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SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION

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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 XX 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 of the WV Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia 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 ~~9-14-08~~ 9-14-08

Authorized Signature

State of West Virginia
Consolidated Public Retirement Board
4101 MacCorkle Avenue, SE
Charleston, West Virginia 25304-1636
Telephone: 304-558-3570 or 800-654-4406
Fax: 304-558-6337
email: CPRB@wvretirement.com
www.wvretirement.com

August 14, 2008

Administrative Law Division
WV Secretary of State
Building 1, Suite 157k
State Capitol Complex
Charleston, WV 25305-0771
via hand delivery

Attention: Judy Cooper

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

Dear Ms. Cooper:

Enclosed for final filing, please find procedural rule Title 162, Series 6 of the West Virginia Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia Investment Management Board, along with a cd containing the final version of the rule in WordPerfect format. All underlining and strike-throughs have been omitted. No comments were received during the public comment period.

I am hopeful this filing meets all applicable requirements. Should I need to take any additional steps, please do not hesitate to contact me.

Sincerely,

Jeaneen Legato

Jeaneen Legato
General Counsel
direct dial no. (304) 957-3522

Enclosure:
cc:
Anne Werum Lambright, Executive Director

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 seven (7) 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 14, 2008.

1.4. Effective Date. -- September 1, 2008.

§ 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 seven (7) 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 seven (7) 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 seven (7) 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 the West Virginia State Police Death, Disability and Retirement Fund (Plan A).

3.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the West Virginia State Police Death, Disability and Retirement Fund (Plan A) 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 the West Virginia State Police Retirement System (Plan B).

4.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the West Virginia State Police Retirement System (Plan B) 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 Retirement System.

6.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Teachers 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.

§ 162-6-7. 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 Sheriff Retirement System.

8.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Deputy Sheriff 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. Appointment of Representative from the Emergency Medical Services Retirement System.

9.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Emergency Medical Services 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.

§ 162-6-10. Committee Selection by Appointed Representatives.

10.1. 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.

10.2. 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.

10.3. 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.

10.4. 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.

§ 162-6-11. Same Procedure to be Followed for Additional Defined Benefit Plans Created by Act of Legislature.

11.1. 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.

§ 162-6-12. Procedure to be Followed in the Event of Resignation of Appointed Representatives.

12.1. 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.

12.2. 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.

§ 162-6-13. Procedure to be Followed in the Event No Application is Received.

13.1. 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			
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 Plan A Plan B DSRS EMSRS

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.		

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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)~~ seven (7) 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. -- ~~July 29, 2005.~~

1.4. Effective Date. -- ~~September 1, 2005.~~

§ 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)~~ seven (7) 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)~~ seven (7) 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)~~ seven (7) 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."~~ the West Virginia State Police Death, Disability and Retirement Fund (Plan A).

3.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the ~~Public Safety "A" retirement system~~ West Virginia State Police Death, Disability and Retirement Fund (Plan A) 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."~~ the West Virginia State Police Retirement System (Plan B).

4.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the ~~Public Safety "B" retirement system~~ West Virginia State Police Retirement System (Plan B) 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~~ Retirement System.

6.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Teachers ~~Defined Benefit Plan~~ 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.

§ 162-6-7. 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~~ Sheriff Retirement System.

8.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Deputy ~~Sheriffs~~ Sheriff 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. Appointment of Representative from the Emergency Medical Services Retirement System.

9.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Emergency Medical Services 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.~~ § 162-6-10. Committee Selection by Appointed Representatives.

~~9.1.~~ 10.1. 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.~~ 10.2. 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.~~ 10.3. 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.~~ 10.4. 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.~~ § 162-6-11. Same Procedure to be Followed for Additional Defined Benefit Plans Created by Act of Legislature.

~~10.1.~~11.1. 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.~~§ 162-6-12. Procedure to be Followed in the Event of Resignation of Appointed Representatives.

~~11.1.~~12.1. 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.~~12.2. 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.~~§ 162-6-13. Procedure to be Followed in the Event No Application is Received.

~~12.1.~~13.1. 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			
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"~~Plan A ~~PS "B"~~Plan B DSRS EMSRS

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.		

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