International Paralympic Committee,
4 consisting of 3 TaiGeuks, and the words "Paralympic",
5 "Paralympiad", or any combination of those words;

6 (4) The symbol of the International University Sports
7 Federation (FISU);

8 (5) The symbol of the Pacific Games Council;

9 (6) The symbol of the Micronesian Games Council; and

10 (7) Any emblem of the corporation.

11 (b) Contributors and suppliers. The corporation may authorize
12 contributors and suppliers of goods or services to use names,
13 symbols, words, and/or emblems, or any combination thereof, to
14 advertise that the contributions, goods, or services were donated or
15 supplied to, or approved, selected, or used by, the corporation, any
16 team representing the Northern Mariana Islands in international
17 athletic competitions, or team members.

18 (c) Civil action for unauthorized use. The corporation shall have
19 the right to enforce the rights provided for in subsection (a) by an
20 appropriate civil action against any person, seeking injunctive,
21 monetary, or other relief, if the person, without the consent of the
22 corporation, uses for the purpose of trade, to induce the sale of any

1 goods or services, or to promote any theatrical exhibition, athletic
2 performance, or competition, the names, symbols, words, and/or
3 emblems, or any combination thereof.

4 **Section 107. Restrictions.**

5 (a) Profit and stock. The corporation may not engage in
6 business for profit or issue stock. Members of the corporation
7 shall not have an ownership interest in the corporation.

8 (b) Political activities. The corporation shall be nonpolitical and
9 may not promote the candidacy of an individual seeking public
10 office.

11 **Section 108. Headquarters, principal office, and meetings.** The
12 corporation shall maintain its principal office and national headquarters in
13 a place in the Commonwealth decided by the corporation. The corporation
14 may hold its annual and special meetings in the places decided by the
15 corporation.

16 **Section 109. Resolution of disputes.** The corporation shall establish and
17 maintain provisions in its bylaws for the swift and equitable resolution of
18 disputes involving any of its members and relating to the opportunity of an
19 athlete, coach, trainer, manager, administrator, or official to participate in
20 any international athletic competition. In any lawsuit relating to the
21 resolution of a dispute involving the opportunity of an athlete to
22 participate in such competitions, a court shall not grant injunctive relief

1 against the corporation within 21 days before the beginning of such
2 competition if the corporation has provided a sworn statement in writing
3 executed by an officer of the corporation to such court that its bylaws
4 cannot provide for the resolution of such dispute prior to the beginning of
5 such games.

6 **Section 110. Report.**

7 (a) Submission to Governor and Legislature. The corporation shall,
8 on or before the first day of June, 2014, and every fourth year
9 thereafter, transmit simultaneously to the Governor and to each
10 House of the Legislature a detailed report of its operations for the
11 preceding 4 years, including--

- 12 (1) A complete statement of its receipts and expenditures;
- 13 (2) A comprehensive description of the activities and
14 accomplishments of the corporation during such 4-year
15 period;
- 16 (3) Data concerning the participation of women, disabled
17 individuals, and racial and ethnic minorities in the amateur
18 athletic activities and administration of the corporation and
19 national governing bodies; and
- 20 (4) A description of the steps taken to encourage the
21 participation of women, disabled individuals, and racial
22 minorities in amateur athletic activities.

1 (b) Availability to public. The corporation shall make copies of the
2 report available to interested persons at a reasonable cost.

3 **Section 111. Recognition of amateur sports organizations as national**
4 **federations.**

5 (a) General authority. For any sport which is included on the
6 program of any international athletic competition in which the
7 Commonwealth participates, the corporation is authorized to
8 recognize as a national federation or as a paralympic sports
9 organization (in the case of a sport on the program of the
10 Paralympic Games for which a national governing body has not
11 been designated) a sports organization which files an application
12 and is eligible for such recognition in accordance with the
13 provisions of subsection (a) or (b) of section 112. The corporation
14 may recognize only one national governing body for each sport for
15 which an application is made and approved, except as provided in
16 section 112(b) with respect to a Paralympics sports organization.

17 (b) Recommendation to international sports federation.
18 Following the recognition of an organization as a national
19 federation, the corporation shall recommend and support in any
20 appropriate manner the national federation to the appropriate
21 international sports federation as the representative of the
22 Commonwealth for that sport.

1 (c) Review of recognition. The corporation may review all
2 matters related to the continued recognition of an organization as a
3 national federation and may take action it considers appropriate,
4 including placing conditions on the continued recognition.

5 **Section 112. Eligibility requirements.**

6 (a) General. A sports organization is eligible to be recognized, or to
7 continue to be recognized, as a national federation only if it--

8 (1) Is incorporated under the laws of the Commonwealth as
9 a not-for-profit corporation having as its purpose the
10 advancement of athletic competition;

11 (2) Has the managerial and financial capability to plan and
12 execute its obligations;

13 (3) Submits--

14 (A) An application, in the form required by the
15 corporation, for recognition as a national federation;

16 (B) A copy of its corporate charter, articles, and
17 bylaws; and

18 (C) Any additional information considered
19 necessary or appropriate by the corporation;

20 (4) Demonstrates that it is autonomous in the governance of
21 its sport, in that it--

1 (A) Independently decides and controls all matters
2 central to governance;

3 (B) Does not delegate decision-making and control
4 of matters central to governance; and

5 (C) Is free from outside restraint;

6 (5) Demonstrates that it is a member of no more than one
7 international sports federation that governs a sport included
8 on the program of an international athletic competition in
9 which the Commonwealth participates;

10 (6) Demonstrates that its membership is open to any
11 individual who is an athlete, coach, trainer, manager,
12 administrator, or official active in the sport for which
13 recognition is sought, or any sports organization that
14 conducts programs in the sport for which recognition is
15 sought, or both;

16 (7) Provides an equal opportunity to athletes, coaches,
17 trainers, managers, administrators, and officials to
18 participate in athletic competition, without discrimination
19 on the basis of race, color, religion, sex, age, or national
20 origin, and with fair notice and opportunity for a hearing to
21 any athlete, coach, trainer, manager, administrator, or

1 official before declaring the individual ineligible to
2 participate;

3 (8) Is governed by a board of directors or other governing
4 board whose members are selected without regard to race,
5 color, religion, national origin, or sex, except that, in sports
6 where there are separate male and female programs, it
7 provides for reasonable representation of both males and
8 females on the board of directors or other governing board;

9 (9) Provides for reasonable direct representation on its
10 board of directors or other governing board for any sports
11 organization that--

12 (A) conducts a national program or regular national
13 athletic competition in the applicable sport on a
14 level of proficiency appropriate for the selection of
15 athletes to represent the Commonwealth in
16 international athletic competition; and

17 (B) Ensures that the representation reflects the
18 nature, scope, quality, and strength of the programs
19 and competitions of the sports organization in
20 relation to all other programs and competitions in
21 the sport in the Commonwealth;

1 (10) Provides procedures for the prompt and equitable
2 resolution of grievances of its members;

3 (11) Demonstrates, if the organization is seeking to be
4 recognized as a national federation, that it is prepared to
5 meet the obligations imposed on a national governing body
6 under sections 114 and 115 of this act.

7 (b) Recognition of Paralympics sports organizations. For any sport
8 which is included on the program of the Paralympic Games, the
9 corporation is authorized to designate, where feasible and when
10 such designation would serve the best interest of the sport, and
11 with the approval of the affected national federation, a national
12 governing body recognized under subsection (a) to govern such
13 sport. Where such designation is not feasible or would not serve
14 the best interest of the sport, the corporation is authorized to
15 recognize another amateur sports organization as a paralympic
16 sports organization to govern such sport, except that,
17 notwithstanding the other requirements of this act, any such
18 paralympic sports organization--

19 (1) Shall comply only with those requirements, perform
20 those duties, and have those powers that the corporation, in
21 its sole discretion, determines are appropriate to meet the
22 objects and purposes of this act; and

1 (2) May, with the approval of the corporation, govern more
2 than one sport included on the program of the Paralympic
3 Games.

4 **Section 113. Authority of national federations.**

5 (a) Authority. For the sport that it governs, a national federation
6 may--

7 (1) Represent the Commonwealth in the appropriate
8 international sports federation;

9 (2) Establish national goals and encourage the attainment of
10 those goals;

11 (3) Serve as the coordinating body for athletic activity in
12 the Commonwealth;

13 (4) Exercise jurisdiction over international athletic
14 activities and sanction international athletic competition
15 held in the Commonwealth and sanction the sponsorship of
16 international athletic competitions held outside the
17 Northern Mariana Islands;

18 (5) Conduct athletic competition, including national
19 championships, and international athletic competition in the
20 Commonwealth, and establish procedures for determining
21 eligibility standards for participation in competition;

1 (6) Recommend to the corporation individuals and teams to
2 represent the Commonwealth in the Olympic Games, the
3 Paralympic Games, the Universiades, the Pacific Games
4 (including the Pacific Mini-Games), the Micronesian
5 Games, and other international multi-sport competitions;
6 and

7 (7) Designate individuals and teams to represent the
8 Commonwealth in international athletic competition (other
9 than the Olympic Games, the Paralympic Games, the
10 Universiades, the Pacific Games (including the Pacific
11 Mini-Games) and the Micronesian Games) and certify, in
12 accordance with applicable international rules, the
13 eligibility of those individuals and teams.

14 (b) Replacement of national federation. A national
15 governing body may not exercise any authority
16 under subsection (a) of this section for a particular
17 sport after another sports organization has been
18 declared entitled to replace that national federation
19 as the member of the corporation for that sport.

20 **Section 114. General duties of national federations.**

- 1 (a) Develop interest and participation throughout the
2 Commonwealth and be responsible to the persons and sports
3 organizations it represents;
- 4 (b) Minimize, through coordination with other sports
5 organizations, conflicts in the scheduling of all practices and
6 competitions;
- 7 (c) Keep athletes informed of policy matters and reasonably reflect
8 the views of the athletes in its policy decisions;
- 9 (d) Disseminate and distribute to athletes, coaches, trainers,
10 managers, administrators, and officials in a timely manner the
11 applicable rules and any changes to such rules of the national
12 federation, the corporation, the appropriate international sports
13 federation, the International Olympic Committee, the International
14 Paralympic Committee, the International University Sports
15 Federation, the Pacific Games Council, the Micronesian Games
16 Council, and any other international multi-sport organization with
17 which it is affiliated or in whose competitions the Northern
18 Mariana islands participates;
- 19 (e) Allow an athlete to compete in any international athletic
20 competition conducted by any sports organization or person, unless
21 the national governing body establishes that its denial is based on
22 evidence that the organization or person conducting the

1 competition does not meet the requirements stated in section 17 of
2 this act;

3 (f) Provide equitable support and encouragement for participation
4 by women where separate programs for male and female athletes
5 are conducted;

6 (g) Encourage and support sports programs for individuals with
7 disabilities and the participation of individuals with disabilities in
8 athletic activity, including, where feasible, the expansion of
9 opportunities for meaningful participation by individuals with
10 disabilities in programs of athletic competition for able-bodied
11 individuals;

12 (h) Provide and coordinate technical information on physical
13 training, equipment design, coaching, and performance analysis;
14 and

15 (i) Encourage and support research, development, and
16 dissemination of information in the areas of sports medicine and
17 sports safety.

18 **Section 115. Granting sanctions for amateur athletic competitions.**

19 (a) Prompt review and decision. For the sport that it governs, a
20 national federation promptly shall--

21 (1) review a request by a sports organization or person for a
22 sanction to hold an international athletic competition in the

1 Commonwealth or to sponsor Commonwealth athletes to
2 compete in international athletic competition outside the
3 Commonwealth; and

4 (2) Grant the sanction if--

5 (A) The national federation does not decide by clear
6 and convincing evidence that holding or sponsoring
7 an international amateur athletic competition would
8 be detrimental to the best interest of the sport; and

9 (B) The requirements of subsection (b) of this
10 section are met.

11 (b) Requirements. A sports organization or person may be granted
12 a sanction under this section only if the organization or person
13 meets the following requirements:

14 (1) The organization or person must pay the national
15 federation any required sanctioning fee, if the fee is
16 reasonable and nondiscriminatory.

17 (2) For a sanction to hold an international athletic
18 competition in the Commonwealth, the organization or
19 person must, on request of the national federation--

20 (A) Submit to the national federation an audited or
21 notarized financial report of similar events, if any,
22 conducted by the organization or person; and

1 (B) Demonstrate that the requirements of paragraph
2 (4) of this subsection have been met.

3 (3) For a sanction to sponsor Commonwealth athletes to
4 compete in international athletic competition outside the
5 Commonwealth, the organization or person must--

6 (A) Submit a report of the most recent trip to a
7 foreign country, if any, that the organization or
8 person sponsored for the purpose of having
9 Commonwealth amateur athletes compete in
10 international athletic competition; and

11 (B) Submit a letter from the appropriate entity that
12 will hold the international athletic competition
13 certifying that the requirements of paragraph (4) of
14 this subsection have been met.

15 (4) The requirements referred to in paragraphs (2) and (3)
16 of this subsection are that--

17 (A) Appropriate measures have been taken to
18 protect the amateur status of amateur athletes who
19 will take part in the competition and to protect their
20 eligibility to compete in amateur athletic
21 competition;

- 1 (B) Appropriate provision has been made for
2 validation of any records established during the
3 competition;
- 4 (C) Due regard has been given to any international
5 athletic requirements specifically applicable to the
6 competition;
- 7 (D) The competition will be conducted by qualified
8 officials;
- 9 (E) Proper medical supervision will be provided for
10 athletes who will participate in the competition; and
- 11 (F) Proper safety precautions have been taken to
12 protect the personal welfare of the athletes and
13 spectators at the competition.

14 **Section 116. Restricted athletic competitions.**

- 15 (a) Exclusive jurisdiction. A sports organization that conducts
16 amateur athletic competition shall have exclusive jurisdiction
17 over that competition if participation is restricted to a specific
18 class of athletes, such as high school students, college students,
19 or similar groups or categories.
- 20 (b) Sanctions for international competition. A sports
21 organization under subsection (a) of this section shall obtain a

1 sanction from the appropriate national governing body if the
2 organization wishes to--

3 (1) Conduct international athletic competition in the
4 Commonwealth; or

5 (2) Sponsor international athletic competition to be held
6 outside the Commonwealth.

7 **Section 117. Complaints against national federations.**

8 (a) General.

9 (1) A sports organization or person that belongs to or is
10 eligible to belong to a national federation may seek to
11 compel the national federation to comply with sections 112,
12 114, and 115 of this act by filing a written complaint with
13 the corporation. A copy of the complaint shall be served on
14 the national governing body.

15 (2) The corporation shall establish procedures for the filing
16 and disposition of complaints under this section. Such
17 procedures shall provide for notice to and the opportunity
18 to be heard by all affected parties.

19 (b) Disposition of complaint.

20 (1) If the corporation decides that the national federation is
21 complying with sections 112, 114, and 115 of this act, it
22 shall so notify the complainant and the national federation.

1 (2) If the corporation decides that the national federation is
2 not complying with sections 112, 114, and 115 of this act, it
3 shall—

4 (A) Place the national federation on probation for a
5 specified period of time, not to exceed 180 days,
6 which the corporation considers necessary to enable
7 the national federation to comply with those
8 sections; or

9 (B) Revoke the recognition of the national
10 federation.

11 (3) If the corporation places a national federation on
12 probation under paragraph (2) of this subsection, it may
13 extend the probationary period if the national federation has
14 proven by clear and convincing evidence that, through no
15 fault of its own, it needs additional time to comply with
16 sections 112, 114, and 115 of this act. If, at the end of the
17 period allowed by the corporation, the national federation
18 has not complied with those sections, the corporation shall
19 revoke the recognition of the national federation.

20 **Section 118. Applications to replace an incumbent national**
21 **federation.**

1 (a) General. A sports organization may seek to replace an
2 incumbent as the national federation for a particular sport by filing
3 a written application for recognition with the corporation.

4 (b) Establishment of procedures. The corporation shall
5 establish procedures for the filing and disposition of applications
6 under this section. If two or more organizations file applications
7 for the same sport, the applications shall be considered in a single
8 proceeding. Such procedures shall provide for notice to and the
9 opportunity to be heard by all affected parties.

10 (c) Standards for granting applications. The applicant must
11 establish by a preponderance of the evidence that--

12 (1) It meets the criteria for recognition as a national
13 governing body under section 112 of this act; and

14 (A) The national federation does not meet the
15 criteria of section 112, 114, or 115 of this act; or

16 (B) The applicant more adequately meets the
17 criteria of section 112 of this act, is capable of more
18 adequately meeting the criteria of sections 114 and
19 115 of this act, and provides or is capable of
20 providing a more effective program of competition
21 than the national federation in the sport for which it
22 seeks recognition.

- 1 (d) Disposition of applications. The corporation shall--
- 2 (1) Uphold the right of the national federation to continue
- 3 as the national federation for its sport;
- 4 (2) Revoke the recognition of the national federation and
- 5 declare a vacancy in the national federation for that sport;
- 6 (3) Revoke the recognition of the national federation and
- 7 recognize the applicant as the national federation; or
- 8 (4) Place the national federation on probation for a period
- 9 not exceeding 180 days, pending the compliance of the
- 10 national federation, if the national federation would have
- 11 retained recognition except for a minor deficiency in one of
- 12 the requirements of section 112, 114, or 115 of this act and
- 13 notify such national federation of such probation and of the
- 14 actions needed to comply with such requirements.
- 15 (e) Revocation of recognition after probation. If the national
- 16 federation does not comply with sections 112, 114, and 115 of this
- 17 act within the probationary period prescribed under subsection
- 18 (d)(4) of this section, the corporation shall revoke the recognition
- 19 of the national federation and either--
- 20 (1) Recognize the applicant as the national federation; or
- 21 (2) Declare a vacancy in the national federation for that
- 22 sport.”

1 **Section 4. Amendments and repealers.**

2 (a) The authority of the Division of Sports and Recreation,
3 established by Section 308(a) of Executive Order 94-3, is
4 superseded to the extent that it conflicts with the authority granted
5 to the corporation under this act.

6 (b) Section 308(b) of Executive Order 94-3 is repealed.

7 (c) Chapter 5, comprising Sections 9501 through 9509, of Division
8 9 of Title 1 of the Commonwealth Code, is hereby repealed in its
9 entirety.

10 (d) There is hereby added a new Clause 8 to Section 1205(c) of
11 Title 4 of the Commonwealth Code, to read as follows:

12 (8) “The Northern Marianas Sports Association.:

13 (e) Chapter 13, Article 6, Sections 2702(f), of Division 2 of Title 1
14 of the Commonwealth Code, is hereby amended as follows:

15 “(f) Recreational facility means all public sports and recreational
16 facilities and outdoor sports and recreational fields and areas
17 except for the Gilbert C. Ada Gymnasium and adjoining sports
18 facilities which shall be under the sole management and control
19 of the Northern Marianas ~~Amateur~~ Sports Association, a private
20 non-profit corporation.”

21 **Section 5. Transitional provisions.**

1 (a) The Secretary of the Department of Community and Cultural Affairs
2 may transfer unobligated appropriations for the Division of Sports and
3 Recreation to the corporation, for expenditure by the corporation. The
4 corporation may expend such appropriations for its general purposes
5 without restriction.

6 (b) All property used by the Northern Marianas Amateur Sports
7 Association shall be transferred to the Northern Marianas Sports
8 Association.

9 (c) The initial board of directors of the Corporation shall be:

10 Michael A. White

11 Gilbert Birnbrich

12 Rose L. Igitol

13 Ed Salas

14 Jesus Wabol

15 Antonio I. Rogolifo

16 Jordon Kosam

17 Emelinda Cabrera

18 **Section 6. Severability.** If any provisions of this Act or the application of
19 any such provision to any person or circumstance should be held invalid by a
20 court of competent jurisdiction, the remainder of this Act or the application of its
21 provisions to persons or circumstances other than those to which it is held invalid
22 shall not be affected thereby.

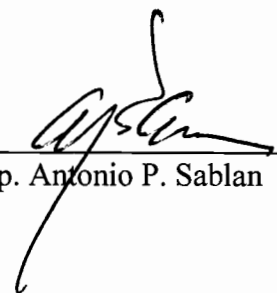
1 **Section 7. Savings Clause.** This Act and any repealer contained herein
2 shall not be construed as affecting any existing right acquired under contract or
3 acquired under statutes repealed or under any rule, regulation, or order adopted
4 under the statutes. Repealers contained in this Act shall not affect any proceeding
5 instituted under or pursuant to prior law. The enactment of the Act shall not have
6 the effect of terminating, or in any way modifying, any liability, civil or criminal,
7 which shall already be in existence on the date this Act becomes effective.

8 **Section 8. Effective Date.** This Act shall take effect upon its approval by
9 the Governor, or its becoming law without such approval.

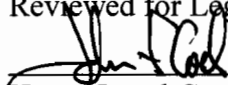
Prefiled: 8/13/13

Date: 8.8.13

Introduced By:


Rep. Antonio P. Sablan

Reviewed for Legal Sufficiency by:


House Legal Counsel