November 09, 2015

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 members ke Sroasr Masap kewa.

Nga sim in tukakin la L.B. No. 11-57, el inge masap se lun State su orala Kosrae State Law No. 11-42 su sifwa u fwak ouinge:

"TO AMEND TITLE 12 OF THE KOSRAE STATE CODE, BY AMENDING SECTOIN 12.1602 THEREOF, TO CLARIFY THE DEFINITION OF THE PHRASE "ENCLOSED AREAS", 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

/mct
October 20, 2015

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. 11-57, TO AMEND TITLE 12 OF THE KOSRAE STATE CODE, BY AMENDING SECTION 12.1602 THEREOF, TO CLARIFY THE DEFINITION OF THE PHRASE “ENCLOSED AREAS”, AND FOR OTHER PURPOSES.; which passed the Legislature, Third Special Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yours,

[Signature]

Andy J. Andrew
Deputy Chief Clerk
Eleventh Kosrae State Legislature

Enclosures
LEGISLATIVE BILL NO. 11-57

ELEVENTH KOSRAE STATE LEGISLATURE
THIRD SPECIAL SESSION
SEPTEMBER 28, 2015

A BILL FOR AN ACT

TO AMEND TITLE 12 OF THE KOSRAE STATE CODE, BY AMENDING SECTION 12.1602 THEREOF, TO CLARIFY THE DEFINITION OF THE PHRASE “ENCLOSED AREAS”, AND FOR OTHER PURPOSES.

INTRODUCED: Senator Salpasr E. Tilfas

DATE: August 24, 2015

ACTION BY THE LEGISLATURE

PASSED FIRST READING: October 12, 2015

REFERRING TO: Standing Committee Report No. 11-101

PASSED SECOND READING: October 13, 2015

[Signature]

Andy J. Andrew
Deputy Chief Clerk
Eleventh Kosrae State Legislature
LEGISLATIVE BILL NO. 11-57

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Third Special Session, 2015, by two-thirds of the members of the Eleventh Kosrae State Legislature, a quorum being present.

Tulensa W. Palik  
Speaker  
Eleventh Kosrae State Legislature

Andy J. Andrew  
Deputy Chief Clerk
A BILL FOR AN ACT

To amend Title 12 of the Kosrae State Code, by amending Section 12.1602 thereof, to clarify the definition of the phrase “enclosed areas”; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

Section 1. Section 12.1602 Title 12 of the Kosrae State Code is hereby amended to read as follows:

"Section 12.1602. Definition. For purpose of this Act, the following terms shall have the meaning stated below:

(1) “Smoking” means the activity of inhaling and exhaling smoke from tobacco and other substances that are lit in cigars, cigarettes, and pipes, and to process to transport cigars, cigarettes, pipes and smoking articles while lit.

(2) “Public Places” means that portion of any building or vehicle used by and opens to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the Kosrae State Government, or other public entity, and regardless of whether a fee is charged for admission or use.

Public place include, but are not limited to: Elevators, public conveyances such as buses, taxis, trains, airplanes, or other transportation facilities or means of transportation, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clients, enclosed shopping centers, retail stores, retail services establishments, financial institutions, educational facilities,
tickets areas, public hearing facilities, legislative chambers, courthouses and the
immediately adjacent hallways and offices, public restrooms, libraries, restaurants,
waiting areas, lobbies, reception areas. A public place does not include a private
residence, unless such residence is used as a licensed day care center.

(3) "Restaurant" means an eating establishment, including but not
limited to, coffee shop, cafeterias, sandwich stands, and private and
public school cafeterias, which gives or offers for sale of feed to the public,
guests, or employees, as well as kitchens and catering facilities in which food is
prepared on the premises for serving elsewhere. The term "restaurant" shall
include a bar area within a restaurant.

(4) "Place of Employment" means an area under the control of a public
or private employer, including, but not limited to, work areas, private
offices, employee lounges, restrooms, conference rooms, meeting rooms,
classrooms, employee cafeterias, hallways, and vehicles. A private
residence is not a "place of employment" unless it is used as a child care,
adult day care, or health care facility.

(5) "Enclosed Areas" means all space between a floor and ceiling that is
enclosed an all sides by permanent or temporary walls or windows, which
extend from the floor to within two feet of the ceiling.

(6) "Bar" means an establishment that is devoted to the serving of
alcoholic beverages for consumption by guests on the premises and in
which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(7) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

(8) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

(9) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust or non-profit entity that employs the services of one or more individual persons.

(10) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, home for the aging or chronically ill, laboratories, and offices or surgeons, chiropractors, physical therapist, physicians, psychiatrists, dentists, and
Section 3. Effective Date. This act takes effect upon the approval of the Governor or upon its becoming law without such approval.

PASSED BY THE ELEVENTH KOSRAE STATE LEGISLATURE ON THE 13TH DAY OF OCTOBER, 2015.

Tulensa W. Palik
Speaker, Eleventh Kosrae State Legislature

Attested by
Deputy Chief Clerk
ELEVENTH KOSRAE STATE LEGISLATURE

THIRD SPECIAL SESSION – SEPTEMBER 2015

Lyndon H. Jackson
Governor, State of Kosrae

Date: 1/6/15