

SENATE BILL NO. 302

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/6/04

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority to take oaths, affirmations, and acknowledgments in**
2 **the state; relating to notaries public; relating to fees for issuing certificates with the seal**
3 **of the state affixed; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 09.63.010 is amended to read:

6 **Sec. 09.63.010. Oath, affirmation, and acknowledgment.** The following
7 persons may take an oath, affirmation, or acknowledgment in the state:

8 (1) a justice, judge, or magistrate of a court of the State of Alaska or of
9 the United States;

10 (2) a clerk or deputy clerk of a court of the State of Alaska or of the
11 United States;

12 (3) a notary public;

13 (4) a United States postmaster;

14 (5) a commissioned officer under AS 09.63.050(4); [OR]

1 (6) a municipal clerk carrying out the clerk's duties under
2 AS 29.20.380;

3 **(7) the lieutenant governor carrying out the lieutenant governor's**
4 **duties under AS 24.05.160;**

5 **(8) the presiding officer of each legislative house carrying out the**
6 **duties under AS 24.05.170.**

7 * **Sec. 2.** AS 09.63.030(c) is amended to read:

8 (c) If the document is sworn to or affirmed before a notary public of the state,
9 the notary public shall

10 (1) **affix** [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
11 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

12 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document
13 **the**

14 **(A) notary's official signature and official seal; and**

15 **(B) date of expiration of the notary's commission; and**

16 **(2) [(3)]** comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
17 44.50.080 OR] other applicable law.

18 * **Sec. 3.** AS 09.63.040(d) is amended to read:

19 (d) If the verification is sworn to or affirmed before a notary public of the
20 state, the notary public shall

21 (1) **affix** [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
22 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

23 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document
24 **the**

25 **(A) notary's official signature and official seal; and**

26 **(B) date of expiration of the notary's commission; and**

27 **(2) [(3)]** comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
28 44.50.080 OR] other applicable law.

29 * **Sec. 4.** AS 09.63.100(b) is amended to read:

30 (b) If a document is acknowledged before a notary public of the state, the
31 notary public shall

1 (1) **affix** [ENDORSE AFTER THE NOTARY'S SIGNATURE THE
2 DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

3 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document
4 **the**

5 **(A) notary's official signature and official seal; and**

6 **(B) date of expiration of the notary's commission; and**

7 **(2)** [(3)] comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
8 44.50.080 OR] other applicable law.

9 * **Sec. 5.** AS 44.19.024 is amended to read:

10 **Sec. 44.19.024. Fees for issuing certificate.** For issuing each certificate with
11 the seal of the state affixed, the lieutenant governor shall collect a fee of **\$5 per**
12 **certificate** [\$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS PER
13 FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account
14 for the fees received under this section and shall **deposit** [PAY] them into the state
15 treasury.

16 * **Sec. 6.** AS 44.50.010 is repealed and reenacted to read:

17 **Sec. 44.50.010. Notary public commission; term.** (a) The lieutenant
18 governor may commission for the state

19 (1) notaries public without limitation, who are authorized to use the
20 notary seal for all legal purposes; and

21 (2) limited governmental notaries public, who are state, municipal, or
22 federal employees authorized to use the notary seal only for official government
23 business.

24 (b) The term of a notary public commission is four years, except that the term
25 of a limited governmental notary public commission coincides with the term of
26 government employment.

27 (c) A person who is a state, municipal, or federal employee commissioned as a
28 limited governmental notary public may also be commissioned as a notary public
29 without limitation.

30 * **Sec. 7.** AS 44.50.020 is repealed and reenacted to read:

31 **Sec. 44.50.020. Qualifications.** To be commissioned as a notary public a

1 person

2 (1) must submit an application under AS 44.50.031;

3 (2) must be at least 18 years of age;

4 (3) must have established residency in this state under AS 01.10.055;

5 (4) must reside legally in the United States;

6 (5) may not have been convicted of a felony in this state or another
7 jurisdiction;

8 (6) may not have had a notary public commission revoked in this state
9 or another jurisdiction;

10 (7) may not have committed acts for which a notary public
11 commission may be denied or revoked under this chapter; and

12 (8) must meet the other requirements in this chapter to be
13 commissioned as a notary public.

14 * **Sec. 8.** AS 44.50 is amended by adding new sections to read:

15 **Sec. 44.50.031. Application.** (a) A person applying for a commission as a
16 notary public must submit a completed application as required by this section, using
17 the forms or format required by the lieutenant governor.

18 (b) A completed application for a commission under AS 44.50.010(a)(1) must
19 include

20 (1) an affirmation that the applicant meets the qualifications set out in
21 AS 44.50.020(2) - (7);

22 (2) the applicant's mailing and physical addresses, the applicant's
23 telephone number, if any, the applicant's employer or business, the physical address
24 and telephone number of the applicant's employer or business at the location where the
25 applicant works, and an electronic mailing address, if any, where the applicant can be
26 contacted;

27 (3) information concerning any denial, suspension, revocation, or
28 restriction of the applicant's commission as a notary public in this state or another
29 jurisdiction; that information must include

30 (A) identification of the jurisdiction;

31 (B) the date the jurisdiction issued the denial, suspension,

1 revocation, or restriction;

2 (C) the reasons for the denial, suspension, revocation, or
3 restriction; and

4 (D) information concerning final resolution of the matter;

5 (4) the applicant's notarized signature on the portion of the application
6 that contains the oath or affirmation required by AS 44.50.035;

7 (5) the fee required by AS 44.50.033; and

8 (6) the bond required by AS 44.50.034.

9 (c) A completed application for a commission under AS 44.50.010(a)(2) must
10 include

11 (1) a signed statement by the applicant's government employer that the
12 commission is needed for the purpose of conducting official government business;

13 (2) the applicant's mailing and physical addresses, the applicant's
14 telephone number, if any, and employer, the name, address, and telephone number for
15 the employer where the applicant works, and an electronic mailing address, if any,
16 where the applicant can be contacted;

17 (3) the affirmation, information, and signature required by (b)(1), (3),
18 and (4) of this section; and

19 (4) the fee required by AS 44.50.033.

20 **Sec. 44.50.033. Application fee.** A person applying for a commission as a
21 notary public shall pay a nonrefundable application fee of \$40. However, an applicant
22 for a limited governmental notary public commission under AS 44.50.010(a)(2) who is
23 employed by the state may not be required to pay an application fee.

24 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary
25 public without limitation under AS 44.50.010(a)(1) must execute an official bond of
26 \$1,000 and submit the bond with the application under AS 44.50.031. The bond must
27 be for a term of four years beginning with the date of commission as a notary public.

28 (b) The lieutenant governor shall keep a bond submitted under this section for
29 two years after the end of the term of the commission for which the bond was issued.
30 Disposition of the bond after the end of the commission does not affect the time for
31 starting an action on the bond.

1 **Sec. 44.50.035. Oath.** The application required by the lieutenant governor
 2 under AS 44.50.031 must contain an oath or affirmation, in the form set out in
 3 AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted
 4 in an application under AS 44.50.031 takes effect on the date of the applicant's
 5 commission as a notary public under this chapter.

6 **Sec. 44.50.036. Denial of applications.** The lieutenant governor shall deny
 7 an application for a notary public commission if the

- 8 (1) applicant does not meet the requirements of this chapter;
 9 (2) application is not complete or contains a material misstatement or
 10 omission of fact relating to the requirements for a commission under this chapter;
 11 (3) applicant has been convicted of a felony in this state or another
 12 jurisdiction; or
 13 (4) applicant's commission as a notary public has been revoked in this
 14 state for a reasons set out in AS 44.50.067, or in another jurisdiction for a substantially
 15 similar reason.

16 **Sec. 44.50.037. Certificate of commission.** Upon commission of a notary
 17 public under this chapter, the lieutenant governor shall provide to the notary public a
 18 certificate of commission indicating the commission and the dates of the term of the
 19 commission.

20 **Sec. 44.50.038. Subsequent commissions.** A notary public whose term of
 21 commission is ending may apply for a new notary public commission by submitting a
 22 new application under AS 44.50.031 and complying with the requirements of this
 23 chapter. The lieutenant governor's approval of a new application for a commission for
 24 a notary public without limitation under AS 44.50.010(a)(1) operates to terminate an
 25 applicant's existing commission under that paragraph.

26 **Sec. 44.50.039. Limited governmental notaries public.** A state, municipal,
 27 or federal employee commissioned as a notary public under AS 44.50.010(a)(2)

- 28 (1) is designated a limited governmental notary public;
 29 (2) may perform notarial acts only in the conduct of official
 30 government business; and
 31 (3) may not charge or receive a fee or other consideration for notarial

1 services provided under this chapter.

2 * **Sec. 9.** AS 44.50.060 is amended to read:

3 **Sec. 44.50.060. Duties.** A notary public shall **administer oaths and**
 4 **affirmations.**

5 [(1) WHEN REQUESTED, DEMAND ACCEPTANCE AND
 6 PAYMENT OF FOREIGN AND INLAND BILLS OF EXCHANGE, OR
 7 PROMISSORY NOTES, PROTEST THEM FOR NONACCEPTANCE AND
 8 NONPAYMENT, AND EXERCISE THE OTHER POWERS AND DUTIES THAT
 9 BY THE LAW OF NATIONS AND ACCORDING TO COMMERCIAL USAGES,
 10 OR BY THE LAWS OF ANY OTHER STATE, GOVERNMENT, OR COUNTRY,
 11 MAY BE PERFORMED BY NOTARIES;

12 (2)] take the acknowledgment **of** or proof of **execution of** [POWERS
 13 OF ATTORNEY, MORTGAGES, DEEDS, GRANTS, TRANSFERS, AND OTHER]
 14 instruments of writing, and give a **notarial** certificate of the proof or acknowledgment,
 15 **included in** [ENDORSED ON] or attached to the instrument. **The notarial** [; THE]
 16 certificate shall be signed by the notary in the notary's own handwriting [;

17 (3) TAKE DEPOSITIONS AND AFFIDAVITS, AND ADMINISTER
 18 OATHS AND AFFIRMATIONS, IN ALL MATTERS INCIDENT TO THE DUTIES
 19 OF THE OFFICE, OR TO BE USED BEFORE A COURT, JUDGE, OFFICER, OR
 20 BOARD IN THE STATE; A DEPOSITION, AFFIDAVIT, OATH, OR
 21 AFFIRMATION SHALL BE SIGNED BY THE NOTARY IN THE NOTARY'S
 22 OWN HANDWRITING, AND THE NOTARY SHALL ENDORSE AFTER THE
 23 SIGNATURE THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION].

24 * **Sec. 10.** AS 44.50 is amended by adding new sections to read:

25 **Sec. 44.50.061. Prohibited acts.** A notary public may not

26 (1) violate state or federal law in the performance of acts authorized by
 27 this chapter;

28 (2) influence a person to enter into or avoid a transaction involving a
 29 notarial act by the notary public;

30 (3) affix the notary public's signature or seal on a notarial certificate
 31 that is incomplete;

1 (4) charge a fee for a notarial act unless a fee schedule has been
2 provided to the signer before the performance of the notarial act;

3 (5) affix the notary public's official seal to a document, unless the
4 person who is to sign the document

5 (A) appears and signs the document before the notary public,
6 or, for an acknowledgment, appears and indicates to the notary that the person
7 voluntarily affixed the person's signature on the document for the purposes
8 stated within the document;

9 (B) gives an oath or affirmation, if required under law or if the
10 notarial certificate states that the document was signed under oath or
11 affirmation; and

12 (C) is personally known to the notary public, produces
13 government-issued identification containing the photograph and signature of
14 the person signing, or produces

15 (i) government-issued identification containing the
16 signature of the person signing, but without a photograph; and

17 (ii) another valid identification containing the
18 photograph and signature of the person signing.

19 **Sec. 44.50.062. Official signature.** (a) When performing a notarization, a
20 notary public shall

21 (1) sign in the notary public's own handwriting on the notarial
22 certificate exactly and only the name indicated on the notary public's commission
23 certificate; a notary public may not sign through the use of a facsimile stamp or an
24 electronic or graphic printing method; and

25 (2) affix the official signature only at the time the notarial act is
26 performed.

27 (b) A notary public shall comply in a timely manner with a request by the
28 lieutenant governor to supply a current sample of the notary public's official signature.

29 **Sec. 44.50.063. Official seal.** (a) A notary public shall keep an official seal
30 that is the exclusive property of the notary public and shall ensure that the official seal
31 is not possessed or used by any other person.

1 (b) A notary public's official seal

2 (1) must contain the following:

3 (A) the notary public's name exactly as indicated on the notary
4 public's commission certificate;

5 (B) the words "Notary Public" and "State of Alaska"; and

6 (2) may be circular, not over two inches in diameter, or may be a
7 rectangular form not more than one inch in width by two and one-half inches in
8 length.

9 (c) When not in use, a notary public's official seal shall be kept in a secure
10 area under the exclusive control of the notary public.

11 (d) Within 10 days after a notary public's official seal is stolen or lost, the
12 notary public shall provide the lieutenant governor with written notification of the
13 theft or loss.

14 (e) In order to avoid misuse, a notary public's official seal shall be destroyed
15 or defaced

16 (1) upon the notary public's resignation or death;

17 (2) upon the revocation or termination by the lieutenant governor of
18 the notary public's commission; or

19 (3) if the notary public's term of commission ends and the notary
20 public has not received a new commission under this chapter.

21 **Sec. 44.50.064. Seal impression.** (a) A sharp, legible, photographically
22 reproducible impression or depiction of a notary public's official seal

23 (1) must be affixed on the notarial certificate of each paper document
24 notarized, near the notary public's official signature; and

25 (2) may be affixed only at the time the notarial act is performed.

26 (b) Illegible information within a seal impression or depiction may be typed or
27 printed legibly by the notary public adjacent to, but not within, the impression or
28 depiction.

29 (c) An embossed seal impression that is not photographically reproducible
30 may be used in addition to, but not in place of, the seal impression or depiction
31 required by (a) of this section.

1 **Sec. 44.50.065. Notary status notification.** (a) Within 10 days after change
2 of a notary public's name, mailing address, or physical address, the notary public shall,
3 on a form provided by the lieutenant governor, submit written notification of the
4 change, signed by the notary public.

5 (b) The lieutenant governor may require limited governmental notaries public
6 commissioned under AS 44.50.010(a)(2) who change departmental or agency
7 employers to submit written notification of the change on a form provided by the
8 lieutenant governor.

9 (c) A notary public commissioned under AS 44.50.010(a)(1) reporting a name
10 change shall submit payment of a \$5 name change fee for the issuance of a
11 replacement certificate of commission.

12 (d) A notary public reporting a name change under (a) and (c) of this section
13 shall use the person's former name for the performance of notarial acts until the person
14 has

15 (1) provided written notification of the name change to the surety for
16 any required under AS 44.50.034;

17 (2) received a replacement certificate of commission from the
18 lieutenant governor, reflecting the name change; and

19 (3) obtained a new seal reflecting the name change.

20 (e) The lieutenant governor may require a notary public to update the
21 information required under AS 44.50.031, including the notary public's current
22 notarized signature.

23 **Sec. 44.50.066. Resignation.** (a) To resign a commission, a notary public
24 must notify the lieutenant governor in writing of the resignation and of the date that it
25 is effective. The notary public must sign the notification.

26 (b) A notary public who no longer meets the requirements of this chapter to be
27 a notary public shall immediately resign the commission.

28 **Sec. 44.50.067. Disciplinary action.** The lieutenant governor may suspend or
29 revoke a notary public's commission or reprimand a notary public for good cause
30 shown, including

31 (1) any ground on which an application for a commission may be

1 denied;

2 (2) failure to comply with this chapter; and

3 (3) incompetence or misfeasance in carrying out the notary public's
4 duties under this chapter.

5 **Sec. 44.50.068. Complaint; hearing; appeal.** (a) A person harmed by the
6 actions of a notary public may file a complaint with the lieutenant governor. The
7 complaint shall be filed on a form prescribed by the lieutenant governor and shall be
8 signed and verified by the person alleging misconduct on the part of the notary public.

9 (b) If the lieutenant governor determines that the allegations in the complaint
10 do not warrant formal disciplinary action, the lieutenant governor may decline to act
11 on the complaint or may advise the notary public of the appropriate conduct and the
12 applicable statutes and regulations governing the conduct. The lieutenant governor
13 shall notify the complainant of the determination.

14 (c) If the lieutenant governor determines that the complaint alleges sufficient
15 facts to constitute good cause for disciplinary action, the lieutenant governor shall
16 notify the notary public of the filing of the complaint and send a copy of the complaint
17 to the notary public. The notary public shall submit a written response to the
18 complaint to the lieutenant governor within 20 days after the lieutenant governor sends
19 the complaint. The lieutenant governor may extend the time for a notary public's
20 response by up to 20 additional days. The lieutenant governor shall provide a copy of
21 the notary public's response to the complainant.

22 (d) The lieutenant governor shall review the complaint and the response to
23 determine whether formal disciplinary action may be warranted. The lieutenant
24 governor may determine that the allegations in the complaint do not warrant formal
25 disciplinary action, in which case the lieutenant governor may determine to take no
26 further action on the complaint or may determine to advise the notary public of the
27 appropriate conduct and the applicable statutes and regulations governing the conduct.
28 If the lieutenant governor determines that no formal disciplinary action is warranted,
29 the lieutenant governor shall provide the complainant and the notary public with a
30 written statement of the basis for the determination.

31 (e) If the lieutenant governor finds that formal disciplinary action may be

1 warranted, the lieutenant governor shall appoint an independent hearing officer to
 2 consider the complaint and the response, to provide the complainant and the notary
 3 public with an opportunity for a telephonic or in-person hearing before the hearing
 4 officer within a reasonable time after a hearing is requested, and to provide to the
 5 lieutenant governor a proposed decision including proposed disciplinary action. The
 6 lieutenant governor may adopt the hearing officer's proposed decision in its entirety,
 7 may adopt portions of the proposed decision and modify the proposed disciplinary
 8 action, may decide the case upon the record generated from the hearing, or may refer
 9 the case to the same or another hearing officer to take additional evidence and decide
 10 the case upon the record generated from the hearing and the additional evidence.

11 (f) The lieutenant governor may delegate the powers under AS 44.50.067 and
 12 this section.

13 (g) An appeal from a decision of the lieutenant governor under this section
 14 shall be in accordance with the procedures set out in AS 44.62 (Administrative
 15 Procedure Act).

16 **Sec. 44.50.069. Regulations.** The lieutenant governor may adopt regulations
 17 under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this
 18 chapter.

19 * **Sec. 11.** AS 44.50 is amended by adding a new section to read:

20 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and
 21 electronic mail address of a notary public or an applicant that is submitted under
 22 AS 44.50.031 or 44.50.038 and that is designated by the notary public or applicant as
 23 personal and confidential shall be kept confidential. However, each notary public
 24 must provide a non-confidential address and telephone number at which the notary
 25 public can be contacted.

26 (b) Compilations and databases of those addresses, telephone numbers, and
 27 electronic mail addresses of notaries public that are held confidential under (a) of this
 28 section shall be kept confidential, except that the lieutenant governor may disclose
 29 compilations and databases if the lieutenant governor determines that disclosure is in
 30 the public interest.

31 (c) A complaint filed under AS 44.50.068 shall be kept confidential unless the

1 lieutenant governor determines under AS 44.50.068(c) that the complaint alleges
2 sufficient facts to constitute good cause for disciplinary action.

3 * **Sec. 12.** AS 44.50 is amended by adding a new section to read:

4 **Sec. 44.50.900. Definitions.** In this chapter, unless the context otherwise
5 requires,

6 (1) "acknowledgment" means a notarial act in which an individual at a
7 single time and place

8 (A) appears in person before the notary and presents a
9 document;

10 (B) is personally known to the notary or identified by the
11 notary through satisfactory evidence; and

12 (C) in the case of

13 (i) a natural person, acknowledges that the person
14 executed the instrument for the purposes stated in it;

15 (ii) an officer or agent of a corporation, acknowledges
16 that the person held the position or title set out in the instrument and
17 certificate, signed the instrument on behalf of the corporation by proper
18 authority, and the instrument was the act of the corporation for the
19 purposes stated in it;

20 (iii) a partner or agent of a partnership, acknowledges
21 that the person signed the instrument on behalf of the partnership by
22 proper authority and executed the instrument as the act of the
23 partnership for the purposes stated in it;

24 (iv) a member or agent of a limited liability company,
25 acknowledges that the person signed the instrument on behalf of the
26 limited liability company by proper authority and executed the
27 instrument as the act of the limited liability company for the purposes
28 stated in it;

29 (v) a person acknowledging as a principal by an
30 attorney in fact, acknowledges that the person executed the instrument
31 by proper authority as the act of the principal for the purposes stated in

1 it; and

2 (vi) a person acknowledging as a public officer, trustee,
3 administrator, guardian, or other representative, acknowledges that the
4 person signed the instrument in the capacity and for the purposes stated
5 in it;

6 (2) "notarial act" means any act that a notary public is authorized to
7 perform under AS 09.63.120 or AS 44.50.060;

8 (3) "notary public" means a person commissioned to perform notarial
9 acts under this chapter.

10 * **Sec. 13.** AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,
11 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, and 44.50.190 are repealed.

12 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 6 of this Act,
15 and AS 44.50.031, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by
16 sec. 8 of this Act, do not apply to a notary public whose commission is in effect on the day
17 before the effective date of secs. 1 - 13 of this Act until the notary public's term of office
18 expires under former AS 44.50.030, the notary public resigns under AS 44.50.066, enacted by
19 sec. 10 of this Act, or the notary public's commission is revoked under AS 44.50.067, enacted
20 by sec. 10 of this Act.

21 (b) Notwithstanding (a) of this section, if a notary public whose commission is in
22 effect on the day before the effective date of secs. 1 - 13 of this Act is or has been convicted,
23 before the notary public's term of office expires under former AS 44.50.030, of a crime for
24 which the lieutenant governor may deny an application under AS 44.50.036(3), enacted by
25 sec. 8 of this Act, the lieutenant governor may take an action under AS 44.50.067, enacted by
26 sec. 10 of the Act, against the notary public.

27 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **TRANSITION: REGULATIONS.** The lieutenant governor may proceed to adopt
30 regulations necessary to implement the changes made by this Act. The regulations take effect
31 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the

1 respective statutory change.

2 * **Sec. 16.** Section 15 of this Act takes effect immediately under AS 01.10.070(c).

3 * **Sec. 17.** Except as provided in sec. 16 of this Act, this Act takes effect July 1, 2004.