

Original Sponsor: Smith by Request

Offered: 3/13/67
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR 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 or the clerk,
16 unless reading is waived by consent of the assembly present. Upon
17 introduction of any ordinance, sufficient copies shall be furnished to
18 the clerk in order for him to immediately distribute at least one copy
19 each to the assembly members and to the chairman. After an ordinance
20 has been introduced, and unless it is rejected at the same meeting by
21 the affirmative votes of not less than a majority of the votes to which
22 the assembly is entitled on the question [ASSEMBLY MEMBERS], the
23 assembly shall promptly cause the ordinance to be published, together
24 with a notice setting out the time and place for a public hearing on
25 the ordinance, and for its consideration by the assembly. The public
26 hearing on any ordinance not rejected shall follow the required pub-
27 lication by at least five days [ONE WEEK], and it may be held separately
28 or in connection with a regular or special assembly meeting and may be
29 adjourned from time to time. At the public hearing held in accordance

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

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

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

11 (b) Every [EMERGENCY] ordinance to meet a public emergency shall
12 be plainly designated as such and shall contain, after the enacting
13 clause, a declaration stating that an emergency exists and describing
14 the claimed emergency in clear and specific terms. [EXCEPT AS THUS
15 INDICATED, IT SHALL BE INTRODUCED IN THE FORM AND MANNER PRESCRIBED FOR
16 ORDINANCES GENERALLY.] An [EMERGENCY] ordinance to meet a public
17 emergency may be considered and may be adopted with or without amend-
18 ment or rejected at the meeting at which it is introduced after inter-
19 ested persons present at the meeting are given an opportunity to be
20 heard. The affirmative vote of all assembly members present, or the
21 affirmative vote of two-thirds [THREE-FOURTHS] of those elected, which-
22 ever is less, is required for adoption of the ordinance. If an
23 ordinance to meet a public emergency is introduced but not passed, it
24 may be published and set for public hearing as if it did not contain
25 an emergency clause. [AFTER ADOPTION OF AN EMERGENCY ORDINANCE, THE
26 ASSEMBLY SHALL CAUSE IT TO BE PRINTED AND PUBLISHED AS PRESCRIBED FOR
27 OTHER ADOPTED ORDINANCES.] An [EMERGENCY] ordinance to meet a public
28 emergency is effective upon adoption.

29 [(c) EVERY EMERGENCY ORDINANCE, INCLUDING ANY AMENDMENT MADE

AFTER ITS ADOPTION, IS INVALID AFTER THE 61ST DAY FOLLOWING THE DATE
ON WHICH IT WAS ADOPTED.]

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