

H.B. 39

DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

FEBRUARY 19, 2008 10:09 AM

Representative **Julie Fisher** proposes the following amendments:

1. Page 1, Line 21:

21 ▶ exempts private equity ~~{and}~~ , alternative investments , and commingled funds
from application of the section;

2. Page 2, Line 47 through Page 3, Line 61

House Committee Amendments

2-4-2008:

47 (b) ~~{(i)}~~ "Scrutinized company" means a publicly traded foreign company that:

48 ~~{(A)(i) ←H→ (Aa)}~~ (i)(A) ←H has business operations that involve a contract with or provision
of

48a supplies or

49 services to a scrutinized entity;

50 H→ ~~{(H)}~~ ~~{(Bb)}~~ (B) ←H has any direct or indirect equity share, consortium, or project
50a commissioned by a

51 scrutinized entity; or

52 H→ ~~{(H)}~~ ~~{(C)}~~ (C) ←H is involved in a consortium or project commissioned by a
scrutinized

52a entity; H→ [and] ←H

53 H→ ~~{(B)}(H)~~ ~~{(H)}~~ (ii)(A) ←H has more than 5% of the company's total revenues or assets
linked to a

54 scrutinized entity; and

55 H→ ~~{(H)}~~ ~~{(H)}~~ (B) ←H has failed to adopt, publicize, and implement a formal plan to reduce
the

56 investment to 5% or below within one year; or

57 H→ ~~{(C)}~~ ~~{(B)}~~ (iii) ←H has, with actual knowledge, on or after August 5, 1996, made an

57a investment of \$20

58 million or more, or any combination of investments which in the aggregate exceeds \$20 million

59 in any 12-month period, in a scrutinized entity.

60 ~~{(ii) "Scrutinized company" does not mean private equity and other alternative~~
61 investments.}

3. Page 3, Lines 83 through 84
House Committee Amendments
2-4-2008:

83 (c) Notwithstanding the provisions of Subsections (2)(a) and (b), the board :

(i) is not

84 required to divest any holdings at a loss, to be calculated on cost basis {-} ; and

(ii) is not required to divest from investments in private equity, alternative investments, or commingled funds.