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IDAHO SUPREME COURT
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Attorneys for Governor C.L. "Butch" Otter

IN THE SUPREME COURT OF THE STATE OF IDAHO

COEUR D'ALENE TRIBE

Petitioner,

v.

THE HONORABLE LAWRENCE DENNEY,
Secretary of State of the State of Idaho, in his
official capacity,

Respondent.

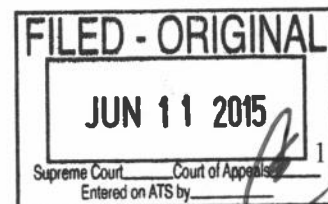
Case No. 43169-2015

**PETITION TO APPEAR AS AMICUS
CURIAE**

COMES NOW, C.L. "Butch" Otter, Governor of the State of Idaho, by and through his attorneys, petitions this Honorable Court for leave to appear as amicus curiae pursuant to Idaho Appellate Rule 8 in the Petition for Writ of Mandamus filed herein on the 3rd day of June 2015, by the Coeur d'Alene Tribe.

The Governor incorporates herein by reference Respondent's Memorandum in Support, the Affidavit of Secretary of State Lawrence Denney and the appendix and exhibits attached thereto.


GOVERNOR OTTER'S PETITION TO APPEAR AS AMICUS CURIAE



Governor Otter disagreed with the legislature’s decision to repeal historic horse racing during the 2015 legislative session. (Denney Aff. Ex. C, at 1). The Governor’s veto of Senate Bill 1011 was his final and formal expression of opposition to repeal, which was subsequently upheld by the Idaho Senate (Resp’t Mem. in Supp. App. A, at 3). The Governor felt strongly that “[w]hen the Legislature legalized pari-mutuel betting on historic horse races during the 2013 session, it was [his] hope that it would serve as a supplement, a shot in the arm for a struggling industry.” (Denney Aff. Ex. C, at 1). Thus the Governor has an interest in continuing the implementation of sound public policy to “fulfill the promise of [the law allowing historic horse racing] and refocus our attention on limiting and more effectively regulating rather than eliminating historic horse racing.” (Denney Aff. Ex. C, at 1). Granting the Petitioner relief will not only supplant the decision of the Senate sustaining the veto, it will undo the policies and protections the Governor has put in place to ensure historic racing is conducted legally and supports live racing. (Denney Aff. Ex. C, at 3).

Under Idaho Appellate Rule 8, Governor Otter is requesting leave to file an amicus brief and nothing further. The Governor would file his brief in support of the Respondent.

Respectfully submitted this 11th day of June, 2015.

By: 

DAVID R. HENSLEY
CALLY A. YOUNGER

Attorneys for Governor C.L. “Butch” Otter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 2015, I caused to be served a true and correct copy of the foregoing Petition to Appear as Amicus Curiae by the method indicated below and addressed to each of the following:

Original filed via Hand Delivery with the Idaho Supreme Court.

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