



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 26, 2017

The Honorable Tulensa W. Palik
Speaker
Eleventh Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker:

Kulo nu sin God ke moul lasr. Paing kom a Honorable Members ke Sroasr Masap kewa.

Wangin pa pusra yok lasr nuka sripa lun L.B. 11-54, L.D.2, Oinge nga fulela bill se inge sun len ak 30 la, suc el inge putatyang nuke sie pusren Masap su orala Kosrae State Law No. 11-121.

"TO AMEND TITLE 12 AND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING CHAPTER 14 OF TITLE 12 AND SECTIONS 13.516 AND 13.517 OF TITLE 13, AS AMENDED, TO ESTABLISH THE REQUIREMENT OF A DRINKING PERMIT FOR ALCOHOLIC DRINKS, A FEE FOR ITS ISSUANCE AND PENALTY OF INFRACTION OF SUCH REQUIREMENT; AND FOR OTHER PURPOSES."

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

Kulo ma lulap.

Lyndon H. Jackson
Governor, State of Kosrae

*KSI Recd
Oct 28, 2017
@ 2:28 PM
KST*



ELEVENTH KOSRAE STATE LEGISLATURE

P.O. BOX 187

TOFOL, KOSRAE STATE

FEDERATED STATES OF MICRONESIA 96944

TELEPHONE: (691) 370-3019/3177

Web Page: www.kosraelegislature.org

Tulensa W. Palik
SPEAKER

September 22, 2017

Robert I. Taulung
VICE SPEAKER

Jarinson M. Charley
FLOOR LEADER

LELU:
Alber T. Welly
Gilton A. Esahu
Reedson P. Abraham
Salpasr E. Tilfas
Tulensa W. Palik

TAFUNSAK:
Alokoa Jb. Sigrah
Maker L. Palsis
Robert I. Taulung
Rolner L. Joe

MALEM
Jarinson M. Charley
Morgan S. Jonas
Sasaki L. George

UTWE
Josaiak F. Waguk
Rinson H. Edmond

The Honorable Lyndon H. Jackson
Governor
State of Kosrae
Federated States of Micronesia 96944

Dear Governor Jackson,

I have the honor to transmit herewith for your consideration and action on **L.B. No. 11-54, L.D. 2, TO AMEND TITLE 12 AND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING CHAPTER 14 OF TITLE 12 AND SECTIONS 13.516 AND 13.517 OF TITLE 13, AS AMENDED, TO ESTABLISH THE REQUIREMENT OF A DRINKING PERMIT FOR ALCOHOLIC DRINKS, A FEE FOR ITS ISSUANCE AND PENALTY OF INFRACTION OF SUCH REQUIREMENT; AND FOR OTHER PURPOSE;** which passed the Legislature, Sixth Regular Session, by two-thirds of the members of the Legislature, a quorum is present.

Respectfully yours,

Andy J. Andrew
Chief Clerk
Kosrae State Legislature

Enclosures:



ELEVENTH KOSRAE STATE LEGISLATURE

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Tulensa W. Palik
SPEAKER

LEGISLATIVE BILL No. 11-54, L.D.2

Robert I. Taulung
VICE SPEAKER

Jarinson M. Charley
FLOOR LEADER

LELU:
Alber T. Welly
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Salpasr E. Tifas
Tulensa W. Palik

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Fifth Regular Session, 2017, by two-thirds of the members of the Legislature, a quorum is present.

TAFUNSAK:
Alokoa Jb. Sigrah
Meker L. Palsis
Robert I. Taulung
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MALEM
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Tulensa W. Palik
Speaker
Eleventh Kosrae State Legislature

Andy J. Andrew
Chief Clerk
Kosrae State Legislature

A BILL FOR AN ACT

To amend Title 12 and Title 13 of the Kosrae State Code, by amending Chapter 14 of Title 12 and Sections 13.516 and 13.517 of Title 13, as amended, to establish the requirement of a drinking permit for alcoholic drinks, a fee for its issuance and penalty of infraction of such requirement; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Chapter 14 of Title 12 of the Kosrae State Code is further amended to
2 read as follows:

3 **Chapter 14. Alcoholic Drinks**

4 Section 12.1401. Sales License: By regulation which may include the definition
5 of terms, the Office of Attorney General provides for the sale of alcoholic drink
6 issuance of a sales license, and by monitoring compliance with license
7 requirements. The Office of Attorney General may also issues alcohol drinking
8 permit to control and monitor consumption of alcohol by those who are permitted
9 by law. Upon request a person shows a license or drinking permit to Office of
10 Attorney General personnel.

- 11 (1) Before engaging in the sale of alcoholic drink a person obtains a
12 license indicating one of the following categories of sale:
- 13 (a) wholesale;
 - 14 (b) retail;
 - 15 (c) bar; or
 - 16 (d) restaurant.
- 17 (2) A person has a license for each facility at which a sale may occur only in
18 the category licensed.

1 (3) The fee for a sales license is two hundred dollars.

2 Section 12.1402. Seller's duty. Before selling alcoholic drink a person
3 determines whether the buyers has the requisite proof of age and a valid
4 alcoholic drinking permit.

5 Section 12.1403. Sale. A sale of alcoholic drink occurs only at a commercial
6 facility designated by a sales license conspicuously displayed therein.

7 Section 12.1404. Exemption for later construction. Construction of a building
8 or road following issuance of a license does not subject the license holder to
9 prosecution pursuant to Section 13.516(5) or (9).

10 Section 12.1405. Alcoholic Drinking Permit. A person who has attained the
11 legal age of 21 may apply to the Office of the Attorney General for an alcohol
12 drinking permit. Office of the Attorney General shall established by regulation the
13 requirements for issuance of a alcohol drinking permit. The annual fee for a
14 drinking permit is \$20.00. A person who is not a resident of the State or who is
15 visiting the State on a temporary basis pays a fee for the fraction of his stay.”

16 Section 2. Section 13.516 of Title 13, as amended by S.L. Nos. 4-5, 5-35, 6-51,
17 7-117, 8-22, 10-135 and 10-157, is hereby further amended to read as follows:

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

20 (1) Selling alcoholic drink without possessing and displaying conspicuously at the
21 place of sale a license authorizing that specific sales activity;

22 (2) Selling alcoholic drink by wholesale sales at a time other than between 0800

1 hours and 2200 hours Monday through Saturday;

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

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

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

8 (6) Being the holder of a retail sale license and permitting consumption of
9 the alcoholic drink sold on the property upon which stands the commercial facility where
10 the retail sale occurs;

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

13 (8) Selling alcoholic drink by bar sale set a time other than between 1300 hours
14 and 2400 hours Monday through Saturday;

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

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

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

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

8 i. alerting customers from driving under the influence of alcohol;

9 ii. refusing to serve alcohol drink to intoxicated or drunk and disorderly
10 customer;

11 iii. providing appropriate code of conduct signage; and

12 iv. prevent customers from:

13 1. making noise while leaving the premises; and

14 2. drinking and grouping in the streets, outside the premise and

15 the parking areas.

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

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

22 (10) Being the holder of a bar sales license and permitting a person to bring

1 into or take out of the bar an alcoholic drink or permitting consumption of an alcoholic
2 drink outside the bar and on the property upon which stands the bar;

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

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

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

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

12 (15) Selling alcoholic drink on Gospel Day or the day in which it is celebrated
13 pursuant to Section 22.501(3), or December 25; or

14 (16) Selling alcoholic drink to a person who does not have in his possession a
15 valid alcoholic drinking permit.

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

17 Section 3. Section 13.517 of Title 13 of the Kosrae State Code, as amended by
18 S.L. Nos. 5-35 and 7-117 is hereby further amended to read as follows:

19 Section 13.517. Unauthorized consuming, possessing or giving of alcoholic drink.

20 Unauthorized consuming, possessing or giving of alcoholic drink is any of the following
21 act:

22 (1) Consuming alcoholic drink on Sunday, Gospel Day or the day which it is

1 celebrated pursuant to Section 2.501(3), or on December 25;

2 (2) Consuming or possessing alcoholic drink without attaining twenty-one
3 years of age;

4 (3) Giving or selling alcoholic drink to a minor;

5 (4) Consuming an alcoholic drink or possessing an open container or
6 alcoholic drink in a public place except when such place is closed to the general
7 public for the purpose of conducting a private party, reception or social gathering
8 and admission is by invitation or as otherwise provided by law;

9 (5) Consuming an alcoholic drink or possessing an open container of alcoholic
10 drink on private land without the permission of the owner or tenant thereof;

11 (6) Opening a container of alcoholic drink unless it has first been sold at a
12 licensed retail, bar, or restaurant sale or has legally been brought into the State for
13 personal use;

14 (7) Manufacturing an alcoholic drink in the State;

15 (8) Opening or attempting to buy alcoholic drink without attaining twenty-one
16 years of age; or

17 (9) Consuming of alcoholic drink without a valid alcoholic drinking permit.

18 A person using alcoholic drink for a bona fide religious purpose is exempt from the
19 foregoing provisions.

20 Unauthorized possessing, consuming or giving of alcoholic drink is a category one
21 misdemeanor.

22 Section 4. Effective Date. This act takes effect upon the approval of the Governor

1 or upon its becoming law without such approval.

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3 PASSED BY THE ELEVENTH KOSRAE STATE LEGISLATURE ON THE 12th DAY
4 OF SEPTEMBER, 2017

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7 Tulensa W. Palik
8 Speaker, Eleventh Kosrae State Legislature

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10 Attested by: 
11 Chief Clerk

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14 Lyndon H. Jackson
15 Governor, State of Kosrae

15

16

17 Date: _____

