

his Reply Brief, took “no position upon” the threshold issue of Petitioner’s lack of standing. Petitioner’s Response Brief offers six pages of responses to assert the Tribe has standing, contrary to the position advanced and briefed by Amici Coeur d’ Alene Racing, Inc., Governor Butch Otter, Intermountain Racing and Treasure Valley Racing. This procedural situation presents the likelihood that this substantial, critical and threshold issue will not be fully addressed and examined orally before the Court, if the Respondent only is allowed to argue.

2. In addition, Amicus Coeur d’ Alene Racing, Inc., has asserted the following contentions relevant to the determination of this case that neither of the two parties has briefed, or would likely argue, which it believes are material to the Court’s full consideration and resolution of the pending mandamus request:

A. The Petitioner proposes to misuse the Journal Entry Rule when it cites the “Senate Bill 1011 was returned to my office” phrase from the President Pro Tem’s personal letter as the sole and determinative basis for imposing a judicial action to set aside the legislative action of the whole Senate.

B. The Court could and should consider the precedent of other jurisdictions which construe constitutional day-limitation provisions more expansively in legislative recess circumstances to duly and fully protect the executive veto authority.

C. A judicial order setting aside the legislative veto override vote on the vague, undeveloped and uncertain record herein, would constitute a constitutional invasion of the separate power of a co-equal branch of government.

D. The presumption of regularity and constitutionally in public affairs should be addressed and accorded herein.

E. Idaho Code Section 67-504 can not be considered to be mandatory or solely prescriptive as to the methods and modes by which the governor can timely return a bill and notice up a veto to a legislative house in recess, where the Idaho Constitution, Article IV Section 10 imposes no such detailed process.

F. The Petitioner now appears to wish to argue the merits and substance of Senate Bill 1011 and the concept and impact of historical racing upon the social and economic fabric of Idaho, in an effort to give the Tribe standing before the Court. The Respondent is in no position to rebut these contentions or discuss these topics.

DATED This 16th day of July, 2015.

Respectfully Submitted,



David H. Leroy, Attorney for Amicus Curiae
Coeur d' Alene Racing, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2015, I caused a true and correct copy of the foregoing Amicus Coeur d' Alene Racing, Inc's Second Request to Present Argument Before the Court to be sent by U.S. Mail to the following:

Deborah A. Ferguson
Ferguson Durham, PLLC
223 N. 6th Street, Suite 325
Boise, Idaho 83702

Barker, Rosholt & Simpson, LLP
1010 W. Jefferson, Ste 102
Boise, Idaho 83702

Brian Kane, Idaho Attorney Generals Office
P.O. Box 83720
Boise, Idaho 83720-0010

Greener, Burke, Shoemaker
950 West Bannock #950
Boise, Idaho 83702

David Hensley, Cally Younger
Office of the Governor
P.O. Box 83720
Boise, Idaho 83720-0034



Davalee Davis, Executive Assistant