

25.0779.02003
Title.

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

April 8, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1330

Introduced by

Representatives Satrom, Grueneich, Ostlie

Senators Conley, Lemm

In place of the amendments (25.0779.02001) adopted by the Senate, House Bill No. 1330 is amended by amendments (25.0779.02003) as follows:

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 and paragraph 2 of subdivision b of subsection 3 of~~
4 ~~section 21-10-11 of the North Dakota Century Code, relating to the prudent investor rule and~~
5 ~~other eligible in-state equity investments under the legacy fund.~~

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

7 ~~SECTION 1. A new section to chapter 21-10 of the North Dakota Century Code is created~~
8 ~~and enacted as follows:~~
9 ~~**Prohibition against Chinese investment.**~~
10 ~~1. As used in this section:~~
11 ~~a. "China" means the government of the People's Republic of China, the Chinese~~
12 ~~Communist Party, the Chinese military, or any instrumentality thereof.~~
13 ~~b. "Chinese company" means a company formed and domiciled in China.~~
14 ~~c. "Company" means a sole proprietorship, an organization, an association, a~~
15 ~~corporation, a partnership, a joint venture, a limited partnership, a limited liability~~
16 ~~partnership, a limited liability company, or any other entity or business~~
17 ~~association, including all wholly owned subsidiaries, majority owned subsidiaries,~~
18 ~~and parent companies, or an affiliate of such entity or business associate which~~
19 ~~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 1. 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. As used in
29 this subsection:
- 30 a. "China" means the government of the People's Republic of China, the Chinese
31 Communist Party, the Chinese military, or any instrumentality thereof.

- 1 b. "Chinese company" means a company formed and domiciled in China.
- 2 c. "Company" means a sole proprietorship, an organization, an association, a
- 3 corporation, a partnership, a joint venture, a limited partnership, a limited liability
- 4 partnership, a limited liability company, or any other entity or business
- 5 association, including all wholly owned subsidiaries, majority-owned subsidiaries,
- 6 and parent companies, or an affiliate of such entity or business associate which
- 7 exists for the purpose of making a profit.

8 **SECTION 2. AMENDMENT.** Paragraph 2 of subdivision b of subsection 3 of section
9 21-10-11 of the North Dakota Century Code is amended and reenacted as follows:

- 10 (2) Other eligible investments under this subdivision based on guidelines
11 developed by the legacy and budget stabilization fund advisory board. Other
- 12 eligible investments under this paragraph must:
- 13 (a) Be managed by qualified investment firms, financial institutions, or
- 14 equity funds which have a strategy to invest in qualified companies
- 15 operating or seeking to operate in the state and which have a direct
- 16 connection to the state;
- 17 (b) Have a benchmark investment return equal to the five-year average
- 18 net return for the legacy fund, excluding in-state investments; and
- 19 (c) Be diversified unless the legacy and budget stabilization fund advisory
- 20 board approves a strategy allowing concentrated investments for
- 21 in-state infrastructure.

