

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on February 14, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund – Excused  
Representative TerriLois Gregory – Excused  
Representative Steve Huebert – Excused  
Representative Mike Kiegerl – Excused  
Representative Mike Peterson - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Phillip Cosby, National Coalition for the Protection of Children and Families  
Scott Bergthold  
Stephanie Kaniper, Jefferson County Citizens Group  
Michael Schuttloffel, Catholic Conference  
Judy Smith, Concerned Women for America                      Written Only  
Dr. Mary Anne Layden, University of Pennsylvania                      Written Only

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Seiwert introduced a bill concerning the lottery and smoking.

The Chairman opened the hearing on **HB 2107 Community defense act, sexually oriented business regulations**

Mike Heim gave an explanation of the bill. He indicated that there were a couple of technical amendments. He reviewed the sections of the bill.

Phillip Cosby presented testimony as a proponent of **HB 2107 (Attachment 1)**. He said that the lawful regulation of the sex industry is based on real negative effects on communities. Communities are overwhelmed or intimidated by an industry that boasts that their annual US revenue is greater than all professional sports combined. Many counties and communities in Kansas have no regulatory protection in place. SOB's often ambush unprotected areas, especially along a highway system or main streets of cities. SOB's boldly declare that there is nothing the community can do and if they do enact an SOB regulation, their attorneys threaten and do file lawsuits. Parents and communities cannot contend with the pervasive, aggressive and well funded sex industry. Many states have come to the aid of outgunned communities with constitutionally upheld community defense acts. This bill has all the same regulatory elements as the recently court-tested SOB restrictions in Missouri. The Missouri law has been upheld by three courts to date as constitutionally sound. The Reports, Studies and CD are available from: Phillip Cosby, Kansas City Office, NCPC&F, 11936 W. 119<sup>th</sup> St. # 193, Overland Park, KS 66213.

Representative Wolfe Moore asked how this would work with ordinances passed by local communities? Phillip said that this would not weaken the local ordinance but it would strengthen it. Since most small communities do not have the wherewithal to fight the SOB businesses they are taken advantage of.

Scott Bergthold presented testimony by telephone and written as a proponent of **HB 2107 (Attachment 2)**. His testimony dealt with the negative secondary effects of sexually oriented businesses. He spoke of the many case studies that have substantiated these secondary effects.

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Representative Rubin asked if he saw any legal pitfalls in New Section 12. Scott said that he did not see a challenge being mounted for that language. There was no issue about that in the Missouri statute.

Representative Grosserode asked if there was any information about this kind of business being driven underground where there would be no regulation. Scott said that he was not concerned about that because in 25 states he had been in he had not seen this happen. This is not the kind of business to go underground.

Stephanie Kaniper presented testimony as a proponent of **HB 2107** (Attachment 3). She told how an SOB is trying to establish a business next to Jeff West School and a Meriden Preschool in Meriden, Kansas. They threaten these small communities with lawsuits if they deny their license. These small communities do not have the finances to fight them. We need state regulation of SOB's, or they will overtake our communities.

Michael M. Schuttloffel presented testimony as a proponent of **HB 2107** (Attachment 4). He said that the Community Defense Act is both prudent and constitutional. It has been thoroughly documented that sexually oriented business generate increased crime, decreased property values, prostitution and drug trafficking. The Act will prevent them from being less than 1000 feet from churches, schools and parks. Since small towns can not resist there almost limitless resources we need statewide regulation.

Representative Gatewood asked Stephanie what the current status of the Meriden case was. The county commissioners have not had their first meeting on the case yet. The next meeting will be February 23<sup>rd</sup>.

Representative Knox had a question for Phillip Cosby. What aspects of this bill would be grandfathered in? Phillip said they would not be required to relocate under this bill.

The Chairman allowed an opponent of the bill to speak because he was out of town and could not come back. Originally the opponents were to be heard tomorrow.

Charles A. O'Hara presented testimony as an opponent of **HB 2107** (Attachment 5). He said that as a lawyer for the Wichita area Adult Cabarets he tried to settle the disputes they had with the city. They quit going to Federal court to settle these matters. He said that the Adult Cabarets are very strictly regulated in Wichita, Derby and the surrounding towns.

Representative Rubin asked how many assaults there had been in the bars he represents, either in the building or in the parking lot. Charles said they were very few. Representative Rubin further asked about drug arrests. Charles said he was not aware of many but he would not be called on very many of them.

Representative Knox asked Charles if the regulation in this bill goes beyond what is already in existence in the Wichita area statutes. Charles said that he believes that it limits the alcohol. The clubs that I represent can not exist without alcohol.

Judy Smith, State Director, Concerned Women for America of Kansas presented written only testimony as a proponent of **HB 2107** (Attachment 6). Her testimony says that marriage is the building block of any stable society. The use of pornography is a significant factor in the break-up of marriages and families. In addition sexually oriented businesses attract serious crime.

Dr. Mary Anne Layden, Director Sexual Trauma and Psychopathology Program Center for Cognitive Therapy presented written only testimony as a proponent of **HB 2107** (Attachment 7). The sex industry makes people both victims and victimizers. Between 60-80% of women working in the sex industry have been sexually abused in their childhoods. 60% are depressed, 40% are substance abusers, 55% have Borderline Personality Disorder, and 35% have Multiple Personality Disorder. Strippers suffer toxic and assaultive treatment in the strip clubs. Crimes that see an increase because of these businesses are rape, prostitution and sex slavery. This industry spreads the myth that male sexuality is viciously narcissistic, predatory and out of control. The damage these businesses cause is due to the activity itself. It can not be solved by regulation alone.

The next meeting is scheduled for February 15, 2011.

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The meeting was adjourned at 3:00 p.m.