

TESTIMONY OF STEPHANIE KANIPER SUPPORTING **HB 2054**
RESIDENT OF JEFFERSON COUNTY, KANSAS
KANSAS HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE, 2013 SESSION
February 14, 2013

Chairman Siegfried and Honorable Members of the Committee, my name is Stephanie Kaniper. I am a Kansas constituent and live in Jefferson County. It is an honor to speak to you as a proponent of the "Community Defense Act," HB 2054, which regulates sexually oriented businesses.

Jefferson County is located directly Northeast of Shawnee County. Two and one half years ago, Jefferson County residents stood in opposition to an SOB (sexually oriented business) in the small town of Meriden, nine miles out of Topeka. The proximity of the business was the most disturbing to area community members because it is not only a mere 900 feet from the Jefferson West Middle School, but the property adjoins USD 340, Jeff West schools! Residential homes and a child daycare are also within the 1000 feet notification area of this business.

I'm a mother of Jeff West School children. I am a preschool teacher and volunteer at school, church, libraries and at functions within the county. My husband and I moved to Jefferson County for the family values and high community standards of the small towns located there. The adult entertainment industry often suggests that those opposed to sexually oriented businesses simply not patronize these establishments. However, the location of this business left us without remedy when it came to protecting our children from its influence.

We had a large community response opposed with over 300 people consistently attending the public hearings that were held and over 735 signatures on a petition. The population of Meriden is only around 750, where the concentrated concerns are held within the county.

Two years ago on this day, February 14, 2011, I stood before this committee to plead for blanket protection from these types of businesses to be allowed near schools and other locations. I informed committee members of the secondary negative affects to a community. The year before, opponents to this Bill argued that statewide regulation is not necessary because "no SOB owner would open so close to a school or church anyway"... Jefferson County is a prime, real-time example as to the typical actions this industry is taking. Many small, medium and even large Kansas communities are vulnerable because they do not have zoning departments. Those that do may be inadequate or have no SOB ordinances. Many lack legal expertise and have scarce funds to withstand lengthy lawsuits. The business owner in Jefferson County and his intentions to become annexed into the City of Meriden evidences this. A building permit was sought in May, 2010, to expand the existing structure of the business. He disguised his intentions and maintained that he only planned to operate a "sports bar," which is documented in Meriden City Council Meeting Minutes of September 28, 2010. It wasn't until one week prior to this meeting in September that the applicant came forth to divulge the truth regarding his plans.

This course of action is common to the SOB industry. They push their agenda through the local process as quietly and quickly as possible, so as not to alert the general public and thereby avoid an uprising. Many times, before the public knows the information, these applications are so far into the process that community members are unable to take a stand against them. This is part of the strategy for successfully opening an SOB. This will continue to happen if we don't impose "time, place and manner" restrictions!

Jefferson County does have zoning regulations and residents have been battling this case within county guidelines. But – I submit to you, that we would not have had to be burdened with such use of our time and attention – and financial strain to the county – had this Bill to regulate SOBs become law.

Jefferson County was sued by the sexually-oriented business owner. Such intimidation is a typical tactic used against communities in order to silence opposition. With consistency to the SOB industry's strategies, the attorneys claimed the county regulations to be unconstitutional.

Every county and community in the State of Kansas needs protection. We need protection against SOBs opening in such close proximity to our schools, churches, child daycare facilities, public libraries, public parks, and residences!

As you may know, Missouri passed a law regulating SOBs, which has been found to be constitutional on all points. This set a great precedent, but as a result, the State of Kansas has now become a target for infiltration by the SOB industry. We cannot take it for granted that SOBs won't set up shop next door to other schools, residences, day care facilities – where our children are – because there are currently no laws preventing them to do so.

Please be aware that directly after the close of the Legislative Session in 2010 – when this Bill failed by ONE VOTE to become law – an SOB filed documents to open for business on property adjoining Jeff West Schools. The SOB industry is standing by, ready to move to the next community. What town is next? We need *state regulation* of SOBs, or they will soon overtake our communities and strain the family values we hold dear!

In closing, I ask you to please vote for HB 2054. Thank you for your time and consideration.

Respectfully Submitted,
Stephanie Kaniper
Jefferson County, Kansas