

Chapter 02

DEPARTMENT OF PARKS AND RECREATION

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18.0201 Definitions.

As used in this title:

- (a) “Commission” means the parks and recreation commission.
- (b) “Department” means the department of parks and recreation.
- (c) “Director” means the director of parks and recreation and the head of the department.
- (d) “Government” means the government of American Samoa.
- (e) “Governor” shall mean the Governor of American Samoa or the person who exercises the power of Acting Governor.
- (f) “Legislature” means the Legislature of American Samoa.
- (g) “Parks system” means the American Samoa parks system.
- (h) “Person” includes the plural and includes the individuals, partnerships, corporations, matais of families, and other legal entities.
- (i) “Territory” means the Territory of American Samoa.

History:1980, PL 16-55 § 2.

18.0202 Department of parks and recreation.

There is created within the executive branch of the government a department of parks and recreation. The head of that department is a director appointed by the Governor and confirmed by the Legislature in accordance with 4.0112.

History:1980, PL 16-55 § 2.

18.0203 Director—Powers and duties.

The director has the following powers and duties:

- (1) manage, develop, control and maintain the park system;
- (2) initiate, promote, equip and supervise recreational programs in areas within the park system;
- (3) submit an annual report on the operations of the park system and recreational

programs by the department for each fiscal year to the Governor and Legislature not later than 1 December;

- (4) administer the department through organizational units which he may establish;
- (5) prescribe the duties of assistants, deputies, attendants and other persons employed in the department;
- (6) manage the budget of the department;
- (7) attend, ex officio, all meetings of the commission; and
- (8) establish rules in accordance with the Administrative Procedure Act, 4.1001 et seq, to accomplish the purposes of this act.

History:1980, PL 16-55 § 2.

18.0204 American Samoa parks system-Classification-Mapping.

(a) There is created the American Samoa parks system. The department shall inventory all properties belonging to the government and with the Governor's approval determine which properties are included in the park system. The department keeps a list of all areas in the park system according to classification, with correct and accurate descriptions, and provides the Legislature with a current copy of the list.

(b) The department classifies, and may subsequently reclassify, each area within the park system in one of the following categories:

- (1) "natural preserves" which are to remain unimproved;
- (2) "conservation preserves" which may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features;
- (3) "territorial parks" or "community parks" which may be improved for the purpose of providing public recreational facilities in a manner consistent with the preservations and enhancement of the natural features;
- (4) "territorial recreation facilities" or "community recreation facilities" which may be improved for the purpose of providing public recreation facilities; and
- (5) "historical and prehistoric objects and sites" which are administered in accordance with federal guidelines as set by the Department of the Interior.

(c) The territorial surveyor provides the department with maps of record, and any new maps which may be needed, for all property within the park system not later than one year after each request by the department.

History:1980, PL 16-55 § 2.

18.0205 Seashore reserve.

All land including underwater land, and water areas of the Territory of American Samoa extending from the mean high water line seaward to 10 fathoms is included within the park system and be administered by the director in accordance with 1 8.0204.

History:1980, PL 16-55 § 2.

18.0206 Parks fund—Revenues from concessions and uses—Donations.

(a) There is established, separate and apart from any other fund of the government, a parks fund for the development and improvement of the parks system. The fund is managed by the department. Financial statements on the fund for each fiscal year are included in the department's annual report to the Governor and Legislature.

(b) The department may grant permits and charge fees to individuals or groups to establish concessions on or otherwise use any part of the parks system. The fees from the permits shall be deposited in the parks fund. Any person or group granted a permit must be bonded in an amount necessary, in the department's judgment, to insure that damage to the system caused by that person or group, including littering, can be rectified.

(c) Money or the proceeds of any property donated, granted or bequeathed for the benefit of the parks system are deposited in the parks fund; provided, that, money or property donated, granted, or bequeathed for specific purposes is held in trust and may only be used for those purposes.

History: 1980, PL 16-55 § 2.

18.0207 Voluntary improvements.

The department may grant permits to any individuals or group to improve, without expense to the government, any part of the park system.

History: 1980, PL 16-55 § 2.

18.0208 Damage to—Driving or parking on property.

(a) A person may not injure or damage property within the parks system; or remove, destroy, or deface a tree, shrub, plant, or other attraction on or in that property. A violation of this subsection is punishable as a class B misdemeanor.

(b) A person may not drive a vehicle on a part of an area designated under 18.0204 as territorial parks or community parks, or territorial recreation facilities or community recreation facilities, or public beaches. A violation of this subsection is punishable as a class B misdemeanor.

(c) A person may not park a vehicle on a part of an area designated under 18.0204 as territorial parks or community parks, or territorial recreation facilities or community recreation facilities, or public beaches. A violation of this subsection is punishable as a class C misdemeanor.

History: 1980, PL 16-55 § 2; and 1981, PL 17-14 § 1.

18.0209 Recreational use of school facilities.

The department may, with the consent and cooperation of the department of education, initiate, promote, and supervise recreational programs on properties and in facilities under the control of the department of education.

History: 1980 PL 16-55 § 2.

18.0210 Transfer of offices and employees.

The Governor is authorized to transfer to the department the employees of existing agencies or the Government, engaged in performing functions that come within the purposes of the department and the entire or any part of the budget related to those functions transferred.

History: 1980, PL 16-55 § 2.

18.0211 Federal assistance programs—Department’s powers and duties.

(a) The department is authorized with respect to federal assistance programs, to prepare, maintain and keep up-to-date, a comprehensive plan for the development, use and conservation of outdoor recreation resources of the Territory, to develop, operate and maintain outdoor recreation areas and facilities of the Territory, and to oversee acquisition land, waters and interests in land and waters for such areas and facilities. The Legislature must be provided with a copy of the plan and any modifications that are from time to time made to it.

(b) With the approval of the Governor, the department may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States the reports and information as may be reasonably necessary to enable those officials and agencies to perform their duties under those programs.

(c) The department, with the approval of the Governor, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds on behalf of the Territory.

(d) In connection with obtaining for the Territory the benefits of any such program, the department shall coordinate its activities with, and represent the interest of, all agencies of the territory having interests in the planning, development and maintenance of outdoor recreation resources and facilities within the Territory.

History: 1965, PL 9-6; and 1980, PL 16-55 § 3.

Amendment: Changed “board” to “department” throughout; added “with respect to federal assistance programs” and “use and conservation”; changed “acquire” to “oversee acquisition”; and added last sentence to subsection (a).

18.0212 Funds.

Federal assistance projects may be undertaken by the department only after it has determined that sufficient funds are available to it for meeting the Territory’s share of project costs.

History: 1965, PL 9-6; and 1980, PL 16-55 § 4.

Amendment: Changed “board” to “department”.

18.0213 Maintenance of areas for outdoor recreation purposes.

It is the legislative intent that, to the extent as may be necessary to assure the proper

operation and maintenance of areas and facilities acquired or developed under any program participated in by this the Territory under authority of this title, these areas and facilities shall be publicly maintained for outdoor recreation purposes.

History: 1965, PL9-6; and 1980, PL 16-55 § 4.

Amendment: Changed “chapter” to “title” and “pursuant to” to “under”.