

GUIDELINES FOR LEGISLATIVE DRAFTING

ASSEMBLY COUNSEL

AUGUST 26, 2022



TODAY'S PATH



THE SOURCE.



THE GUIDELINES.



THE PRODUCT.

THE SOURCE

- [AMC section 1.05.050](#) - Amendments to Code; effect of new ordinances; amendatory language.
 - “,, The new provisions shall then be set out by showing the entire section or subsection of the existing ordinance or Code provision being amended, enclosing the deleted portions in brackets, capitalizing all the letters of the text deleted and adding the new words with underlining beneath them. If the new words and deleted words are next to each other, the new words occur first. ...”
- Directory, not mandatory
- Purpose and intent:
 - Clearly indicate what is changing from current Code
 - Ease and accuracy of codification for the publisher
 - Do it right, pass it once, no AO for corrections needed.

THE SOURCE

- [AMC section 1.05.050](#) – customizing for clarity
 - “...Notwithstanding the provisions of this subsection, the municipal attorney may draft legislation to repeal and reenact a provision of law ***without the use of the deletion and insertion format described in this subsection when that format renders the changes unduly complicated or confusing***. In such a case, the ordinance shall be accompanied by a copy of the existing text of the affected section.”
- Authority to revise without another AO: Code Revisor per AMC section 1.05.070
 - 1.05.070 - Revisor of ordinances.**
 - A. The municipal attorney is designated as revisor of ordinances. The revisor of ordinances shall consolidate in this Code all ordinances not of a temporary or special nature enacted by the assembly.
 - B. The revisor shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:
 1. Renumber sections, parts of sections, parts, chapters and titles.
 2. Change the wording of section or subsection titles, and change or provide new titles for parts, chapters and titles.
 3. Change capitalization for the purpose of uniformity.
 4. Substitute the proper designation for the terms "the preceding section," "this ordinance" and like terms.
 5. Correct manifest errors which are clerical errors, typographical errors or errors in spelling, or errors by way of additions or omissions.
 6. Correct manifest errors in reference to laws, ordinances or other sections of this Code.

THE GUIDELINES

- [Muniverse](#) -> Reference -> Assembly -> Document Prep Guide
- G:\Clerk\Muni Wide\Municipality of Anchorage\[Legislation-Templates](#)
 - Drafted primarily with Code amending ordinances in mind
- Purpose and intent:
 - Clearly indicate what is changing from current Code, **or from prior version of the legislation**
 - Save time comparing
 - Prevents obscuring the true meaning and effect of proposed amendments
 - Ease and accuracy of codification for the publisher
 - **Ease and accuracy for Clerk's staff to record floor amendments**
- Deviations – so long as purpose/intent is to Clearly indicate what is changing.



THE GUIDELINES – SOME HIGHLIGHTS

- Document Prep Guide – quick overview

DRAFTING → Legislative Formatting

13

Code Amendment Version	New Language	Deleted Language
Original AO	<u>New words, phrases, paragraphs, sections are underlined</u>	Deletion of current code language: [DELETED WORDS, PHRASES, PARAGRAPHS, SECTIONS FROM CURRENT CODE ARE IDENTIFIED BY BRACKETS AND ALL CAPS]

* New language precedes [DELETED LANGUAGE]*

Drafting → Legislative Formatting

14

- Legislative formatting is critical to the process of conveying amendments to Code language, and required. (AMC 1.05.050)
- Used in Resolutions and non-Code amending Ordinances to show changes in Substitute versions, for clarity and transparency
- Comprehensive “Guidelines” are available on Muniverse. The reviewers in Legal and Assembly Counsel are also available for assistance.

DRAFTING → Substitute Versions

<p>AO (S) (Substitute for the original AO)</p>	<p><u>New words, phrases, paragraphs, sections are in bold and underlined</u></p>	<p>Deletion of current code language: [DELETED WORDS, PHRASES, PARAGRAPHS, SECTIONS ARE IDENTIFIED BY BOLD, BRACKETS AND ALL CAPS]</p> <p>Deletion of new language in AO: [Deleted words, phrases, paragraphs, sections are identified by strikeout, bold, underlined and brackets]</p>
<p>AO (S-1) (2nd substitute for the original AO)</p>	<p><i><u>New words, phrases, paragraphs, sections are italicized and underlined</u></i></p>	<p>Deletion of current code language: [DELETED WORDS, PHRASES, PARAGRAPHS, SECTIONS ARE IDENTIFIED BY ITALICS, IN BRACKETS AND ALL CAPS]</p> <p>Deletion of new language in AO or AO(S): [Deleted words, phrases, paragraphs, sections added to AO or AO(S) are identified by strikeout, italics, underline and brackets]</p>

THE UNIQUE SITUATIONS

- Charter Amendments. See [Charter § 18.03](#), historical drafting practices (**bold+underline**; ~~**bold+strikethrough**~~)
- Planning Department Amendments to Title 21
- Title 23: amendments to Code which themselves are Local Amendments to [adopted codes of technical regulation](#)
- (S-1) -> (S-2) -> (S-3) -> S-n^x
- Numerous markup, lengthy and complex or convoluted legislative drafting
- Use a *{NOTE: this is special and set out [how'd you decide to present it?]} for clarity*
 - Not block indented, flush to the left margin to set apart from Code language
 - If affects the whole document, use an asterisk and insert it below the AO/AR No. or in the footer



THE PRODUCT

- Templates
 - G:\Clerk\Muni Wide\Municipality of Anchorage\[Legislation-Templates](#)
- Downloading or Copying Code



INSERTING CODE IN YOUR AO DRAFT

- Do not retype the Code! COPY and PASTE current text. A number of ways
- Download in Word, RTF format, format the downloaded document, then copy/paste
 - Copy from online Code in your browser, then Use right-click to paste “merge formatting” or “paste as plain text” then fix formatting
 - Remove hyperlinks
 - Block Indent Code text 0.5”. Handing indent Code section headings/subheadings and its text. Block indent each subsection tier.
 - Don’t forget the history notes – include recently passed AO’s not yet codified if they affect the section
 - NO AUTO NUMBERING

FLOOR AMENDMENTS

- A few templates exist. What you use must align with purposes/intent:
 - Clearly indicate what is changing from current version of the legislation
 - Ease and accuracy for Clerk's staff to record floor amendments
- Legislative formatting:
 - Use the format that would be used after the document being amended. (AO/AR = use (S) formatting; AO(S)/AR(S) = use S-1 formatting)
 - If it's getting messy and complicated to read: Improvise, Adapt. Overcome. (Ie: Paste existing document language and change it's existing legislative formatting to plain text, then apply the Amendments changes in legislative formatting)
 - A legend in the FA doc is helpful for *the reader*.

Where to find drafting help:

18

Assembly Branch:

- Dean Gates, Assembly Counsel (may assign Shelley)
- Municipal Clerk's Office - Recognition resolutions

Department of Law:

- Blair Christensen, Deputy Municipal Attorney. Assigns in Legal
 - Quincy Arms, Assistant Municipal Attorney
 - Jessica Willoughby, Assistant Municipal Attorney



THANK YOU!

QUESTIONS?

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