

Michael K. McKell proposes the following substitute bill:

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Utah Horse Racing Commission Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor:

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LONG TITLE

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General Description:

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

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Highlighted Provisions:

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This bill:

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

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Commission (commission) to a court;

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▸ awards costs and fees, attorney fees, and court costs to the Department of Agriculture and

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Food if the commission prevails upon an appeal to a court;

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

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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This bill provides a special effective date.

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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4-38-501 . Hearings before commission -- Hearings before board of stewards --

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Appeal -- Costs and attorney fees -- Rulemaking.

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(1)(a) Except as otherwise provided in this section, [~~all proceedings before the~~

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~~commission or the commission's hearing officer with respect to the denial;~~

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~~suspension, or revocation of licenses or the imposition of fines shall be conducted~~

- 29 ~~pursuant to~~ the commission or the commission's hearing officer shall conduct an
30 informal adjudicative proceeding with respect to the denial, suspension, or revocation
31 of a license or imposition of a fine in accordance with Title 63G, Chapter 4,
32 Administrative Procedures Act.
- 33 (b) A final order or ruling from the commission shall take effect immediately and remain
34 effective unless stayed by a court.
- 35 (c) A person aggrieved by a final order or ruling issued by the commission may appeal
36 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
38 commission prevails upon an appeal described in Subsection (1)(c).
- 39 (2)(a) ~~[These proceedings shall be held]~~ The commission shall hold an informal
40 adjudicative proceeding in the county where the commission has an office or in [any
41 other] a place the commission designates.
- 42 (b) The commission shall notify the applicant or licensee by mailing, by first class mail,
43 a copy of the written notice required to the last address furnished by the application
44 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
46 respect to the denial or suspension of licenses or the imposition of a fine to a hearing
47 officer.
- 48 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
49 the commission shall make rules of procedure and evidence for a proceeding before
50 the board of stewards.
- 51 (b) [Proceedings before the board of stewards need not be governed by the procedural or
52 other requirements of Title 63G, Chapter 4, Administrative Procedures Act, but
53 rather shall be conducted.] The board of stewards shall conduct a proceeding in
54 accordance with rules adopted by the commission.
- 55 (5) The commission and the board of stewards may administer oaths and affirmations, sign
56 and issue subpoenas, order the production of documents and other evidence, and
57 regulate the course of the hearing ~~[pursuant to]~~ in accordance with rules adopted by the
58 commission.
- 59 (6)(a) Any person aggrieved by a final order or ruling issued by a board of stewards may
60 appeal the order or ruling to the commission ~~[pursuant to]~~ in accordance with the
61 procedural rules adopted by the commission.
- 62 (b) The aggrieved party may petition the commission for a stay of execution pending

63 appeal to the commission.

64 Section 2. **Effective Date.**

65 This bill takes effect:

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
70 Utah Constitution, Article VII, Section 8; or

71 (c) in the case of a veto, the date of veto override.