

# Topeka Capitol Journal

## Political Runoff

Tim Carpenter reflects on government

BY [Tim Carpenter](#)

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Thu, 12/29/2011 - 5:22pm

### **Smoking conflict snuffs SE Kansas gambling reforms**

The fuse of controversy was lit when the statewide indoor smoking ban was manipulated to exclude gambling floors of state-sanctioned casinos.

It's red-carpet treatment for casino lobbyists who serve corporations specializing in reaching the pleasure center of customers, whether these gamblers are choking on their own cigarette plume or the second-hand exhalation of someone sitting nearby. The exclusion also defines complicity of anti-tobacco advocates who caved on the exemption as the political price to be paid in 2009 for adoption of a statewide smoking ban.

"If this is about health, let's get serious," said Rep. Brenda Landwehr, a Wichita Republican who opposed the smoking ban and casino exemptions.

The state's indoor smoking ban took root inside restaurants, bars and workplaces on July 1, 2010. Kansas law gave a free pass on smoking in private clubs, tobacco shops and gaming floors of casinos in Dodge City, Mulvane and Kansas City, Kan. No smoking is to be allowed in areas of these casinos separate from slot machines and table games.

"Legislative champions of a statewide, smoke-free law compromised on the provision to gain support for a law that would cover most Kansas workers and customers," said Tracy Russell of the American Lung Association. "While we never supported the exemption (for casinos) we did support the bill as a significant step in achieving a healthier environment for most Kansans."

Interest among some members of the House and Senate in repealing the casino exemption burns hot. But rumbling about dropping the casino smoking exemption stands as a central obstacle to consideration during the 2012 legislative session of a separate bill tied to sparking development of a casino in southeast Kansas.

Political leaders in that corner of the state want to reduce investment thresholds to spark interest in construction of a casino in Cherokee or Crawford counties.

Instead of the current minimum \$225 million that must be dedicated to a casino in that zone, a bill pending in the House would necessitate a \$100 million investment. Rather than paying the

state \$25 million in cash for the privilege of securing a 15-year casino contract, the casino developer would make an \$11 million payment to the state.

There is heartburn among some legislators about recalculating financial boundaries for a casino in southeast Kansas to a level falling between \$50 million stipulated for the casino in Dodge City and \$225 million required of casinos in Mulvane and Kansas City, Kan.

But distress calls from casinos operators in each of these cities would be loud and persistent if the Legislature took up a vehicle capable of being amended to blot out smoking on gaming floors. The risk to their bottom line is too great.

Sharon Stroburg, general manager of Boot Hill Casino and Resort in Dodge City, said research indicated a smoking ban would drive thousands of patrons from Kansas casinos. This exodus would have a detrimental influence on gambling revenue. It also would reduce the state's revenue stream from gaming.

"A smoking ban in casinos becomes even more devastating when surrounding states -- Oklahoma, Missouri, Iowa -- allow smoking in their casinos and when tribal casinos -- Oklahoma and Kansas -- under sovereign control are able to offer smoking in their casinos," she said.

Stroburg said the state would surrender an average of \$2 million annually if smoking was prohibited at Boot Hill.

The \$411 million Hollywood Casino at Kansas Speedway is due to open in February in Kansas City, Kan. It's a joint venture of Penn National Gaming and International Speedway Corp.

Jeff Boerger, president of Kansas Speedway, said a smoking ban in the casino could cut into the facility's revenue as much as 30 percent.

He said gamblers turned off by the ban would be able to easily drive to any of four Kansas City, Mo., casinos that permit smoking.