

Introduced: 1/25/67
Referred: Local Government

1 IN THE HOUSE

BY SMITH BY REQUEST

2 HOUSE BILL NO. 57

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the procedure for adoption of
7 ordinances by the assembly of an organized borough."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 07.20.100 is amended to read:

10 Sec. 07.20.100. PROCEDURE FOR ADOPTING ORDINANCES [ORDINANCE OF
11 PROCEDURE]. (a) Except as otherwise provided in this title, the
12 following procedure shall govern the enactment of all ordinances: An
13 ordinance may be introduced by any member or committee of the assembly
14 or by the borough chairman at any regular or special meeting of the
15 assembly. It shall be read aloud by the presiding officer, unless
16 reading is waived by unanimous consent of all the assembly present.
17 Upon introduction of any ordinance, sufficient copies shall be furnished
18 to the clerk in order for him to immediately distribute at least one
19 copy each to the assembly members and to the chairman. After an
20 ordinance has been introduced, and unless it is rejected at the same
21 meeting by the affirmative votes of not less than a majority of the
22 assembly members, the assembly shall promptly cause the ordinance to be
23 published, together with a notice setting out the time and place for a
24 public hearing on the ordinance, and for its consideration by the
25 assembly. The public hearing on any ordinance not rejected shall
26 follow the required publication by at least five days [ONE WEEK], and
27 it may be held separately or in connection with a regular or special
28 assembly meeting and may be adjourned from time to time. At the
29 public hearing held in accordance with the notice, copies of the

1 ordinance shall be distributed to all persons present who request them
2 or, in the alternative, the ordinance shall be read in full. All
3 persons interested shall have an opportunity to be heard. After the
4 hearing, the assembly shall consider the ordinance and may adopt it
5 with or without amendment, or reject it. [BUT IF UPON CONSIDERATION,
6 THE ASSEMBLY AMENDS THE ORDINANCE AS TO ITS SUBSTANCE, IT MAY NOT
7 ADOPT THE AMENDED ORDINANCE UNTIL THE ORDINANCE OR ITS AMENDED SECTIONS
8 HAVE BEEN PUBLISHED AND UNTIL THE ORDINANCE HAS BEEN SUBJECTED TO
9 HEARING AND TO ALL OTHER PROCEDURES REQUIRED IN THE CASE OF A NEWLY
10 INTRODUCED ORDINANCE. THE SAME PROCEDURE SHALL GOVERN IF THE AMENDED
11 ORDINANCE IS AGAIN AMENDED AS TO ITS SUBSTANCE.] As soon as practicable
12 after adoption of any ordinance, the assembly shall cause it to be
13 printed and published.

14 (b) Every ordinance, unless it specifies a later date, shall
15 become effective following final passage. Within a reasonable time
16 after final passage of the ordinance, the borough chairman shall cause
17 all ordinances of general applicability to be printed and included in
18 the code [EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, EVERY ADOPTED
19 ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF 30 DAYS AFTER
20 ADOPTION OR AT ANY LATER DATE SPECIFIED IN THE ORDINANCE].

21 (c) As used in this section, the term "published" means that

22 (1) at least a brief summary of the ordinance or sections
23 concerned, together with any required notice, has been published in
24 one or more newspapers of general circulation in the borough;

25 (2) copies of the ordinance or sections concerned, together
26 with any required notice, have been mailed to the same newspapers and,
27 in accordance with assembly regulations, to additional newspapers of
28 general circulation in the borough;

29 (3) copies of the ordinance or sections concerned, together

1 with any required notice, have been posted conspicuously for public
2 inspection at the borough seat and at other cities in the borough.

3 * Sec. 2. AS 07.20.110 is amended to read:

4 Sec. 07.20.110. EMERGENCY ORDINANCES. (a) To meet a public
5 emergency affecting life, health, welfare, or property, the assembly
6 may adopt emergency ordinances upon introduction; but emergency ordi-
7 nances may not be used to levy taxes, to grant, renew or extend a
8 franchise, or to regulate the rate charged by any public utility for
9 its services.

10 (b) Every emergency ordinance shall be plainly designated as
11 such and shall contain, after the enacting clause, a declaration
12 stating that an emergency exists and describing the claimed emergency
13 in clear and specific terms. Except as thus indicated, it shall be
14 introduced in the form and manner prescribed for ordinances generally.
15 An emergency ordinance may be considered and may be adopted with or
16 without amendment or rejected at the meeting at which it is introduced
17 after interested persons present at the meeting are given an opportunity
18 to be heard. The affirmative vote of all assembly members present, or
19 the affirmative vote of three-fourths of those elected, whichever is
20 less, is required for adoption of the ordinance. If an ordinance to
21 meet a public emergency is introduced but not passed, it shall be pub-
22 lished and set for public hearing as if it did not contain an emergency
23 clause. After adoption of an emergency ordinance, the assembly shall
24 cause it to be printed and published as prescribed for other adopted
25 ordinances. An emergency ordinance is effective upon adoption.

26 (c) Every emergency ordinance, including any amendment made
27 after its adoption, is invalid after the 61st day following the date
28 on which it was adopted.
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