

TITLE 430 - STATE RECORDS ADMINISTRATOR

Chapter 8 - PRACTICE AND PROCEDURE OF THE ADMINISTRATOR

001 Records Management Division

001.01 The Records Management Division of the office of the Secretary of State shall handle the routine daily paperwork and office duties of the Administrator, and such duties as may be required by the Board.

001.02 The Director of Records Management shall be the Director of the Records Management Division.

001.03 All appropriations made for the Enforcement of Standards - Records Management, shall be used for the activities of the Board, the Administrator, and the Records Management Division as necessary and proper to effectuate the purposes of the Records Management Act and the Rules and Regulations promulgated thereunder.

001.04 All authorizations for expenditure of funds appropriated for Records Management shall be made over the signature of the Administrator or his authorized agent.

002 Forms for Records Disposition

002.01 All requests for records disposal which are submitted to the Administrator pursuant to 430 NAC 5-002, shall be on forms provided by the Administrator, in the general format of Form RMA 1, attached.

002.02 All notices of completion of records disposition made pursuant to 430 NAC 5-002.07, shall be on forms provided by the Administrator, in the general format of Form RMA 2, attached.

002.03 Notice of transfer of records shall be made on forms provided by the Administrator in the general format of Form RMA 3, attached.

002.04 Registration of microfilm projects shall be made on forms provided by the Administrator in the general format of Form RMA 4, attached.

002.05 Requests for approval of records retention and disposition schedules and the approval thereof shall be made on forms provided by the Administrator, in the general format of Form RMA 5, attached.

002.06 Reports of records disposition made pursuant to 430 NAC 5-003.02, shall be made on forms provided by the Administrator in the general format of Form RMA 6, attached;

002.07 Instructions for completing these forms shall be available from the Administrator.

003 Determinations of the Administrator

003.01 The Administrator shall make all determinations required of him by the Records Management Act and the Rules and Regulations promulgated thereunder in writing in standard letter form, which letter shall carry his signature and the seal of his office.

004 Declaratory Rulings

004.01 A petition for a declaratory ruling may be filed by any interested person, who shall be the petitioner, with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by the Administrator, who shall be the respondent.

004.02 Such petition shall state the venue, the specific subject matter, and the name and address of the petitioner; shall contain a short and plain statement of the grounds on which the Administrator's authority or jurisdiction depends; shall contain a specific statement averring the legal capacity of the petitioner to instigate the proceedings; shall concisely set forth all material facts upon which the declaratory ruling is asked, plus a statement of the question or type of relief with which the petition is concerned; and shall be signed by the petitioner.

004.03 Within 30 days after receipt of the petition, the Administrator shall issue any ruling deemed necessary and proper, or shall state that he will not issue a ruling.

005 Promulgation, Amendment or Repeal of Rules

005.01 A petition for the promulgation, amendment or repeal of any rule subject to the authority or jurisdiction of the Administrator may be filed by an interested person. Such interested person shall be the petitioner and the Administrator shall be the respondent.

005.02 Such petition shall state the venue, the specific subject matter, and the name and address of the petitioner; shall contain a specific statement averring the legal capacity of the petitioner to instigate the proceedings; shall state in precise wording the present rule to be repealed or amended, or the proposed rule for promulgation, and the reasons for such promulgation, amendment or repeal; and shall be signed by the petitioner;

005.03 The Administrator shall receive the petition and refer it to the Board for action at its next meeting, which shall be called within 30 days after receipt by the Administrator of the petition, and such action shall be governed by the rules of the Board.

