

Crazy. The entity that says it is not subject to any state regulation now wants to ask that same state to use its regulatory authority to put the regulated entity out of business so the unregulated entity can have a monopoly. I would say that is the worst case ever of the pot calling the kettle black except, in this case, we are not even a kettle.

We are operating 35 games pursuant to a statute passed by the Idaho legislature and under the regulatory supervision of the Idaho Racing Commission. The commission has the absolute authority to say any particular game we request to operate does not comply with Idaho law. To the contrary the commission has reviewed and approved these games.

The entities raising this thinly disguised competitive issue categorically object to any form of state regulation of their games which the various manufacturers, and the indian casinos themselves, openly call slot machines. So at the bottom line, an unregulated slot machine parlor wants to label the regulated games as “illegal slot machines” so that the unregulated slot machine parlor can proceed with no competition for their illegal slot machines.

Unlike the indians, if our regulated games were determined to be illegal, there is a regulatory process in place to address that possibility. If such a process had been in place for the Coeur d’Alenes, their illegal poker room never would have opened and their illegal slot machines would not be in operation.

I have a hard time seeing how any of this will interest the Governor or the other elected officials that passed the historical racing law in the first place. If anyone is being duped, it is all of us that are being subjected to the fiction of calling a slot machine a “tribal video gaming device”.

We welcome, acknowledge and embrace the State’s role in regulating our activities. The indian casinos raising this issue fight, or ignore, any state regulation of their devices at every turn. Remember the Coeur d’Alene’s illegal poker room? Not only did they open it after being

informed by the State that it would not be constitutional, they wouldn't shut it down until forced to do so by a federal judge.

Idaho Tribes ask Governor Otter to End Instant Racing

Tribal Chairmen call new form of casino gaming “illegal hoax”

**For immediate release
January 6, 2014**

Plummer, Idaho – In a letter sent today, the Chairmen of the Coeur d'Alene, Kootenai, Shoshone-Bannock and Shoshone-Paiute tribes urged Idaho Governor C.L. “Butch” Otter and Attorney General Lawrence Wasden to end the proliferation of instant racing machines around Idaho, presented to lawmakers as “historical horse racing,” because it is illegal under Idaho law. **Wouldn't it make more sense for the tribes to make a case? Provide some evidence to their illegality under Idaho law? All the CDAs have provided is innuendo and baseless accusations.**

The Idaho State Legislature authorized pari-mutuel wagering on previously-run horse races when they passed House Bill 220 in 2013, but the machines that are currently installed were never seen by legislators during consideration of the bill. **Wrong, there was at least one terminal at Les Bois Park during the session and members of the State Affairs Committees were invited to see it and many legislators did.** Since then, instant racing machines have been installed at Greyhound Park in Post Falls, Les Bois Park in Garden City and an off-track sport bar in Idaho Falls prompting concerns over whether the machines are illegal. **The Coeur d'Alenes are simply concerned about having a monopoly.**

Other states that have considered instant racing machines have later rejected them due to legal determinations that the machines do not use pari-mutuel wagering. The tribal chairmen note a 2006 ruling by the Wyoming Supreme Court, which found that Instant Racing machines were “a slot machine that attempts to mimic traditional pari-mutuel wagering” and that the court was

“not so easily beguiled” by the attempts of instant gaming proponents. Instant racing is legal in Wyoming and there are at least 10 locations currently operating. The quote above was given in the context of the rules and statutes that were in place in 2006 IN WYOMING. And even if they were illegal in Wyoming at that time that has nothing to do with Idaho since laws are different in each state. Historical racing is legal in Idaho and expressly covered by statute.

“All you have to do is go play them and ask yourself if you are actually betting on a horse race. It’s a hoax that has consistently been found illegal in other states (Incorrect. The only states that operate historical racing are operating under the law. Including at least Kentucky, Arkansas, Wyoming and Idaho.) and these machines will continue to make a mockery out of the law until Idaho does something to stop it,” said Chief Allan, Chairman of the Coeur d’Alene Tribe. Says the proverbial pot calling the kettle black.

Under Idaho law, wagering on historic horse races can be done at any location authorized to do simulcast betting. The law allows for one simulcast betting location in every county. Left unchecked, instant racing casinos could be installed in every county in the state with no limit on the number of machines at each location. Wrong. 54-2512(2) says, “No license authorizing simulcasting and/or televised races shall be issued to or renewed for persons that are not also licensed to conduct live race meets in the State of Idaho.”

This is in stark contrast to the tightly-regulated gaming compacts between tribes and the state of Idaho which confine gaming to reservations and limit the number of machines tribes can have. This is a complete mischaracterization. The tribes are self regulated and have their own gaming commissions. “We look forward to working together with each the State of Idaho to get this obvious double standard addressed,” added Gary Aitken, Chairman of the Kootenai Tribe. The only double standard is that those of us who are operating under the law are being subjected to misleading and purely monopolistic attacks from the very entities that are operating illegally.

In 1988, the United States Congress passed the Indian Gaming Regulatory Act, which allows Indian gaming on reservations for the purpose of promoting tribal self-sufficiency.

The tribal chairmen also note that gaming tribes in Idaho have provided their tribal and non-tribal communities with significant benefits since the passage of IGRA.

“Collectively, Idaho tribes represent a top ten employer in the state with a nearly \$1 billion impact on the state’s economy,” Chairman Allan said. “We play by the rules and we’re proud that our gaming operations have allowed us to make contributions to better the lives of the people of Idaho. But the potential for limitless, illegal gaming in every county in Idaho puts that at risk in a big way.”

Even the Coeur d’Alene Casino calls their slot machines “slots”.

