

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

Form #5

Do Not Mark In This Box

FILED

2004 AUG 24 P 3:10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Consolidated Public Retirement Board TITLE NUMBER: 162

CITE AUTHORITY: W. Va. Code § 5-10D-1

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO _____

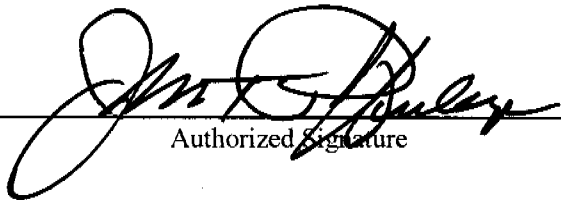
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 6

TITLE OF RULE BEING AMENDED: Procedural Rules for the Appointment of Representatives
to the WV Investment Management Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 1, 2004


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 24, 2004

TO: **LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

FROM: **West Virginia Consolidated Public Retirement Board
State Capitol Complex
Building 5, Room 1000
1900 Kanawha Boulevard, East
Charleston, WV 25305**

LEGISLATIVE RULE TITLE: Title 162, Series 6; Consolidated Public Retirement Board:
Procedural Rules for the WV CPRB for the Appointment of Representatives to the WV Investment
Management Board

1. Authorizing statute(s) citation: W. Va. Code § 5-10D-1
2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 1, 2004

- b. What other notice, including advertising, did you give of the hearing?

Written notice, along with a copy of the proposed rule amendments, were forwarded
to the Chairs of the House and Senate Committees on Pension and Retirements.

- c. Date of Public Hearing(s) *or* Public Comment Period ended: August 2, 2004
- d. Attach list of persons who appeared at hearing, comments received, amendments,
reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule
following public hearing: (be exact)

August 24, 2004

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to
receive all *written correspondence* regarding this rule: (Please type)

Joseph J. Jankowski, Jr., Executive Director

State Capitol Complex
Building 5, Room 1000
1900 Kanawha Boulevard, East
Charleston, WV 25305
(304) 558-6244 x 403
(304) 558-6337 (fax)
jjankowski@wvretirement.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Karen S. Copeland, Membership Manager
WV Consolidated Public Retirement Board
State Capitol Complex
Building 5, Room 1000
1900 Kanawha Boulevard, East
Charleston, WV 25305
(304) 558-6244 x 414
(304) 558-6337 (fax)
kcopeland@wvretirement.com

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:
- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.
 - b. Date of hearing or comment period:
 - c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?
 - d. Attach findings and determinations and reasons:

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.

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:

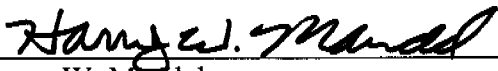
None.

C. Economic Impact on Citizens/Public at Large:

None.

Date: June 30, 2004

Signature of Agency Head and/or Authorized Representative:



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

FILED

TITLE 162
PROCEDURAL RULE
WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD

2004 AUG 24 P 3:10

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§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. -- August 24, 2004

1.4. Effective Date. -- October 1, 2004

§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:

Applicant's 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 Employer
1.		
2.		
3.		
4.		
5.		

App.WVMB.frm



Board Members

Governor Bob Wise
Auditor Glen B. Gainer III, Vice Chairman
Treasurer John D. Perdue
Acting Cabinet Secretary Tom Susman

Executive Director

Joseph J. Jankowski, Jr.

**State of West Virginia
Consolidated Public Retirement Board**

Capitol Complex, Building 5, Suite 1000
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0720
Telephone: 304-558-3570 or 800-654-4406
Fax: 304-558-6337
email: CPRB@wvretirement.com
www.state.wv.us/admin/cprb

Board Members

David L. Wyant, Chairman
David Anderson
F. Douglas Beasley
E. Gene Davis
Carl A. Guthrie
Frances A. Hughes
William B. McGinley
D. Todd Murray
Jerry A. Weaver
Janet F. Wilson

August 24, 2004

Administrative Law Division
WV Secretary of State
Building 1, Suite 157K
State Capitol Complex
Charleston, West Virginia 25305-0771

Attention: Judy Cooper

Re: West Virginia Consolidated Public Retirement Board
Final Filing of Procedural Rule; Title 162, Series 6

Dear Ms. Cooper:

Enclosed please find a copy of the procedural rules of the West Virginia Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia Investment Management Board (Series 6), along with a diskette containing the final version of the rule in WordPerfect format. All underlining and strike-throughs have been omitted.

I am hopeful that this filing meets all applicable requirements. Should you need further assistance, please do not hesitate to contact me.

Sincerely,

Karen S. Copeland
Membership Manager

Enclosures

c: Joseph J. Jankowski, Jr.
Terasa Robertson
Donna Lipscomb