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## **Background Material Opposing HB 2054**

**for the Committee on Federal and State Affairs from The Equal Entertainment Group**

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*Equal  
Entertainment  
Group*

February 14, 2013

Testimony Opposing HB 2045  
House Federal & State Affairs

Mr. Chairman, and Members of the Committee,

I am Philip Bradley representing the Equal Entertainment Group. I also have the permission to speak for the Kansas Licensed Beverage Assn. and both groups support **the defeat of HB 2054**. Thank you for the opportunity to speak today.

**We oppose HB 2054 and ask you to not advance or support this act.** This measure addresses many issues that appear simple on the surface but are very complex attempting to further **expand state government regulations where local government already has taken action**. While one may or may not agree with current law and the courts interpretations of that law, those elements together have attempted to find a balance; the very important and critical balance. One between the individual rights, personal responsibilities, the individual freedoms citizens are guaranteed and the duties of the government to protect its citizens. Our country is founded on the principles and beliefs that although certain practices and beliefs may not be shared by all and even be disapproved by some, they are worthy of protecting in the greater cause of our rights and freedoms. And founded in the belief that local control is preferred to state or national regulation. Seemingly helpful actions will have dangerous unintentional consequences.

**First and foremost is there an issue that has been documented? IS there something that has not been addressed and handled by local government and local communities? And if so does it rise to the level of need of Legislative action?**

**We bring you evidence, facts and research that proves the answer to all these questions is NO!** These subjects are difficult to discuss objectively, and especially difficult to discuss in a forum such as this. They may be embarrassing to some. They need a thoughtful considered, deliberation before altering the status quo.

This measure covers several areas including; retail establishments (aka adult book stores and/or adult video arcades) and secondly restaurants, clubs and bars that also are entertainment venues. **We oppose** this unnecessary act, however if it is to be considered, then these should be split into separate measures and considered individually. They operate significantly different with differing licensing requirements or none at all. If proceeding with this act as written, we first ask that this measure covering different subjects be divided into two separate bills and let each be debated and stand on their own merits.

**The opening paragraphs allege that this is the “community defense act”, though what it seeks to do is seize the control from the communities and override community actions. The justification is contentions of “secondary effects” that are supported by studies of out of state urban areas and give no evidence that any of these claimed effects have or are occurring in Kansas. This bill has been offered for years and yet there is no Kansas substantiated evidence. Recent events are just proving that local control is working and is best.**

*Philip Bradley*

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pbb@sunflower.com*

WE have the example of The Missouri bill passage and what has occurred. From an outside objective Law enforcement officer as written in the News article attached. Also this bill goes much farther than the MO act. HB 2054 proposes serious issues and needs serious consideration. My testimony won't be covering the legal arguments that others have already addressed **for the many years that the legislature has considered and wisely chosen not to enact this extreme measure.** There are documents from experience attorneys in the supporting testimony.

My members are primarily concerned with the businesses defined in HB as, *“(c) "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude”* and we generally limit ourselves to those places serving/selling beverage alcohol.

We urge the defeat of this measure as a whole. We at the very least, object to the banning of alcohol in new sections and severely limited hours of operation, requiring the changing of floor plans, interior rebuilds, installation of cameras/spying devices, hiring of additional personnel, and new additional operation procedures. We object that all of these new requirements must be completed within 180 days. We also feel that the word “habitual“, is open to subjective and varied interpretations.

We urge you to not advance this bill. However if the committee wishes to pursue this wide reaching and comprehensive act, we ask that this bill be separated into several standalone measures and considered by a sub-committee.

Thank you for your time. I am available and welcome your questions.

Philip B. Bradley

*The difficulty in life is the choice*

*. The Bending of the Bough, Act V*

ALEXANDER AND ASSOCIATES  
MARKET RESEARCH

# ADULT ENTERTAINMENT INDUSTRY IN KANSAS

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ANALYSIS OF EFFECTS ON LOCAL  
COMMUNITIES

REPORT PREPARED FOR  
EQUAL ENTERTAINMENT GROUP

# ALEXANDER AND ASSOCIATES

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## EFFECTS OF THE ADULT ENTERTAINMENT INDUSTRY ON LOCAL COMMUNITIES

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Alexander and Associates is a market research firm based in Lawrence and specializing in small business development. The mission of Alexander and Associates is to ensure our clients receive the highest quality results to help guide their business decisions. When making decisions more information isn't always better at Alexander and Associates we work to foster a culture that focuses on the information that is relevant to you and your decision making process.

# EXECUTIVE SUMMARY

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## EFFECTS OF THE ADULT ENTERTAINMENT INDUSTRY ON LOCAL COMMUNITIES

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The question posed to the research firm was to investigate the economic, criminal, and health effects of the adult entertainment industry in communities across the state of Kansas. The study looked specifically at nude and seminude clubs and did not look at any establishment which just served alcohol and had no dancers. The primary method of collecting data was interviews with local law enforcement and prosecutor's offices, county appraiser's offices, and county health centers. Also included was data provided by the Department of Health and Environment and county clerks where these clubs operated. In this study we looked at the 13 counties with adult entertainment clubs.

To assess the economic effects of these types of clubs, researchers analyzed the data of property values for the club. When available, surrounding property values in close proximity were compared to the club's value over five years.

The research into the property values surrounding clubs found most clubs to be either located in industrial parks or not within a reasonable distance of other property. These clubs had relatively little changes in property value.

Pleasures in Sedgwick County had the largest increase in property value which was attributed to building improvements. When looking at the surrounding property, there were similar increases which were caused by improvements. The researchers that the type of business on the property had a smaller correlation to the appraised value than did the land size/location and improvements on the land.

When looking at the criminal effects of the adult entertainment industry researchers focused on interviews with law enforcement personnel charged with patrolling the areas at and around the clubs in local communities. Interviews were conducted with local police as well as sheriff's offices when available.

Those law enforcement personnel who were interviewed were very forthright and frank about the crime in their area. Most of the interviewees didn't see the establishments as harmful or prone to more crime but rather as any other night time business which must be patrolled.

In Barton County, The Gentleman's Club is actually located in popular portion of the city and yet had no

report of criminal activity or even a dispatched call to the area since 2005.

Near the Oklahoma border, Montgomery county sheriff's office reported concerns over evening activities at the casino in Miami, OK and the effects of this spilling over into his county. When asked about Bravos, the adult entertainment club in Montgomery, the sheriff's office found records of dispatches to the area near the club but again attributed this to the casino across the border.

For health effects, data from the Department of Health and

Environment was analyzed. This data is provided from local county health officials who are required to report to the state certain infectious diseases. This data however was inconclusive as to the effect of adult entertainment on public health.

The data collected from the interviews and data collected from local and state officials did not find causation between overall public health and the presence of adult entertainment clubs.

## ECONOMIC EFFECTS

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### EFFECTS OF THE ADULT ENTERTAINMENT INDUSTRY ON LOCAL COMMUNITIES

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With regard to the economic impact, the firm was asked to look at property values to determine if there was any evidence of depreciated property values around adult entertainment clubs. This study focused on the 13 counties which currently operate a club as defined in this report. The analysis found many of the clubs to be located in industrial parks and parts of town or county without other buildings or businesses nearby.

The property values of the clubs were compared with property values in 2007 with 2012 to determine if there was any reduction in property values. The

study revealed most locations had a stagnant property value over the last five years. In Johnson County, Bonita's Flat Saloon was valued at \$130,290 in 2007 and at \$131,040 in 2012.

Looking at clubs in Douglas County, the clubs showed some sign of decay between 2011 and 2012 where 3 properties declined in value. 2 of the 3 properties were located around other businesses though mostly light industrial. Douglas County appeared to be an outlier in our data and in the remaining counties property values showed little to no decay.



There were also several clubs which existed in 2007 which no longer exist. These clubs were either sold or closed because a lack of business. Overall the industry appears to be shrinking though the study is not comprehensive in providing for causation for why this may be occurring. Our study found there to be a 15% decline in the number of clubs of counties studied.

The clubs which had the greatest changes in property value were Pleasures and The Outhouse. Pleasures is located in Wichita which is in Sedgwick County. The county appraiser pulled the value of the property and building of the club as well as surrounding businesses. This information was only helpful for those clubs which were not located in industrial districts, which many were. Property values with commercial property nearby were the most helpful data because this is where you would expect the property values to be most negatively affected by such adult entertainment clubs.

The clubs which were located near other commercial property were Pat's

Lounge and Tropicana Club. These clubs were valued at \$114,500 and \$131,600 in 2007 and \$111,900 and \$118,440 in 2012 respectively. The commercial properties around the clubs were mostly fast food and convenience stores. These businesses saw a normal depreciation in property value along with the clubs which were nearby due to building age according to the appraiser.

The clubs which were located in industrial parks were relatively stagnant also showing no real signs of significant decay to property value or the surrounding properties.

Overall there was no relationship found to suggest that an adult entertainment club had an effect on property value. There were examples of property value dropping but based on the data collected and the conversations with county appraisers, the presence of the adult entertainment club was not a factor in the appraisal process or the value of the surrounding properties.

## CRIMINAL EFFECTS

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### EFFECTS OF THE ADULT ENTERTAINMENT INDUSTRY ON LOCAL COMMUNITIES

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Another area requested to be explored was the crime in the area around the adult entertainment clubs as compared

with other types of alcohol establishments. This, however, was more difficult to determine because

many of the records at many of the rural counties were not digital and therefore very difficult to collect. Even others were located inside cumbersome databases that did not contain a complete report of the data. For those counties which did not have accessible records, the researchers conducted interviews with local law enforcement about the adult clubs and the relative crime in those areas as compared to other areas. From every interview conducted with law enforcement and dispatchers, there were no cases of an adult club being of a higher concern to law enforcement than any other late night establishment.

For the larger counties that the researchers contacted most did not have statistics concerning the specific locations this study was concerned with. In those cases local police departments, specifically dispatchers and record departments, were contacted and interviewed. A minimal amount of statistics were accessible in the short time available to conduct this research and thus interviews were required to gather information from law enforcement. During the interviews the researchers established that the law enforcement personnel were familiar with the area and the establishment. Then they were questioned about the overall concern

of the establishment if it provided any more concern than any other night establishment that also served alcohol. The law enforcement were also asked about their top priorities concerning crime in the county and adult entertainment clubs were not a part of their assessment.

In Barton County, The Gentleman's Club was actually located in a prime location of the city and the location had not had any criminal activity, activity being when there was a car dispatched to or a request from this location, since 2005. In the interview the law enforcement personnel was positive about the business location and the surrounding area.

In Montgomery County Bravos was located very close to the Oklahoma border and the law enforcement personnel that the researchers interviewed seemed to think that although there were dispatches to the area near this location that he attributed many of them to the Casinos located across the border.

On the whole, across the counties studied, from the anecdotal evidence collected by the researchers there was not a significant relationship between adult entertainment clubs and dispatches by law enforcement personnel.

# HEALTH EFFECTS

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## EFFECTS OF THE ADULT ENTERTAINMENT INDUSTRY ON LOCAL COMMUNITIES

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The last question asked about the effects of the adult entertainment industry focused on the health concerns with regards to sexual transmitted infections which may have occurred because of the existence of such adult entertainment clubs.

County health officers report data of all types to the Kansas Department of Health and Environment on certain communicable diseases which are found in the county during certain reporting periods. This data is then processed and analyzed by the department which bases certain programs on the results of this data from the counties. In our analysis of the information we looked at the 13 counties with adult entertainment clubs and compared them to similar counties without the clubs.

KDHE tracks three main STI's, chlamydia, gonorrhea, and syphilis. The data from county officials are graphed on a statewide map with the rate (cases per 100,000 persons) displayed. As expected the counties with the highest number of cases also come from the counties with the highest populations. The rates are a more accurate tool to compare the counties as they are based on cases per number of people in the particular

county. However, researchers found many problems with this data pertaining to this study. The data from the KDHE is categorized as simple number of cases and there was little other information provided or tracked.

Chlamydia is the most common sexually transmitted disease tracked by KDHE with 10,602 cases across the state. Sedgwick County has the largest number of cases at 2697 with a rate of 541.2 per 100,000 people. The second largest number was Johnson county 1312 cases with a rate of 241.1 per 100,000. The highest rates in the 13 counties which were studied were in Sedgwick. There were a few outliers, specifically Geary County which borders Riley County. Geary had an oddly high rate of cases of chlamydia but little reason to explain it. Its close proximity to Fort Riley or Kansas State University appeared to contribute to these numbers but agency staff was uncertain. Of the counties studied Osage County had the lowest rate at 196.4 cases (per 100,000 persons).

Gonorrhea is the second most common sexually transmitted disease with 2,210 cases in Kansas in 2011. The results were similar to chlamydia in which many of the cases didn't have any sort of detail as to how an

individual believed they may have contracted the disease but more importantly no link for county health officials to draw either. Of the counties studied Barton County had the lowest rate at 3.6 cases (per 100,000 persons).

For syphilis, there was not enough cases in Kansas to make any type of determination as to if there might be any type of correlation to adult entertainment establishments. In 2011 there were only 58 cases statewide, with only 6 counties with adult entertainment clubs having any cases at all.

Based on the data provided for chlamydia 34% of cases in Kansas can

be attributed to Kansans under the legal age to enter an adult entertainment club. This is one example of the difficulty of analyzing the health data for causation of health effects related to the adult entertainment industry.

Additionally, because the health data is tracked by the counties and the state it was difficult to show health effects, although it is important to note counties of similar size showed similar rates in the number of cases of each disease which would appear to mean no relationship between the clubs and contracted diseases.



# FIRST AFFIRMATIVE

Thank you ladies and gentleman of the committee. My name is Ashley McMillan and I am the owner of First Affirmative. We are a firm that specializes in political and corporate consulting, public affairs and research. We were hired as an independent contractor by PBC consulting to research and analyze the secondary effects adult entertainment establishments have on communities in Kansas.

We were tasked with looking at the 32 known establishments in Kansas. This list was provided to us by PBC consulting and consists of the following clubs:

Name	City
The Gentlemen's Club	Great Bend
Sensations Premiere Gentlemen's Club	Galena
Pat's Lounge	Pittsburg
Woody's	Pittsburg
Out House	Lawrence
Paradise Saloon	Lawrence
Allstars	Lawrence
Flamingo Club	Lawrence
Foxy's	Junction City
Mustang's Gentlemen's Club	Junction City
Coyote's	Junction City
Lucky Gentlemen's Club	Junction City
Jack's Cabaret	Junction City
Bonita Flat's Saloon	Olathe
End Zone	Spring Hill
Whispers	Basehor
Club Orleans	Emporia
Bravos	Coffeyville
Tropicana Club	Scranton
Outlaws Gentlemen's Club	Salina
Wild Wild West Gentlemen's Club	Salina
Michelle's Beach House	Derby
Jezebel's	Wichita
Pleasures	Wichita
Baby Dolls	Wichita
Club Sensations 7007 E Harry St	Wichita
Red Garter Inn	Wichita
Fantasies	Tecumseh
Baby Dolls	Topeka
Club Orleans	Topeka
Tina Bar's	Topeka
Sports Cabaret	Topeka

## Research Goals and Perimeters

First Affirmative was allowed to set our perimeters regarding data compilation and analysis. We started with a list of goals for the research which can be found below:

- Restrict our research to crime rates, and property evaluation.
- Base the majority of our analysis on quantitative data.

- If using qualitative data (interviews, opinions), ensure interviewees have understanding of the community/neighborhood and have professional knowledge about the topic.
- Find the most complete information available
- Keep analysis free from emotion

## Crime

We evaluated the most complete data set for the most locations. Our data is 2009 crime rate numbers which were available for every location except the Galena establishment. Population numbers were gathered from the U.S. Census Bureau. We focused our attention on violent and property crime. Violent crime consists of murder, rape, robbery and assault. All crime data used for comparison was within one mile of the establishment address so not all are directly attributed to the business. The sources were unable to be more specific in response to our queries.

## SUMMARY OF RESULTS

The majority of club neighborhoods have a lower crime rate or very similar rate to the rate of their home cities. We had the opportunity to talk with crime analysts in various locations and asked why they thought rates were lower near clubs. Many sited that clubs take care of themselves- they have security, cameras, and bouncers that can self-police better than other types of establishments.

## Property

We interviewed realtors in nine of the major cities with adult entertainment establishments. We selected our interviewees with the following qualifying characteristics:

- 50% or more of business is commercial real estate
- Realtor currently or recently was showing property in neighborhood with adult entertainment establishment

We asked our realtors a series of questions about determining the value of property:

- *What are the top three factors that determine value of property:* The top responses were market value, location, size, and age of property.
- *What type of businesses increase the property value in a commercial area:* Most realtors agreed that businesses with heavy foot traffic benefited the value of the area. The businesses they sighted were grocery stores, liquor stores, and banks. Five of the realtors observed that businesses tend to group together based on clientele.
- *What type of businesses decrease property value in a commercial area?* All but one of the interviewees assessed that businesses decreasing value vary by location. Again, they sighted that like industries tend to stay near each other.
- *Do you think adult entertainment establishments devalue a commercial area?* Realtors agreed that these establishments usually are zoned to keep them out of certain areas. Consequently, the businesses surrounding the clubs are like businesses.
- *Is being located to an adult entertainment establishment a factor for businesses moving into a commercial area?* Our realtors again agreed that it depends on the type of business, clientele, and location.
- *What is a bigger determining factor for businesses moving in: proximity to adult entertainment establishment or the economy:* Realtors rated the economy as the biggest factor for businesses moving into neighborhoods with adult entertainment establishments.

# Negative Economic and Employment Impact of passage of "Community Defense Act"

With only 10 of 24+ establishments reporting

(including info from Wichita, Topeka, Lawrence, Emporia, Johnson County and Douglas County)

<i>Taxes</i>	<i>drink</i>	<i>enforcement</i>	<i>gallonge</i>	<i>sales</i>	<i>other</i>	<i>property</i>	<i>Workers*</i>	<i>KS Income tax</i>
	10 reports	73,443.09	10,500.00	89,158.96	562.51	59,622.00	394	4500
		10 reports	computed	9 rpts	1 rpts	6 rpts	9 rpts	1 rpts

*Total of taxes reported so far (10 of 25+)*  
**\$541,737.82**

**Workers\* so far.....**  
**394**

Based on 40% response then total Loss would be ...

**\$1,354,344.55**

**Total Workers\* Could be**

**900 to 1k +**

\*\*\*Based upon 2009 reporting dollars and has NOT been adjusted for increased pricing and taxation

\* Workers does not include *Entertainers or tenants*

February 14, 2011  
Kansas House of Representatives  
Federal & State Affairs Committee

HB 2107

Mr. Chairman and Members of the Committee,

In regards to the testimony of

Charles A. O'Hara  
Attorney at Law  
1223 E. First Street  
Wichita, Kansas 67214

The following will be addressed by my testimony in regards to Wichita area Adult Cabarets.

- The Adult Cabarets (bars) in the Wichita, Kansas area are heavily regulated.
- Dancer licenses are required for each dancer
- The dancers cannot have certain types of convictions on their record
- The business can only be in properly zoned areas. (Not around schools, churches, etc)
- Law Enforcement can enter the business at anytime
- Adult Cabarets are heavily regulated so there are less problems than normal bars
- The dancers in the adult cabarets are regulated in their conduct and dress (a violation has serious implications for the dancer and the business)
- There are very few adult cabarets in the Wichita area



Laura Scott 14321 W. 116th Terr. Apt 1910 Olathe, KS 66062 (913) 575-6347

**IN OPPOSITION OF HB 2107, THE COMMUNITY DEFENSE ACT**

**Before the Committee on Federal and State Affairs**

**February 14, 2011**

My name is Laura Scott and I am a resident of Olathe, KS. I oppose House Bill No. 2107. I have personal experience in several areas that I believe are pertinent to this Bill. I am a resident, voter, tax payer, Kansas registered nurse and work in clinical research, and have rarely been to, but have subsequently enjoyed, adult oriented businesses in Kansas. I have never experienced or witnessed any of the adverse secondary effects mentioned in the Bill, including, but not limited to, personal property crimes, prostitution, illicit drug use and drug trafficking, or sexual assault while in or around a Adult oriented business in Kansas.

I believe that if this Bill is passed it will have a negative impact on the state of Kansas and its residents. Adult oriented businesses support Kansas residents by providing much needed employment when the unemployment rate in Kansas, increased from December 2009 to December 2010, according to the Kansas Department of Labor. Adult oriented businesses also support the state as a whole by the revenue they generate in taxable dollars. New Section 8. (c) of the Bill would make it illegal to sell, use, or consume alcoholic beverage while on the premises of an adult oriented business. Kansas will lose tax revenue from the sale of alcoholic beverages at adult oriented businesses. New Section 8. (a) would force Adult oriented businesses to be closed from midnight to 6:00 am. This feels like the state of Kansas is placing a curfew on businesses and the adults who choose to either work there or spend time there. I don't feel that is something for the state to decide. Forcing a business to close earlier than they would choose to reduces that business's revenue, and subsequently, their employees' revenue. This seems like the last thing business owners and Kansas workers need with the economy struggling the way that it is.

As for personal property crimes, I have done some research on areas that do and do not have businesses that have nudity or a state of nudity. There is an adult oriented business in Basehor, Kansas called Whispers. I have personally never been to Whispers, but my cousin and her family live in Basehor. The property crime rate in Basehor was 9.1/1,000 in 2009 as reported by Basehor PD according to the Kansas Bureau of Investigation. The property crime rate in Parsons, KS, a city with no adult oriented businesses that I could find, was 82.9/1000 as reported by Parsons PD to the Kansas Bureau of Investigation. That's more than nine times higher. I haven't been able to find anything more than hearsay or opinion to link adult oriented businesses to property crimes.

To address the potential negative impact of adult oriented businesses on Kansas communities as it pertains to illicit drug use and drug trafficking Montgomery County had a total of 16 seizures in 2009 related to Methamphetamine. Montgomery County does not have a business with nudity or a state of nudity that I was able to find. Shawnee County had no seizures in 2009 and has several businesses that do have nudity or states of nudity. Clearly, the presence of such businesses was not a factor in illicit drug use or drug trafficking in these cases.

I want Kansas to be as safe as possible. I'm proud to call Kansas my home and I do feel safe here. I feel as safe at adult oriented businesses as I do at any other business in Kansas. I feel local control of such businesses is working and ensures my safety. I do not feel that the community defense act addresses any problems we have in the state of Kansas and it terrifies me to think of the negative impact it would have on Kansas businesses, workers, and state revenue. I ask that you look at the facts as they pertain to Kansas, not some other state, because we aren't them, and we shouldn't be assumed to make their mistakes. I ask that you have more faith in your state's businesses, employees, and residents to be citizens that would make you proud, even though we don't all enjoy the same things. I ask you to vote against House Bill 2107 because it attempts to fix a problem I don't believe we even have.

## Supporting documentation

2009 Crime Index

2009 Seizures by County and Also

Kansas Unemployment Rate Comparison

- [Crime Index 2009.xlsx](#)

**Crime Index 2009 1** Methodology The **Kansas Bureau of Investigation (KBI)** compiled the **following 2009 1 statistical crime report** based on ... **Kansas**, as it is dependent on victims **reporting** ... 17 Pages.

[www.kansas.gov/kbi/stats/docs/pdf/Crime%20Index%202009.pdf](http://www.kansas.gov/kbi/stats/docs/pdf/Crime%20Index%202009.pdf) · PDF file

<http://www.kansas.gov/kbi/stats/docs/pdf/Crime%20Index%202009.pdf>



Crime Index  
2009.pdf



2009 Seizures by  
County.pdf



Unemployment\_Rate  
\_Comparison.pdf

**Alaina Lamphear  
5150 Rockenham Rd.  
St. George, KS 66535**

**Dear Rep. Carlson,**

**I am writing to urge you not to support HB 2107 “The Community Defense Act” which will impose unjustly strong regulations upon “Adult Oriented Businesses.” With these regulations, there is potential for millions of dollars of tax revenue to be lost not only from the businesses themselves, but from supplementary taxes including liquor from places that are not generating problems or harming neighborhoods.**

**In addition to holding a full-time job in the state of Kansas, I am an active senior at Kansas State University, involved in many feminist organizations, student judicial board, and many other activities. We are constantly left to wonder with the massive budget cuts taking place at the state level, where will the funding come from. As you are well aware, there have also been talks of salary cuts as well which has potential to directly hinder my education as taking a pay cut will directly affect morale. As a citizen of the State of Kansas, and one who will be affected directly by these cuts, I am curious as to how many additional salaries will need to be cut in direct correlation to the loss of revenue generated by “adult oriented businesses” and their subsequent liquor sales. I tried to find the fiscal note and information from this bill, including the expected loss of revenue from these businesses but it was nowhere to be found for the public to find on the Kansas Legislative website. I’d suspect it would be upwards in the millions.**

**In addition, one must look at the additional local, county and state police force cost to patrol these “adult oriented businesses.” As a student at Kansas State, I have often gone into Aggieville on a Saturday night with no expectation to see acts of an “adult nature” and yet experience dancing and interaction though legal still quite similar to that, in venues with far less law enforcement presence/supervision or security from the establishment than adult clubs. Yet if I was to frequent an “adult oriented business” it’s pretty obvious what this business is and what I could expect. My question is until we have enough resources to take care of the areas of the communities with proven current criminal activities that are occurring directly in front of our eyes in non- “adult oriented businesses” of all types, why take away a place that is a) legal and compliant with state statutes, rules and regulations, b) providing an expectation of what one would find inside the doors c) providing revenue to the state and jobs to Kansans and d) provides a controlled locally regulated venue for adult entertainment off the public streets or computers where a child or some unwilling patron might actually come into contact with this.**

**Again, sir, thank you for your time, and your support in keeping HB 2107 from taking any further, much needed revenue from the state.**

**Sincerely,**

**Alaina Lamphear**

February 14, 2011  
Kansas House of Representatives  
Federal & State Affairs Committee

HB 2107

Mr. Chairman Brunk and Members of the Committee,

In a free society toleration is only suspended when a grave threat to public health or order is posed. The burden of proof of harm should be on those who wish to limit the free and consensual economic activities of their fellows. Hear-say and anecdotal condemnations should carry no weight. We cannot expect to share and approve of the tastes of all our fellow citizens. We can expect that toleration of our own peculiar tastes will be given in return for our own similarly forgiving attitude.

If we instead begin to legislate against and outlaw commercially viable activity only because it is distasteful to many (or a vocal minority) of our fellows, then we open ourselves to a continual winnowing of commercial activity down to those grey and austere forms that are only approved of by the state, such as continued in Soviet Russia.

The price-tag of one new mother unnecessarily on the welfare rolls is too high a price – both in money and in the degraded morale of a once-productive citizen.

There is no question that the current, freer state of economic arrangements allows more people to find the niche they are most comfortable and productive in than the proposed legislated state of affairs. As was recognized in our constitution and as we have seen time and again, government intervention in the economic lives of the citizenry has far-reaching unintended consequences. Those that feel the job of government is to protect freedom – not to impinge upon it – are also defending the most economically viable position. Freer arrangements bring to bear the knowledge of more individuals and their appraisals of value.

As Missouri has fallen to this type of legislation, Kansas has benefited. We are an example of how local control has worked. Freedom-loving people flee excessive legislation. Let our laboratory of democracy be an experiment in GREATER not lesser freedom.

The idea that women who work as dancers are somehow victims can be dispelled with an honest conversation with them. Such women are empowered, emboldened and financially aware where they otherwise would have been beholden to others or the state. The entertainment occupation may have been the first opportunity they have had to save earned income with an eye towards change and a responsible advanced living. Banning profitable and harmless employment in the presence of alcohol will ensure that only the desperate few who are willing to work for very little will continue.

**Joseph Suber** Retail Business Owner (11 years), Olathe, KS

## Enforcing topless ban has challenges

### Missouri officer says law now pushed in Kansas drove industry underground

Posted: February 1, 2013 - 6:04pm

By Andy Marso

#### THE CAPITAL-JOURNAL

Phillip Cosby, whose organization is pushing restrictions on nude dancing and other adult businesses in Kansas, says the benefits of a similar law passed in Missouri in 2010 have been varied.

"My observation is three things happening in Missouri," Cosby said, noting it was less than a year ago that the Missouri Supreme Court upheld the law. "Some have complied, and that's directly linked to local law enforcement; some have ignored the law, and that's also linked to local law enforcement; and some are moving operations to Kansas."

But a member of the Kansas City, Mo., police force says enforcing the new laws isn't as easy as Cosby makes it sound.

Sgt. Brad Dumit, who heads the Kansas City Police Department's vice squad, said the Community Defense Act pushed by Cosby's American Family Association of Kansas and Missouri has in some ways made regulating strip clubs more difficult.

Kansas City ordinances previously required "adult entertainment" permits, both for the nude dancers and the places where they danced. But Dumit said his department can no longer require such permits because, under state law, exotic dancers perform in what amounts to skimpy swimwear.

"With the new law you really can't define any of them as cabarets because they aren't dancing nude or semi-nude," Dumit said. "You'd be wearing the same thing you wear to the pool. I mean, wearing a bikini and dancing, that could happen at a regular bar."

Dumit said Missouri lawmakers didn't appropriate any funds to help him enforce the new mandates.

Cosby said enforcing some of them, notably a ban on semi-nude bars operating after midnight, requires very little resources. He also said law enforcement agencies will see savings because they will no longer have to deal with the ancillary crimes related to drugs and prostitution that "sexually oriented businesses" attract.

"The demonstrated and court-recognized cost does lie in the 'negative effects' of SOBs on communities," Cosby said. "A drain on local 'public safety' resources."

But Judith Hanna, a University of Maryland anthropology professor who has testified in more than 150 strip club-related court cases, says there is no scientific evidence to support Cosby's assertion that the clubs are negatively affecting Kansas communities.

"The alleged purpose to 'regulate sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of Kansas' and not to restrict adult materials or entertainment that are free expressions protected by the First Amendment has no basis in reality," Hanna said.

Hanna authored a book called "Naked Truth: Strip Clubs, Democracy and the Christian Right." An Amazon.com description of the book says it reveals how right-wing Christians are "using plausible-sounding but factually untrue arguments about the harmful effects of strip clubs" in an effort to turn America into a "Bible-based theocracy."

Hanna has argued that exotic dancing is a form of art protected by the First Amendment, an argument that others used last year to scuttle an attempt by Cosby's organization to have a bare-breasted bronze statue removed from the Overland Park Arboretum.

Still, Cosby maintains that the threats strip clubs pose are real and Missouri's highest court recognized them after hearing evidence.

Regardless of what effect such establishments have, Dumit says banning them hasn't quelled the demand for nude dancing or ended the practice, at least not in Kansas City.

"I understand the premise of what they're doing, but I think in some aspects we backed ourselves into a corner and made it harder to regulate it," Dumit said.

When dancers and clubs were licensed, Dumit said his officers knew where the activity occurred, and it was easy to monitor. Now he says more women are offering such services online or in underground establishments, which are less secure for them and patrons.

"The backroom stuff probably escalated because of this," Dumit said.

Dumit said his biggest frustration with the new regulations is "you could kind of gear it in ways that would be enforceable," but no lawmakers consulted him on how to do that before they passed the law.

Cosby said that isn't the case in Kansas, where he has lined up one "very experienced police chief" who is eager to testify in support of the bill, pending approval from his city manager.

The bill also has the support of local law enforcement.

"I have been contacted on this by proponents," Topeka Police Chief Ron Miller said in an emailed statement, "and support their efforts to enact the Community Defense Act."

Statewide law enforcement groups have yet to take a position on the bill, though. Former Topeka Police Chief Ed Klumpp, who lobbies for several such groups, said adult businesses may attract ancillary crimes, but they aren't unique in that regard.

"You have those around any type of business where you have alcohol," Klumpp said. "That's just part of the nightclub business to some degree."

As far as Cosby's claims of Missouri club owners switching to the more friendly climate of Kansas, Phillip Bradley says he just doesn't see it. Bradley, who lobbies on behalf of adult businesses in Kansas, has his finger on the industry's pulse.

"I would ask him where and which ones," Bradley said. "Because to my knowledge there are no new adult clubs in Kansas since the Missouri law passed. As a matter of fact there are less clubs in Kansas each year. The Internet is driving this industry out of business."

Bradley said that if strip clubs were truly damaging communities he would be "the first person to stand up and say let's find a solution." But he said neighboring businesses rarely complain, most owners have good relationships with law enforcement, and most clubs have tight security including cameras, bouncers and strict identification checks.

Cosby and other proponents will have a chance to present evidence to the contrary with a House committee hearing on HB 2054 currently scheduled for Feb. 14. Their chances for a full House vote appear questionable.

"It's not high on my priority list," House Speaker Ray Merrick said of regulating topless clubs. "I am not making decisions for people about whether they go to those places or don't go to them. Individual liberty, I guess you could call that. I want to work on jobs and the economy and focus on the economic issues in the state and how we can make those things better. All these little periphery things just take away from that."

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coffeeandpaper 02/03/13 - 08:13 am

Oh there are so many people

Oh there are so many people who try to tell you how to live your life.

Mr. Cosby's life must be so in order for him to have time to tell me how to live mine.

I think Cosby should move to Nebraska, I hear the Lt Governor position there is open. Seems as though another 'do gooder' got caught with his pants down.

Do as we say, not as we do.

merriam 02/03/13 - 09:21 am

Cosby,,

I have seen this man testify before our legislature. He has notebooks full of pseudo-studies and irrelevant facts - if they are facts. His crusade is nothing more than morality pressure and in reality has nothing to do with property values and the so-called secondary effects of adult entertainment. His is the self-styled "American Family Association." What does that say about his true purposes?

I challenge the man to produce a single proven fact that adult entertainment in the form of gentlemen's clubs has ACTUALLY had any property value effects or secondary effects IN KANSAS. I don't think we need morality preachers telling us what our laws should be, but there are plenty of contrary views from around the country.

I found myself representing some gentlemen's clubs (full disclosure), and know they employ dozens of people and pay millions of dollars in various taxes. The ones I know are responsible citizens with drug free establishments that do not tolerate crime of any sort, including prostitution. These are not dens of iniquity.

Mr. Cosby has been interfering in Kansas for quite some years trying to get us to believe in his beliefs. Mr. Cosby, butt out.

Seems that when they pay

Seems that when they pay millions in taxes every year, they are strengthening the community. Still no evidence of any actual harm in Kansas.

American Family Association is a HATE GROUP

Seems Mr Cosby And his american family association has a Image Problem. The Southern Poverty Law Center Has them Labeled a HATE GROUP! Click the link to read up on these Monsters.

<http://www.splcenter.org/get-informed/intelligence-files/groups/american...>