

(c)-(d) (No change.)

13:75-5.3 De minimis award

In addition to ordering the payment of compensation for personal injury or death that resulted from the incidents specified at N.J.S.A. 52:4B-11, the Office may order the payment of ancillary expenses in connection with those incidents to compensate certain victims, whether or not those victims suffered personal injury, as specified at N.J.A.C. 13:75-5.2(b), in an amount not to exceed \$1,000.

SUBCHAPTER 6. CATASTROPHIC CLAIMS

13:75-6.1 General provisions

(a)-(d) (No change.)

Recodify existing (f)-(g) as (e)-(f) (No change in text.)

SUBCHAPTER 7. HEARING PROCEDURES

13:75-7.1 Request for hearings

(a) After investigation of a claim has been completed, the victim/claimant shall be informed of the Office's decision in the matter and of his or her right to request a hearing before the Review Board by giving written or electronic notice to the Office within 45 days of receipt of the decision.

(b) If the victim/claimant fails to file a written or electronic notice within 45 days, and cannot demonstrate good cause for failure to do so, the appeal may be dismissed by the Review Board with prejudice.

(c)-(f) (No change.)

13:75-7.2 Conduct of hearings

(a)-(b) (No change.)

(c) The victim/claimant has the right to be present at the hearing, but may be excused at his or her request. The victim/claimant has the right to appear at the hearing virtually.

(d)-(k) (No change.)

(l) Hearings shall be open to the public, except that the Review Board may, in its discretion, hold private hearings in accordance with applicable legal requirements in the following circumstances:

1.-5. (No change.)

6. In any instance where the Review Board determines, based on the totality of the circumstances, it is in the best interests of the victim/claimant that the hearing not be open to the public; this determination shall take into account the safety of the victim.

(m)-(n) (No change.)

SUBCHAPTER 8. HUMAN TRAFFICKING

13:75-8.1 Human trafficking

(a) In addition to the compensation award services set forth in this chapter for crime victims, the Office shall award additional compensation awards for human trafficking victims, as defined at N.J.S.A. 2C:13-8, for particular expenses incurred as a result of their victimization. Such expenses include, but are not limited to, expenses incurred for:

1. Record expungement;
2. Name change;
3. Social Security number change; or
4. Out-of-State relocation.

Authority: N.J.S.A. 52:18A-91.

Effective Dates: September 30, 2021, Readoption;
November 1, 2021, Amendments.

Expiration Date: September 30, 2028.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the investment policy rules of the State Investment Council are not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:16.

Full text of the adopted amendments follows:

SUBCHAPTER 4. STATE INVESTMENT COUNCIL'S POLICY
CONCERNING POLITICAL CONTRIBUTIONS
AND PROHIBITIONS ON INVESTMENT
MANAGEMENT BUSINESS

17:16-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
"Third party solicitor" means a third party placement agent or lobbyist who solicits investment management business through direct or indirect communication with a State officer, employee, or official on behalf of an investment management firm, but does not include any person whose sole basis of compensation from the investment management firm is the actual provision of legal, accounting, engineering, real estate, or other professional advice, services, or assistance. The term "third party solicitor," when used with respect to a particular investment management firm, shall not include a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the investment management firm; a third-party placement agent or lobbyist who solicits clients other than the Division to engage that investment management firm to provide investment management services; or a third-party placement agent or lobbyist who solicits the Division on behalf of another investment management firm.

17:16-4.11 Restrictions on Council members

It is prohibited for any Council member to receive any form of compensation, gratuity, gift, service, or payment in connection with the hiring or retention of any investment management firm by the Division during the Council member's term and for a two-year period immediately following the completion of such Council member's term. This subsection shall include any compensation, gratuity, gift, service, or payment to the Council member, the Council member's immediate family, or any partner or associate of the Council member. For the purposes of this subsection, "immediate family" shall mean a person's spouse, child, parent, or sibling residing in the same household or a person's domestic partner as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

SUBCHAPTER 17. STATE, MUNICIPAL, AND PUBLIC
AUTHORITY OBLIGATIONS

17:16-17.4 Limitations

(a) At the time of initial purchase, the following conditions should be met:

1. Not more than 10 percent of any one issue, serial note, or maturity may directly be purchased in the aggregate by all eligible funds;

2.-5. (No change.)

(b) (No change.)

TREASURY—GENERAL

(a)

STATE INVESTMENT COUNCIL

Rules of the State Investment Council

Readoption with Amendments: N.J.A.C. 17:16

Proposed: July 6, 2021, at 53 N.J.R. 1135(a).

Adopted: September 29, 2021, by the State Investment Council,

Shoaib Khan, Acting Director, Division of Investment.

Filed: September 30, 2021, as R.2021 d.123, **without change**.

SUBCHAPTER 23. PRIVATE CREDIT INVESTMENTS

17:16-23.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
 “Private credit investments” means investments in opportunistic credit, global collateralized notes, bank loans, mezzanine debt, credit structured products, commercial and residential mortgage-backed securities, commercial and residential whole loans, and other similar strategies, including equity participation.
 ...

17:16-23.2 Permissible investments

(a) Subject to the limitations contained in this subchapter, the Director may invest and reinvest the moneys of any eligible fund in private credit investments in any of the following ways:

1. (No change.)
2. Invest in separate accounts, funds-of-funds, commingled funds, co-investments, and joint ventures that primarily invest in private credit investments; provided that the further provisos contained in N.J.A.C. 17:16-69.9 have been met;
3. Purchase the common stock of an entity that primarily invests in private credit investments, and whose stock is traded on a securities exchange or over-the-counter market or offered and sold through a private placement; and
4. Purchase exchange-traded funds traded on a securities exchange or the over-the-counter market that primarily invest in private credit investments. For the purposes of this subchapter, exchange-traded funds shall be considered as common stock in determining all applicable limitations contained in this subchapter.

(b) In addition to (a) above, the Director may:

1. (No change.)
2. Retain any distribution received as a result of a corporate action or distribution by a private credit investment, even if such distribution does not meet the requirements of this subchapter;
- 3.-4. (No change.)
5. Purchase stock in new public offerings of entities that primarily invest in private credit investments.

(c) Notwithstanding the restrictions in this subchapter, the Council may approve the purchase of private credit investments on a case-by-case basis.

(d) (No change.)

17:16-23.3 Eligible funds

For purposes of this subchapter, eligible funds shall include any fund classified as a Common Pension Fund and permitted to invest in private credit investments.

17:16-23.4 Limitations

(a) The following conditions shall all be met at the time of purchase, in the case of investments in publicly traded securities, and at the time of presentation to the Investment Policy Committee in accordance with N.J.A.C. 17:16-69.9(a)1, in the case of private credit investments made pursuant to N.J.A.C. 17:16-23.2(a)2:

1. Not more than 13 percent of the market value of the combined assets of all of the Pension and Annuity Funds shall be invested in private credit investments, whether directly or through separate accounts, funds-of-funds, commingled funds, co-investments, and joint ventures that primarily invest in private credit investments. This limitation shall be applied to the Pension and Annuity Funds’ proportionate interest in private credit investments;
2. (No change.)
3. The total amount directly invested in the equity and fixed income obligations of any one issuer and affiliated entities by the Pension and Annuity Funds and the Common Pension Funds, in the aggregate, shall not exceed five percent of the combined assets of all the Pension and Annuity Funds. This limitation shall be applied to the Pension and Annuity Funds’ proportionate interest in private credit investments;
- 4.-5. (No change.)

(b) (No change.)

SUBCHAPTER 31. COMMERCIAL PAPER

17:16-31.2 Permissible investments

(a) Subject to the limitations contained in this subchapter, the Director may invest and reinvest the moneys of any eligible fund in commercial paper provided that:

1.-3. (No change.)

4. The issuer (or any guarantor pledging its full faith and credit to the issue) has a credit rating of P-1 or higher by Moody’s Investors Service, Inc., A-1 or higher by Standard & Poor’s Corporation, or F-1 or higher by Fitch Ratings. Subsequent to purchase, if the issuer rating fails to meet the minimum rating criteria, the commercial paper does not have to be sold.

(b) (No change.)

SUBCHAPTER 42. EQUITY INVESTMENTS (TRUST FUNDS)

17:16-42.4 Limitations

(a) At the time of initial purchase, the following conditions shall be met:

1. (No change.)

2. The total amount of a particular class of stock directly purchased or acquired of any one entity shall not exceed five percent of that class of stock outstanding; provided, however, that the total amount of shares owned pursuant to this section and N.J.A.C. 17:16-48, in the aggregate, of a swap dealer or major swap participant as defined in the Commodity Futures Trading Commission rules and that are eligible to vote, shall be less than 10 percent of that class of stock outstanding; and

3. (No change.)

(b) (No change.)

SUBCHAPTER 48. GLOBAL EQUITY INVESTMENTS (PENSION AND ANNUITY FUNDS)

17:16-48.4 Limitations

(a) At the time of initial purchase, the following conditions shall be met:

1.-2. (No change.)

3. The total amount of a particular class of stock directly purchased or acquired of any one entity shall be less than 10 percent of that class of stock outstanding; provided, however, that the total amount of shares owned pursuant to this section and N.J.A.C. 17:16-42, in the aggregate, of a swap dealer or major swap participant as defined in the Commodity Futures Trading Commission rules and that are eligible to vote, shall be less than 10 percent of that class of stock outstanding;

4.-5. (No change.)

(b) (No change.)

SUBCHAPTER 69. COMMON PENSION FUNDS

17:16-69.9 Limitations

(a) For all investments made by or on behalf of any Common Pension Fund through direct investments, separate accounts, funds-of-funds, commingled funds, co-investments, or joint ventures under N.J.A.C. 17:16-23.2(a)2, 71.2(a)1, 90.2(a)1, and 100.2(a)1, the following shall occur:

1. (No change.)

2. The Director shall provide an informational memorandum to the Council on each binding commitment, which memorandum shall be provided at the first regularly scheduled meeting of the Council subsequent to the date such binding commitment has been made.

(b) (No change.)

(c) A binding commitment shall not be made directly with an investment manager that, together with all other direct commitments made with the investment manager pursuant to N.J.A.C. 17:16-23.2(a)2, 71.2(a)1, 90.2(a)1, and 100.2(a)1, comprises more than 20 percent of the investment manager’s total assets under management at the time of such binding commitment. Notwithstanding this subsection, a binding commitment may be made that exceeds the 20 percent limitation, provided that any obligation to fund the commitment shall be contingent upon the total amount invested directly with the investment manager (excluding

unfunded commitments) being less than 20 percent of the investment manager’s total assets under management (excluding unfunded commitments) at the time of funding.

(d) Not more than 45 percent of the market value of the assets of any fund under the supervision of the Council shall be represented by the market value of investments as permitted by N.J.A.C. 17:16-23.2(a)2, 71.2(a)1, 90.2(a)1, and 100.2(a)1, whether held directly by such fund or through the Common Pension Funds. If the market value exceeds 45 percent, then the Council shall be notified at the next regularly scheduled meeting of the Council. The Division may be granted a six-month period of grace to reduce the level of participation of the fund below the 45 percent level, except that the period of grace may be extended for additional four-month periods with the approval of the Council.

(e)-(f) (No change.)

SUBCHAPTER 71. REAL ASSETS

17:16-71.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

17:16-71.4 Limitations

(a) The following conditions shall be met at the time of purchase, in the case of investments in publicly traded securities, and at the time of presentation to the Investment Policy Committee in accordance with N.J.A.C. 17:16-69.9(a)1, in the case of real asset investments made pursuant to N.J.A.C. 17:16-71.2(a)1:

1. The Pension and Annuity Funds’ proportionate interest in the aggregate market value of the investment in real estate under this subchapter shall not exceed 13 percent of the combined assets of all of the Pension and Annuity Funds;

Recodify existing 6.-9. as 2.-5. (No change in text.)

(b) (No change.)

SUBCHAPTER 81. FOREIGN CURRENCY TRANSACTIONS

17:16-81.4 Limitations

With respect to international securities, the portfolio should be unhedged, except in such instances in which the Director believes that circumstances exist in which hedging would serve to improve and protect the inherent returns of the international portfolio.

SUBCHAPTER 90. PRIVATE EQUITY

17:16-90.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

“Private equity” means investments generally made through limited partnerships or other limited liability vehicles that in turn generally invest in the equity or debt of companies or business units, or investments in the debt or equity of a trustee, general partner, or managing member of a fund.

“Private placement” means a negotiated sale in which the securities are sold directly to institutional or private investors, rather than through a public offering registered with the U.S. Securities and Exchange Commission or applicable foreign regulatory body. Private placement includes the sale of securities pursuant to Section 4(2), Regulation D, Regulation S, or Rule 144A under the Securities Act of 1933, as amended.

...

17:16-90.2 Permissible investments

(a) Subject to the limitations contained in this subchapter, the Director may invest and reinvest the moneys of any eligible fund in private equity in any of the following ways:

1. Invest in private equity investments through separate accounts, funds-of-funds, commingled funds, direct investments, co-investments, and joint ventures subject to the further provisos as contained at N.J.A.C. 17:16-69.9;

2.-3. (No change.)

(b)-(c) (No change.)

17:16-90.4 Limitations

(a) The following conditions shall be met at the time of purchase, in the case of investments in publicly traded securities, and at the time of presentation to the Investment Policy Committee in accordance with N.J.A.C. 17:16-69.9(a)1, in the case of private equity investments made pursuant to N.J.A.C. 17:16-90.2(a)1:

1. The Pension and Annuity Funds’ proportionate interest in the aggregate market value of private equity investments pursuant to this subchapter shall not exceed 18 percent of the combined assets of all of the Pension and Annuity Funds;

Recodify existing 5.-7. as 2.-4. (No change in text.)

(b) (No change.)

SUBCHAPTER 100. ABSOLUTE RETURN STRATEGY INVESTMENTS

17:16-100.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

17:16-100.2 Permissible investments

(a) Subject to the limitations contained in this subchapter, the Director may invest and reinvest the moneys of any eligible fund in absolute return strategy investments in any of the following ways:

1. Invest in absolute return strategy funds through commingled funds, funds-of-funds, separate accounts, managed accounts, and direct investments in individual funds subject to the further provisos as contained at N.J.A.C. 17:16-69.9;

2.-3. (No change.)

(b)-(c) (No change.)

17:16-100.4 Limitations

(a) The following conditions shall be met at the time of purchase, in the case of investments in publicly traded securities, and at the time of presentation to the Investment Policy Committee in accordance with N.J.A.C. 17:16-69.9(a)1, in the case of absolute return strategy investments made pursuant to N.J.A.C. 17:16-100.2(a)1:

1. The Pension and Annuity Funds’ proportionate interest in the aggregate market value of absolute return strategy investments pursuant to this subchapter shall not exceed 10 percent of the combined assets of all of the Pension and Annuity Funds and not more than one percent of the combined assets of all of the Pension and Annuity Funds may be invested directly in any individual fund. This limitation shall be applied to the Pension and Annuity Funds’ proportionate interest in the investments;

Recodify existing 6.-8. as 2.-4. (No change in text.)

(b)-(c) (No change.)

OTHER AGENCIES

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Authority Assistance Programs

Hazardous Discharge Site Remediation Fund

Adopted Amendments: N.J.A.C. 19:31-8.2, 8.3, 8.6, 8.7, 8.9, and 8.10

Adopted New Rules: N.J.A.C. 19:31-8.16 and 8.17

Proposed: August 2, 2021, at 53 N.J.R. 1270(a).

Adopted: October 6, 2021, by the New Jersey Economic Development Authority, Tim Sullivan, Chief Executive Officer.

Filed: October 6, 2021, as R.2021 d.126, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2017, c. 353 and P.L. 2021, c. 20.