

HCS SS SCS SB 586 & 617 -- SEXUALLY ORIENTED BUSINESSES

SPONSOR: Bartle (Emery)

COMMITTEE ACTION: Voted "do pass" by the Committee on Small Business by a vote of 10 to 2.

This substitute regulates sexually oriented businesses by limiting their geographic location, ownership interests, state of dress and actions of persons within the sexually oriented business, minimum age of patrons, use or sale of alcohol on site, hours of operation, and location of private viewing booths within the sexually oriented business and specifies the penalties for violations of these restrictions. Nothing in the substitute will be construed as preempting or preventing any political subdivision from maintaining, enacting, or enforcing a provision which is stricter than but not inconsistent with these provisions.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill will provide communities with a measure of security from sexually oriented businesses. In recent years, these businesses have migrated from limited urban districts into other areas of the state and increased their advertising to a level which is a concern for many citizens. They have opened businesses along Missouri's highways and airports and put up aggressive and very explicit billboards. The bill establishes recognizable, definable community standards because there are very clear secondary and tertiary effects on communities where sexually oriented businesses are located. It does not violate the constitutional right to free speech, and the language has already cleared the court system. The bill will allow limited zoning powers regarding these businesses even if there is not countywide zoning which is very important in many rural communities.

Testifying for the bill were Senator Bartle; John L. Putnam, Citizens for a Decent Environment; Dr. John P. Splinter, National Coalition for the Protection of Children and Families; Missouri Family Network; Missouri Baptist Convention, Christian Life Commission; Missouri Family Policy Council; James Valenti; Kathleen Henry; Merre Putnam; Darcie and Henry Ball; I. J. Morrison; Mary Anne Hodge; Concerned Women for America of Missouri; Stephana Landwehr; Joyce Bayliss; Marcus Bayliss; Cynthia McGree; Mitchell Hubbard; Gary Foland; Ronald Cawood; Diane Foland; Robert and Joan Bechtold; Joseph Vincent; Steven Boony; Joseph Dandolf; Yummy Pandolf; Daniel and Mary McKinnis; Lisa Payne-Naeger; Karen Brown; Grover Pierce; Gina Allen; Haven

Howard; Laurel Morton; Rhonda Nikelaisen; Valinda Freed; Rick Mantigne; Vicky Schneller; Sue Stoltz; Dons Petzold; and Russell Freed.

OPPONENTS: Those who oppose the bill say that it unconstitutionally infringes upon a content-based form of expression, it will have an adverse economic impact on local economies, the "secondary effects" studies have not been scientifically rigorous, and the regulation of sexually oriented businesses should be done at the local level.

Testifying against the bill were Mo McCullough, Missouri Association of Club Executives; Daniel Linz; Nellie Symm-Gruender, Passions Video, Incorporated, Passions, Too, Passions in Columbia; Angelina Spencer; Jessica Stafford; Krystina Lavelly; Lauren June Kellermann; and American Civil Liberties Union of Eastern Missouri.