



**GOVERNMENT OF KOSRAE**

**Office of the Governor**

**Post Office Box 158**

Kosrae, Federated States of Micronesia 96944

Telephone: 691-370-3002/3003..Facsimile: 691-370-3162

October 08, 2014

The Honorable Gibson T. Siba  
Speaker  
Tenth Kosrae State Legislature  
Tofol, Kosrae FM 96944

Dear Mr. Speaker.

Pain kom a kulo nu sin God ke moul mwo lasr.

Nga sim in tukakin la L.B. No. 10-222 el inge masap se lun State su orala Kosrae State Law No. 10-135, su sifwa u fwak ouinge:

"TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTION 13.516 THEREOF, TO MAKE CONTROLLED FACILITY OR CONTROLLED AREA AN EXCEPTION TO THE ESTABLISHMENT OF A BAR NEARBY A RESIDENCE OR PUBLIC ROAD; AND FOR OTHER PURPOSES."

Certified copy ke Masap se inge pa attached nuke letter luk.

Kulo ma lulap.



Lyndon H. Jackson  
Governor

/mct



SEP 23 2014

TENTH KOSRAE STATE LEGISLATURE

P. O. Box 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177 \* Fax: 370-2177

Web Page: [www.kosraelegislature.org](http://www.kosraelegislature.org)

Gibson T. Siba  
SPEAKER

September 16, 2014

Palikun M. Shrew  
VICE SPEAKER

Robert I. Taulung  
FLOOR LEADER

The Honorable Lyndon H. Jackson  
Governor  
State of Kosrae  
Kosrae, FM 96944



LELU

Bob H. Skilling  
Chang B. William  
Gibson T. Siba  
Reedson P. Abraham  
Tulensa W. Palik

Dear Governor Jackson:

TAFUNSAK

Alokoa J. Sigrah  
Maker L. Palsis  
Robert I. Taulung  
Rolner L. Joe

I have the honor to transmit herewith for your consideration and action **L. B. NO. 10-222, TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTION 13.516 THEREOF, TO MAKE CONTROLLED FACILITY OR CONTROLLED AREA AN EXCEPTION TO THE ESTABLISHMENT OF A BAR NEARBY A RESIDENCE OR PUBLIC ROAD; AND FOR OTHER PURPOSES.;** which passed the Legislature, Eighth Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

MALEM

Jarinson M. Charley  
Jefferson M. Timothy  
Palikun M. Shrew

Respectfully yours,

UTWA

Josaiah F. Waguk  
Rinson H. Edmond

Posie K. Elley  
Chief Clerk  
Tenth Kosrae State Legislature

Enclosures

**TENTH KOSRAE STATE LEGISLATURE  
EIGHTH REGULAR SESSION  
AUGUST 11, 2014 – SEPTEMBER 13, 2014**

---

**A BILL FOR AN ACT**

**TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTION 13.516 THEREOF, TO MAKE CONTROLLED FACILITY OR CONTROLLED AREA AN EXCEPTION TO THE ESTABLISHMENT OF A BAR NEARBY A RESIDENCE OR PUBLIC ROAD; AND FOR OTHER PURPOSES.**

---

**INTRODUCED** Senator

Tulensa W. Palik +1

**DATE:** June 18, 2014

---

**ACTION BY THE LEGISLATURE**

**PASSED FIRST READING:** September 10, 2014

**REFERRING TO:** **Committee on J&GO**  
**SCR. No, 10-299 – A – 09/10/14**

**PASSED SECOND READING:** September 11, 2014

---



Tosie K. Elley  
Chief Clerk

KOSRAE STATE LEGISLATURE

TENTH KOSRAE STATE LEGISLATURE  
P. O. Box 187  
Tofol, Kosrae State  
Federated States of Micronesia 96944  
Telephone: (691) 370-3019/3177 \* Fax: 370-2177  
Web Page: [www.kosraelegislature.org](http://www.kosraelegislature.org)

LEGISLATIVE BILL NO. 10-222

Gibson T. Siba  
SPEAKER

Palikun M. Shrew  
VICE SPEAKER

Robert I. Taulung  
FLOOR LEADER

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Eighth Regular Session, 2014, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.

LELU

Bob H. Skilling  
Chang B. William  
Gibson T. Siba  
Reedson P. Abraham  
Tulensa W. Palik

TAFUNSAK

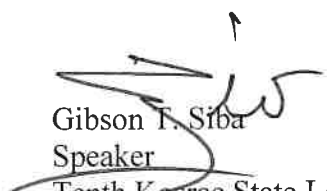
Alokoa J. Sigras  
Maker L. Palsis  
Robert I. Taulung  
Rolner L. Joe

MALEM

Jarinson M. Charley  
Jefferson M. Timothy  
Palikun M. Shrew

UTWA

Josaiah F. Waguk  
Rinson H. Edmond



Gibson T. Siba  
Speaker

Tenth Kosrae State Legislature



Tosie K. Elley  
Chief Clerk

Tenth Kosrae State Legislature

---

---

A BILL FOR AN ACT

To amend Title 13 of the Kosrae State Code, by amending Section 13.516 thereof, to make controlled facility or controlled area an exception to the establishment of a bar nearby a residence or public road; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1           Section 1. Section 13.516(9) of Title 13 of the Kosrae State Code is hereby amended to

2 read:

3           “Section 13.516. Unauthorized selling of alcoholic drink. Unauthorized selling of

4 alcoholic drink is any of the following acts:

5                   (1) Selling alcoholic drink without possessing and displaying conspicuously

6 at the place of sale a license authorizing that specific sale activity;

7                   (2) Selling alcoholic drink by wholesale sales at a time other than between

8 0800 hours and 2200 hours Monday through Saturday;

9                   (3) Selling alcoholic drink by retail sales to a person who has not displayed

10 a valid identification card;

11                   (4) Selling alcoholic drink by retail sales at a time other than between 0800

12 hours and 2200 hours Monday through Saturday;

13                   (5) Selling alcoholic drink by retail sales within 100 feet of a school,

14 church, municipal office building or hospital;

15                   (6) Being the holder of a retail sale license and permitting consumption of

16 the alcoholic drink sold on the property upon which stands the commercial facility where the

17 retail sale occurs;

1                   (7) Selling alcoholic drink by bar sales to a person who has not displayed a  
2 valid identification card;

3                   (8) Selling alcoholic drink by bar sales at a time other than between 1300  
4 hours and 2400 hours Monday through Saturday;

5                   (9) Selling alcoholic drink by bar sales from a facility located within 2,000  
6 feet of a school, church, municipal office building or hospital or 200 feet from the residence of  
7 another or 100 feet from a road, provided however that the distance requirement for residence  
8 and from the road may be waived if the bar facility is one that is determined by the Chief Police  
9 or the Attorney General to be controlled facility or controlled area. A controlled facility or area  
10 means a bar or a commercial facility providing entertainment such as music, dancing, and selling  
11 of alcoholic drinks as part of refreshments that meets the following requirement:

12                   a     The facility must be soundproof that music played therein is not  
13 perceived outside the facility to constitute a source of nuisance;

14                   b     There must be at least two security guards or officer during  
15 operating hours of the facility;

16                   c     The facility must adopt and enforce a proactive approach in  
17 obtaining the cooperation of its customers by:

18                   i.    alerting them from driving under the influence of alcohol;

19                   ii.   refusing to serve drinks to intoxicated patrons;

20                   iii.   providing appropriate signage; and

1                   iv. affixing a code of conduct at exit to:

2                               1. request the cooperation of persons, in particular, to  
3 prevent making noise as far as practicable while leaving the premises; and

4                               2. patrons to avoid grouping in the streets outside the  
5 premises and the parking areas.

6                   d. Ascertain that the activities of the bar shall not cause any form of  
7 nuisance to the surrounding neighborhood by way of noise, vibration, and ensure that its patrons  
8 do not indulge in anti-social, rowdy behavior and vandalism.

9                               (10) Being the holder of a bar sales license and permitting a person to bring  
10 into or take out of the bar an alcoholic drink or permitting consumption of an alcoholic drink  
11 outside the bar and on the property upon which stands the bar;

12                              (11) Selling alcoholic drink by restaurant sales to a person who has not  
13 displayed a valid identification card and is not a seated diner at a restaurant ordering alcoholic  
14 drinks as part of a meal.

15                              (12) Being the holder of any type of alcoholic sale license and employing in  
16 connection with such sale a minor;

17                              (13) Being the holder of a restaurant license and permitting the consumption  
18 of alcoholic drink in any place other than a designated dining area; or

19                              (14) Selling or consuming alcoholic drink on the day of an election to State  
20 government office until one hour after the polls have closed;

1 (15) Selling alcoholic drink on Gospel Day or the day on which it is  
2 celebrated pursuant to Section 22.501(3), or December 25.

3 Unauthorized selling of alcoholic drink is a category one misdemeanor.

4 Section 2. Effective Date. This act shall become law upon approval by the Governor or  
5 upon its becoming law without such approval.

6  
7 PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 11<sup>TH</sup> DAY OF  
8 SEPTEMBER, 2014.

9  
10  
11   
12 Gibson T. Siba  
13 Speaker, Tenth Kosrae State Legislature

14  
15 Attested by:   
16 Chief Clerk

17  
18  
19  
20 Lyndon H. Jackson  
Governor, State of Kosrae

Date: \_\_\_\_\_



