

Appendix E

EXAMPLES OF TRANSITION OR SAVINGS CLAUSES

(Scroll down)

Administrative Rules.	31A-2-211, p. 2; 75-2-1301, p. 6
Bailment.	70A-7a-702, p. 7
Citations.	78A-1-106, p. 8
Continuation of Entity.	31A-5-108, p. 3; 48-2a-1106, p. 3
Contract or Agreement.	31A-17-404.4, p. 3; 48-2a-1106, p. 3; 63M-1-2408, p. 5
Conveyance.	10-1-109, p. 1
Court or Administrative Action or order.	30-6a-111, p. 2
Effect on Government Entity.	78A-1-107, p. 8; Section x, p. 8
Estates.	75-8-101, p. 7
Insurance Policy.	31A-22-1306, p. 3
Law That Governs.	31A-5-108, p. 3; 31A-37a-105, p. 3; 75-8-101, p. 7
License or Registration.	13-33-305, p. 1; 13-42-140, p. 1; 26-8a-416, p. 2; 58-26a-302, p. 4; 58-60-511, p. 4; 61-2b-10.5, p. 5; 63C-11-312, p. 5
Lien.	70A-9a-702, p. 8
New Government Entity.	Section x, p. 8
Pending Court or Administrative Proceeding.	10-1-109, p. 1; 16-16-1703, p. 1; 63G-4-105, p. 5; 70A-8-601, p. 6; 70A-9a-702, p. 8; 75-5b-503, p. 7; 78A-1-107, p. 8; 78B-13-318, p. 8; 78B-15-902, p. 8
Regulation of Entity Being Changed.	31A-5-108, p. 3; 31A-37a-105, p. 3; 48-2c-1902, p. 4
Security Interest.	70A-8-601, p. 6
Should Be Codified in the Future.	Section x, p. 8
Taxation.	59-7-804, p. 5; 63M-1-2408, p. 5
Transaction.	13-42-140, p. 1; 70A-10-102, p. 6; 70A-5-120, p. 7; 70A-9a-702, p. 8

EXAMPLES OF TRANSITION OR SAVINGS CLAUSES

The following are examples of transition or savings clauses primarily derived from current or previous provisions in the Utah Code. These examples have been modified from the original for brevity or to more closely follow the *Legislative Drafting Manual 2009*. The substance of the relevant provisions were not reviewed, which may require departure from general drafting principles. When substantial language has been omitted from a clause, an ellipsis is used. This is not a complete list of all transition or savings clauses in the Utah Code.

NOTE: Although some wording of these examples violate other aspects of the *Legislative Drafting Manual 2009*, the examples were selected as illustrating approaches in addressing savings or transition issues. Also, if a statute from which the example is taken use the word "act," the term is replaced with "[title/chapter/part/section]," and if it references an effective date without specifying a date, the reference is replaced with "[date]." If an effective date is not known at drafting, revisor instructions are necessary.

10-1-109. Saving clause.

- (1) The repeal of a title, chapter, or section specified in Section 10-1-114 does not:
 - (a) affect a suit pending or a right existing immediately prior to [date];
 - (b) impair, avoid, or affect a grant or conveyance made or right acquired or cause of action now existing under a repealed [title/chapter/part/section] or amendment to a repealed [title/chapter/part/section]; or
 - (c) affect or impair the validity of a bond or other obligation issued or sold prior to [date].
- (2) The repeal of a validating [title/chapter/part/section] or part of a [title/chapter/part/section] does not avoid the effect of the validation. An [title/chapter/part/section] repealed by Section 10-1-114 may not repeal an [title/chapter/part/section] or part of an [title/chapter/part/section] that embraces the same or similar subject matter as the [title/chapter/part/section] repealed.

13-33-305. Transition of licenses.

- (1) A license that was issued by the Division of Occupational and Professional Licensing under Title 58, Chapter 66, Utah Professional Boxing Regulation Act, before July 1, 2001, and in effect on June 30, 2001:
 - (a) is considered a valid license under this chapter until the expiration date indicated on the license;
 - (b) is subject to this chapter, including provisions relating to disciplinary action against the license; and
 - (c) may not be renewed under Title 58, Occupations and Professions.
- (2) Upon the expiration of a license described in Subsection (1), a person desiring to continue licensure in the profession shall meet the same requirements as those required for new licensure under Section 13-33-301.

13-42-140. Transitional provisions -- Application to existing transactions.

- (1) A transaction entered into before July 1, 2007 and the rights, duties, and interests resulting from the transaction may be completed, terminated, or enforced as required or permitted by a law amended, repealed, or modified by this chapter as though the amendment, repeal, or modification had not occurred.
- (2) (a) A person registered under Chapter 21, Credit Services Organizations Act, on June 30, 2007, that is required to be registered under this chapter on July 1, 2007, is considered to be registered under this chapter until the license in effect on June 30, 2007, expires.
 - (b) Notwithstanding Subsection (2)(a), except for the registration requirement, a person subject to this chapter shall comply with this chapter for a transaction entered into on or after July 1, 2007.

16-16-1703. Savings clause.

This chapter does not affect an action or proceeding commenced, or right accrued, before May 5, 2008.

26-8a-416. Transition to eliminate inconsistent licenses.

(1) By May 30, 2000, the department shall review licenses in effect on October 2, 1999, to identify overlap, as defined in department rule, in the service areas of two or more licensed providers.

(2) By June 30, 2000, the department shall notify a licensed provider affected by an overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve each overlap, considering the effects on the licensed providers and the areas to be addressed.

(3) For each overlap, the department shall meet with the affected licensed providers and provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.

(4) (a) If a resolution is reached under Subsection (2) that the department finds satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the resolution consistent with Subsection (6).

(b) If a resolution is not reached under Subsection (2), the department or a licensed provider involved in the matter may request the commencement of a formal adjudicative proceeding to resolve the overlap.

(5) The department shall commence adjudicative proceedings for a overlap that is not resolved by July 1, 2003.

(6) Notwithstanding the exclusive geographic service requirement of Section 26-8a-402, the department may amend one or more licenses after a resolution is reached or an adjudicative proceeding is held to allow:

(a) a single licensed provider to serve all or part of an overlap area;

(b) more than one licensed provider to serve an overlap area;

(c) licensed providers to provide different types of service in an overlap area; or

(d) a license that recognizes a service arrangement that existed on September 30, 1999.

(7) Notwithstanding Subsection (6), a license for an overlap area terminates upon:

(a) relinquishment by the licensed provider; or

(b) revocation by the department.

30-6a-111. Transitional provision.

This chapter applies to:

(1) a protection order issued before July 1, 2006;

(2) a continuing action for enforcement of a foreign protection order commenced before July 1, 2006; and

(3) a request for enforcement of a foreign protection order made on or after July 1, 2006 for a violation of a foreign protection order occurring before July 1, 2006.

31A-2-211. Rules and forms during transition period.

(1) The commissioner's rules adopted under former Title 31 are rescinded unless continued under Subsection (3).

(2) Beginning on or after May 1, 1985, and ending on or before July 1, 1986, the commissioner may prepare and adopt rules to implement or supplement this title. These rules are effective on July 1, 1986, or on the effective date of the particular provision, if that is later than July 1, 1986.

(3) The commissioner may issue an order declaring that all or part of a rule in effect under former

Title 31 remains in effect until a date specified under the order, which date may not be later than June 30, 1989. A rule continued under this Subsection (3) may not be inconsistent with another provision under this title. The commissioner shall give notice of the order under Section 31A-2-303.

(4) A form used, issued, or required by the department and approved by the commissioner or otherwise legitimately in use immediately before [date] may continue to be used until replaced in accordance with this title.

31A-5-108. Transition provision for former mutual benefit associations, cooperative associations, county mutuals, and reciprocal insurers.

(1) Except as otherwise provided in this title, a domestic stock or mutual insurance corporation, including an incorporated mutual benefit association, a county mutual, a reciprocal insurer, or an incorporated cooperative association, holding a valid certificate of authority on July 1, 1986, continues to be authorized within the limits of its certificate of authority. An incorporated mutual benefit association, county mutual, reciprocal insurer, or cooperative association becomes a Chapter 5, Domestic Stock and Mutual Insurance Corporations, mutual by operation of law on July 1, 1986.

(2) If timely adjustment to the requirements of Chapter 5 would cause an existing stock or mutual insurance corporation hardship, disproportionate expense, or serious inconvenience, the commissioner may, upon the corporation's request, grant an extension for compliance with specified requirements, if the interests of insureds and the public are not endangered. The extension may not be beyond July 1, 1988.

31A-17-404.4. Transition -- Application to reinsurance agreement.

The amendments to this part made in Laws of Utah 2008, Chapter 257, apply to a cession made on or after July 1, 2008 under a reinsurance contract that has an inception, anniversary, or renewal date no sooner than January 1, 2009.

31A-22-1306. Transition provision for existing policy forms.

An insurance policy form need not conform to the requirements of this chapter until July 1, 1987. An insurance policy issued after July 1, 1986, is subject to Section 31A-21-107.

31A-37a-105. Transition.

(1) (a) Except as otherwise determined by the commissioner, a captive insurance company that on May 5, 2008 has a certificate of authority from the commissioner pursuant to Chapter 37, Captive Insurance Companies Act, and engages in insurance securitization:

- (i) is subject to this chapter as a special purpose financial captive insurance company; and
- (ii) is considered to have a certificate of authority issued under this chapter.

(b) The commissioner may require a captive insurance company described in Subsection (1)(a) to take an action that the commissioner determines is reasonably necessary to bring the captive insurance company into compliance with this chapter.

(2) The commissioner may issue an order described in Section 31A-37a-201 with respect to a captive insurance company described in Subsection (1)(a) if the captive insurance company is not in compliance with this chapter.

48-2a-1106. Savings clause.

The repeal of a statutory provision by this chapter does not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing on July 1, 1990, nor does the repeal of a statutory provision by this chapter impair a contract or affect a right accrued before July 1, 1990.

48-2c-1902. Transitional provisions.

(1) A limited liability company formed before July 1, 2001, under the laws of this state, and existing on July 1, 2001:

(a) continues in existence with the rights and privileges applicable to a limited liability company formed under this chapter;

(b) need not amend its articles of organization to include the address of its designated office if it includes the information in its first annual report filed with the division after July 1, 2001, and in subsequent annual reports; and

(c) that provides professional services as defined in Part 15, Profession, need not amend its articles of organization to comply with Section 48-2c-1509 if it includes the information in its first annual report filed with the division after July 1, 2001, and in subsequent annual reports.

(2) A domestic company formed before July 1, 2001, under the laws this state, as well as the company's managers, members, and assignees of members, as applicable, have the rights and privileges and are subject to the requirements, restrictions, duties, liabilities, and remedies prescribed in this chapter.

(3) A foreign limited liability company authorized to transact business in this state as of July 1, 2001, is subject to this chapter, but is not required by reason of enactment of this chapter to obtain a new certificate of authority to transact business in this state.

58-26a-302. . . . -- Transitional provisions.

. . . (4) An individual has until July 1, 2004, to obtain three years of qualifying experience for licensure without being required to complete the education requirement if that individual:

(a) was approved to take the qualifying examinations before July 1, 1994, under prior law without completion of the education requirement; and

(b) (i) passed the AICPA Uniform CPA Examination before July 1, 1994; or

(ii) received conditional credits on the AICPA Uniform CPA Examination before July 1, 1994, and subsequently passed all parts of the AICPA Uniform CPA Examination within six immediately successive examination administrations.

58-60-511. Experience requirement -- Transition of licensing and experience.

(1) Except as otherwise approved in writing by the board and the division, hours of experience required by Section 58-60-506 that are earned after January 1, 2008, shall be earned while the person earning the hours is licensed under this part.

(2) An applicant working toward licensure under rules in effect before July 1, 2007 who has 200 or more hours of addiction-specific training conducted at an approved agency before July 1, 2007 may apply in writing to extend the time to complete the remainder of the training requirement until July 1, 2008.

(3) (a) The division may grant an applicant credit for up to 3,000 hours of experience required

under this part for hours completed before January 1, 2008.

(b) The division shall grant a request for credit under Subsection (3)(a) if the experience completed before January 1, 2008 is reasonably equivalent to the experience required by this part.

59-7-804. Transition rule --

Net operating losses are recognized to the extent recognized for federal purposes even if incurred before [date]. . . .

61-2b-10.5. . . . -- Transition to state-licensed or state-certified appraisers.

(1) A person who was registered as a state-registered appraiser under this chapter before May 3, 1999, has the same authority as a state-licensed appraiser under this chapter for as long as the registration of that person remains current, but in no event after May 3, 2001.

(2) The division may not issue a registration on or after May 3, 1999, except as provided in Subsection 61-2b-6(2).

(3) The division may renew a registration of a person who was registered as a state-registered appraiser as of May 3, 1999, under this chapter until May 3, 2001. A registration renewed under this Subsection (3) expires on May 3, 2001.

(4) A person who was registered as a state-registered appraiser under this chapter before May 3, 1999, may have that registration converted to a license or certification if that person meets the requirements for licensure or certification under this chapter.

63C-11-312. Transition of licenses.

(1) A license that is issued by the Department of Commerce under Title 13, Chapter 33, Pete Suazo Utah Athletic Commission Act, before July 1, 2007:

(a) is considered a valid license under this part until the expiration date indicated on the license;

(b) is subject to this part, including provisions relating to disciplinary action against the license; and

(c) may not be renewed under Title 58, Occupations and Professions.

(2) Upon the expiration of a license described in Subsection (1), a person desiring to continue licensure in the profession shall meet the same requirements as those required for new licensure under Section 63C-11-308.

63G-4-105. Transition procedures.

(1) The procedures for agency action, agency review, and judicial review contained in this chapter are applicable to an agency adjudicative proceeding commenced by or before an agency on or after January 1, 1988.

(2) A statute or rule governing agency action, agency review, and judicial review that is in effect on December 31, 1987, governs an agency adjudicative proceeding commenced by or before an agency on or before December 31, 1987, even if the proceeding is pending before an agency or a court on January 1, 1988.

63M-1-2408. Transition clause -- Renegotiation of agreements -- Payment of partial rebates.

(1) As used in this section, "partial rebate" means an agreement between the office and a business entity under which the state agrees to pay back to the business entity a portion of new state revenues generated by a business entity's new commercial project.

(2) (a) Unless modified or renegotiated as provided in Subsection (2)(b), the Division of Finance shall make a partial rebate payment due under an agreement entered into by the office before May 5, 2008 as provided in this section.

(b) By January 1, 2009, the office shall:

(i) contact each business entity with whom the office entered into an agreement under former Section 63M-1-1304 or 63M-1-1704; and

(ii) subject to the limits established in Subsection 63M-1-2404(3)(b), seek to modify those agreements for the sole purpose of providing the incentives in the form of tax credits under this part rather than partial rebates.

(c) The office shall:

(i) for a modified agreement granting a tax credit, follow the procedures and requirements of Section 63M-1- 2405;

(ii) for an agreement that still requires the state to pay a partial rebate to the business entity, follow the procedures and requirements of this section; and

(iii) provide a report to the Executive Appropriations Committee and the Legislative Fiscal Analyst by December 1, 2008, about the progress of its efforts to modify agreements reached before May 5, 2008.

. . . .

70A-8-601. Transition provisions.

(1) This [title/chapter/part] does not affect an action or proceeding commenced before [date].

(2)(a) If a security interest in a security is perfected as of [date], and the action by which the security interest was perfected would suffice to perfect a security interest under this [title/chapter/part], no further action is required to continue perfection.

(b)(i) If a security interest in a security is perfected as of [date] but the action by which the security interest was perfected would not suffice to perfect a security interest under this [title/chapter/part], the security interest remains perfected for a period of four months after [date] and continues perfected for the four-month period if appropriate action to perfect under this [title/chapter/part] is taken within that four-month period.

(ii) If a security interest is perfected as of [date] and the security interest can be perfected by filing under this [title/chapter/part], a financing statement signed by the secured party instead of the debtor may be filed within the four-month period described in this Subsection (2) to continue perfection or after the four-month period to perfect.

70A-10-102. . . . -- Provision for transition.

. . . . (2) A transaction validly entered into before the effective date specified in Section 70A-10-101 and the rights, duties and interests flowing from the transaction remain valid after the effective date specified in Section 70A-10-101 and may be terminated, completed, consummated or enforced as required or permitted by a statute or other law amended or repealed by this [title/chapter/part] as though the repeal or amendment had not occurred.

75-2-1301. Transitional provisions.

(1) On July 1, 1998:

(a) an act done in a proceeding and a right accrued before July 1, 1998, is not impaired by this title; and

(b) if a right is acquired, extinguished, or barred on the expiration of a prescribed period of time

that commenced to run by statute before July 1, 1997, the statute governs with respect to that right.

(2) A rule of construction or presumption provided in [title/chapter/part] applies to governing instruments executed before July 1, 1997, unless there is a finding of a contrary intent.

75-5b-503. Transitional provision.

(1) This chapter applies to a guardianship or protective proceeding begun on or after January 1, 2009.

(2) Parts 1, 3, and 4 and Sections 75-5b-501 and 75-5b-502 apply to a proceeding begun before January 1, 2009, regardless of whether a guardianship or protective order has been issued.

75-8-101. Time of taking effect -- Provisions for transition.

(1) This [title/chapter/part] takes effect on July 1, 1977.

(2) Except as provided elsewhere in this [title/chapter/part], on July 1, 1977:

(a) this [title/chapter/part] applies to a will of a decedent dying after July 1, 1977;

(b) this [title/chapter/part] applies to a proceeding in court pending as of July 1, 1977, or commenced on or after July 1, 1997, regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this [title/chapter/part];

(c) a personal representative, including a person administering an estate of a minor or incompetent, holding an appointment on July 1, 1997, continues to hold the appointment but has only the powers conferred by this [title/chapter/part] and is subject to the duties imposed with respect to an act occurring or done after July 1, 1997;

(d) an act done before July 1, 1977, in a proceeding and an accrued right is not impaired by this [title/chapter/part];

(e) if a right is acquired, extinguished or barred upon the expiration of a prescribed period of time that commenced to run by the provision of a statute before July 1, 1977, the provision governs with respect to that right; and

(f) a rule of construction or presumption provided in this [title/chapter/part] applies to an instrument executed or a multiple-party account opened before July 1, 1997, unless there is a clear indication of a contrary intent.

70A-5-120. Savings clause.

A transaction arising out of or associated with a letter of credit that was issued before July 1, 1997, and the rights, obligations, and interests flowing from that transaction are governed by a statute or other law amended or repealed by this [title/chapter/part/section] as if repeal or amendment had not occurred and may be terminated, completed, consummated, or enforced under that statute or other law.

70A-7a-702. Savings clause.

A document of title issued or a bailment that arises before May 1, 2006 and the rights, obligations, and interests flowing from that document or bailment are governed by a statute or other rule amended or repealed by this chapter as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

70A-9a-702. Savings clause.

- (1) Except as otherwise provided in this part, this chapter applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before [date].
- (2) Except as otherwise provided in Subsection (3) and Sections 70A-9a-703 through 70A-9a-709:
 - (a) a transaction or lien that was not governed by former Chapter 9, was validly entered into or created before [date], and would be subject to this [title/chapter/part/section] if it had been entered into or created after [date], and the rights, duties, and interests flowing from the transaction or lien remain valid after [date]; and
 - (b) a transaction or lien described in Subsection (2)(a) may be terminated, completed, consummated, and enforced as required or permitted by this [title/chapter/part/section] or by the law that otherwise would apply if this [title/chapter/part/section] had not taken effect.
- (3) This [title/chapter/part/section] does not affect an action, case, or proceeding commenced before [date].

78A-1-106. Transition clause -- Recodification of Title 78.

For purposes of a matter pending in a court beginning February 7, 2008 through August 31, 2008, citation to an appropriate section in the previous Title 78, Judicial Code, shall be considered a proper citation to the corresponding section in Title 78A, Judiciary and Judicial Administration, or Title 78B, Judicial Code.

78A-1-107. Savings clause -- Recodification of Title 78.

The provisions of Title 78A, Judiciary and Judicial Administration, and Title 78B, Judicial Code, are considered a continuation of the previous Title 78, Judicial Code. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in a court on February 7, 2008 shall result from the enactment of Titles 78A and 78B. With respect to the organization of the courts, the offices of all officers and employees, shall be construed as continuations of the previous Title 78, Judicial Code. The tenure of justices, judges, justices of the peace, officers, and employees of the courts in office on February 7, 2008 is not affected by its enactment.

78B-13-318. Transitional provision.

A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before [date] is governed by the law in effect at the time the motion or other request was made.

78B-15-902. Transitional provision.

A proceeding to adjudicate parentage that was commenced before May 1, 2005 is governed by the law in effect at the time the proceeding was commenced.

Section x. Transition to new department. (should be codified in the future)

- (1) As used in this chapter:
- (2) The chief information officer shall serve as the transition director to provide executive direction and supervision for the implementation of all transfers of authority and technology functions in the executive branch to the department that are made pursuant to this bill and the Utah Technology Governance Act.

- (3) (a) The transition director and the directors of all executive branch agencies shall jointly identify the program positions and administrative function positions that will be transferred to the department according to the Utah Technology Governance Act.
- (b) The transition director and the directors of all executive branch agencies and programs shall make every effort to develop agreements specifying the positions to be transferred from the executive branch agency or program to the department no later than August 31, 2005.
- (c) If the transition director and a director fails to reach an agreement on the positions to be transferred under this Subsection (3):
- (i) the transition director shall submit the transition director's recommendation to the governor and to the commission by no later than August 31, 2005 for their consideration;
 - (ii) the commission may recommend to the governor the position or function to be transferred to the department; and
 - (iii) the governor shall determine whether to transfer the position or function to the department.
- (4) The transition director shall:
- (a) immediately initiate coordination with the directors of all executive branch agencies affected by this bill to facilitate the transfer of programs, positions, and administrative functions; and
 - (b) develop memoranda of record identifying any of the following related to the authority to be transferred:
 - (i) a pending settlement;
 - (ii) an issue of compliance with applicable federal and state laws and regulations; or
 - (iii) other obligation to be resolved.
- (5) Notwithstanding Subsection 63-38-3.5(8)(f)(i), all records, personnel, property, equipment, grants, unexpended and unexpired balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to any entity for the activities, powers, duties, functions, and responsibilities transferred to the department by this bill shall transfer to the department:
- (a) at the direction of:
 - (i) the transition director; and
 - (ii) the Governor's Office of Planning and Budget; and
 - (b) in accordance with the Utah Technology Governance Act.
- (6) The transition director shall:
- (a) administer the functions of this bill in a manner that promotes efficient administration; and
 - (b) make internal organizational changes as necessary to complete the realignment of responsibilities required by this bill and the Utah Technology Governance Act.
- (7)(a) The transition director and other individuals designated by the governor may request the assistance of an executive branch agency with respect to:
- (i) personnel;
 - (ii) budgeting;
 - (iii) procurement;
 - (iv) information systems; or
 - (v) other management related functions.
- (b) An executive branch agency shall provide assistance request under this Subsection (7).
- (8)(a) The transition director may temporarily hire or retain contractors, subcontractors, or advisors as the transition director considers necessary for the strategic planning and implementation of the

transition.

(b) A temporary person hired or contracted with under this Subsection (8):

(i) must be selected in accordance with Title 63, Chapter 56, Utah Procurement Code; and

(ii) shall be terminated by July 30, 2006.

(9) After consultation with the transition director and the governor, the state budget director shall:

(a) determine the most efficient process necessary for transitioning the technology budgets of the various executive branch agencies including the Division of Information Technology Services to the department;

(b) submit a supplemental budget request and, if needed, a 2006-07 budget recommendation to the commission by October 31, 2005 and to the Legislature before the 2006 General Session detailing steps necessary to transition employees, activities, assets, liabilities, budgets, and other authorities of appropriated and internal services fund technology functions into the department;

(c) in accordance with Subsection 63-38-3.5(4)(b), establish interim rates for products and services to be provided on a capital maintenance and cost reimbursement basis and to be recovered through interagency billing such that the interim rates:

(i) are based upon a zero based, full cost accounting of activities necessary to provide each service for which a rate is established;

(ii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of the service; and

(iii) are submitted to the Legislature for authorization in accordance with Subsection 63-38-3.5(4)(b); and

(d) handle the financial transactions and records in the state's financial management and records system during the period of transition.

(10) A rule, order, contract, grant, or agreement relating to the functions of the Department of Technology Services lawfully adopted before [date] by the responsible state executive branch agency continues to be effective until revised, amended, or rescinded.

(11) A suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by this chapter does not abate by reason of this bill.

(12) Beginning July 1, 2005, the transition director shall provide a report to the commission on a quarterly basis concerning the progress and implementation of the executive branch transition of information technology functions to the department.

(13) The transition director shall include in the report recommendations for the 2006 Legislature regarding any statutory changes that are needed to make the transition complete.

(14) The transition director's authority under this bill ends on December 31, 2006.