

34 Texas Administrative Code §310.9, Periodic Reports; Administrative Penalties:

- (a) The Executive Director shall require periodic reports of local boards and participating department heads. The Executive Director shall specify the content of such periodic reports to ensure the ability of the state board and the Executive Director to administer the pension system in a manner that uses fund assets in a manner required by statute.
- (b) A report required in accordance with this section is late if it is not received by the Executive Director before the end of the second month following the last day required to be covered in the report.
- (c) An administrative penalty is imposed on each late periodic report required in accordance with this section. The penalty is \$500 for each violation, except that a surcharge of \$100 will be added to the penalty for each month the report remains late.
- (d) The Executive Director may waive an administrative penalty under this section if the Executive Director determines, after a written request by a local board or a participating department head for a waiver, that the delay in reporting was beyond the control of the parties responsible for preparing and submitting the report and was not the result of neglect, indifference, or lack of diligence.
- (e) A local board or participating department head may appeal the Executive Director's denial of a waiver to the state board to be determined at the state board's next scheduled meeting. On appeal to the state board, the state board is subject to the same standard for determination as the Executive Director but may in its discretion accept additional information from the local board or the participating department head.

Source Note: The provisions of this §310.9 adopted to be effective October 2, 2005, 30 TexReg 6063; amended to be effective August 31, 2014, 39 TexReg 6870; amended to be effective March 29, 2018, 43 TexReg 1878; amended to be effective December 31, 2019, 44 TexReg 8335.