

SB0276S01 compared with SB0276

~~{Omitted text}~~ shows text that was in SB0276 but was omitted in SB0276S01

inserted text shows text that was not in SB0276 but was inserted into SB0276S01

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1

Utah Horse Racing Commission Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses hearings related to the Utah Horse Racing Commission.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ establishes that a person may appeal a final order or ruling by the Utah Horse Racing

Commission (commission) to a court;

10 ▶ awards costs and fees, attorney fees, and court costs to the Department of Agriculture and Food if
the commission prevails upon an appeal to a court;

12 ▶ requires the commission to adopt rules for a proceeding before the board of stewards; and

13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

19 AMENDS:

SB0276

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20 **4-38-501** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and
amended by Laws of Utah 2017, Chapter 345

21

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **4-38-501** is amended to read:

24 **4-38-501. Hearings before commission -- Hearings before board of stewards -- Appeal --
Costs and attorney fees -- Rulemaking.**

26 (1)

(a) ~~Except as otherwise provided in this section, [all proceedings before the commission or the
commission's hearing officer with respect to the denial, suspension, or revocation of licenses
or the imposition of fines shall be conducted pursuant to]~~ the commission or the commission's
hearing officer shall conduct an informal adjudicative proceeding with respect to the denial,
suspension, or revocation of a license or imposition of a fine in accordance with Title 63G, Chapter
4, Administrative Procedures Act.

33 (b) A final order or ruling from the commission shall take effect immediately and remain effective
unless stayed by a court.

35 (c) A person aggrieved by a final order or ruling issued by the commission may appeal the order or
ruling to a court.

37 (d) A court shall award costs, fees, attorney fees, and court costs to the department if the commission
prevails upon an appeal described in Subsection (1)(c).

39 (2)

(a) ~~[These proceedings shall be held-]~~ The commission shall hold an informal adjudicative proceeding
in the county where the commission has an office or in [any other] a place the commission
designates.

42 (b) The commission shall notify the applicant or licensee by mailing, by first class mail, a copy of the
written notice required to the last address furnished by the application or licensee to the commission
at least seven days in advance of the hearing.

45 (3) The commission may delegate the commission's authority to conduct hearings with respect to the
denial or suspension of licenses or the imposition of a fine to a hearing officer.

48 (4)

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- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules of procedure and evidence for a proceeding before the board of stewards.
- 51 (b) [~~Proceedings before the board of stewards need not be governed by the procedural or other requirements of Title 63G, Chapter 4, Administrative Procedures Act, but rather shall be conducted~~] The board of stewards shall conduct a proceeding in accordance with rules adopted by the commission.
- 55 (5) The commission and the board of stewards may administer oaths and affirmations, sign and issue subpoenas, order the production of documents and other evidence, and regulate the course of the hearing [~~pursuant to~~] in accordance with rules adopted by the commission.
- 59 (6)
- (a) Any person aggrieved by a final order or ruling issued by a board of stewards may appeal the order or ruling to the commission [~~pursuant to~~] in accordance with the procedural rules adopted by the commission.
- 62 (b) The aggrieved party may petition the commission for a stay of execution pending appeal to the commission.
- 64 Section 2. **Effective date.**
- This bill takes effect {~~on May 7, 2025.~~} :
- 66 (1) except as provided in Subsection (2), May 7, 2025; or
- 67 (2) if approved by two-thirds of all members elected to each house:
- 68 (a) upon approval by the governor;
- 69 (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
- 71 (c) in the case of a veto, the date of veto override.

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