WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Consolidated Public Retirement Board TITLE NUMBER: 162

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code § 5-10-D-1

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 6

TITLE OF RULE BEING AMENDED: Appointment of Representative to the WV Investment Management Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 2, 2004 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Joseph J. Jankowski, Executive Director
WV Consolidated Public Retirement Board
State Capitol Complex
Building 5, Room 1000
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

State of West Virginia
Consolidated Public Retirement Board
Capitol Complex, Building 5, Room 1000, Charleston, West Virginia 25305-0720
Telephone: 304-558-3570 or 800-654-4406 Fax: 304-558-6337
CPRB@wvretirement.com www.wvretirement.com

BRIEF SUMMARY OF PROPOSED AMENDMENT TO TITLE 162, SERIES 6

The West Virginia Consolidated Public Retirement Board (Board), as administrator of the State's several pension plans, proposes an amendatory change to the application used to nominate representatives to the West Virginia Investment Management Board. Specifically, the Board proposes an amendment to delete the social security number requirement for individuals wishing to submit an "Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board," a copy of which is attached hereto and incorporated by reference as Appendix A.

State of West Virginia
Consolidated Public Retirement Board
Capitol Complex, Building 5, Room 1000, Charleston, West Virginia 25305-0720
Telephone: 304-558-3570 or 800-654-4406 Fax: 304-558-6337
CPRB@wvretirement.com www.wvretirement.com

STATEMENT OF CIRCUMSTANCES REQUIRING PROPOSAL AND PROMULGATION OF PROPOSED RULE CHANGES TO SERIES 6 OF TITLE 162 OF THE WV CODE OF STATE REGULATIONS

As statutory administrator of the State's several pension plans, the West Virginia Consolidated Public Retirement Board proposes an amendatory change to Title 162, Series 6 of the West Virginia Code of State Regulations. Specifically, the Board proposes an amendment to delete the social security number requirement for individuals wishing to submit an Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board. This change has been determined appropriate to prevent the unnecessary disclosure of confidential information.

APPENDIX B
FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 162 (Series 6) Procedural Rules of the West Virginia Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia Investment Management Board.

Type of Rule: _____ Legislative _____ Interpretive __X__ Procedural

Agency: The State of West Virginia Consolidated Public Retirement Board

Address: 1900 Kanawha Boulevard, East, Building 5, Room 1000, Capitol Complex

Charleston, West Virginia 25305

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	$0				
PERSONAL SERVICES	$0				
CURRENT EXPENSE	$0				
REPAIRS & ALTERATIONS	$0				
EQUIPMENT	$0				
OTHER	$0				

2. Explanation of Above Estimates:

The rule provides for a modification of the Application for Appointment form.

Rule Title: Title 162 (Series 6) Procedural Rules of the West Virginia Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia Investment Management Board.

3. Objectives of These Rules:

   Modify the Application for Appointment form to eliminate the Social Security Number from appearing on the form for the individuals recommending the appointment of the applicant.

4. Explanation of Overall Economic Impact of Proposed Rule:

   A. Economic Impact on State Government:

      None.

   B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

      None.

   C. Economic Impact on Citizens/Public at Large:

      None.

Date: June 30, 2004

Signature of Agency Head and/or Authorized Representative:

Harry W. Mandel

Harry W. Mandel
Member, American Academy of Actuaries
Board Actuary, WVCPRB

TITLE 162
PROCEDURAL RULE
WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD

SERIES 6
PROCEDURAL RULES OF THE WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD FOR THE APPOINTMENT OF REPRESENTATIVES TO THE WEST VIRGINIA INVESTMENT MANAGEMENT BOARD

§162-6-1. General.

1.1. Scope. -- This series of rules sets forth the procedure to be followed by the West Virginia Consolidated Public Retirement Board for the appointment of representatives from each of the six (6) defined benefit plans administered by the Consolidated Public Retirement Board to the West Virginia Investment Management Board as required by W. Va. Code §12-6-3.

1.2. Authority. -- W. Va. Code §5-10D-1.

1.3. Filing Date. --

1.4. Effective Date. --

§162-6-2. Appointment Process.

2.1. Pursuant to W. Va. Code §12-6-3, the West Virginia Consolidated Public Retirement Board shall annually appoint, on or before the first day of June of each year, a representative to the West Virginia Investment Management Board from each of the six (6) defined benefit plans administered by the Consolidated Public Retirement Board.

2.2. The West Virginia Consolidated Public Retirement Board shall make available to any interested member, or retirant, of the six (6) defined benefit plans administered by the Consolidated Public Retirement Board an "Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board," a copy of which is attached hereto and incorporated by reference as Appendix A.

2.3. Any individual wishing to submit an Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board shall do so on or before the first day of April of the year in which he or she wishes to be considered for appointment.

2.4. The chairperson of the West Virginia Consolidated Public Retirement Board shall, on or before the first day of April of each year, designate a standing committee from its members whose responsibility it shall be to evaluate the applications submitted for consideration in accordance with these rules and to make recommendations to the Board in conjunction therewith.

2.5. The standing committee charged with evaluating the applications for appointment of representatives to the West Virginia Investment Management Board shall, on or before the first day of May of each year, report to the West Virginia Consolidated Public Retirement Board its findings and recommendations with respect to the applicants, and the Board shall, with input from the standing committee, appoint one representative from each of the six (6) defined benefit retirement plans on or before the first day of June of each year.

2.6. On or before the first day of June of each year, the West Virginia Consolidated Public Retirement Board shall submit in writing to the Investment Management Board the names of each of the representatives appointed pursuant to these rules.

§162-6-3. Appointment of Representative from Public Safety "A."

3.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Public Safety "A" retirement system from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in section §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-4. Appointment of Representative from Public Safety "B."

4.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Public Safety "B" retirement system from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-5. Appointment of Representative from the Judges Retirement System.

5.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Judges Retirement System from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-6. Appointment of Representatives from the Teachers Defined Benefit Plan.

6.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Teachers Defined Benefit Plan from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-7. Appointment of Representative from the Public Employees Retirement System.

7.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Public Employees Retirement System from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-8. Appointment of Representative from the Deputy Sheriffs Retirement System.

8.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Deputy Sheriffs Retirement System from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection §162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

§162-6-9. Committee Selection by Appointed Representatives.

9.1. Each of the representatives appointed in accordance with these procedural rules shall, in turn and on or before July 1 of each year, appoint no more than three people to comprise a committee to represent the respective retirement funds in meetings before the Investment Management Board.

9.2. The representative appointed by the West Virginia Consolidated Public Retirement Board pursuant to these rules may serve as one of the three committee members referenced in 9.1 of these rules.

9.3. Each of the representatives appointed in accordance with these procedural rules shall submit in writing to the West Virginia Investment Management Board, on or before the first day of July of each year, the names of the three people comprising the committee appointed pursuant to §162-6-9.1 of these rules who will represent the beneficiaries of that representative's participant plan in meetings before the West Virginia Investment Management Board.

9.4. The committee members selected by the representative appointed in accordance with these procedural rules should come from diverse backgrounds as well as diverse geographical regions of the state, and should, whenever possible, not represent the same type of employees or the same work organization as the representative or the other committee members, and should have some experience with retirement plans and/or the investment of pension assets.

§162-6-10. Same Procedure to be Followed for Additional Defined Benefit Plans Created by Act of Legislature.

10.1. To the extent that additional defined benefit plans are created by Act of the Legislature subsequent to the effective date of these rules, for which representative appointments to the Investment Management Board must be made, the same procedure as set forth herein for representative appointments for the existing defined benefit plans administered by the West Virginia Consolidated Public Retirement Board shall be followed for the appointment of representatives from such additional defined benefit plans to the Investment Management Board.

§162-6-11. Procedure to be Followed in the Event of Resignation of Appointed Representatives.

11.1. In the event that a representative appointed pursuant to these rules tenders his resignation to the Consolidated Public Retirement Board during the term of his appointment, the Board's designated standing committee shall review and consider the remaining applications which were tendered for consideration for the term of appointment in question, and shall make a recommendation to the Consolidated Public Retirement Board regarding the appointment of a substitute representative at the Board's next regularly scheduled meeting.

11.2. The Consolidated Public Retirement Board shall consider the recommendation of the standing committee regarding the appointment of a substitute representative, and shall, with input from the standing committee, appoint a substitute representative to fill the position vacated by the resigning representative for the balance of that term of appointment.

§162-6-12. Procedure to be Followed in the Event No Application is Received.

12.1. If there are no applications received by the Consolidated Public Retirement Board within the time period contemplated by §162-6-2.3 for any of the plans covered by this rule, the Board shall, with input from the Standing Committee, appoint a representative from such plan who is willing to serve and who, in the determination of the Board, would be capable of properly fulfilling the obligation of such an appointment.

APPLICATION FOR APPOINTMENT BY THE CONSOLIDATED PUBLIC RETIREMENT BOARD TO BE A REPRESENTATIVE TO THE WEST VIRGINIA INVESTMENT MANAGEMENT BOARD

Name		Social Security Number	
Address	City	State	Zip Code
Home Telephone ( )		Work Telephone ( )	
Home FAX ( )		Work FAX ( )	
Home Email ( )		Work Email ( )	

REPRESENTATIVE TO WHAT SYSTEM (Please circle one)

PERS TRS JRS PS "A" PS "B" DSRS

Experience for Appointment:

Applicants Signature ______________________________ Date ______________

I hereby recommend the above named individual for this appointment, and I verify that I am a participating member of the same retirement system.

Please Print Your Name	Your Signature	Your ~~Social Security No.~~ Employer
1.		
2.		
3.		
4.		
5.		

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