



Legislative Oversight of Independent Entities

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What is an independent entity?

The meaning of “independent entity” is not always clear under Utah law.

Under Title 63E, Independent Entities Code, an independent entity can be an “independent state agency” or an “independent corporation.” It also defines those two terms. Subsection 63E-1-102(4)(b) specifically enumerates eleven different independent entities subject to Title 63E, Independent Entities Code.

A slightly different definition of “independent entity” can be found in Title 63H, Independent State Entities. In addition, Subsection 63H-9-101(3)(c) lists twenty different entities that are subject to Title 63H, Chapter 9, Oversight of Independent Entities.

The following chart demonstrates the differences between definitions and how each title enumerates independent entities:

Title 63E Definitions	Title 63H, Chapter 9 Definitions
<p>63E-1-102(4)</p> <p>(a) “Independent entity” means an entity having a public purpose relating to the state or its citizens that is individually created by the state or is given by the state the right to exist and conduct its affairs as an:</p> <ul style="list-style-type: none"> (i) independent state agency; or (ii) independent corporation. <p>...</p> <p>(c) Notwithstanding this Subsection (4), “independent entity” does not include:</p> <ul style="list-style-type: none"> (i) an institution within the state system of higher education; (ii) a city, county, or town; (iii) a local school district; (iv) a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts; or (v) a special service district under Title 17D, Chapter 1, Special Service District Act. 	<p>63H-9-101(3)</p> <p>(a) “Independent entity” means an entity that:</p> <ul style="list-style-type: none"> (i) has a public purpose relating to the state or its citizens; (ii) is individually created by the state; (iii) is separate from the judicial and legislative branches of state government; and (iv) is not under the direct supervisory control of the governor. <p>(b) “Independent entity” does not include an entity that is:</p> <ul style="list-style-type: none"> (i) a county; (ii) a municipality...; (iii) an institution of higher education... (iv) a public school... (v) a special district... (vi) a special service district ... (vii) created by an interlocal agreement ...; <p>or</p> <ul style="list-style-type: none"> (viii) an elective constitutional office, including the state auditor, state treasurer, and the attorney general.



“Independent corporation” means a corporation incorporated in accordance with Chapter 2, Independent Corporations Act .	
"Independent state agency" means an entity that is created by the state but is independent of the governor's direct supervisory control.	
Title 63E enumerated list of independent entities	Title 63H enumerated list of independent entities
Utah Beef Council ¹	Utah Beef Council
Utah Dairy Commission	Utah Dairy Commission
Heber Valley Historic Railroad Authority	Heber Valley Historic Railroad Authority
Utah Housing Corporation	Utah Housing Corporation
Utah State Retirement Office	Utah Retirement Systems
School and Institutional Trust Lands Administration	School and Institutional Trust Lands Administration
School and Institutional Trust Fund Office	School and Institutional Trust Fund Office
Utah Communications Authority	Utah Communications Authority
Utah Capital Investment Corporation	Utah Capital Investment Corporation
Military Installation Development Authority	Military Installation Development Authority
Public Service Commission of Utah	Public Service Commission
	Career Service Review Office
	Capitol Preservation Board
	Office of Inspector General of Medicaid Services
	Point of the Mountain State Land Authority
	Utah Education and Telehealth Network
	Utah Inland Port Authority
	Utah Lake Authority
	Utah State Fair Park Authority

¹ The list of independent entities in Title 63E is not alphabetized, whereas the list in 63H is alphabetized. Additionally, some of the entities listed are described with slightly different names in code.



Oversight of Independent Entities

The Utah Legislature provides oversight of independent entities in two ways. First, the Retirement and Independent Entities Committee is tasked with a broad array of duties regarding independent entities in Title 63E, Independent Entities Code.

Additionally, a “consensus group” made up of the Office of Legislative Research and General Counsel, the Office of the Legislative Auditor General, and Office of the Legislative Fiscal Analyst are required to provide a report on independent entities if requested by the Legislative Management Committee. These duties are described in Title 63H, Chapter 9, Oversight of Independent Entities.

Role of the Independent Entities Interim Committee

The Retirement and Independent Entities Committee (RIE) is created in Section [63E-1-201](#). Regarding independent entities, the committee is to:

- Study the scope of Title 63E, Independent Entities Code, and determine which entities should be treated as independent entities;
- Review new entities created by the state and entities registered as independent entities to determine if the entity should be added to the list of entities found in Title 63E (left column above);
- Study the statutes that govern each independent entity, including whether there should be consistency in provisions;
- Study the provisions of Utah Code, if any, from which each independent entity should be exempted;
- Study whether the state should receive services from or provide services to each independent entity;
- Requests and hear reports from each independent entity;
- Review the annual audit of each independent entity; and
- Recommend changes, if any, to the full Legislature concerning the organizational status of an independent entity.

In 2024, RIE received reports from the Public Service Commission and the Utah Capital Investment Corporation in addition to regular reports and updates from the Utah Retirement System.

In 2025, RIE received reports from the Office of the Inspector General of Medicaid Services, the School and Institutional Trust Lands Administration, and the Utah Dairy Commission in additional regular reports and updates from the Utah Retirement System.



Role of the Legislative Management Committee

Under Title 63H, Chapter 9, Oversight of Independent Entities, the Legislative Management Committee may designate one or more independent entities for legislative study. If identified, a “consensus group” shall conduct an assessment and report the results to the Legislative Management Committee, the Legislative Audit Committee, and the Executive Appropriations Committee.

In 2025, Legislative Management Committee did not designate any independent entities for this process. In 2026, LMC has designated Beef Council, Dairy Commission, and the Utah Inland Port Authority for review.

Role of Interim and Appropriations Committees

In addition to the processes mentioned above, various interim committees sometimes study or receive reports from independent entities that fall within the relevant subject matter of the interim committee. For example, issues dealing with the School and Institutional Trust Lands Administration are usually assigned to the Natural Resources, Agriculture, and Environment Interim Committee; however, issues dealing with the governance structure and legal structure of SITLA could go to Retirement and Entities for a different analysis instead. Independent entities may also be reviewed by an appropriations committee.

Options for Consideration

To provide greater clarity for lawmakers, members of the public, independent entities, and stakeholders, RIE could:

1. Clarify the definitions of “independent entity.”
2. Review and clarify oversight processes.
3. Clarify RIE’s role and processes.