

**63E-1-302 Review by committee required for creating an independent entity.**

- (1) If a government requestor proposes that the Legislature create an independent entity, that government requestor shall request that the committee review the proposal.
- (2) After receiving a request for review under Subsection (1), the chairs of the committee:
  - (a) shall schedule a meeting of the committee to review the proposal; and
  - (b) may request information from executive and legislative branch entities and officers concerning the proposal including:
    - (i) whether or not the proposed independent entity should be exempt from any state statute;
    - (ii) the need for oversight of the proposed independent entity by an executive branch agency;
    - (iii) the need for and requirements of audits of the proposed independent entity;
    - (iv) the custody of the proposed independent entity's funds;
    - (v) the legal representation of the proposed independent entity;
    - (vi) whether or not the state should receive services from or provide services to the proposed independent entity; and
    - (vii) the legal liability, if any, to the state if the proposed independent entity is created.
- (3) In requesting information from executive and legislative branch entities or officers under Subsection (2), the committee should specifically consider seeking information from:
  - (a) the state auditor;
  - (b) the state treasurer;
  - (c) the attorney general;
  - (d) the risk manager; and
  - (e) the executive director of the Department of Administrative Services.

Amended by Chapter 46, 2006 General Session