

LEGAL SERVICES

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MEMORANDUM

March 11, 2013

SUBJECT: HB 59: Missing Vulnerable Adults Legislation
(Work Order No. 28-LS0260\A)

TO: Representative Max Gruenberg
Attn: Miles Brookes

FROM: Kathleen Straßbaugh
Legislative Counsel

HB 59, which, if enacted, would require the Department of Public Safety, in co-operation with the Department of Military and Veterans Affairs, to develop a plan for using statewide media outlets to assist in locating vulnerable adults who are missing. You have asked whether it is necessary to add to the bill authority for the departments to make regulations. In my opinion, the answer is no.

The bill is an instruction to agencies to cooperate in developing a plan. It does not appear to require the departments to regulate the conduct of members of public. AS 44.62.640(a)(3); *Cf. State v. Nondalton Tribal Council*, 268 P.2d 293, 303 (Alaska 2012) (land use plan mandated by statute not a regulation subject to the Administrative Procedures Act). The plan will allow for, but does not require, participation by media outlets and the public. It does not seem necessary to authorize regulations under these circumstances.

If I may be of further assistance, please advise.

KJS:lnd
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