



JOHN C. DANFORTH  
ATTORNEY GENERAL

OFFICES OF THE  
**ATTORNEY GENERAL OF MISSOURI**  
JEFFERSON CITY

December 19, 1975

OPINION LETTER NO. 244

Honorable James C. Kirkpatrick  
Secretary of State  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Mr. Kirkpatrick:

This letter is in response to your opinion request asking as follows:

"Has the Secretary of State been granted rule making authority by the language in §536.023(1) (Supp. 1975) (Senate Bill 58) directing him to prescribe 'uniform procedures' for the numbering, indexing, form and publication of all rules?"

You also state that you are primarily concerned as to whether or not the procedures which are required to be promulgated by the Secretary of State are in fact rules within the meaning of Chapter 536 and Senate Bill No. 58.

S.C.S. Senate Bill No. 58 of the 78th General Assembly (V.A.M.S. Act 80) prescribes detailed procedures relating to administrative rules.

Subsection 1 of Section 536.023, to which you refer, provides as follows:

"The Secretary of State shall prescribe in writing uniform procedures for the numbering, indexing, form and publication of all rules, Notices of Rule Making and Orders of

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Rule Making. Copies of said procedures shall be furnished by the Secretary of State to each agency on or before the effective date of this act, and copies thereof shall be permanently maintained in the office of the Secretary of State and shall be available for public inspection at all reasonable times."

The statutory definition of "rule" was not redefined by Senate Bill No. 58 and remains as it was in Section 536.010, RSMo. Subsection 4 of that section defines rule as follows:

"'Rule' includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the legal rights or privileges of, or procedures available to the public."

It is apparent from Senate Bill No. 58 that the procedures the Secretary of State is required to promulgate under Section 536.023(1) were not intended to be within the definition of "rule" as defined in Section 536.010(4). It is also our view that such "rules" as the Secretary may promulgate under Senate Bill No. 58 are not within the definition of "rules" under Section 536.010 because such rules affect only "agencies" and do not have a direct effect on "legal rights or privileges of, or procedures available to the public." We regard Section 536.023(1) as a requirement that the Secretary of State promulgate the necessary procedures to be followed as provided therein, but, as we have indicated, we do not regard that subsection as creating a "rule" making power within the meaning of Senate Bill No. 58.

Very truly yours,



JOHN C. DANFORTH  
Attorney General