

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1330

Introduced by

Representatives Satrom, Grueneich, Ostlie

Senators Conley, Lemm

1 A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota
2 Century Code, relating to divestment from legacy fund investments in Chinese companies; and
3 to amend and reenact section 21-10-07.1 of the North Dakota Century Code, relating to the
4 prudent investor rule.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 21-10 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Prohibition against Chinese investment.**

9 1. As used in this section:

- 10 a. "China" means the government of the People's Republic of China, the Chinese
11 Communist Party, the Chinese military, or any instrumentality thereof.
- 12 b. "Chinese company" means a company ~~publicly known to be majority-owned by,~~
13 ~~controlled by, or subject to the jurisdiction or direction of~~formed and domiciled in
14 China.
- 15 c. "Company" means a sole proprietorship, an organization, an association, a
16 corporation, a partnership, a joint venture, a limited partnership, a limited liability
17 partnership, a limited liability company, or any other entity or business
18 association, including all wholly owned subsidiaries, majority-owned subsidiaries,
19 and parent companies, or an affiliate of such entity or business associate which
20 exists for the purpose of making a profit.

1 d. "Direct holdings" means all securities of a company which are held directly by the
2 legacy fund or in an account or fund in which the legacy fund owns all shares or
3 interests. The term does not include indirect holdings in actively managed
4 investment funds, including a private equity fund, or holdings in exchange-traded
5 funds.

6 e. "Indirect holdings" means all securities of a company which are held in a
7 commingled fund or other collective investment, such as a mutual fund, in which
8 the legacy fund owns shares or interests, together with other investors not
9 subject to this chapter.

10 f. "Majority-owned" means to have ownership of more than fifty percent of the
11 outstanding equity interests of a company.

12 2. The legacy fund investments may not consist of direct holdings in a Chinese company.

13 3. The state investment board shall:

14 a. Initiate a review of all direct holdings of legacy fund investments to determine
15 which direct holdings, if any, include securities of a Chinese company;

16 b. Develop a divestment plan for all direct holdings in Chinese companies, which
17 must divest at least twenty percent of the total value of Chinese investments held
18 as of August 1, 2025, per year; and

19 c. Complete divestment from direct holdings in Chinese companies under the
20 divestment plan pursuant to subdivision b no later than August 1, 2030.

21 **SECTION 2. AMENDMENT.** Section 21-10-07.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **21-10-07.1. Prudent investor rule - Exception.**

24 Notwithstanding section 21-10-07, for purposes of investment of the legacy fund, the state
25 investment board ~~shall~~:

26 1. Shall give preference to qualified investment firms and financial institutions with a
27 presence in the state; and

28 2. May divest from Chinese companies as defined under section 1 of this Act.