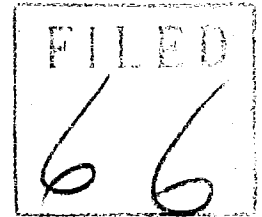


SECRETARY OF STATE: It is his duty under Senate Bill No. 196, Missouri Laws of 1945, to compile, index, and publish all rules adopted by each agency. Also, it is his duty to publish the monthly bulletin, as required in said bill, setting forth the text of all rules filed during the preceding month by the state agencies.

October 27, 1947



Honorable Edgar C. Nelson
Secretary of State
Jefferson City, Missouri

Dear Sir:

This is in reply to your letter dated October 16, 1947, wherein you requested an opinion of this department relative to the compilation of rules for the various state agencies. Said letter reads as follows:

"Senate Bill 196, enacted by the General Assembly (1945 Session Acts, Page 1505), provides for a monthly bulletin setting forth the text of all rules filed during the preceding month, excluding rules now in effect. It further provides that "the proper state officer" shall, as soon as possible after the effective date of this act, compile, index, and publish all rules adopted by each agency and remaining in effect.

"Will you please advise me if "the proper state officer" refers to the Secretary of State.

"In view of the fact that the Section provides that each state agency shall file its rules with the Secretary of State, it would appear, by implication, that Section 3 intends to impose upon the Secretary of State the duty of publishing the monthly bulletin."

Senate Bill No. 196, passed by the 63rd General Assembly, and found in Missouri Laws of 1945, page 1504, made provisions relating to rules and regulations of the various administrative agencies of the state government. Section 2 reads as follows:

"(a) Each state agency shall file forthwith in the office of the Secretary of State a certified copy of each rule

adopted by it, including all rules now in effect. The Secretary of State shall keep a permanent register of such rules open to public inspection.

"(b) Each rule hereafter adopted shall become effective ten days after such filing unless a later date is required by statute or specified in the rule."

Section 3 reads as follows:

"(a) For the state agencies there shall be a monthly bulletin in which it shall set forth the text of all rules filed during the preceding month, excluding rules now in effect.

"(b) The proper state officer shall, as soon as possible after the effective date of this act, compile, index, and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary, and at least once every two years.

"(c) Bulletins and compilations shall be made available upon request to state and local officials free of charge, and to other persons at a price fixed by the proper state authority to cover publication and mailing costs. The costs of such printing and publication shall be paid out of the funds for the operation of the agency filing such rules."

From Section 2, we find the provision that a copy of all rules of each state agency is to be filed in the office of the Secretary of State. Immediately following Section 2, we find Section 3 providing for the publication of a monthly bulletin for the state agencies, which shall set forth the text of all rules filed during the preceding month, excluding rules then in effect. Then paragraph (b) of Section 3 says that the "proper state officer" is to compile and publish all rules adopted by each agency.

The justification and reasoning back of such legislation as quoted herein is to provide a centralized point for the filing and keeping of a permanent register of such rules. This is not only for the purpose of maintaining a record, but is also for the general information of the various departments and the interested public. Such a duty is in line with many of the other functions of the office of Secretary of State; as for example, the printing and disposition of the laws enacted by the General Assembly.

Although it is ambiguous as to just what state officer is referred to, we cannot help but feel it was intended to mean the Secretary of State. By the terms of Section 2, it is provided that the rules relating to the agencies are to be filed in the office of the Secretary of State. In view of this, then, it would logically follow that the only state officer contemplated as having convenient access to these rules for the purpose of publishing the monthly bulletin, and compiling, indexing, and publishing all rules adopted by each agency would be the Secretary of State. This, we feel, is but an application of the fundamental rule in the construction of statutes to the effect that attempt is to be made to ascertain and give effect to the purpose of the Legislature. State ex rel. Consolidated School District No. 1 v. Hackmann, 302 Mo. 558.

CONCLUSION

It is, therefore, the opinion of this department that, in accordance with Section 3 of Senate Bill No. 196, Missouri Laws of 1945, page 1504, the Secretary of State is the proper state officer, as intended by the terms of paragraph (b), Section 3, thereunder, who is to compile, index, and publish all rules adopted by each agency and remaining in effect.

It is further the opinion of this department that it is intended by Section 3 of said Bill No. 196 to place upon the Secretary of State the duty of publishing the monthly bulletin.

Respectfully submitted,

Wm. C. COCKRILL
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General