

STAFF MEASURE SUMMARY

House Committee On Business and Labor

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/23/15

Action: Do Pass.

Meeting Dates: 02/06, 02/23

Vote:

Yeas: 9 - Barreto, Barton, Doherty, Evans, Fagan, Heard, Holvey, Nosse, Weidner

Exc: 2 - Esquivel, Kennemer

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Establishes \$50 fee to appeal a board of stewards ruling to Oregon Racing Commission. Directs Commission to refund fee under specified circumstances. Allows Commission to require appellant to pay costs incurred by State as a result of appeal if appellant withdraws appeal within 21 days of scheduled hearing date. Requires administrative law judge to award Commission costs and attorney fees if appellant fails, without good cause, to appear at hearing or if judge finds no objectively reasonable basis for appeal.

ISSUES DISCUSSED:

- Setting fee amount in statute as opposed to administrative rule
- Commission's cost to prepare for appeals
- Intent to reduce frivolous appeals
- Types of rulings being appealed

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Racing Commission appoints a board of stewards for each race. After an inquiry and hearing, the board of stewards may impose sanctions for the failure to comply with the racing laws and rules. A person wishing to appeal a ruling of the board can appeal to the Commission for a review and a hearing as provided by the Administrative Procedures Act.

The Oregon Racing Commission reports that in 11 of the past 20 appeals, the appellant did not appear at the hearing, and that the Commission incurs costs in preparing for each hearing.

House Bill 2481 requires a \$50 fee when filing a written notice of appeal. The Commission can waive the fee if it would cause undue hardship, and the fee must be refunded if the appeal is withdrawn more than 21 days from the hearing date, the parties agree to an informal disposition of the appeal, or the appellant asserts any objectively reasonable basis for the appeal at the hearing, regardless of the outcome of the appeal.