

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 367(FIN)

BY REPRESENTATIVE COGHILL

1 Page 6, line 18, following "(a)":

2 Insert "A licensee of an adult-oriented business may not with criminal negligence
3 allow a person under 21 years of age to be employed as an adult-oriented business
4 entertainer in the licensee's premises. In this subsection, "criminal negligence" has the
5 meaning given in AS 11.81.900.

6 (b)"

7

8 Reletter the following subsections accordingly.

9

10 Page 7, line 9:

11 Delete "(b)"

12 Insert "(c)"

13

14 Page 7, line 27:

15 Delete "18"

16 Insert "21"

17

18 Page 7, line 29:

19 Delete "18"

20 Insert "21"

21

22 Page 8, line 3:

23 Delete "18"

24 Insert "21"

1

2 Page 8, line 9:

3

Delete "18"

4

Insert "21"

5

6 Page 8, line 20:

7

Delete "18"

8

Insert "21"

9

10 Page 11, following line 19:

11

Insert new bill sections to read:

12

** Sec. 4. AS 08.90.220 is amended to read:

13

Sec. 08.90.220. Access of persons under 18 [21] years of age to

14

licensed premises. A licensee or an agent or employee of a licensee of an adult-

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oriented business may not with criminal negligence allow a person under 18 [21]

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years of age to enter and remain within licensed premises. In this section,

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"criminal negligence" has the meaning given in AS 11.81.900.

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* Sec. 5. AS 08.90.230(a) is amended to read:

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(a) If an adult-oriented business licensee or an agent or employee of the

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adult-oriented business licensee questions or has reason to question whether a

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person entering licensed premises has attained the age of 18 [21] years, the

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licensee, agent, or employee shall require the person to furnish proof of age

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acceptable under (b) of this section in a form determined by the department. If

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the person questioned does not furnish proof of age acceptable under (b) of this

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section, or if a licensee, agent, or employee questions or has reason to question

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the validity of the proof of age furnished, the licensee, employee, or agent shall

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require the person to sign a statement that the person is 18 [21] years of age or

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older. This statement shall be made on a form prepared by and furnished to the

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licensee by the department.

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* Sec. 6. AS 08.90.230(c) is amended to read:

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(c) A licensee or an agent or employee of the licensee may not be charged

1 for a violation of AS 08.90.220 if a signed statement as provided in (a) of this
2 section is secured in good faith, or if a valid driver's license or identification card
3 is presented indicating that the owner and possessor of the presented driver's
4 license or identification card is 18 [21] years of age or older.

5 * **Sec. 7.** AS 08.90.200(a) is repealed."
6

7 Renumber the following bill sections accordingly.
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9 Page 11, line 23:

10 Delete all material and insert:

11 "* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new
12 section to read:

13 CONTINGENT EFFECT. (a) Section 7 of this Act takes effect only if a court of
14 competent jurisdiction whose decisions are binding in this state enters a final judgment
15 on the merits that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution
16 of the United States or the Constitution of the State of Alaska and the time for an appeal
17 of that judgment has expired or, if an appeal was taken, a final order on the appeal has
18 been entered that AS 08.90.200(a) violates the Constitution of the United States or the
19 Constitution of the State of Alaska.

20 (b) The attorney general shall promptly notify the lieutenant governor and the
21 revisor of statutes of the occurrence of the contingency described in (a) of this section.

22 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new
23 section to read:

24 CONTINGENT EFFECT. (a) Sections 4 - 6 of this Act take effect only if a court
25 of competent jurisdiction whose decisions are binding in this state enters a final judgment
26 on the merits that AS 08.90.220, added by sec. 3 of this Act, violates the Constitution of
27 the United States or the Constitution of the State of Alaska and the time for an appeal of
28 that judgment has expired or, if an appeal was taken, a final order on the appeal has been
29 entered that AS 08.90.220 violates the Constitution of the United States or the
30 Constitution of the State of Alaska.

31 (b) The attorney general shall promptly notify the lieutenant governor and the

1 revisor of statutes of the occurrence of the contingency described in (a) of this section.

2 * **Sec. 11.** Section 7 of this Act takes effect on the date of the attorney general's
3 notification to the lieutenant governor and to the revisor of statutes under sec. 9(b) of this
4 Act.

5 * **Sec. 12.** Sections 4 - 6 of this Act take effect on the date of the attorney general's
6 notification to the lieutenant governor and to the revisor of statutes under sec. 10(b) of
7 this Act.

8 * **Sec. 13.** Sections 1 - 3 and 8 - 10 of this Act take effect July 1, 2005."