December 31, 2014

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

Dear Mr. Speaker:

Pain kom a kulo nu sin God ke moul lasr a ke ma puspus kut pulakin El akinsewowyel kut ka.

Nga engan in tafu nu sum la nga insese a sain L.B. No. 10-251 L.D.1 nuke pusren masap su oral Kosrae State Law No. 10-157 su title u fwak oinge:

“To further amend Section 13.516(9) of Title 13 of the Kosrae State Code, as amended by S.L. Nos. 8-22 nd 10-135, to improve restrictions requirements for controlled facilities nd to reduce the distance limitation for establishment of a controlled facility proximate to school and church buildings; and for other purposes”

Copy ke masap se inge pa nga supaot wi letter luk nu sum.

Kulo ma kulap.

Lyndon H. Jackson
Governor, Kosrae State
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

December 6, 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. 10-251, L.D. 1, TO FURTHER AMEND SECTION 13.516(9) OF TITLE 13 OF THE KOSRAE STATE CODE, AS AMENDED BY S. L. NOS. 8-22 AND 10-135, TO IMPROVE RESTRICTIONS FOR CONTROLLED FACILITIES AND TO REDUCE THE DISTANCE LIMITATION FOR ESTABLISHMENT OF A CONTROLLED FACILITY PROXIMATE TO SCHOOL AND CHURCH BUILDINGS; AND FOR OTHER PURPOSES.; which passed the Legislature, Twenty First Special Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yours,

[Signature]

Yosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

Enclosures
A BILL FOR AN ACT

TO FURTHER AMEND SECTION 13.516(9) OF TITLE 13 OF THE KOSRAE STATE CODE, AS AMENDED BY S. L. NOS. 8-22 AND 10-135, TO IMPROVE RESTRICTIONS REQUIREMENTS FOR CONTROLLED FACILITIES AND TO REDUCE THE DISTANCE LIMITATION FOR ESTABLISHMENT OF A CONTROLLED FACILITY PROXIMATE TO SCHOOL AND CHURCH BUILDINGS; AND FOR OTHER PURPOSES.

INTRODUCED Senator Tulensa W. Palik

DATE: December 11, 2014

ACTION BY THE LEGISLATURE

PASSED FIRST READING: December 11, 2014

REFERRING TO:

PASSED SECOND READING: December 15, 2014

[Signature]
Josie K. Elley
Chief Clerk
KOSRAE STATE LEGISLATURE
LEGISLATIVE BILL NO. 10-251, L.D. 1

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Twenty First Special 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 further amend Section 13.516(9) of Title 13 of the Kosrae State Code, as amended by S. L. Nos. 8-22 and 10-135, to improve restrictions requirements for controlled facilities and to reduce the distance limitation for establishment of a controlled facility proximate to school and church buildings; 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, as amended by S. L. Nos. 8-22 and 10-135 is hereby further to read as follows:

"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 a bar facility is one that is determined by the Chief of Police or Attorney General to be a controlled facility or controlled area. A controlled or area means a bar or a commercial facility providing entertainment such as music, dancing, and selling of alcoholic drinks, as part of refreshment, that meets the following requirements;

(a) The facility must be soundproof that music therein not perceived or pass through outside the facility to constitute a source of nuisance;

(b) There must be at least two security guards, hired by the owner of the controlled facility or the bar, to work during operating hours of the controlled facility;

(c) The owner of the bar or controlled facility must adopt and enforce a proactive approach in;

(i) alerting customers from driving under the influence of alcohol;

(ii) refusing to serve drinks to intoxicated or drunk and disorderly customer;
(iii) providing appropriate code of conduct signage; and

(iv) prevent customer from:

1. making noise while leaving the premises; and

2. drinking and grouping in the streets, outside the premises and the parking areas.

(d) The owner or manager of the controlled must ascertain that the activities of the bar shall not cause any form of nuisance to the surrounding neighbourhood by way of noise, vibration, and ensure that customers do not indulge in anti-social, rowdy behavior and vandalism;

(e) The controlled facility must be located at least 1,000 feet from school or a church building,

(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 it’s becoming law without such approval.

PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 15TH DAY OF
DECEMBER, 2014.

Gibson T. Siba
Speaker, Tenth Kosrae State Legislature

Attested by:
Chief Clerk
Lyndon H. Jackson
Governor, State of Kosrae

Date: 12-31-14