

GUIDELINES FOR LEGISLATIVE DRAFTING

ASSEMBLY COUNSEL

AUGUST 10, 2023



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

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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

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- 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

AMENDMENTS

The guidelines are specific to AO's.
For AR's – AC's conventions for readability
and ease of editing, from original AR to (S) or FA:

TEXT OF AMENDMENT

(adding new language, and [Deleting words proposed by the original AR])

AR Section __, p. __, beginning at line __, amending as follows:

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [Deleting words proposed by the unamended AO or AO(S)])

AO Section 14, p. 15, beginning at line 24, amending as follows:

9.38.200 *Wearing of bicycle helmets.* ~~[(Repealed)]~~ [WEARING OF BICYCLE HELMETS.]

Wearing a bicycle helmet is mandatory for any person 15 years of age or younger when on a bicycle in public places. Public places include, but are not limited to, streets, sidewalks, pathways, trails, parking lots and skate parks. Failure to wear a bicycle helmet or other protective headgear is a traffic violation which shall result in a verbal statement of the legal requirement, and encouragement to obtain and wear a bicycle helmet while cycling. A monetary fine shall not be issued for a violation of this section.
[WEARING A BICYCLE HELMET IS MANDATORY FOR ANY PERSON 15 YEARS OF AGE OR YOUNGER WHEN ON A BICYCLE IN PUBLIC PLACES. PUBLIC PLACES INCLUDE, BUT ARE NOT LIMITED TO, STREETS, SIDEWALKS, PATHWAYS, TRAILS, PARKING LOTS AND SKATE PARKS. FAILURE TO WEAR A BICYCLE HELMET OR OTHER PROTECTIVE

AO (S-2)*

Another example, for S-2 and beyond an asterisk by the AO No. and footnote:

* This (S-2) version makes changes from the (S) and indicated here with legislative drafting markup. The (S-1) version is ignored for purposes of this (S-2). Legislative mark up new in the (S-2) is all italicized: *(adding new language, [DELETING CURRENT CODE LANGUAGE] and [Deleting words proposed by the unamended AO or AO(S) that are not in current code])*

32
33 Section 1. Anchorage Municipal Code Title 16 provisions that would govern
34 the allowed camps described in this section, if any, are hereby waived as
35 necessary and reasonable for such uses until December 1, 2023. This section
36 shall govern the operation requirements and standards for allowed camps as
37 defined herein, and the procedures for the Anchorage Health Department's
38 review and approval of an operations plan as part of an application for a permit
39 under Section 2. There are no changes to current text of Anchorage Municipal
40 Code chapter 16.125 by this ordinance. Deletions indicated below are to this
41 ordinance and not to current Code. [is hereby amended to read as follows (the
42 remainder of the section is not affected and therefore not set out):

43
44
45 ~~[Chapter 16.125 — HOMELESS AND TRANSIENT SHELTER AND~~
46 ~~SANCTIONED CAMP LICENSING AND PERMITTING~~

47
48 ~~16.125.001 Purpose and intent.~~

49
50 ~~‘The purpose of this chapter is to establish minimum standards of care~~
51 ~~and operation for homeless shelters and sanctioned camps in the~~

1 ~~municipality, enable and maintain data collection and monitoring of the~~
2 ~~homeless population, to maintain appropriate oversight in order to~~
3 ~~provide individuals and families experiencing homelessness with the~~
4 ~~care and services needed, and mitigate impacts of neighboring~~
5 ~~residents, businesses, property owners and the users of the shelters~~
6 ~~and camps. The requirements of this chapter are not intended to be~~
7 ~~overly burdensome on homeless shelter and sanctioned camp~~
8 ~~operators. The intent of the assembly is to permit homeless and~~
9 ~~transient shelters, and sanctioned camps to locate and operate with as~~
10 ~~much autonomy as is reasonably allowable. This chapter is intended to~~
11 ~~specifically detail the Municipality's commitments to the success of~~
12 ~~shelter and sanctioned camp operations.~~



THE PRODUCT

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



THE PRODUCT

Best practices

- Getting started
 - Goals – stakeholders, constituents, policy advocates
 - What's the problem to be addressed? **VS.** write this in an AO/AR
 - Who will implement the legislation? Discuss with the affected Dept/Agency – collaborate or consult or confer
- Substantive Draft – circulate
- Finishing
 - AM for every AO, and AM for Substitute versions (AMC 2.30.050C. and .050E.)
 - AIM summarizing public engagement
 - SEE?
 - Forward

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”. Handling 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:

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Assembly Branch:

- Assembly Counsel's Office
 - Regulatory, Adjudicative, Legal issue legislation
 - Proofing/editing
- Legislative Services Office
 - Policy statements and positions, planning
- Municipal Clerk's Office
 - Recognition resolutions, Election Code, Budget/Finance/Contracts

Department of Law:

- Anne Helzer, Municipal Attorney. Assigns in Legal
 - Quincy Arms, Assistant Municipal Attorney
 - Jessica Willoughby, Assistant Municipal Attorney
 - Code Revisor



THANK YOU!

QUESTIONS?

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