WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Consolidated Public Retirement Board TITLE NUMBER: 162

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

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 West Virginia Consolidated Pulbic 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: ___

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 14, 2000 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Betty S. Ireland, Executive Secretary
WV Consolidated Public Retirement Bd.
Building 5, Room 1000
1900 Kanawha Boulevard East
Charleston, WV 25305-0720

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

Betty S. Ireland
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

$4.20

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 (within WV) Fax: 304-558-6337

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 retirement systems, is responsible for the appointment of representatives from the retirement systems to the West Virginia Investment Management Board as required by WV Code §12-6-3. Series 6 was previously promulgated to set forth the procedure to be employed by the Board in making the representative appointments.

The Board has determined that an amendatory addition to these rules is needed in order to clarify what procedure the Board is to follow if applications are not received by the Board from interested parties as provided for in §162-6-2.3. The Board proposes to add an additional provision to these rules, to provide that if no applications are received as provided for in §162-6-2.3, the Board has the authority and discretion to appoint a representative who is willing and capable of serving in that regard.

State of West Virginia
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STATEMENT OF CIRCUMSTANCES REQUIRING PROPOSAL AND PROMULGATION OF PROPOSED RULE CHANGES TO TITLE 162, SERIES 6

Currently, the Series 6 rules do not, as promulgated, include a provision to address what procedure is to be followed by the West Virginia Consolidated Public Retirement Board ("Board") in the event that no applications for appointment as representatives to the WV Investment Management Board ("WVIMB") are received by the Board as provided for in WVCSR §162-6-2.3. The Board proposes to make an amendatory addition to the Series 6 rules to address this possible situation, and to provide that the Board shall have the authority and discretion to appoint a suitable and willing representative, if no applications for such appointment are otherwise received.

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. -- January 25, 1999.

1.4. Effective Date. -- February 24, 1999.

§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 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.

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

<u>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.</u>

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 ( )**	

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:

Please Print Your Name	Your Signature	Your Social Security No.
1.		
2.		
3.		
4.		
5.		
6.		

7.		
8.		
9.		
10.		

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APPENDIX B
FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 162 (Series 6)

Type of Rule: X Legislative ____ Interpretive ____ 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	Nil		Nil		
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

This rule change is strictly procedural. This is not a fiscal bill.

3. Objectives of These Rules:

The Agency (the Consolidated Public Retirement Board) establishes a process in §162-6-12 by which a position on the West Virginia Investment Management Board may be filled should there by no application to the Agency for that position.

Rule Title: Title 162 (Series 6)

4. Explanation of Overall Economic Impact of Proposed Rule:

   A. Economic Impact on State Government:

      These rule changes are procedural. There is no economic impact.

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

      These rule changes are procedural. There is no economic impact.

   C. Economic Impact on Citizens/Public at Large:

      These rule changes are procedural. There is no economic impact.

Date: July 10, 2000

Signature of Agency Head or Authorized Representative:

Dreighton H. Rosier, FSA
Director of Actuarial Services