

Idaho high court upholds law banning horse racing terminals

From staff and wire reports

BOISE — Idaho's highest court says the state must enforce legislation banning lucrative instant horse racing terminals.

In a unanimous decision issued today, the court ruled that Gov. Butch Otter's veto of the legislation was invalid because he didn't complete it within the required five-day time span. The Coeur d'Alene Tribe, which opposes the machines, had sued to challenge Otter's veto of the ban.

The court said Secretary of State Lawrence Denney must certify the law, making the machines illegal. There are currently about 250 of the machines installed in three locations across Idaho, including the Greyhound Park Event Center in Post Falls.

Known as instant horse racing, the machines allow bettors to place wagers on prior horse races with no identifiable information. Idaho lawmakers approved legalizing the machines in 2013, but passed the legislation banning them earlier this year after critics argued the machines were essentially illegal slot machines.

Horse racing track owners have countered the terminals are needed to keep their industry afloat. Former Idaho Attorney General David Leroy, representing Coeur d'Alene Racing, operators of the Greyhound Park in Post Falls, told the court the Coeur d'Alene Tribe did not have standing to bring the case.

The tribe, which operates its own gambling casino on its reservation in Plummer and which was turned down by the state in 1998 in its bid to open one at the Greyhound Park – where 35 of the new instant racing machines now are running – disagreed. Deborah Ferguson, attorney for the Coeur d'Alene Tribe, contended the expansion of gambling machines beyond tribal reservations directly undercuts the main funding source for tribal government functions, from schools to courts and law enforcement.

Coeur d'Alene Tribe Chairman Chief Allan released a statement on today's decision:

“We are very pleased with the Supreme Court's ruling today. This pivotal decision reaffirms that even Idaho's highest elected officials must follow the Constitution. It's really too bad that a lawsuit was necessary to confirm this, but we are extremely happy with the result. More importantly, this is a big win for the Idaho Legislature because the Court is upholding a law that was passed by a supermajority of both the Idaho Senate and the House of Representatives. This is exactly why our government has checks and balances in place.”

Otter repeated his insistence his veto is valid, releasing this statement today: “I vetoed the bill within the time allowed under the Constitution. As for the time of its return, I gave Senate

President Pro Tem Brent Hill my word that he could be the first to inform his colleagues of my veto, instead of having them learn of it through press reports. Unfortunately the Senate already was adjourned for the long Easter weekend. I stand by my word as well as my earlier decision to veto this legislation. It is clear the Senate took up my veto and voted to uphold it. While I disagree with today's ruling, I will continue working toward a solution that ensures a viable live horse racing industry in Idaho."

Idaho's anti-gambling laws are strict; they forbid most forms of gambling other than a state lottery, tribal gaming on Indian reservations, and pari-mutuel, or pooled, betting on horse races. Coeur d'Alene Racing and other horse racing operators in Idaho contend their machines are just a new form of pari-mutuel betting. In a separate dispute with the state, the tribe recently lost an appeal over its addition of a poker room at its Worley casino; federal courts ruled that poker is strictly illegal in Idaho, for anyone.