

# RULES OF THE STATE INVESTMENT COUNCIL

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Amended by R.2012 d.018, effective January 17, 2012.  
See: 43 N.J.R. 2282(a), 44 N.J.R. 175(a).

Section was "Valuation of investments". In (a), inserted "and the net assets of the common fund"; rewrote (b), (c)1 and (c)2; in the introductory paragraph of (c), inserted "and net assets"; and deleted (c)3 and (c)4.

**17:16-63.5 Valuation of units**

The net asset value per unit shall be calculated as the net assets of the fund divided by the total number of units outstanding as of such valuation date.

As amended, R.1972 d.229, effective November 16, 1972.

See: 4 N.J.R. 311(a).

As amended, R.1974 d.265, effective September 24, 1974.

See: 6 N.J.R. 416(b).

As amended, R.1977 d.126, effective April 11, 1977.

See: 9 N.J.R. 244(d).

Recodified from N.J.A.C. 17:16-63.8 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

In (a)1, substituted "N.J.A.C. 17:16-63.4" for "this section". Former N.J.A.C. 17:16-63.5, Valuation, recodified to N.J.A.C. 17:16-63.4.

Repeal and New Rule, R.2012 d.018, effective January 17, 2012.

See: 43 N.J.R. 2282(a), 44 N.J.R. 175(a).

Section was "Valuation of units".

**17:16-63.6 Admission and withdrawal**

(a) No admission to or withdrawal from the common fund shall be permitted except on a valuation date and shall be based upon the value of each unit as of that valuation date.

(b) All admissions or withdrawals shall be made in cash or in kind.

Amended by R.1974 d.265, effective September 24, 1974.

See: 6 N.J.R. 416(b).

Recodified from N.J.A.C. 17:16-63.9 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Admission date". Rewrote the section. Former N.J.A.C. 17:16-63.6, Date of valuation, combined with current N.J.A.C. 17:16-63.4.

Amended by R.2012 d.018, effective January 17, 2012.

See: 43 N.J.R. 2282(a), 44 N.J.R. 175(a).

Rewrote (a).

**17:16-63.7 Amendments**

This subchapter may be amended from time to time by the Council. Any amendment adopted by the Council shall be binding upon all participating funds, trusts and beneficiaries thereof.

Recodified from N.J.A.C. 17:16-63.10 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section. Former N.J.A.C. 17:16-63.7, Method of valuation, combined with current N.J.A.C. 17:16-63.4.

**17:16-63.8 Distribution of realized appreciation**

(a) Subsequent to the receipt of audited financial statements for the proper fiscal year, the Council may consider the realized appreciation in the common fund per unit.

(b) The Council may, in its sole discretion, choose either of the following options:

1. Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made, the percentage of such appreciation of principal declared to be income shall be deducted from the total net assets of the common fund and distributed to the participating funds in proportion to the number of units owned; or

2. Retain any or all realized appreciation for future investments within the common fund.

Amended by R.1974 d.265, effective September 24, 1974.

See: 6 N.J.R. 416(b).

Amended by R.1987 d.87, effective February 2, 1987.

See: 18 N.J.R. 2378(a), 19 N.J.R. 304(b).

(c) added.

Amended by R.1994 d.327, effective July 5, 1994.

See: 26 N.J.R. 1772(a), 26 N.J.R. 2798(c).

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Recodified (c) as (b)3.

Recodified from N.J.A.C. 17:16-63.11 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

In (a), deleted "State Investment" preceding "Council". Former N.J.A.C. 17:16-63.8, Valuation of units, recodified to N.J.A.C. 17:16-63.5.

Amended by R.2012 d.018, effective January 17, 2012.

See: 43 N.J.R. 2282(a), 44 N.J.R. 175(a).

In the introductory paragraph of (b), substituted "either" for "any or all"; rewrote (b)1; deleted (b)2; and recodified (b)3 as (b)2.

**17:16-63.9 Limitations**

(a) Unless otherwise specifically provided therein, in the event that any subchapter contains a limitation of the assets of any Pension and Annuity Fund which may be invested either in one issue or a class of issues, that limitation shall be construed to apply to the combined assets of all of the Pension and Annuity Funds and shall not restrict the total common pension fund investment in such issue or issues to those limitations for any individual Pension or Annuity Fund.

(b) For all investments made in Common Pension Fund B through separate accounts, funds-of-funds, commingled funds, co-investments and joint ventures under N.J.A.C. 17:16-23, the following shall occur:

1. The Director shall provide the Investment Policy Committee of the Council (Investment Committee) with the requested due diligence information for all investments recommended by the Division and a formal written report for each such investment. Due diligence information shall include, but not be limited to, in all cases, information demonstrating that the investment satisfies the limitations and conditions contained in N.J.A.C. 17:16-23, and a written disclosure submitted by the asset manager summarizing any and all compensation arrangements with consultants and intermediaries, whether direct or indirect, in connection with the proposed investment.

2. On investments of \$50 million or more, prior to any binding commitment, the Investment Committee shall provide a report to the Council, which report shall include a written memorandum by the Director. On a timely basis after receipt of such report, the Council may adopt or otherwise act upon the report.

3. On investments of less than \$50 million, the Director shall provide an informational memorandum to the Council of every investment made, which shall be provided on a regular basis subsequent to the date such investment has been made.

4. In any given calendar year, and at any point within such year, at least 80 percent of the number of investments which are approved and 80 percent of the dollar amount of total investment commitments must be eligible for a report by the Investment Committee to the Council. For investments under \$50 million, so long as such investments constitute no more than 20 percent of the number of investments approved and 20 percent of the total investment dollars committed, the Investment Committee will not issue a report to the Council. Once the Division has exceeded its 20 percent "exemption" in any given year, all proposed investments will be subject to the Investment Committee providing a report to the Council until the number and dollar value of "exempt" investment again falls below the 20 percent threshold.

(c) The investments in Common Pension Fund B made under N.J.A.C. 17:16-23 cannot comprise more than 20 percent of any one investment manager's total assets.

Amended by R.1972 d.229, effective November 16, 1972.

See: 4 N.J.R. 311(a).

Amended by R.1988 d.247, effective June 6, 1988.

See: 20 N.J.R. 742(a), 20 N.J.R. 1208(e).

Added Cash Management Fund and State Investment Council.

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Recodified from N.J.A.C. 17:16-63.12 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section. Former N.J.A.C. 17:16-63.9, Admission date, recodified to N.J.A.C. 17:16-63.6.

Amended by R.2008 d.395, effective December 15, 2008.

See: 40 N.J.R. 4694(b), 40 N.J.R. 7000(b).

Added (b) and (c).

### 17:16-63.10 Liquidation

(a) The Director, subject to the approval of the Council and the Treasurer, may, upon two months' notice, liquidate Common Pension Fund B.

(b) In the event of such liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the common fund.

(c) When such proportionate distribution is impracticable in the judgment of the Director, he or she may instead distribute on liquidation, cash or temporary investments held by the common fund.

(d) Distribution upon liquidation shall occur within five days after a valuation date and shall be based upon the net asset value per unit determined upon such valuation date.

(e) No liquidation will be effectuated without the approval of the Council of a plan of distribution of the assets of the common fund.

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Recodified from N.J.A.C. 17:16-63.13 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote (a); in (c), inserted "or she" following "he"; and in (e), deleted "State Investment" preceding "Council". Former N.J.A.C. 17:16-63.10, Amendments, recodified to N.J.A.C. 17:16-63.7.

Amended by R.2012 d.018, effective January 17, 2012.

See: 43 N.J.R. 2282(a), 44 N.J.R. 175(a).

In (d), substituted "net asset" for "principal".

### 17:16-63.11 (Reserved)

Recodified to N.J.A.C. 17:16-63.8 by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Distribution of realized appreciation".

### 17:16-63.12 (Reserved)

Recodified to N.J.A.C. 17:16-63.9 by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Limitations".

### 17:16-63.13 (Reserved)

Recodified to N.J.A.C. 17:16-63.10 by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Liquidation".

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## SUBCHAPTER 64. (RESERVED)

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## SUBCHAPTER 65. DEFERRED COMPENSATION PLAN

### 17:16-65.1 General provisions

(a) Pursuant to N.J.S.A. 52:18A-163 et seq., there are hereby created in the Division four common funds to be known as the New Jersey State Employees Deferred Compensation Equity Fund, the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund, the New Jersey State Employees Deferred Compensation Fixed Income Fund and the New Jersey State Employees Deferred Compensation Cash Management Fund (collectively, the Common Funds).

(b) Moneys from salary deductions of New Jersey State employees shall be deposited in the Common Funds up to and including January 1, 2006. Investment options offered and managed by outside vendors (collectively, the Outside Funds)

may accept deposited moneys from salary deductions of New Jersey State employees pursuant to the procedures described in this subchapter on or after January 2, 2006. Collectively, the Common Funds and the Outside Funds shall be referred to as the DCP Funds.

(c) The participation of State employees is subject to the Plan as established by the New Jersey State Employees Deferred Compensation Board.

Amended by R.1998 d.32, effective January 5, 1998.

See: 29 N.J.R. 4410(c), 30 N.J.R. 106(d).

Added the New Jersey State Employees Small Capitalization Equity Fund to the list of common funds.

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Inserted "Fixed" following "Compensation".

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Definition". Section combined with former N.J.A.C. 17:16-65.2, Participation in the New Jersey State Employees Deferred Compensation Plan, and substantially amended.

**17:16-65.2 Permissible investments**

(a) The Director and/or any persons, entities or organizations engaged by the New Jersey State Employees Deferred Compensation Board to invest plan assets (collectively, the Portfolio Manager) shall invest the assets of the New Jersey State Employees Deferred Compensation Plan in securities which are legal investments for fiduciaries of trust estates in New Jersey which are permitted under N.J.S.A. 52:18A-163 et seq., subject to the applicable provisions of the regulations of the Council, which shall include the Common Funds and the Outside Funds. The Common Funds will not accept ongoing deposits or transfers from participants on or after January 2, 2006, but participants may choose to maintain any balances invested in the Common Funds or transfer all or part of such balances to one or more of the Outside Funds.

(b) Moneys in the Common Funds shall be invested as follows:

1. The New Jersey State Employees Deferred Compensation Fixed Income Fund will be invested in fixed income securities having a maturity of one year or more.

2. The New Jersey State Employees Deferred Compensation Equity Fund and the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund will be invested in such common and preferred stocks and issues convertible into common stock as are permitted under N.J.A.C. 17:16-42. In the case of the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund, investments will be made in stocks which are eligible under N.J.A.C. 17:16-42 and which are designated as small capitalization stocks by the Division.

3. The New Jersey State Employees Deferred Compensation Cash Management Fund shall be invested in the

State of New Jersey Cash Management Fund or in such other fixed income securities maturing in less than one year as may be permitted by this subchapter.

4. The New Jersey State Employees Deferred Compensation Fixed Income Fund, the New Jersey State Employees Deferred Compensation Equity Fund and the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund may hold up to 25 percent of their assets either in short-term fixed income securities, as permitted by the rules and regulations of the Council, or in the State of New Jersey Cash Management Fund.

5. Common Funds may be organized as commingled accounts, mutual funds registered with the Securities and Exchange Commission (SEC), separate accounts of an insurance company licensed to transact business in the State, commingled trust accounts of a trust bank authorized to transact business in the State, or any other legal structure deemed acceptable to the Director.

(c) Moneys in the Outside Funds shall be invested as follows:

1. The Portfolio Manager shall invest moneys deposited at the participant's option in the Outside Funds on and after January 2, 2006. Participants shall also be permitted to authorize the transfer of all or a portion of the funds previously invested in the Common Funds to the Outside Funds.

2. Outside Funds may be organized as mutual funds registered with the Securities and Exchange Commission (SEC), SEC-registered separate accounts of an insurance company licensed to transact business in the State, commingled trust accounts of a trust bank authorized to transact business in the State, or any other legal structure deemed acceptable to the Director. Outside Funds may also be organized as one of the above types of funds or accounts, combined with a synthetic guaranteed investment contract issued by an insurance company licensed to transact business in the State (such funds or accounts and investment contracts collectively referred to as "stable value funds").

3. The New Jersey State Employees Deferred Compensation Plan shall offer a minimum of five Outside Funds for investment to participants. Such Outside Funds shall be selected by the Director in consultation with the New Jersey State Employees Deferred Compensation Board. The Outside Funds shall offer participants a range of investment options with varying levels of risk and expected returns, and may include funds which invest primarily in domestic equity securities, international equity securities, domestic fixed income securities, and money market instruments.

4. The Director shall prepare a report for acceptance by the Council:

i. Upon the initial determination of the Outside Funds to be offered; and

ii. One time per year, commencing in 2006.

5. The report in (c)4 above shall describe the criteria utilized by the Director:

i. In selecting the investment objectives for the number and type of Outside Funds; and

ii. In selecting each specific Outside Fund.

Recodified by R.1991 d.274, effective June 3, 1991.

See: 23 N.J.R. 983(a), 23 N.J.R. 1800(b).

Citations corrected.

Amended by R.1998 d.32, effective January 5, 1998.

See: 29 N.J.R. 4410(c), 30 N.J.R. 106(d).

In (a), in the second sentence, added the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund, and inserted the third sentence; in (b), added the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund; and added (e).

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Substituted "market" for "book" throughout section; in (e), substituted "10" for "five".

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote (a)-(c); deleted (d) and (e).

Amended by R.2006 d.79, effective February 21, 2006.

See: 37 N.J.R. 4193(a), 38 N.J.R. 1226(a).

Added (b)6; in (c)2, deleted "SEC-registered" and added the last sentence.

Recodified from N.J.A.C. 17:16-65.4 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section. Former N.J.A.C. 17:16-65.2, Participation in the New Jersey State Employees Deferred Compensation Plan, partially combined with current N.J.A.C. 17:16-65.1.

### 17:16-65.3 Units of participation

(a) DCP Funds shall be composed of units of participation of unlimited quantity. Each unit of participation shall represent an equal beneficial interest in each respective DCP Fund and no unit shall have priority or preference over any other in each respective DCP Fund. Each unit of participation shall be valued at the net asset value per unit in accordance with N.J.A.C. 17:16-65.5.

(b) All units of participation in the New Jersey State Employees Deferred Compensation Plan, representing net capital contributions to the DCP Funds together with any income thereon, shall be evidenced by proper entries setting forth ownership units in the records of the persons, entities, or organizations engaged by the New Jersey State Employees Deferred Compensation Board to administer the plan, which may include the Division of Pensions and Benefits, Department of the Treasury, and/or one or more private organizations contracting with the Division pursuant to N.J.S.A. 52:18A-167 (collectively, the Plan Administrator).

(c) All units of participation shall be purchased by cash payments. All units shall be purchased for the principal valuation price determined by this subchapter.

Recodified by R.1991 d.274, effective June 3, 1991.

See: 23 N.J.R. 983(a), 23 N.J.R. 1800(b).

Citations corrected.

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Recodified from N.J.A.C. 17:16-65.5 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section. Former N.J.A.C. 17:16-65.3, Distribution of income, repealed.

### 17:16-65.4 Valuation of investments

(a) Upon each valuation date, as provided in (b) below, there shall be a valuation for every investment in the DCP funds in the method provided for in this section.

(b) For the Common Funds, the valuation shall be determined after the close of business on the last business day of each month (or on each day that the primary securities exchanges in the United States are open for business, if so determined by the Director), and shall be based on market prices and accruals as of the close of business on such day. For the Outside Funds, the valuation shall be determined after the close of business on each day that the primary securities exchanges in the United States are open for business, and shall be based on market prices and accruals as of the close of business on such day.

(c) The Director shall use the following method of valuation of investments:

1. Securities' prices will be determined by a pricing service or a method which has been approved by the Director.

2. Accrual and amortization procedures will be calculated by procedures and formulas approved by the Director.

3. The method of pricing each DCP Fund will be in accordance with contractual obligations of the custodian bank or Plan Administrator, subject to the approval of the Director.

4. In the case of a stock where a dividend has been declared and not as yet paid and the amount of such dividend has been included as income, such amount shall be deducted from the value of the stock, unless such value is based on an ex-dividend valuation.

5. An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security and the cost thereof recorded as an account payable.

6. An investment sold but not delivered pending receipt of proceeds shall be valued at the net sales price.

7. For the purposes of valuation of an investment, with the exception of investments sold but not delivered, it shall not be necessary to deduct from the value ascertained by this section, brokers' commission or other expenses which would be incurred on a sale thereof.

(d) In the event of errors or omissions in the calculation of accruals of income, amortization or pricing of securities, the custodian bank or Plan Administrator shall correct such errors or omissions as is set forth in any applicable contract with the State.

Amended by R.2005 d.347, effective October 17, 2005.  
See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Amended by R.2006 d.79, effective February 21, 2006.  
See: 37 N.J.R. 4193(a), 38 N.J.R. 1226(a).

Added "(or on each day that the primary securities exchanges in the United States are open for business, if so determined by the Director)".  
Recodified from N.J.A.C. 17:16-65.6 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Date of valuation". Rewrote the section. Former N.J.A.C. 17:16-65.4, Permissible investments, recodified to N.J.A.C. 17:16-65.2.

### 17:16-65.5 Valuation of units

(a) The net asset value per unit of participation in each DCP Fund on the valuation date set forth in N.J.A.C. 17:16-65.6 shall be determined by dividing the total value of the fund's securities and other assets, less any administrative expenses or other liabilities, by the total outstanding units of participation in the fund. In the case of stable value funds, the total value of the fund's securities and other assets shall equal the aggregate amount of principal deposited in the fund, plus the amount of interest provided in any synthetic guaranteed investment contract.

(b) The method of calculation of units of participation will be in accordance with an agreement between the State of New Jersey and the Plan Administrator.

(c) The aggregate income per participating unit on total units attributed to each participant for the DCP Funds will be reinvested automatically. If applicable, new units will be credited to the respective accounts of all of the participants in proportion to their holdings of participating units immediately prior to the determination of the net income available for distribution. In the reinvestment of aggregate income as described above, fractional units may be issued representing fractions of one dollar.

(d) In the event of errors or omissions in the calculation of unit values or participants' accounts the Plan Administrator shall correct such errors or omissions in accordance with any applicable contract with the State.

Amended by R.2005 d.347, effective October 17, 2005.  
See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Amended by R.2006 d.79, effective February 21, 2006.  
See: 37 N.J.R. 4193(a), 38 N.J.R. 1226(a).

Deleted "last business day of each month (for Common Funds) or each business day (for Outside Funds)"; added reference to N.J.A.C. 17:16-65.6; and added second sentence.

Recodified from N.J.A.C. 17:16-65.7 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Valuation". Rewrote the section. Former N.J.A.C. 17:16-65.5, Units of participation, recodified to N.J.A.C. 17:16-65.3.

### 17:16-65.6 Admission and withdrawal

(a) Admission to (until January 1, 2006) or withdrawal from the Common Funds shall be permitted as of the first business day of each month (or as of the end of each business day, if so determined by the Director), subject to the procedures of the Plan Administrator. Admissions to or withdrawals from the Outside Funds shall be permitted as of the end of each business day, subject to the procedures of the Plan Administrator.

(b) All admissions and withdrawals will be made in cash.

Amended by R.2005 d.347, effective October 17, 2005.  
See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Amended by R.2006 d.79, effective February 21, 2006.  
See: 37 N.J.R. 4193(a), 38 N.J.R. 1226(a).

Added "(or as of the end of each business day, if so determined by the Director)".

Recodified from N.J.A.C. 17:16-65.10 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Admission and withdrawal of units of participation". Inserted (a) and (b) designations; and in (a), substituted "January 1, 2006" for "the transition date". Former N.J.A.C. 17:16-65.6, Date of valuation, recodified to N.J.A.C. 17:16-65.4.

### 17:16-65.7 Amendments

This subchapter may be amended from time to time by the Council. Any amendment adopted by the Council shall be binding upon all participants and beneficiaries thereof, the Plan Administrator and the Portfolio Manager.

Amended by R.2005 d.347, effective October 17, 2005.  
See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Substituted "subchapter" for "rule"; deleted "regulation of" preceding "the State"; added ", the Plan Administrator and the Portfolio Manager".  
Recodified from N.J.A.C. 17:16-65.12 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Deleted "State Investment" preceding first occurrence of "Council" and substituted "the" for "such" following "adopted by". Former N.J.A.C. 17:16-65.7, Valuation, was recodified to N.J.A.C. 17:16-65.5.

### 17:16-65.8 (Reserved)

Amended by R.2001 d.119, effective April 2, 2001.  
See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Repealed by R.2006 d.317, effective September 5, 2006.  
See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Guidelines for valuation of securities".

### 17:16-65.9 Limitations

(a) With respect to the New Jersey State Employees Deferred Compensation Equity Fund, not more than 10 percent of the market value of the Fund shall be invested in the common stocks, preferred stocks and securities convertible into common stock of any one corporation.

(b) With respect to the New Jersey State Employees Deferred Compensation Fixed Income Fund, not more than 10 percent of the market value of the assets of the fund shall be invested in the debt of any one corporation, and not more than

25 percent of any one issue may be purchased at the time of issue.

(c) With respect to the New Jersey State Employees Deferred Compensation Small Capitalization Equity Fund, not more than 10 percent of the market value of the fund shall be invested in the common stocks, preferred stocks and securities convertible into common stock of any one corporation.

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote the section.

Repeal and New Rule, R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Reinvestment of income earned".

### 17:16-65.10 Liquidation

(a) The Director, upon direction of the New Jersey State Employees Deferred Compensation Board and with the approval of the Council, shall liquidate the aforementioned Common Funds and/or holdings in one or more of the Outside Funds.

(b) In the event of such fund liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the liquidated fund.

(c) When such proportionate distribution is impracticable in the judgment of the Director, he or she may instead distribute on liquidation, cash or temporary investments held by the liquidated fund.

(d) Distribution upon fund liquidation shall occur within five days after a valuation date and shall be based upon the principal value per unit determined upon such valuation date.

(e) No fund liquidation will be effectuated without the approval by the Council of a plan of distribution of the assets of the liquidated fund.

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Substituted "Common Funds and/or holdings in one or more of the Outside Funds" for "common funds".

Recodified from N.J.A.C. 17:16-65.13 and amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section. Former N.J.A.C. 17:16-65.10, Admission and withdrawal of units of participation, was recodified to N.J.A.C. 17:16-65.6.

### 17:16-65.11 (Reserved)

Amended by R.2005 d.347, effective October 17, 2005.

See: 37 N.J.R. 2150(a), 37 N.J.R. 4032(a).

Rewrote (a) and (b).

Repealed by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Errors and omissions".

### 17:16-65.12 (Reserved)

Recodified to N.J.A.C. 17:16-65.7 by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Amendments".

### 17:16-65.13 (Reserved)

Recodified to N.J.A.C. 17:16-65.10 by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Liquidation".

## SUBCHAPTER 66. (RESERVED)

## SUBCHAPTER 67. COMMON PENSION FUND D

### 17:16-67.1 General provisions

(a) Pursuant to P.L. 1970, c. 270, there is hereby created in the Division a common trust fund, to be known as Common Pension Fund D, for the purpose of investing in international debt securities, international stocks or related securities, currencies and currency futures and options.

(b) The following funds may participate in Common Pension Fund D:

1. Police and Firemen's Retirement System;
2. Public Employees' Retirement System;
3. State Police Retirement System;
4. Teachers' Pension and Annuity Fund; and
5. Judicial Retirement System of New Jersey.

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

In (a), inserted a new 3 and recodified former 3 and 4 as 4 and 5.

Amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Section was "Definition". Rewrote (a) and introductory paragraph of (b).

### 17:16-67.2 Permissible investments

The Director may invest the assets of Common Pension Fund D in international debt securities, international corporate common stocks or securities convertible into such stock, currencies and currency futures and options, including any investments permitted under this chapter, the State of New Jersey Cash Management Fund, United States Treasury Obligations and commercial paper.

Recodified by R.1991 d.274, effective June 3, 1991.

See: 23 N.J.R. 983(a), N.J.R. 1800(b).

Citations corrected.

Amended by R.2000 d.374, effective September 18, 2000.

See: 32 N.J.R. 2585(a), 32 N.J.R. 3456(a).

Changed N.J.A.C. reference.

Amended by R.2001 d.119, effective April 2, 2001.

See: 33 N.J.R. 372(b), 33 N.J.R. 1115(a).

Substituted "rules" for "regulations" following "determined by these".

Amended by R.2006 d.317, effective September 5, 2006.

See: 38 N.J.R. 2039(a), 38 N.J.R. 3632(a).

Rewrote the section.