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 fwap 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 luku.

Kulo ma luluap.

Lyndon H. Jackson
Governor

/mct
September 2014

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

Dear Governor Jackson:

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.

Respectfully yours,

[Signature]

Rosie K. Ellee
Chief Clerk
Tenth Kosrae State Legislature

Enclosures
LEGISLATIVE BILL NO. 10-222

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

[Signature]
Tosie K. Elley
Chief Clerk
KOSRAE STATE LEGISLATURE
TENTH KOSRAE STATE LEGISLATURE
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Jarinson M. Charley
Jefferson M. Timothy
Palikun M. Shrew

UTWA
Josaiah F. Waguk
Rinson H. Edmond

LEGISLATIVE BILL NO. 10-222

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.

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

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

“Section 13.516. Unauthorized selling of alcoholic drink. Unauthorized selling of alcoholic drink is any of the following acts:

1. Selling alcoholic drink without possessing and displaying conspicuously at the place of sale a license authorizing that specific sale activity;

2. Selling alcoholic drink by wholesale sales at a time other than between 0800 hours and 2200 hours Monday through Saturday;

3. Selling alcoholic drink by retail sales to a person who has not displayed a valid identification card;

4. Selling alcoholic drink by retail sales at a time other than between 0800 hours and 2200 hours Monday through Saturday;

5. Selling alcoholic drink by retail sales within 100 feet of a school, church, municipal office building or hospital;

6. Being the holder of a retail sale license and permitting consumption of the alcoholic drink sold on the property upon which stands the commercial facility where the retail sale occurs;
(7) Selling alcoholic drink by bar sales to a person who has not displayed a valid identification card;

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

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

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

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

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

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

      ii. refusing to serve drinks to intoxicated patrons;

      iii. providing appropriate signage; and
iv. affixing a code of conduct at exit to:

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

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

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

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

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

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

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

(14) Selling or consuming alcoholic drink on the day of an election to State government office until one hour after the polls have closed;
(15) Selling alcoholic drink on Gospel Day or the day on which it is celebrated pursuant to Section 22.501(3), or December 25.

Unauthorized selling of alcoholic drink is a category one misdemeanor.

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

PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 11\textsuperscript{TH} DAY OF SEPTEMBER, 2014.

Gibson T. Sika
Speaker, Tenth Kosrae State Legislature

Attested by: Chief Clerk

Lyndon H. Jackson
Governor, State of Kosrae

Date: _____________________