

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE  
FOR SUBSTITUTE FOR SENATE BILL NO. 514**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for Sub. for SB 514, as amended, would enact the Community Defense Act, which would regulate the operation and location of sexually oriented businesses and establish uniform regulations to prevent undesirable secondary effects of such businesses. The bill would define terms applicable to regulation and control of sexually oriented businesses. It would establish limitations on the location of such establishments in relation to their distance from specifically identifiable types of public and private facilities, minimum requirements for their physical configuration, as well as limitations and restrictions on the types of performances and behaviors that may take place within these businesses and the hours that the businesses could be open. A period of time would be allowed by the bill during which existing businesses could come into compliance with the new requirements to operate such businesses. Any person found in violation of the provisions of the proposed legislation would be guilty of a class C misdemeanor, and each day that a violation continued and each separate occurrence would constitute a separate offense.

The bill also includes a provision that the Community Defense Act would not apply to any city or county which has enacted local ordinances or resolutions regarding sexually oriented businesses.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The House Committee deleted provisions in Sub. for SB 514 that amended the Club and Drinking Establishment Act and inserted provisions from HB 2633 which would establish the Community Defense Act.

The House Committee conducted a hearing on HB 2633. A number of proponents and opponents testified during the hearing, with some presenting only written testimony as noted below:

**Proponents.** Testifying in support of the bill were Representative Lance Kinzer and representatives of the National Coalition for the Protection of Children and Families and the Kansas Catholic Council. Written testimony was submitted by Representative Anthony Brown, the Concerned Women for America of Kansas, and an attorney.

**Opponents.** Testifying against the bill were four representatives of the Women's Liberation Federation, a student, a representative of the Equal Entertainment Group, a sociologist, an owner of Kansas gentlemen's clubs, and the executive director of the Association of Community Entertainment.

The Director of the Budget indicates that the proposed legislation has the potential for increasing litigation in the courts because of the new violations created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. According to the League of Kansas Municipalities and the Kansas Association of Counties, a fiscal effect on the local governments cannot be estimated. This bill could result in additional costs for investigation and prosecution of violators.

However, because the number of violations associated with the new provisions in the bill cannot be determined, it is not possible to estimate the costs that would be incurred.

Sub. for SB 514 as originally passed by the Senate would have amended the Club and Drinking Establishment Act. The substitute bill would have continued the current prohibition for issuing a club or drinking establishment license to any person who does not own the premises for which the license is sought or who does not have a written lease at the time the application was submitted, with an exception that an applicant seeking a license for a premise owned by a city or county, or a stadium, arena, convention center, theater, museum, amphitheater or other similar premise, may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application, in lieu of a lease.

Proponents of Sub. for SB 514 that passed the Senate included representatives from the Division of Alcoholic Beverage Control, City of Salina, and the Salina Chamber of Commerce.

The House Committee of the Whole added an amendment to exclude application of the provisions in this bill from any city or county which has local laws regulating sexually oriented businesses.