

1.1 ..... moves to amend H.F. No. 3872 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. HIGHER EDUCATION APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are added to the appropriations  
1.7 in Laws 2021, First Special Session chapter 2, article 1, unless otherwise specified, to the  
1.8 agencies and for the purposes specified in this article. The appropriations are from the  
1.9 general fund, or another named fund, and are available for the fiscal years indicated for  
1.10 each purpose. The figures "2022" and "2023" used in this article mean that the appropriations  
1.11 listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023,  
1.12 respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The  
1.13 biennium" is fiscal years 2022 and 2023.

1.14	<b><u>APPROPRIATIONS</u></b>
1.15	<b><u>Available for the Year</u></b>
1.16	<b><u>Ending June 30</u></b>
1.17	<b><u>2022</u></b> <b><u>2023</u></b>

1.18 Sec. 2. MINNESOTA OFFICE OF HIGHER  
1.19 EDUCATION

1.20 Subdivision 1. Total Appropriation                      \$                      -0- \$                      8,825,000

1.21 The amounts that may be spent for each  
1.22 purpose are specified in the following  
1.23 subdivisions.

1.24 Subd. 2. Student Parent Support Initiative                      -0-                      750,000

2.1 (a) For the student-parent support initiative  
 2.2 under Minnesota Statutes, section 136A.1251.  
 2.3 The commissioner may use the appropriation  
 2.4 for grants, outreach, and administration.

2.5 (b) The base for this appropriation is \$750,000  
 2.6 in fiscal year 2024 and later.

2.7 **Subd. 3. Operating Expenses of Tribal Colleges** -0- 3,000,000

2.8 (a) For a grant to Leech Lake Tribal College,  
 2.9 White Earth Tribal College, and Red Lake  
 2.10 Nation Tribal College, to be used for the Tribal  
 2.11 colleges' general operations and maintenance  
 2.12 expenses. The commissioner shall apportion  
 2.13 the funds equally among the Tribal colleges.

2.14 (b) The base for this appropriation is  
 2.15 \$3,000,000 in fiscal year 2024 and later.

2.16 (c) By September 30, 2023, each Tribal  
 2.17 college receiving a grant under this  
 2.18 subdivision must submit a report to the  
 2.19 commissioner of the Office of Higher  
 2.20 Education and to the chairs and ranking  
 2.21 minority members of the legislative  
 2.22 committees with jurisdiction over higher  
 2.23 education finance and policy. The report must  
 2.24 include an accurate and detailed account of  
 2.25 how the funds were spent, and a copy of the  
 2.26 college's most recent audit report.

2.27 **Subd. 4. State Grants** -0- -0-

2.28 \$2,414,000 is added to this program's base  
 2.29 appropriation in fiscal years 2024 and later.  
 2.30 The base for this appropriation is therefore  
 2.31 \$212,451,000 in fiscal year 2024 and later.

2.32 **Subd. 5. Grants to Underrepresented Student**  
 2.33 **Teachers** -0- 500,000

3.1 (a) The commissioner may use no more than  
 3.2 three percent of this appropriation to  
 3.3 administer the program.

3.4 (b) \$500,000 is added to this program's base  
 3.5 appropriation in fiscal year 2024 and later  
 3.6 specified in Laws 2021, First Special Session  
 3.7 chapter 2, article 1, section 2, subdivision 26.

3.8 **Subd. 6. Hunger-Free Campus Grants** -0- 75,000

3.9 (a) This appropriation is in addition to the  
 3.10 amount appropriated in Laws 2021, First  
 3.11 Special Session chapter 2, article 1, section 2,  
 3.12 subdivision 35, as amended by this act.

3.13 (b) The base for this appropriation is increased  
 3.14 by \$75,000 in fiscal year 2024 and later.

3.15 **Subd. 7. Inclusive Higher Education** -0- 500,000

3.16 (a) Of this amount, \$330,000 is for transfer to  
 3.17 the inclusive higher education grant account  
 3.18 under Minnesota Statutes, section 135A.162,  
 3.19 subdivision 4, and \$170,000 is to enter into a  
 3.20 contract establishing the Inclusive Higher  
 3.21 Education Technical Assistance Center under  
 3.22 Minnesota Statutes, section 135A.161.

3.23 (b) The base for this appropriation is \$500,000  
 3.24 beginning in fiscal year 2024 and each year  
 3.25 thereafter through fiscal year 2027. The base  
 3.26 for this appropriation is \$0 for fiscal year 2028  
 3.27 and later.

3.28 **Subd. 8. Owatonna Learn to Earn Coalition;**  
 3.29 **Office of Higher Education** -0- 980,000

3.30 This appropriation is for a grant to the  
 3.31 Owatonna Learn to Earn Coalition to help the  
 3.32 Owatonna and Steele County region grow and  
 3.33 retain a talented workforce. This is a onetime

4.1 appropriation and is available until June 30,  
4.2 2024. Of this amount:

4.3 (1) \$900,000 is to develop educational learning  
4.4 spaces with state-of-the-art equipment and  
4.5 student support services in high-demand career  
4.6 pathway programs. Of this amount, \$306,000  
4.7 is to equip the new Owatonna High School's  
4.8 Industrial Technology classrooms with  
4.9 state-of-the-art equipment to introduce  
4.10 students to high-skill, high-wage, technical  
4.11 careers, and \$594,000 is to equip the  
4.12 Owatonna Riverland Community College  
4.13 Campus with state-of-the-art instructional  
4.14 equipment to offer credit and noncredit  
4.15 technical programs in automation robotics  
4.16 engineering technology and information  
4.17 technology; and

4.18 (2) \$80,000 is to create learn to earn  
4.19 opportunities for students and employers by  
4.20 engaging employers in the Owatonna  
4.21 community to offer tuition reimbursement or  
4.22 scholarships and part-time work and school  
4.23 schedules to employees who agree to continue  
4.24 their education while working for them.

4.25 **Subd. 9. Owatonna Learn to Earn Coalition;**  
4.26 **Department of Employment and Economic**  
4.27 **Development**

-0-

20,000

4.28 For transfer to the commissioner of  
4.29 employment and economic development for  
4.30 a grant to the Owatonna Learn to Earn  
4.31 Coalition to conduct a comprehensive local  
4.32 needs assessment to examine current and  
4.33 future workforce needs in the region. The  
4.34 coalition shall retain a consultant and utilize  
4.35 state demographer resources to involve

5.1 education, business, and community  
 5.2 stakeholders to guide the high school's career  
 5.3 pathways, the college's programs of study, and  
 5.4 the business's support of work-based learning  
 5.5 programs that help them recruit, develop, and  
 5.6 retain a vibrant workforce to keep the regional  
 5.7 economy strong. This is a onetime  
 5.8 appropriation and is available until June 30,  
 5.9 2024.

5.10 **Subd. 10. Certified Nursing Assistant Program** -0- 3,000,000

5.11 (a) For the Office of Higher Education, in  
 5.12 partnership with Minnesota State's  
 5.13 HealthForce Minnesota, to administer a  
 5.14 program for the recruitment and training of  
 5.15 students to become certified nursing assistants.  
 5.16 The program shall include a model for  
 5.17 covering student costs, including but not  
 5.18 limited to tuition and fees, necessary materials,  
 5.19 and testing. The program shall also include  
 5.20 marketing and outreach across the state.  
 5.21 Additionally, the program may cover cost for  
 5.22 Nursing Assistant Test-Out (NATO) retraining  
 5.23 and retesting and refresher courses.

5.24 (b) No more than \$200,000 per year is  
 5.25 available for the coordination and  
 5.26 implementation of this program.

5.27 (c) This is a onetime appropriation.

5.28 **Sec. 3. BOARD OF TRUSTEES OF THE**  
 5.29 **MINNESOTA STATE COLLEGES AND**  
 5.30 **UNIVERSITIES**

5.31 **Subdivision 1. Total Appropriation** \$ -0- \$ 8,175,000

5.32 The amounts that may be spent for each  
 5.33 purpose are specified in the following  
 5.34 subdivisions.

6.1	<u>Subd. 2. <b>Operations and Maintenance</b></u>	<u>-0-</u>	<u>8,175,000</u>
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6.2 (a) \$3,125,000 in fiscal year 2023 is to  
 6.3 maintain campus operations that deliver  
 6.4 excellent, affordable, accessible education that  
 6.5 is responsive to changes in the state's  
 6.6 educational needs. This is a onetime  
 6.7 appropriation.

6.8 (b) \$4,250,000 in fiscal year 2023 is in  
 6.9 addition to the workforce development  
 6.10 scholarships amount appropriated in Laws  
 6.11 2021, First Special Session chapter 2, article  
 6.12 1, section 3, subdivision 3, paragraph (e). The  
 6.13 base for this appropriation is increased by  
 6.14 \$3,750,000 in fiscal year 2024 and later.

6.15 (c) \$800,000 in fiscal year 2023 is for the  
 6.16 allied health technician scholarship program  
 6.17 under article 2, section 21. Of this amount,  
 6.18 \$24,000 is for administering the program. This  
 6.19 is a onetime appropriation and is available  
 6.20 until June 30, 2025.

6.21 (d) \$1,011,000 is added to the base  
 6.22 appropriation for operations and maintenance  
 6.23 in fiscal year 2024 and later established in  
 6.24 Laws 2021, First Special Session chapter 2,  
 6.25 article 1, section 3, subdivision 3, paragraph  
 6.26 (l).

6.27 Sec. 4. **BOARD OF REGENTS OF THE**  
 6.28 **UNIVERSITY OF MINNESOTA**

6.29	<u>Subdivision 1. <b>Total Appropriation</b></u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>3,000,000</u>
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6.30 The amounts that may be spent for each  
 6.31 purpose are specified in the following  
 6.32 subdivision.

6.33	<u>Subd. 2. <b>Operations and Maintenance</b></u>	<u>-0-</u>	<u>3,000,000</u>
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7.1 (a) \$1,000,000 is to expand the University of  
 7.2 Minnesota's systemwide Promise Program to  
 7.3 support students with financial need, including  
 7.4 historically underrepresented students. The  
 7.5 base for this appropriation is \$1,000,000 in  
 7.6 fiscal year 2024 and later which is added to  
 7.7 the base appropriation for operations and  
 7.8 maintenance in fiscal year 2024 and later  
 7.9 established in Laws 2021, First Special  
 7.10 Session chapter 2, article 1, section 4,  
 7.11 subdivision 2, paragraph (f).

7.12 (b) \$2,000,000 in fiscal year 2023 is in  
 7.13 addition to the Natural Resources Research  
 7.14 Institute (NRRI) amount appropriated in Laws  
 7.15 2021, First Special Session chapter 2, article  
 7.16 1, section 4, subdivision 4, paragraph (d). This  
 7.17 is a onetime increase.

7.18 Sec. 5. Laws 2021, First Special Session chapter 2, article 1, section 2, subdivision 35, is  
 7.19 amended to read:

7.20	Subd. 35. <b>Hunger-Free Campus Grants</b>	205,000	102,000
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7.21 For the Office of Higher Education to provide  
 7.22 initial and sustaining grants to Minnesota  
 7.23 public postsecondary institutions, nonprofit  
 7.24 private postsecondary institutions, and Tribal  
 7.25 colleges under Minnesota Statutes, section  
 7.26 ~~136F.245~~ 135A.137, subdivision 4 3, to meet  
 7.27 and maintain the criteria in that same section  
 7.28 to address food insecurity on campus.

8.1 Sec. 6. Laws 2021, First Special Session chapter 2, article 1, section 2, subdivision 36, is  
8.2 amended to read:

8.3 **Subd. 36. Fostering Independence Higher**  
8.4 **Education Grants** 238,000 3,759,000

8.5 (a) For grants to eligible students under  
8.6 Minnesota Statutes, section 136A.1241. Of  
8.7 this amount, \$238,000 in the first year is for  
8.8 administration costs. The base for fiscal year  
8.9 2024 and later is \$3,761,000.

8.10 (b) Beginning in fiscal year 2023, the  
8.11 commissioner of the Office of Higher  
8.12 Education may use no more than three percent  
8.13 of the appropriation to administer the grants  
8.14 under Minnesota Statutes, section 136A.1241.

## 8.15 ARTICLE 2

### 8.16 HIGHER EDUCATION POLICY

8.17 Section 1. Minnesota Statutes 2021 Supplement, section 135A.137, subdivision 3, is  
8.18 amended to read:

8.19 Subd. 3. **Competitive grant.** (a) Institutions eligible for a grant under this subdivision  
8.20 include public postsecondary institutions, nonprofit private postsecondary institutions, and  
8.21 Tribal colleges.

8.22 (b) The commissioner shall establish a competitive grant program to distribute grants  
8.23 to eligible institutions to meet and maintain the requirements under subdivision 1, paragraph  
8.24 (a). Initial grants shall be made to institutions that have not earned the designation and  
8.25 demonstrate a need for funding to meet the hunger-free campus designation requirements.  
8.26 Sustaining grants shall be made to institutions that have earned the designation and  
8.27 demonstrate both a partnership with a local food bank or organization that provides regular,  
8.28 on-campus food distributions and a need for funds to maintain the requirements under  
8.29 subdivision 1, paragraph (a).

8.30 (c) The commissioner shall give preference to applications for initial grants and to  
8.31 applications from institutions with the highest number of federal Pell Grant eligible students  
8.32 enrolled. The commissioner shall consider the head count at the institution when awarding

9.1 grants. The maximum grant award for an initial institution designation is \$8,000. The  
 9.2 maximum grant award for sustaining an institution designation is \$5,000.

9.3 (d) The commissioner, in collaboration with student associations representing eligible  
 9.4 institutions, shall create an application process and establish selection criteria for awarding  
 9.5 the grants.

9.6 Sec. 2. Minnesota Statutes 2020, section 135A.15, is amended by adding a subdivision to  
 9.7 read:

9.8 Subd. 3a. **Affirmative consent.** (a) The policy required under subdivision 1 shall include  
 9.9 a provision that establishes an affirmative consent standard. An institution's affirmative  
 9.10 consent standard, at a minimum, must incorporate the following elements:

9.11 (1) all parties to sexual activity must affirmatively express their consent to the activity;

9.12 (2) affirmative consent is freely and affirmatively communicated words or actions given  
 9.13 by an individual that a reasonable person under the circumstances would believe communicate  
 9.14 a willingness to participate in the sexual activity;

9.15 (3) affirmative consent must be knowing and voluntary and not the result of force,  
 9.16 coercion, or intimidation;

9.17 (4) silence, lack of protest, or failure to resist, without active indications of consent, is  
 9.18 not consent;

9.19 (5) consent to any one form of sexual activity does not by itself imply consent to any  
 9.20 other forms of sexual activity;

9.21 (6) consent may be withdrawn at any time;

9.22 (7) a previous relationship or prior consent does not by itself imply consent to future  
 9.23 sexual acts; and

9.24 (8) a person is deemed incapable of consenting when that person is:

9.25 (i) unable to communicate or understand the nature or extent of a sexual situation due  
 9.26 to mental or physical incapacitation or impairment; or

9.27 (ii) physically helpless, either due to the effects of drugs or alcohol, or because the person  
 9.28 is asleep.

9.29 (b) The affirmative consent standard must at least incorporate all elements of consent  
 9.30 as defined in section 609.341, but is not limited to the standard of consent as defined in that  
 9.31 section.

10.1 Sec. 3. Minnesota Statutes 2020, section 135A.15, subdivision 8, is amended to read:

10.2 Subd. 8. **Comprehensive training.** (a) A postsecondary institution must provide campus  
10.3 security officers and campus administrators responsible for investigating or adjudicating  
10.4 complaints of sexual assault with comprehensive training on preventing and responding to  
10.5 sexual assault in collaboration with the Bureau of Criminal Apprehension or another law  
10.6 enforcement agency with expertise in criminal sexual conduct. The training for campus  
10.7 security officers shall include a presentation on the dynamics of sexual assault,  
10.8 neurobiological responses to trauma, and best practices for preventing, responding to, and  
10.9 investigating sexual assault. The training for campus administrators responsible for  
10.10 investigating or adjudicating complaints on sexual assault shall include presentations on  
10.11 preventing sexual assault, responding to incidents of sexual assault, the dynamics of sexual  
10.12 assault, neurobiological responses to trauma, and compliance with state and federal laws  
10.13 on sexual assault.

10.14 (b) The following categories of students who attend, or will attend, one or more courses  
10.15 on campus or will participate in on-campus activities must be provided sexual assault  
10.16 training:

10.17 (1) students pursuing a degree or certificate;

10.18 (2) students who are taking courses through the Postsecondary Enrollment Options Act;  
10.19 and

10.20 (3) any other categories of students determined by the institution.

10.21 Students must complete such training no later than ten business days after the start of a  
10.22 student's first semester of classes. Once a student completes the training, institutions must  
10.23 document the student's completion of the training and provide proof of training completion  
10.24 to a student at the student's request. Students enrolled at more than one institution within  
10.25 the same system at the same time are only required to complete the training once.

10.26 The training shall include information about topics including but not limited to sexual  
10.27 assault as defined in subdivision 1a; consent as defined in section 609.341, subdivision 4;  
10.28 the affirmative consent standard defined in subdivision 3a; preventing and reducing the  
10.29 prevalence of sexual assault; procedures for reporting campus sexual assault; and campus  
10.30 resources on sexual assault, including organizations that support victims of sexual assault.

10.31 (c) A postsecondary institution shall annually train individuals responsible for responding  
10.32 to reports of sexual assault. This training shall include information about best practices for

11.1 interacting with victims of sexual assault, including how to reduce the emotional distress  
 11.2 resulting from the reporting, investigatory, and disciplinary process.

11.3 **Sec. 4. [135A.161] INCLUSIVE HIGHER EDUCATION TECHNICAL ASSISTANCE**  
 11.4 **CENTER.**

11.5 **Subdivision 1. Definitions.** (a) For purposes of this section and section 135A.162, the  
 11.6 following terms have the meanings given.

11.7 (b) "Center" means the Inclusive Higher Education Technical Assistance Center.

11.8 (c) "Commissioner" means the commissioner of the Office of Higher Education.

11.9 (d) "Comprehensive transition and postsecondary program for students with intellectual  
 11.10 disabilities" means a degree, certificate, or nondegree program that is offered by an institute  
 11.11 of higher education for students with intellectual disabilities and approved by the United  
 11.12 States Department of Education.

11.13 (e) "Director" means the director of the Inclusive Higher Education Technical Assistance  
 11.14 Center.

11.15 (f) "Inclusive higher education" means institution-approved access to higher education  
 11.16 for students with an intellectual disability that allows for the same rights, privileges,  
 11.17 experiences, benefits, and outcomes that result from a college experience the same as a  
 11.18 matriculating student, resulting in a meaningful credential conferred by the institution of  
 11.19 higher education. Inclusive higher education includes:

11.20 (1) academic access and inclusive instruction;

11.21 (2) person-centered planning;

11.22 (3) career development;

11.23 (4) campus engagement;

11.24 (5) self-determination;

11.25 (6) paid internships and employment;

11.26 (7) on- or off-campus living, when available to other students;

11.27 (8) campus community clubs, events, and activity participation;

11.28 (9) peer mentors and support; and

11.29 (10) a degree, certificate, or nondegree credential.

12.1 (g) "National Coordinating Center" means the federally funded National Coordinating  
 12.2 Center providing support, coordination, training, and evaluation services for Transition and  
 12.3 Postsecondary Education Programs for Students with Intellectual Disabilities and other  
 12.4 inclusive higher education initiatives for students with intellectual disability nationwide.

12.5 (h) "Office" means the Office of Higher Education.

12.6 (i) "Student with an intellectual disability" means a student with an intellectual disability  
 12.7 as defined in Code of Federal Regulations, title 34, section 668.231.

12.8 Subd. 2. **Establishment.** The commissioner must contract with the Institute on  
 12.9 Community Integration at the University of Minnesota to establish the Inclusive Higher  
 12.10 Education Technical Assistance Center. The purpose of the center is to increase access to  
 12.11 self-sustaining postsecondary education options across Minnesota for students with an  
 12.12 intellectual disability to earn meaningful credentials through degree, certificate, and  
 12.13 nondegree initiatives leading to competitive integrated employment, genuine community  
 12.14 membership, and more independent living. The center must:

12.15 (1) coordinate and facilitate the statewide initiative to expand and enhance inclusive  
 12.16 higher education opportunities;

12.17 (2) provide expertise in inclusive higher education for students with an intellectual  
 12.18 disability;

12.19 (3) provide technical assistance:

12.20 (i) to Minnesota institutions of higher education;

12.21 (ii) to local education agencies; and

12.22 (iii) as requested by the commissioner; and

12.23 (4) provide information to students with intellectual disabilities and their families.

12.24 Subd. 3. **Director; advisory committee.** (a) The center must name a director.

12.25 (b) The director must appoint an advisory committee and seek the committee's review  
 12.26 and recommendations on broad programmatic direction. The advisory committee must be  
 12.27 composed of 50 percent students with an intellectual disability. The remaining positions  
 12.28 must be filled by family members, key stakeholders, and allies. The director must convene  
 12.29 the advisory committee at least quarterly. The advisory committee shall:

12.30 (1) review and recommend inclusive higher education offerings;

12.31 (2) review and recommend updates to state policy and practice;

13.1 (3) document existing and potential funding sources; and

13.2 (4) identify obstacles and barriers to students with an intellectual disability to access  
 13.3 inclusive higher education opportunities.

13.4 Subd. 4. **Responsibilities.** (a) The center must advise all Minnesota institutions of higher  
 13.5 education planning or that have an inclusive higher education initiative to follow and maintain  
 13.6 the accreditation standards and guiding principles for inclusive higher education as  
 13.7 established by the National Coordinating Center, as identified in the United States Code,  
 13.8 title 20, section 1140q. The center must offer technical assistance to Minnesota inclusive  
 13.9 higher education initiatives to remain in or achieve alignment with federal requirements  
 13.10 and with the standards, quality indicators, and benchmarks identified by the National  
 13.11 Coordinating Center.

13.12 (b) The center must monitor federal and state law related to inclusive higher education  
 13.13 and notify the governor, the legislature, and the Office of Higher Education of any change  
 13.14 in law which may impact inclusive higher education.

13.15 (c) The center must provide technical assistance to institutions of higher education,  
 13.16 administrators, faculty, and staff by:

13.17 (1) offering institution faculty and staff training and professional development to start,  
 13.18 operate, or enhance their inclusive higher education initiative;

13.19 (2) providing faculty and staff with information, training, and consultation on the  
 13.20 comprehensive transition and postsecondary program requirements, accreditation standards,  
 13.21 and guiding principles;

13.22 (3) organizing and offering learning community events, an annual inclusive higher  
 13.23 education conference and community of practice events to share best practices, provide  
 13.24 access to national experts, and address challenges and concerns;

13.25 (4) assisting institutions of higher education with identifying existing or potential funding  
 13.26 sources for the institution of higher education, student financial aid, and funding for students  
 13.27 with an intellectual disability; and

13.28 (5) advising faculty and staff with an inclusive higher education option of specific grant  
 13.29 applications and funding opportunities.

13.30 (d) The center must disseminate information to students with an intellectual disability,  
 13.31 their parents, and local education agencies, including but not limited to information about:

14.1 (1) postsecondary education options, services, and resources that are available at inclusive  
 14.2 institutions of higher education;

14.3 (2) technical assistance and training provided by the center, the National Coordinating  
 14.4 Center, and key stakeholder organizations and agencies; and

14.5 (3) mentoring, networking, and employment opportunities.

14.6 Subd. 5. **Expiration.** This section expires October 1, 2027.

14.7 Sec. 5. **[135A.162] INCLUSIVE HIGHER EDUCATION GRANTS.**

14.8 Subdivision 1. **Establishment.** (a) The commissioner of the Office of Higher Education  
 14.9 in collaboration with the director of the Inclusive Higher Education Technical Assistance  
 14.10 Center must establish a competitive grant program for Minnesota institutions of higher  
 14.11 education to develop new or enhance existing inclusive higher education initiatives to enroll  
 14.12 or increase enrollment of students with an intellectual disability. The commissioner and  
 14.13 director must collaborate to establish the grant program framework, including:

14.14 (1) minimum grant requirements;

14.15 (2) application format;

14.16 (3) criteria for evaluating applications;

14.17 (4) grant selection process;

14.18 (5) milestones and accountability; and

14.19 (6) reporting.

14.20 (b) The commissioner must send a description of the competitive grants, including  
 14.21 materials describing the grant purpose and goals, an application, compliance requirements,  
 14.22 and available funding to each institution of higher education that meets the requirements  
 14.23 of subdivision 2, clauses (1) and (2).

14.24 Subd. 2. **Eligible grantees.** A public postsecondary two-year or four-year institution is  
 14.25 eligible to apply for a grant under this section if the institution:

14.26 (1) is accredited by the Higher Learning Commission; and

14.27 (2) meets the eligibility requirements under section 136A.103.

14.28 Subd. 3. **Application.** (a) Applications must be made to the commissioner on a form  
 14.29 developed and provided by the commissioner. The commissioner must, to the greatest extent  
 14.30 possible, make the application form as short and simple to complete as is reasonably possible.

15.1 The commissioner must establish a schedule for applications and grants. The application  
15.2 must include without limitation a written plan to develop or enhance a sustainable inclusive  
15.3 higher education initiative that:

15.4 (1) offers the necessary supports to students with an intellectual disability to access the  
15.5 same rights, privileges, experiences, benefits, and outcomes of a typically matriculating  
15.6 student;

15.7 (2) includes the development of a meaningful credential for students with an intellectual  
15.8 disability to attain upon successful completion of the student's postsecondary education;

15.9 (3) adopts admission standards that do not require a student with an intellectual disability  
15.10 to complete a curriculum-based, achievement college entrance exam that is administered  
15.11 nationwide;

15.12 (4) ensures that students with an intellectual disability:

15.13 (i) have access and choice in a wide array of academic courses to enroll in for credit or  
15.14 audit that align with the student's interest areas and are attended by students without  
15.15 disabilities;

15.16 (ii) have the option to live on or off campus in housing that is available to typically  
15.17 matriculating students;

15.18 (iii) have access and support for genuine membership in campus life, including events,  
15.19 social activities and organizations, institution facilities, and technology; and

15.20 (iv) are able to access and utilize campus resources available to typical matriculating  
15.21 students;

15.22 (5) provides students with an intellectual disability with the supports and experiences  
15.23 necessary to seek and sustain competitive integrated employment;

15.24 (6) develops and promotes the self-determination skills of students with an intellectual  
15.25 disability;

15.26 (7) utilizes peer mentors who support enrolled students with an intellectual disability in  
15.27 academic, campus engagement, residence life, employment, and campus clubs and  
15.28 organizations;

15.29 (8) provides professional development and resources for university professors and  
15.30 instructors to utilize universal design for learning and differentiated instruction that supports  
15.31 and benefits all students; and

16.1 (9) presents a ten-year plan including student enrollment projections for sustainability  
 16.2 of an initiative that is financially accessible and equitable for all interested students with an  
 16.3 intellectual disability.

16.4 (b) Eligible institutions of higher education may apply for funding in subsequent years  
 16.5 for up to a total of ten years of funding.

16.6 Subd. 4. **Grant account.** An inclusive higher education grant account is created in the  
 16.7 special revenue fund for depositing money appropriated to or received by the commissioner  
 16.8 for the program. Money deposited in the account is appropriated to the commissioner, does  
 16.9 not cancel, and is continuously available for grants under this section. The commissioner  
 16.10 may use up to five percent of the amount deposited into the account for the administration  
 16.11 of this section.

16.12 Subd. 5. **Grant awards.** (a) The commissioner must award grants to eligible institutions  
 16.13 of higher education on a competitive basis using criteria established in collaboration with  
 16.14 the center. The commissioner must consider and prioritize applicants that have submitted  
 16.15 for or received a comprehensive transition and postsecondary program designation, or  
 16.16 applicants with documented progress or intent toward submitting for federal approval. An  
 16.17 eligible institution of higher education may apply annually for and receive up to \$200,000  
 16.18 per year for four years and \$100,000 in subsequent years pending performance and the  
 16.19 funding limitation in subdivision 3, paragraph (b).

16.20 (b) A grant recipient must:

16.21 (1) adopt the inclusive higher education national accreditation standards and guiding  
 16.22 principles as established by the National Coordinating Center;

16.23 (2) provide a 25 percent match for the grant funds, either monetary or in-kind; and

16.24 (3) collaborate with the Office of Higher Education, the center, and key stakeholders in  
 16.25 the development of the inclusive higher education initiative.

16.26 Subd. 6. **Grantee reporting.** By August 1 and January 1 following a fiscal year in which  
 16.27 a grant was received and for five years thereafter, the grantee must submit a report to the  
 16.28 director that includes the status and outcomes of the initiative funded. The report must  
 16.29 include performance indicators and information deemed relevant by the director and  
 16.30 commissioner. The report must include the following performance indicators:

16.31 (1) student recruitment and number of students enrolled;

16.32 (2) student retainment effort and retention rate;

17.1 (3) initiative goals and outcomes;

17.2 (4) student attainment rate;

17.3 (5) graduated student employment rates and salary levels at year one and year five after  
17.4 completion; and

17.5 (6) additional performance indicators or information established under subdivision 1,  
17.6 paragraph (a), clauses (5) and (6).

17.7 Subd. 7. **Reporting.** The director must evaluate the development and implementation  
17.8 of the Minnesota inclusive higher education initiatives receiving a grant under this section.  
17.9 The director must submit an annual report by October 1 on the progress to expand Minnesota  
17.10 inclusive higher education options for students with intellectual disabilities to the  
17.11 commissioner and chairs and ranking minority members of the legislative committees with  
17.12 jurisdiction over higher education policy and finance. The report must include statutory and  
17.13 budget recommendations.

17.14 Subd. 8. **Expiration.** This section expires October 1, 2027.

17.15 **EFFECTIVE DATE.** This section is effective June 30, 2022, except that the reporting  
17.16 requirements under subdivision 7 are effective June 30, 2023.

17.17 Sec. 6. Minnesota Statutes 2021 Supplement, section 136A.121, subdivision 6, is amended  
17.18 to read:

17.19 Subd. 6. **Cost of attendance.** (a) The recognized cost of attendance consists of: (1) an  
17.20 allowance specified in law for living and miscellaneous expenses, and (2) an allowance for  
17.21 tuition and fees equal to the lesser of the average tuition and fees charged by the institution,  
17.22 or a tuition and fee maximum if one is established in law. If no living and miscellaneous  
17.23 expense allowance is established in law, the allowance is equal to ~~109~~ 110 percent of the  
17.24 federal poverty guidelines for a one person household in Minnesota for nine months. If no  
17.25 tuition and fee maximum is established in law, the allowance for tuition and fees is equal  
17.26 to the lesser of: (1) the average tuition and fees charged by the institution, and (2) for  
17.27 two-year programs, an amount equal to the highest tuition and fees charged at a public  
17.28 two-year institution, or for four-year programs, an amount equal to the highest tuition and  
17.29 fees charged at a public university.

17.30 (b) For a student registering for less than full time, the office shall prorate the cost of  
17.31 attendance to the actual number of credits for which the student is enrolled.

18.1 (c) The recognized cost of attendance for a student who is confined to a Minnesota  
18.2 correctional institution shall consist of the tuition and fee component in paragraph (a), with  
18.3 no allowance for living and miscellaneous expenses.

18.4 (d) For the purpose of this subdivision, "fees" include only those fees that are mandatory  
18.5 and charged to full-time resident students attending the institution. Fees do not include  
18.6 charges for tools, equipment, computers, or other similar materials where the student retains  
18.7 ownership. Fees include charges for these materials if the institution retains ownership. Fees  
18.8 do not include optional or punitive fees.

18.9 Sec. 7. Minnesota Statutes 2020, section 136A.121, subdivision 18, is amended to read:

18.10 Subd. 18. **Data.** (a) An eligible institution whose students are eligible to receive funding  
18.11 under sections 136A.095 to 136A.246 must provide to the office data on student enrollment  
18.12 and federal and state financial aid.

18.13 (b) An institution or its agent must provide to the office aggregate and distributional  
18.14 financial or other data as determined by the commissioner that is directly related to the  
18.15 responsibilities of the office under this chapter. The commissioner may only request aggregate  
18.16 and distributional data after establishing and consulting with a data advisory task force to  
18.17 determine the need, content, and detail of the information. Data provided by nonpublic  
18.18 institutions under this paragraph is considered nonpublic data under chapter 13.

18.19 Sec. 8. **[136A.1251] STUDENT-PARENT SUPPORT INITIATIVE.**

18.20 Subdivision 1. **Grants.** (a) To address the needs and support the educational goals of  
18.21 expectant and parenting college students across Minnesota, the commissioner shall award  
18.22 grants and provide support services to institutions and partnering entities that assist parents  
18.23 of young children and expectant parents. Grants shall be awarded to postsecondary  
18.24 institutions, professional organizations, community-based organizations, or other applicants  
18.25 deemed appropriate by the commissioner. Grants must be used to offer services to support  
18.26 the academic goals, health, and well-being of student parents. Services and costs eligible  
18.27 for grant funding include but are not limited to:

18.28 (1) program development costs;

18.29 (2) costs related to the start-up of on-campus child care;

18.30 (3) evaluation and data collection; and

18.31 (4) direct assistance to student parents including:

19.1 (i) scholarships;

19.2 (ii) basic needs support; and

19.3 (iii) expenses related to child care.

19.4 (b) Postsecondary institutions may act as the fiscal agents in partnership with a local  
 19.5 nongovernmental agency, child care center, or other organization that serves student parents.

19.6 Subd. 2. **Application process.** The commissioner shall develop a grant application  
 19.7 process. The commissioner shall support projects in a manner that attempts to ensure eligible  
 19.8 students throughout the state have access to program services.

19.9 Subd. 3. **Health-related supports.** The commissioner, in partnership with the Department  
 19.10 of Health, shall provide health-related supports. Activities for health-related supports include:

19.11 (1) ensuring programs, services, and materials are medically accurate, age appropriate,  
 19.12 culturally and linguistically appropriate, and inclusive of all populations;

19.13 (2) working with community health care providers and other service support organizations  
 19.14 that serve the target population for this program; and

19.15 (3) providing technical assistance and training for institutional parent support center  
 19.16 staff on how to conduct screenings and referrals for the health concerns of student parents,  
 19.17 including alcohol misuse, substance use disorders, depression, anxiety, intimate partner  
 19.18 violence, tobacco and nicotine, and other health concerns.

19.19 Subd. 4. **Report and evaluation.** By August 1 of each odd-numbered year, the  
 19.20 commissioner shall submit a report to the chairs and ranking minority members of the  
 19.21 legislative committees with jurisdiction over higher education finance regarding the grant  
 19.22 recipients and their activities. The report shall include information about the students served,  
 19.23 the organizations providing services, program activities, program goals, and outcomes.

19.24 Sec. 9. Minnesota Statutes 2020, section 136A.1701, subdivision 11, is amended to read:

19.25 Subd. 11. **Data.** (a) An eligible institution whose students are eligible to receive funding  
 19.26 under sections 136A.15 to 136A.1795 and licensed or registered under sections 136A.61  
 19.27 to 136A.834 must provide to the office data on student enrollment and federal and state  
 19.28 financial aid.

19.29 (b) An institution or its agent must provide to the office aggregate and distributional  
 19.30 financial or other data as determined by the commissioner that is directly related to the  
 19.31 responsibilities of the office under this chapter. The commissioner may only request aggregate  
 19.32 and distributional data after establishing and consulting with a data advisory task force to

20.1 determine the need, content, and detail of the information. Data provided by nonpublic  
 20.2 institutions under this paragraph is considered nonpublic data under chapter 13.

20.3 Sec. 10. Minnesota Statutes 2020, section 136A.833, is amended to read:

20.4 **136A.833 EXEMPTIONS.**

20.5 Subdivision 1. **Application for exemptions.** A school that seeks an exemption from the  
 20.6 provisions of sections 136A.822 to 136A.834 for the school and all of its programs or some  
 20.7 of its programs must apply to the office to establish that the school or program meets the  
 20.8 requirements of an exemption. An exemption for the school or program expires two years  
 20.9 from the date of approval or when a school adds a new program or makes a modification  
 20.10 equal to or greater than 25 percent to an existing educational program. If a school is  
 20.11 reapplying for an exemption, the application must be submitted to the office 90 days before  
 20.12 the current exemption expires. This exemption shall not extend to any school that uses any  
 20.13 publication or advertisement that is not truthful and gives any false, fraudulent, deceptive,  
 20.14 inaccurate, or misleading impressions about the school or its personnel, programs, services,  
 20.15 or occupational opportunities for its graduates for promotion and student recruitment.  
 20.16 ~~Exemptions denied under this section are subject to appeal under section 136A.65,~~  
 20.17 ~~subdivision 8, paragraph (c)~~ If an exemption is denied, the office shall provide notice of the  
 20.18 right to appeal under chapter 14. If an appeal is initiated, the denial of the exemption is not  
 20.19 effective until the final determination of the appeal, unless immediate effect is ordered by  
 20.20 the court.

20.21 Subd. 2. **Exemption reasons.** Sections 136A.821 to 136A.832 shall not apply to the  
 20.22 following:

20.23 (1) public postsecondary institutions;

20.24 (2) postsecondary institutions registered under sections 136A.61 to 136A.71;

20.25 (3) postsecondary institutions exempt from registration under sections 136A.653,  
 20.26 subdivisions 2, 3, and 3a; 136A.657; and 136A.658;

20.27 ~~(3)~~ (4) private career schools of nursing accredited by the state Board of Nursing or an  
 20.28 equivalent public board of another state or foreign country;

20.29 ~~(4)~~ (5) private schools complying with the requirements of section 120A.22, subdivision  
 20.30 4;

21.1 ~~(5)~~ (6) courses taught to students in a ~~valid~~ an apprenticeship program registered by the  
 21.2 United States Department of Labor or Minnesota Department of Labor and taught by or  
 21.3 required by a trade union;

21.4 ~~(6)~~ (7) private career schools exclusively engaged in training physically or mentally  
 21.5 disabled persons for the state of Minnesota;

21.6 ~~(7)~~ (8) private career schools licensed by boards authorized under Minnesota law to  
 21.7 issue licenses for training programs except private career schools required to obtain a private  
 21.8 career school license due to the use of "academy," "institute," "college," or "university" in  
 21.9 their names;

21.10 ~~(8)~~ (9) private career schools and educational programs, or training programs, contracted  
 21.11 for by persons, firms, corporations, government agencies, or associations, for the training  
 21.12 of their own employees, for which no fee is charged the employee;

21.13 ~~(9)~~ (10) private career schools engaged exclusively in the teaching of purely avocational,  
 21.14 recreational, or remedial subjects, including adult basic education, as determined by the  
 21.15 office except private career schools required to obtain a private career school license due  
 21.16 to the use of "academy," "institute," "college," or "university" in their names unless the  
 21.17 private career school used "academy" or "institute" in its name prior to August 1, 2008;

21.18 ~~(10)~~ (11) classes, courses, or programs conducted by a bona fide trade, professional, or  
 21.19 fraternal organization, solely for that organization's membership;

21.20 ~~(11)~~ (12) programs in the fine arts provided by organizations exempt from taxation under  
 21.21 section 290.05 and registered with the attorney general under chapter 309. For the purposes  
 21.22 of this clause, "fine arts" means activities resulting in artistic creation or artistic performance  
 21.23 of works of the imagination which are engaged in for the primary purpose of creative  
 21.24 expression rather than commercial sale or employment. In making this determination the  
 21.25 office may seek the advice and recommendation of the Minnesota Board of the Arts;

21.26 ~~(12)~~ (13) classes, courses, or programs intended to fulfill the continuing education  
 21.27 requirements for licensure or certification in a profession, that have been approved by a  
 21.28 legislatively or judicially established board or agency responsible for regulating the practice  
 21.29 of the profession or by an industry-specific certification entity, and that are offered  
 21.30 exclusively to ~~an individual practicing the profession~~ individuals with the professional  
 21.31 licensure or certification;

22.1 ~~(13)~~ (14) classes, courses, or programs intended to prepare students to sit for  
 22.2 undergraduate, graduate, postgraduate, or occupational licensing ~~and occupational,~~  
 22.3 certification, or entrance examinations;

22.4 ~~(14)~~ (15) classes, courses, or programs providing 16 or fewer clock hours of instruction  
 22.5 ~~that are not part of the curriculum for an occupation or entry level employment except~~  
 22.6 ~~private career schools required to obtain a private career school license due to the use of~~  
 22.7 ~~"academy," "institute," "college," or "university" in their names;~~

22.8 ~~(15)~~ (16) classes, courses, or programs providing instruction in personal development,  
 22.9 modeling, or acting;

22.10 ~~(16) training or instructional programs, in which one instructor teaches an individual~~  
 22.11 ~~student, that are not part of the curriculum for an occupation or are not intended to prepare~~  
 22.12 ~~a person for entry level employment;~~

22.13 (17) private career schools with no physical presence in Minnesota, as determined by  
 22.14 the office, engaged exclusively in offering distance instruction that are located in and  
 22.15 regulated by other states or jurisdictions if the distance education instruction does not include  
 22.16 internships, externships, field placements, or clinical placements for residents of Minnesota;  
 22.17 and

22.18 (18) private career schools providing exclusively training, instructional programs, or  
 22.19 courses where tuition, fees, and any other charges for a student to participate do not exceed  
 22.20 \$100.

22.21 Sec. 11. Minnesota Statutes 2021 Supplement, section 136A.91, subdivision 1, is amended  
 22.22 to read:

22.23 Subdivision 1. **Grants.** (a) The Office of Higher Education must establish a competitive  
 22.24 grant program for postsecondary institutions to expand concurrent enrollment opportunities.  
 22.25 To the extent that there are qualified applicants, the commissioner of the Office of Higher  
 22.26 Education shall distribute grant funds to ensure:

22.27 (1) eligible students throughout the state have access to concurrent enrollment programs;  
 22.28 and

22.29 (2) preference for grants that expand programs is given to programs already at capacity.

22.30 (b) The commissioner may award grants under this section to postsecondary institutions  
 22.31 for any of the following purposes:

23.1 (1) to develop new concurrent enrollment courses under section 124D.09, subdivision  
23.2 10, that satisfy the elective standard for career and technical education; or

23.3 (2) to expand the existing concurrent enrollment programs already offered by the  
23.4 postsecondary institution by:

23.5 (i) creating new sections within the same high school;

23.6 (ii) offering the existing course in new high schools; ~~or~~ and

23.7 (iii) supporting the preparation, recruitment, and success of students who are  
23.8 underrepresented in concurrent enrollment classrooms.

23.9 Sec. 12. Minnesota Statutes 2020, section 136F.02, subdivision 1, is amended to read:

23.10 Subdivision 1. **Membership.** The board consists of 15 members appointed by the  
23.11 governor, including three members who are students who have attended an institution for  
23.12 at least one year and are enrolled at the time of appointment at least half time in a degree,  
23.13 diploma, or certificate program in an institution governed by the board. The student members  
23.14 shall include one member from a community college, one member from a state university,  
23.15 and one member from a technical college. One member representing labor must be appointed  
23.16 after considering the recommendations made under section 136F.045. The governor is not  
23.17 bound by the recommendations. Appointments to the board are with the advice and consent  
23.18 of the senate. At least one member of the board must be a resident of each congressional  
23.19 district. All other members must be appointed to represent the state at large. In selecting  
23.20 appointees, the governor must consider the needs of the board and the balance of the board  
23.21 membership with respect to labor and business representation ~~and~~; racial, gender, geographic,  
23.22 and ethnic composition; and occupation and experience. In selecting appointees, the governor  
23.23 must consider the needs of the board for skills relevant to the governance of the Minnesota  
23.24 State Colleges and Universities and the candidate's ability to discharge the responsibilities  
23.25 of the board.

23.26 A commissioner of a state agency may not serve as a member of the board.

23.27 Sec. 13. Minnesota Statutes 2020, section 136F.302, subdivision 1, is amended to read:

23.28 Subdivision 1. **ACT or SAT college ready score; Minnesota Comprehensive**  
23.29 **Assessment career and college ready benchmarks.** (a) A state college or university must  
23.30 not require an individual to take a ~~remedial~~ developmental, noncredit course in a subject  
23.31 area if the individual has received a college ready ACT or SAT score or met a career and  
23.32 college ready Minnesota Comprehensive Assessment benchmark in that subject area. Only

24.1 the ACT and SAT scores an individual received and the Minnesota Comprehensive  
 24.2 Assessment benchmarks an individual met in the previous five years are valid for purposes  
 24.3 of this section. Each state college and university must post notice of the exemption from  
 24.4 ~~remedial~~ developmental course taking on its website explaining student course placement  
 24.5 requirements. Prior to enrolling an individual in a developmental course, a college or  
 24.6 university must (1) determine if the individual's performance on the ACT, SAT, or Minnesota  
 24.7 Comprehensive Assessments exempts the individual from the developmental course under  
 24.8 this paragraph, and (2) inform the individual if a developmental course is required.

24.9 (b) When deciding if an individual is admitted to or if an individual may enroll in a state  
 24.10 college or university, the state college or university must consider the individual's scores  
 24.11 on the high school Minnesota Comprehensive Assessments, in addition to other factors  
 24.12 determined relevant by the college or university.

24.13 Sec. 14. Minnesota Statutes 2020, section 136F.302, subdivision 2, is amended to read:

24.14 Subd. 2. **Testing Process for determining if ~~remediating~~ developmental education**  
 24.15 **is necessary.** (a) A college or university must not place an individual in a developmental,  
 24.16 noncredit course based solely on a testing process. A state college or university may use  
 24.17 multiple measures to make a holistic determination on whether to place an individual in a  
 24.18 developmental course. Multiple measures may include:

24.19 (1) testing under paragraph (b);

24.20 (2) the individual's scores on the high school Minnesota Comprehensive Assessments,  
 24.21 the ACT, or the SAT;

24.22 (3) high school grade point average;

24.23 (4) teacher recommendations; and

24.24 (5) other factors determined relevant by the college or university.

24.25 (b) A college or university testing process used to determine whether an individual is  
 24.26 placed in a ~~remedial~~ developmental, noncredit course must comply with this subdivision.  
 24.27 Prior to taking a test, an individual must be given reasonable time and opportunity to review  
 24.28 materials provided by the college or university covering the material to be tested which  
 24.29 must include a sample test. An individual who is required to take a ~~remedial~~ developmental,  
 24.30 noncredit course as a result of a test given by a college or university must be given an  
 24.31 opportunity to retake the test at the earliest time determined by the individual when testing  
 24.32 is otherwise offered. The college or university must provide an individual with study materials  
 24.33 for the purpose of retaking and passing the test.

25.1 Sec. 15. Minnesota Statutes 2021 Supplement, section 136F.38, subdivision 3, is amended  
25.2 to read:

25.3 Subd. 3. **Program eligibility.** (a) Scholarships shall be awarded only to a student eligible  
25.4 for resident tuition, as defined in section 135A.043, who is enrolled in any of the following  
25.5 programs of study or certification: (1) advanced manufacturing; (2) agriculture; (3) health  
25.6 care services; (4) information technology; (5) early childhood; (6) transportation; ~~or (7)~~  
25.7 construction; (8) social work; (9) law enforcement; or (10) a program of study under  
25.8 paragraph (b).

25.9 (b) Each institution may add one additional area of study or certification, based on a  
25.10 workforce shortage for full-time employment requiring postsecondary education that is  
25.11 unique to the institution's specific region, as reported in the most recent Department of  
25.12 Employment and Economic Development job vacancy survey data for the economic  
25.13 development region in which the institution is located. A workforce shortage area is one in  
25.14 which the job vacancy rate for full-time employment in a specific occupation in a region is  
25.15 higher than the state average vacancy rate for that same occupation. The institution may  
25.16 change the area of study or certification based on new data once every two years.

25.17 (c) The student must be enrolled for at least nine credits in a two-year college in the  
25.18 Minnesota State Colleges and Universities system to be eligible for first- and second-year  
25.19 scholarships.

25.20 (d) The student is eligible for a one-year transfer scholarship if the student transfers from  
25.21 a two-year college after two or more terms, and the student is enrolled for at least nine  
25.22 credits in a four-year university in the Minnesota State Colleges and Universities system.

25.23 Sec. 16. Minnesota Statutes 2020, section 137.022, subdivision 4, is amended to read:

25.24 Subd. 4. **Mineral research; scholarships.** (a) All income credited after July 1, 1992,  
25.25 to the permanent university fund from royalties for mining under state mineral leases from  
25.26 and after July 1, 1991, must be allocated as provided in this subdivision.

25.27 (b)(1) Beginning January 1, 2013, 50 percent of the income must be allocated according  
25.28 to this paragraph. One-half of the income under this paragraph, up to ~~\$50,000,000~~  
25.29 \$100,000,000, must be credited to the mineral research account of the fund to be allocated  
25.30 for the Natural Resources Research Institute-Duluth and Coleraine facilities, for mineral  
25.31 and mineral-related research including mineral-related environmental research. The other  
25.32 one-half of the income under this paragraph, up to \$25,000,000, is credited to an endowment  
25.33 for the costs of operating a mining, ~~metallurgical~~ mineral, mineral-related, or related

26.1 ~~engineering science, technology, engineering, and mathematics (STEM) degree program~~  
 26.2 ~~programs~~ offered through the University of Minnesota at Mesabi Range Community and  
 26.3 Technical College ~~and the Swenson College of Science and Engineering at Duluth to support~~  
 26.4 ~~workforce development and collaborations benefiting regional academics, industry, and~~  
 26.5 ~~natural resources on the Iron Range in northeast Minnesota and for scholarships for~~  
 26.6 ~~Minnesota students to attend the mining, metallurgical, or related engineering program~~  
 26.7 ~~mineral, mineral-related, or STEM programs.~~ The maximum scholarship awarded to attend  
 26.8 the ~~mining, metallurgical, or related engineering degree program~~ ~~programs~~ funded under  
 26.9 this paragraph cannot exceed ~~\$6,500~~ 75 percent of current in-state tuition rates per academic  
 26.10 year and may be awarded a maximum of four academic years.

26.11 (2) The remainder of the income under paragraph (a) plus the amount of any income  
 26.12 under clause (1) after ~~\$50,000,000~~ \$100,000,000 has been credited to the mineral research  
 26.13 account for the Natural Resources Research Institute and the amount of any income over  
 26.14 the \$25,000,000 for the ~~engineering program~~ programming in clause (1) must be credited  
 26.15 to the endowed scholarship account of the fund for distribution annually for scholastic  
 26.16 achievement as provided by the Board of Regents to undergraduates enrolled at the University  
 26.17 of Minnesota who are resident students as defined in section 136A.101, subdivision 8.

26.18 (c) The annual distribution from the endowed scholarship account must be allocated to  
 26.19 the various campuses of the University of Minnesota in proportion to the number of  
 26.20 undergraduate resident students enrolled on each campus.

26.21 (d) The Board of Regents must report to the education committees of the legislature  
 26.22 biennially at the time of the submission of its budget request on the disbursement of money  
 26.23 from the endowed scholarship account and to the environment and natural resources  
 26.24 committees on the use of the mineral research account.

26.25 (e) Capital gains and losses and portfolio income of the permanent university fund must  
 26.26 be credited to its three accounts in proportion to the market value of each account.

26.27 (f) The endowment support from the income and capital gains of the endowed mineral  
 26.28 research and endowed scholarship accounts of the fund must not total more than six percent  
 26.29 per year of the 36-month trailing average market value of the account from which the support  
 26.30 is derived.

27.1 Sec. 17. Minnesota Statutes 2020, section 137.024, is amended to read:

27.2 **137.024 CONGRESSIONAL DISTRICTS REPRESENTED ON BOARD OF**  
 27.3 **REGENTS.**

27.4 (a) At least one member of the Board of Regents of the university shall be a resident of  
 27.5 each congressional district.

27.6 (b) If legislative redistricting changes the boundaries of the state's congressional districts,  
 27.7 sitting regents representing specific congressional districts may fulfill their elected terms  
 27.8 on the Board of Regents. When a seat designated for a congressional district first becomes  
 27.9 vacant after redistricting, the legislature shall apply current district boundaries in order to  
 27.10 comply with paragraph (a).

27.11 (c) If, due to congressional apportionment, the state loses a congressional district, the  
 27.12 regent seat designated for that district shall represent the state at large. If the state gains a  
 27.13 congressional district, the next vacant at-large seat that is not reserved pursuant to section  
 27.14 137.023 must be assigned to the new district.

27.15 Sec. 18. Minnesota Statutes 2020, section 137.0245, subdivision 2, is amended to read:

27.16 Subd. 2. **Membership.** (a) The Regent Candidate Advisory Council shall consist of 24  
 27.17 20 members.

27.18 ~~Twelve~~ (b) Five members shall be appointed by the Subcommittee on Committees of  
 27.19 the Committee on Rules and Administration of the senate. ~~Twelve~~ Five members shall be  
 27.20 appointed by the speaker of the house. ~~Each appointing authority must appoint one member~~  
 27.21 ~~who is a student enrolled in a degree program at the University of Minnesota at the time of~~  
 27.22 ~~appointment.~~ No more than ~~one-third~~ two of the members appointed by each appointing  
 27.23 authority may be current or former legislators. No more than ~~two-thirds~~ three of the members  
 27.24 appointed by each appointing authority may belong to the same political party; however,  
 27.25 political activity or affiliation is not required for the appointment of any member.  
 27.26 Geographical representation must be taken into consideration when making appointments.

27.27 (c) Additional members of the council shall include:

27.28 (1) one current faculty member from each of the five University of Minnesota system  
 27.29 campuses, each of whom shall be appointed by the faculty senate of that faculty member's  
 27.30 campus, or, if no campus-specific faculty senate exists, by the university system's faculty  
 27.31 senate; and

28.1 (2) the student body president of each of the five University of Minnesota system  
 28.2 campuses, or designees thereof.

28.3 (d) Section 15.0575 shall govern the advisory council, except that:

28.4 (1) the members, except for a student body president or designee thereof, shall be  
 28.5 appointed to six-year terms with one-third appointed each even-numbered year; and

28.6 (2) student members are appointed to two-year terms with two students appointed each  
 28.7 even-numbered year.

28.8 (e) A member may not serve more than two full terms.

28.9 **EFFECTIVE DATE.** This section is effective the day following final enactment. By  
 28.10 September 1, 2022, the house and senate shall appoint one member to a term that expires  
 28.11 January 2024, two members to terms that expire January 2026, and two members to full  
 28.12 terms that expire January 2028. Members of the Regent Candidate Advisory Council at the  
 28.13 time of enactment may be reappointed, but remain subject to the two-term limit imposed  
 28.14 by this section.

28.15 Sec. 19. Minnesota Statutes 2020, section 137.0246, is amended to read:

28.16 **137.0246 REGENT NOMINATION AND ELECTION.**

28.17 Subd. 2. **Regent nomination joint committee.** (a) The joint legislative committee  
 28.18 consists of the members of the higher education budget and policy divisions in each house  
 28.19 of the legislature. The chairs of the divisions from each body shall be cochairs of the joint  
 28.20 legislative committee. A majority of the members from each house is a quorum of the joint  
 28.21 committee.

28.22 (b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent  
 28.23 resolution, the joint legislative committee shall meet to consider the advisory council's  
 28.24 recommendations for regent of the University of Minnesota for possible presentation to a  
 28.25 joint convention of the legislature.

28.26 (c) The joint committee may recommend to the joint convention candidates recommended  
 28.27 by the advisory council and the other candidates nominated by the joint committee. A  
 28.28 candidate other than those recommended by the advisory council may be nominated for  
 28.29 consideration by the joint committee only if the nomination receives the support of at least  
 28.30 three house of representatives members of the committee and two senate members of the  
 28.31 committee. A candidate must receive a majority vote of members from the house of  
 28.32 representatives and from the senate on the joint committee to be recommended to the joint

29.1 convention. The joint committee may recommend ~~no more than one candidate~~ up to two  
 29.2 candidates for each vacancy. In recommending nominees, the joint committee must consider  
 29.3 the needs of the board of regents and the balance of the board membership with respect to  
 29.4 gender, racial, and ethnic composition.

29.5 Sec. 20. **OWATONNA LEARN TO EARN COALITION GRANT FUNDS REPORT.**

29.6 By February 1, 2026, the Owatonna Learn to Earn Coalition must report to the  
 29.7 commissioner of the Office of Higher Education and to the chairs and ranking minority  
 29.8 members of the committees with jurisdiction over higher education on activities funded  
 29.9 under article 1, section 2, subdivisions 8 and 9. The report must include but is not limited  
 29.10 to information regarding:

29.11 (1) the impact of the grant funds on high school and technical college student enrollment  
 29.12 in technical education courses receiving equipment funded through the grant;

29.13 (2) the number of grant-related degrees awarded by Owatonna Riverland Community  
 29.14 College;

29.15 (3) the results of the Department of Employment and Economic Development grant to  
 29.16 conduct a needs assessment examining current and future workforce needs in the region;  
 29.17 and

29.18 (4) employment impacted in the area associated with the grant, including recruitment  
 29.19 and retention.

29.20 Sec. 21. **ALLIED HEALTH TECHNICIAN SCHOLARSHIP PROGRAM.**

29.21 Subdivision 1. **Establishment.** The Board of Trustees of the Minnesota State Colleges  
 29.22 and Universities shall establish a program to provide scholarships to students entering  
 29.23 specified health technician programs by 2025.

29.24 Subd. 2. **Eligible students.** (a) To be eligible for a scholarship under this section, a  
 29.25 student must:

29.26 (1) apply in the form and manner specified by the board;

29.27 (2) be a resident student, as defined by Minnesota Statutes, section 136A.101, subdivision  
 29.28 8;

29.29 (3) attend an eligible institution, as defined by Minnesota Statutes, section 136A.101,  
 29.30 subdivision 4;

30.1 (4) be enrolled in the student's first term in a nationally accredited degree, diploma, or  
 30.2 certificate program in one of the following health technician fields:

30.3 (i) medical laboratory scientist;

30.4 (ii) medical laboratory technician;

30.5 (iii) respiratory therapist;

30.6 (iv) radiology technologist; or

30.7 (v) surgical technologist; and

30.8 (5) submit to the board a completed affidavit, prescribed by the board, affirming the  
 30.9 student's intent to work in the specified health technician field following graduation.

30.10 (b) A student may receive a scholarship under this section only once.

30.11 Subd. 3. Administration; award amount. (a) The board must establish an application  
 30.12 process and other guidelines for implementing this program. The first set of scholarships  
 30.13 must be awarded for the 2023-2024 academic year.

30.14 (b) The amount of a scholarship awarded under this section shall be \$2,500. The  
 30.15 scholarship shall be paid in a lump sum directly to the institution where the recipient is  
 30.16 enrolled.

30.17 Subd. 4. Reporting. By February 1, 2024, and again by February 1, 2025, the board  
 30.18 must submit a report on the program to the chairs and ranking minority members of the  
 30.19 legislative committees with jurisdiction over higher education finance and policy. The report  
 30.20 must include the following information, as well as any other information the board considers  
 30.21 relevant:

30.22 (1) information about all postsecondary health technician programs giving rise to  
 30.23 eligibility for a scholarship under this section, including the programs' locations, costs,  
 30.24 enrollment capacities, acceptance rates, and other relevant information;

30.25 (2) available data on the current and forecasted demand for health technicians in  
 30.26 Minnesota; and

30.27 (3) the total number of scholarships issued, broken out by:

30.28 (i) year of award;

30.29 (ii) postsecondary institution attended;

30.30 (iii) health technician field; and

31.1 (iv) relevant and available demographic data about award recipients.

31.2 Subd. 5. **Expiration.** This section expires June 30, 2025.

31.3 Sec. 22. **REQUEST TO THE BOARD OF REGENTS.**

31.4 The Board of Regents of the University of Minnesota is requested to amend its policies  
31.5 to permit a regent to serve as a compensated university employee.

31.6 Sec. 23. **REVISOR INSTRUCTION.**

31.7 The revisor of statutes shall substitute the term "developmental" for "remedial" wherever  
31.8 the term refers to remedial education courses at a postsecondary institution. The revisor  
31.9 shall also make grammatical changes related to the changes in terms to preserve the meaning  
31.10 of the text.

31.11 Sec. 24. **REPEALER.**

31.12 (a) Minnesota Statutes 2020, section 136F.03, is repealed.

31.13 (b) Minnesota Rules, part 4880.2500, is repealed.

### 31.14 **ARTICLE 3**

#### 31.15 **MINNESOTA HEALTH AND EDUCATION FACILITIES AUTHORITY**

31.16 Section 1. Minnesota Statutes 2020, section 136A.25, is amended to read:

#### 31.17 **136A.25 CREATION.**

31.18 A state agency known as the Minnesota ~~Higher~~ Health and Education Facilities Authority  
31.19 is hereby created.

31.20 Sec. 2. Minnesota Statutes 2020, section 136A.26, is amended to read:

#### 31.21 **136A.26 MEMBERSHIPS; OFFICERS; COMPENSATION; REMOVAL.**

31.22 Subdivision 1. **Membership.** The Minnesota ~~Higher~~ Health and Education Facilities  
31.23 Authority shall consist of ~~eight~~ nine members appointed by the governor with the advice  
31.24 and consent of the senate, and a representative of the ~~office~~ Office of Higher Education.

31.25 All members to be appointed by the governor shall be residents of the state. At least two  
31.26 members must reside outside the metropolitan area as defined in section 473.121, subdivision  
31.27 2. At least one of the members shall be a person having a favorable reputation for skill,  
31.28 knowledge, and experience in the field of state and municipal finance; ~~and~~ at least one shall

32.1 be a person having a favorable reputation for skill, knowledge, and experience in the building  
 32.2 construction field; ~~and~~ at least one of the members shall be a trustee, director, officer, or  
 32.3 employee of an institution of higher education; and at least one of the members shall be a  
 32.4 trustee, director, officer, or employee of a health care organization.

32.5 Subd. 1a. **Private College Council member.** The president of the Minnesota Private  
 32.6 College Council, or the president's designee, shall serve without compensation as an advisory,  
 32.7 nonvoting member of the authority.

32.8 Subd. 1b. **Nonprofit health care association member.** The chief executive officer of  
 32.9 a Minnesota nonprofit membership association whose members are primarily nonprofit  
 32.10 health care organizations, or the chief executive officer's designee, shall serve without  
 32.11 compensation as an advisory, nonvoting member of the authority. The identity of the  
 32.12 Minnesota nonprofit membership association shall be determined and may be changed from  
 32.13 time to time by the members of the authority in accordance with and as shall be provided  
 32.14 in the bylaws of the authority.

32.15 Subd. 2. **Term; compensation; removal.** The membership terms, compensation, removal  
 32.16 of members, and filling of vacancies for authority members other than the representative  
 32.17 of the office, ~~and~~ the president of the Private College Council, or the chief executive officer  
 32.18 of the Minnesota nonprofit membership association described in subdivision 1b shall be as  
 32.19 provided in section 15.0575.

32.20 Sec. 3. Minnesota Statutes 2020, section 136A.27, is amended to read:

32.21 **136A.27 POLICY.**

32.22 It is hereby declared that for the benefit of the people of the state, the increase of their  
 32.23 commerce, welfare and prosperity and the improvement of their health and living conditions  
 32.24 it is essential that health care organizations within the state be provided with appropriate  
 32.25 additional means to establish, acquire, construct, improve, and expand health care facilities  
 32.26 in furtherance of their purposes; that this and future generations of youth be given the fullest  
 32.27 opportunity to learn and to develop their intellectual and mental capacities; ~~that it is essential~~  
 32.28 that institutions of higher education within the state be provided with appropriate additional  
 32.29 means to assist such youth in achieving the required levels of learning and development of  
 32.30 their intellectual and mental capacities; and that health care organizations and institutions  
 32.31 of higher education be enabled to refinance outstanding indebtedness incurred to provide  
 32.32 existing facilities used for such purposes in order to preserve and enhance the utilization of  
 32.33 facilities for purposes of health care and higher education, to extend or adjust maturities in  
 32.34 relation to the resources available for their payment, and to save interest costs and thereby

33.1 reduce health care costs or higher education tuition, fees, and charges; ~~and~~. It is hereby  
 33.2 further declared that it is the purpose of sections 136A.25 to 136A.42 to provide a measure  
 33.3 of assistance and an alternative method to enable health care organizations and institutions  
 33.4 of higher education in the state to provide the facilities and structures which are sorely  
 33.5 needed to accomplish the purposes of sections 136A.25 to 136A.42, all to the public benefit  
 33.6 and good, to the extent and manner provided herein.

33.7 Sec. 4. Minnesota Statutes 2020, section 136A.28, is amended to read:

33.8 **136A.28 DEFINITIONS.**

33.9 Subdivision 1. **Scope.** In sections 136A.25 to 136A.42, the following words and terms  
 33.10 shall, unless the context otherwise requires, have the meanings ascribed to them.

33.11 Subd. 1a. **Affiliate.** "Affiliate" means an entity that directly or indirectly controls, is  
 33.12 controlled by, or is under common control with, another entity. For the purposes of this  
 33.13 subdivision, "control" means either the power to elect a majority of the members of the  
 33.14 governing body of an entity or the power, whether by contract or otherwise, to direct the  
 33.15 management and policies of the entity. Affiliate also means an entity whose business or  
 33.16 substantially all of whose property is operated under a lease, management agreement, or  
 33.17 operating agreement by another entity, or an entity who operates the business or substantially  
 33.18 all of the property of another entity under a lease, management agreement, or operating  
 33.19 agreement.

33.20 Subd. 2. **Authority.** "Authority" means the ~~Higher~~ Health and Education Facilities  
 33.21 Authority created by sections 136A.25 to 136A.42.

33.22 Subd. 3. **Project.** "Project" means ~~a structure or structures available for use as a dormitory~~  
 33.23 ~~or other student housing facility, a dining hall, student union, administration building,~~  
 33.24 ~~academic building, library, laboratory, research facility, classroom, athletic facility, health~~  
 33.25 ~~care facility, child care facility, and maintenance, storage, or utility facility and other~~  
 33.26 ~~structures or facilities related thereto or required or useful for the instruction of students or~~  
 33.27 ~~the conducting of research or the operation of an institution of higher education, whether~~  
 33.28 ~~proposed, under construction, or completed, including parking and other facilities or~~  
 33.29 ~~structures essential or convenient for the orderly conduct of such institution for higher~~  
 33.30 ~~education, and shall also include landscaping, site preparation, furniture, equipment and~~  
 33.31 ~~machinery, and other similar items necessary or convenient for the operation of a particular~~  
 33.32 ~~facility or structure in the manner for which its use is intended but shall not include such~~  
 33.33 ~~items as books, fuel, supplies, or other items the costs of which are customarily deemed to~~  
 33.34 ~~result in a current operating charge, and shall~~ a health care facility or an education facility

34.1 whether proposed, under construction, or completed, and includes land or interests in land,  
 34.2 appurtenances, site preparation, landscaping, buildings and structures, systems, fixtures,  
 34.3 furniture, machinery, equipment, and parking. Project also includes other structures, facilities,  
 34.4 improvements, machinery, equipment, and means of transport of a capital nature that are  
 34.5 necessary or convenient for the operation of the facility. Project does not include: (1) any  
 34.6 facility used or to be used for sectarian instruction or as a place of religious worship nor;  
 34.7 (2) any facility which is used or to be used primarily in connection with any part of the  
 34.8 program of a school or department of divinity for any religious denomination; nor (3) any  
 34.9 books, supplies, medicine, medical supplies, fuel, or other items, the cost of which are  
 34.10 customarily deemed to result in a current operating charge.

34.11 Subd. 4. **Cost.** "Cost," as applied to a project or any portion thereof financed under the  
 34.12 provisions of sections 136A.25 to 136A.42, means all or any part of the cost of construction,  
 34.13 acquisition, alteration, enlargement, reconstruction and remodeling of a project including  
 34.14 all lands, structures, real or personal property, rights, rights-of-way, franchises, easements  
 34.15 and interests acquired or used for or in connection with a project, the cost of demolishing  
 34.16 or removing any buildings or structures on land so acquired, including the cost of acquiring  
 34.17 any lands to which ~~such~~ buildings or structures may be moved, the cost of all machinery  
 34.18 and equipment, financing charges, interest prior to, during and for a period after completion  
 34.19 of such construction and acquisition, provisions for reserves for principal and interest and  
 34.20 for extensions, enlargements, additions and improvements, the cost of architectural,  
 34.21 engineering, financial and legal services, plans, specifications, studies, surveys, estimates  
 34.22 of cost and of revenues, administrative expenses, expenses necessary or incident to  
 34.23 determining the feasibility or practicability of constructing the project and such other  
 34.24 expenses as may be necessary or incident to the construction and acquisition of the project,  
 34.25 the financing of such construction and acquisition and the placing of the project in operation.

34.26 Subd. 5. **Bonds.** "Bonds," or "revenue bonds" means revenue bonds of the authority  
 34.27 issued under the provisions of sections 136A.25 to 136A.42, including revenue refunding  
 34.28 bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit  
 34.29 of a participating institution ~~for higher education~~ or any other lawfully pledged security of  
 34.30 a participating institution ~~for higher education~~.

34.31 Subd. 6. **Institution of higher education.** "Institution of higher education" means a  
 34.32 nonprofit educational institution within the state authorized to provide a program of education  
 34.33 beyond the high school level.

34.34 Subd. 6a. **Health care organization.** (a) "Health care organization" means a nonprofit  
 34.35 organization located within the state and authorized by law to operate a nonprofit health

35.1 care facility in the state. Health care organization also means a nonprofit affiliate of a health  
 35.2 care organization as defined under this paragraph, provided the affiliate is located within  
 35.3 the state or within a state that is geographically contiguous to Minnesota.

35.4 (b) Health care organization also means a nonprofit organization located within another  
 35.5 state that is geographically contiguous to Minnesota and authorized by law to operate a  
 35.6 nonprofit health care facility in that state, provided that the nonprofit organization located  
 35.7 within the contiguous state is an affiliate of a health care organization located within the  
 35.8 state.

35.9 Subd. 6b. **Education facility.** "Education facility" means a structure or structures  
 35.10 available for use as a dormitory or other student housing facility, dining hall, student union,  
 35.11 administration building, academic building, library, laboratory, research facility, classroom,  
 35.12 athletic facility, student health care facility, or child care facility, and includes other facilities  
 35.13 or structures related thereto essential or convenient for the orderly conduct of an institution  
 35.14 of higher education.

35.15 Subd. 6c. **Health care facility.** (a) "Health care facility" means a structure or structures  
 35.16 available for use within this state as a hospital, clinic, psychiatric residential treatment  
 35.17 facility, birth center, outpatient surgical center, comprehensive outpatient rehabilitation  
 35.18 facility, outpatient physical therapy or speech pathology facility, end-stage renal dialysis  
 35.19 facility, medical laboratory, pharmacy, radiation therapy facility, diagnostic imaging facility,  
 35.20 medical office building, residence for nurses or interns, nursing home, boarding care home,  
 35.21 assisted living facility, residential hospice, intermediate care facility for persons with  
 35.22 developmental disabilities, supervised living facility, housing with services establishment,  
 35.23 board and lodging establishment with special services, adult day care center, day services  
 35.24 facility, prescribed pediatric extended care facility, community residential setting, adult  
 35.25 foster home, or other facility related to medical or health care research, or the delivery or  
 35.26 administration of health care services, and includes other structures or facilities related  
 35.27 thereto essential or convenient for the orderly conduct of a health care organization.

35.28 (b) Health care facility also means a facility in a state that is geographically contiguous  
 35.29 to Minnesota operated by a health care organization that corresponds by purpose, function,  
 35.30 or use with a facility listed in paragraph (a).

35.31 Subd. 7. **Participating institution of higher education.** "Participating institution of  
 35.32 higher education" means a health care organization or an institution of higher education  
 35.33 that, under the provisions of sections 136A.25 to 136A.42, undertakes the financing and  
 35.34 construction or acquisition of a project or undertakes the refunding or refinancing of

36.1 obligations or of a mortgage or of advances as provided in sections 136A.25 to 136A.42.  
 36.2 Community colleges and technical colleges may be considered participating institutions of  
 36.3 ~~higher education~~ for the purpose of financing and constructing child care facilities and  
 36.4 parking facilities.

36.5 Sec. 5. Minnesota Statutes 2020, section 136A.29, subdivision 1, is amended to read:

36.6 Subdivision 1. **Purpose.** The purpose of the authority shall be to assist health care  
 36.7 organizations and institutions of higher education in the construction, financing, and  
 36.8 refinancing of projects. The exercise by the authority of the powers conferred by sections  
 36.9 136A.25 to 136A.42, shall be deemed and held to be the performance of an essential public  
 36.10 function. For the purpose of sections 136A.25 to 136A.42, the authority shall have the  
 36.11 powers and duties set forth in subdivisions 2 to 23.

36.12 Sec. 6. Minnesota Statutes 2020, section 136A.29, subdivision 3, is amended to read:

36.13 Subd. 3. **Employees.** The authority is authorized and empowered to appoint and employ  
 36.14 employees as it may deem necessary to carry out its duties, determine the title of the  
 36.15 employees so employed, and fix the salary of ~~said~~ its employees. Employees of the authority  
 36.16 shall participate in retirement and other benefits in the same manner that employees in the  
 36.17 ~~unclassified service of the office~~ managerial plan under section 43A.18, subdivision 3,  
 36.18 participate.

36.19 Sec. 7. Minnesota Statutes 2020, section 136A.29, subdivision 6, is amended to read:

36.20 Subd. 6. **Projects; generally.** (a) The authority is authorized and empowered to determine  
 36.21 the location and character of any project to be financed under the provisions of sections  
 36.22 136A.25 to 136A.42, and to construct, reconstruct, remodel, maintain, manage, enlarge,  
 36.23 alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into  
 36.24 contracts for any or all of such purposes, to enter into contracts for the management and  
 36.25 operation of a project, and to designate a participating institution of ~~higher education~~ as its  
 36.26 agent to determine the location and character of a project undertaken by such participating  
 36.27 institution of ~~higher education~~ under the provisions of sections 136A.25 to 136A.42 and as  
 36.28 the agent of the authority, to construct, reconstruct, remodel, maintain, manage, enlarge,  
 36.29 alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and as the  
 36.30 agent of the authority, to enter into contracts for any or all of such purposes, including  
 36.31 contracts for the management and operation of such project.

37.1 (b) Notwithstanding paragraph (a), a project involving a health care facility within the  
 37.2 state financed under sections 136A.25 to 136A.42, must comply with all applicable  
 37.3 requirements in state law related to authorizing construction of or modifications to a health  
 37.4 care facility, including the requirements of sections 144.5509, 144.551, 144A.071, and  
 37.5 252.291.

37.6 (c) Contracts of the authority or of a participating institution of higher education to  
 37.7 acquire or to construct, reconstruct, remodel, maintain, enlarge, alter, add to, or repair  
 37.8 projects shall not be subject to the provisions of chapter 16C or section 574.26, or any other  
 37.9 public contract or competitive bid law.

37.10 Sec. 8. Minnesota Statutes 2020, section 136A.29, subdivision 9, is amended to read:

37.11 Subd. 9. **Revenue bonds; limit.** (a) The authority is authorized and empowered to issue  
 37.12 revenue bonds whose aggregate principal amount at any time shall not exceed \$1,300,000,000  
 37.13 \$4,000,000,000 and to issue notes, bond anticipation notes, and revenue refunding bonds  
 37.14 of the authority under the provisions of sections 136A.25 to 136A.42, to provide funds for  
 37.15 acquiring, constructing, reconstructing, enlarging, remodeling, renovating, improving,  
 37.16 furnishing, or equipping one or more projects or parts thereof.

37.17 (b) Of the \$4,000,000,000 limit in paragraph (a), the aggregate principal amount used  
 37.18 to fund education facilities may not exceed \$1,750,000,000 at any time, and the aggregate  
 37.19 principal amount used to fund health care facilities may not exceed \$2,250,000,000 at any  
 37.20 time.

37.21 Sec. 9. Minnesota Statutes 2020, section 136A.29, subdivision 10, is amended to read:

37.22 Subd. 10. **Revenue bonds; issuance, purpose, conditions.** The authority is authorized  
 37.23 and empowered to issue revenue bonds to acquire projects from or to make loans to  
 37.24 participating institutions of higher education and thereby refinance outstanding indebtedness  
 37.25 incurred by participating institutions of higher education to provide funds for the acquisition,  
 37.26 construction or improvement of a facility before or after the enactment of sections 136A.25  
 37.27 to 136A.42, but otherwise eligible to be and being a project thereunder, whenever the  
 37.28 authority finds that such refinancing will enhance or preserve such participating institutions  
 37.29 and such facilities or utilization thereof for health care or educational purposes or extend  
 37.30 or adjust maturities to correspond to the resources available for their payment, or reduce  
 37.31 charges or fees imposed on patients or occupants, or the tuition, charges, or fees imposed  
 37.32 on students for the use or occupancy of the facilities of such participating institutions of  
 37.33 higher education or costs met by federal or state public funds, or enhance or preserve health

38.1 care or educational programs and research or the acquisition or improvement of other  
 38.2 facilities eligible to be a project or part thereof by the participating institution ~~of higher~~  
 38.3 ~~education~~. The amount of revenue bonds to be issued to refinance outstanding indebtedness  
 38.4 of a participating institution ~~of higher education~~ shall not exceed the lesser of (a) the fair  
 38.5 value of the project to be acquired by the authority from the institution or mortgaged to the  
 38.6 authority by the institution or (b) the amount of the outstanding indebtedness including any  
 38.7 premium thereon and any interest accrued or to accrue to the date of redemption and any  
 38.8 legal, fiscal and related costs in connection with such refinancing and reasonable reserves,  
 38.9 as determined by the authority. The provisions of this subdivision do not prohibit the authority  
 38.10 from issuing revenue bonds within and charged against the limitations provided in subdivision  
 38.11 9 to provide funds for improvements, alteration, renovation, or extension of the project  
 38.12 refinanced.

38.13 Sec. 10. Minnesota Statutes 2020, section 136A.29, subdivision 14, is amended to read:

38.14 Subd. 14. **Rules for use of projects.** The authority is authorized and empowered to  
 38.15 establish rules for the use of a project or any portion thereof and to designate a participating  
 38.16 institution ~~of higher education~~ as its agent to establish rules for the use of a project undertaken  
 38.17 for such participating institution ~~of higher education~~.

38.18 Sec. 11. Minnesota Statutes 2020, section 136A.29, subdivision 19, is amended to read:

38.19 Subd. 19. **Surety.** Before the issuance of any revenue bonds under the provisions of  
 38.20 sections 136A.25 to 136A.42, any member or officer of the authority authorized by resolution  
 38.21 of the authority to handle funds or sign checks of the authority shall be covered under a  
 38.22 surety or fidelity bond in an amount to be determined by the authority. Each such bond shall  
 38.23 be conditioned upon the faithful performance of the duties of the office of the member or  
 38.24 officer, and shall be executed by a surety company authorized to transact business in the  
 38.25 state of Minnesota as surety. The cost of each such bond shall be paid by the authority.

38.26 Sec. 12. Minnesota Statutes 2020, section 136A.29, subdivision 20, is amended to read:

38.27 Subd. 20. **Sale, lease, and disposal of property.** The authority is authorized and  
 38.28 empowered to sell, lease, release, or otherwise dispose of real and personal property or  
 38.29 interests therein, or a combination thereof, acquired by the authority under authority of  
 38.30 sections 136A.25 to 136A.42 and no longer needed for the purposes of ~~such~~ this chapter or  
 38.31 of the authority, and grant such easements and other rights in, over, under, or across a project  
 38.32 as will not interfere with its use of ~~such~~ the property. ~~Such~~ The sale, lease, release,

39.1 disposition, or grant may be made without competitive bidding and in ~~such~~ the manner and  
 39.2 for such consideration as the authority in its judgment deems appropriate.

39.3 Sec. 13. Minnesota Statutes 2020, section 136A.29, subdivision 21, is amended to read:

39.4 Subd. 21. **Loans.** The authority is authorized and empowered to make loans to any  
 39.5 participating institution of ~~higher education~~ for the cost of a project in accordance with an  
 39.6 agreement between the authority and the participating institution of ~~higher education~~;  
 39.7 provided that no ~~such~~ loan shall exceed the total cost of the project as determined by the  
 39.8 participating institution of ~~higher education~~ and approved by the authority.

39.9 Sec. 14. Minnesota Statutes 2020, section 136A.29, subdivision 22, is amended to read:

39.10 Subd. 22. **Costs, expenses, and other charges.** The authority is authorized and  
 39.11 empowered to charge to and apportion among participating institutions of ~~higher education~~  
 39.12 its administrative costs and expenses incurred in the exercise of the powers and duties  
 39.13 conferred by sections 136A.25 to 136A.42 in the manner as the authority in its judgment  
 39.14 deems appropriate.

39.15 Sec. 15. Minnesota Statutes 2020, section 136A.29, is amended by adding a subdivision  
 39.16 to read:

39.17 Subd. 24. **Determination of affiliate status.** The authority is authorized and empowered  
 39.18 to determine whether an entity is an affiliate as defined in section 136A.28, subdivision 1a.  
 39.19 A determination by the authority of affiliate status shall be deemed conclusive for the  
 39.20 purposes of sections 136A.25 to 136A.42.

39.21 Sec. 16. Minnesota Statutes 2020, section 136A.32, subdivision 1, is amended to read:

39.22 Subdivision 1. **Bonds; generally.** (a) The authority may from time to time issue revenue  
 39.23 bonds for purposes of sections 136A.25 to 136A.42, and all such revenue bonds, notes,  
 39.24 bond anticipation notes or other obligations of the authority issued pursuant to sections  
 39.25 136A.25 to 136A.42 shall be and are hereby declared to be negotiable for all purposes  
 39.26 notwithstanding their payment from a limited source and without regard to any other law  
 39.27 or laws. In anticipation of the sale of such revenue bonds, the authority may issue negotiable  
 39.28 bond anticipation notes and may renew the same from time to time, but the maximum  
 39.29 maturity of any such note, including renewals thereof, shall not exceed five years from the  
 39.30 date of issue of the original note. Such notes shall be paid from any revenues of the authority  
 39.31 available therefor and not otherwise pledged, or from the proceeds of sale of the revenue

40.1 bonds of the authority in anticipation of which they were issued. The notes shall be issued  
 40.2 in the same manner as the revenue bonds. Such notes and the resolution or resolutions  
 40.3 authorizing the same may contain any provisions, conditions or limitations which a bond  
 40.4 resolution or the authority may contain.

40.5 (b) Before issuing revenue bonds, notes, or other obligations under paragraph (a) on  
 40.6 behalf of a health care organization to finance health care facilities, the authority must obtain  
 40.7 consent by resolution from each city or town in which the project is located, except that  
 40.8 consent need not be obtained in the case of a city or town with a population of less than  
 40.9 100,000. The consent by resolution requirement does not apply to financing under paragraph  
 40.10 (a) on behalf of a participating institution which is primarily an institution of higher  
 40.11 education.

40.12 Sec. 17. Minnesota Statutes 2020, section 136A.32, subdivision 4, is amended to read:

40.13 Subd. 4. **Provisions of resolution authorizing bonds.** Any resolution or resolutions  
 40.14 authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which  
 40.15 shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

40.16 (1) pledging all or any part of the revenues of a project or projects, any revenue producing  
 40.17 contract or contracts made by the authority with ~~any individual partnership, corporation or~~  
 40.18 ~~association or other body~~ one or more partnerships, corporations or associations, or other  
 40.19 bodies, public or private, to secure the payment of the revenue bonds or of any particular  
 40.20 issue of revenue bonds, subject to such agreements with bondholders as may then exist;

40.21 (2) the rentals, fees and other charges to be charged, and the amounts to be raised in  
 40.22 each year thereby, and the use and disposition of the revenues;

40.23 (3) the setting aside of reserves or sinking funds, and the regulation and disposition  
 40.24 thereof;

40.25 (4) limitations on the right of the authority or its agent to restrict and regulate the use of  
 40.26 the project;

40.27 (5) limitations on the purpose to which the proceeds of sale of any issue of revenue  
 40.28 bonds then or thereafter to be issued may be applied and pledging such proceeds to secure  
 40.29 the payment of the revenue bonds or any issue of the revenue bonds;

40.30 (6) limitations on the issuance of additional bonds, the terms upon which additional  
 40.31 bonds may be issued and secured and the refunding of outstanding bonds;

41.1 (7) the procedure, if any, by which the terms of any contract with bondholders may be  
 41.2 amended or abrogated, the amount of bonds the holders of which must consent thereto, and  
 41.3 the manner in which such consent may be given;

41.4 (8) limitations on the amount of moneys derived from the project to be expended for  
 41.5 operating, administrative or other expenses of the authority;

41.6 (9) defining the acts or omissions to act which shall constitute a default in the duties of  
 41.7 the authority to holders of its obligations and providing the rights and remedies of such  
 41.8 holders in the event of a default; or

41.9 (10) the mortgaging of a project and the site thereof for the purpose of securing the  
 41.10 bondholders.

41.11 Sec. 18. Minnesota Statutes 2020, section 136A.33, is amended to read:

41.12 **136A.33 TRUST AGREEMENT.**

41.13 In the discretion of the authority any revenue bonds issued under the provisions of  
 41.14 sections 136A.25 to 136A.42, may be secured by a trust agreement by and between the  
 41.15 authority and a corporate trustee or trustees, which may be any trust company or bank having  
 41.16 the powers of a trust company within the state. ~~Such~~ The trust agreement or the resolution  
 41.17 providing for the issuance of ~~such~~ revenue bonds may pledge or assign the revenues to be  
 41.18 received or proceeds of any contract or contracts pledged and may convey or mortgage the  
 41.19 project or any portion thereof. ~~Such~~ The trust agreement or resolution providing for the  
 41.20 issuance of ~~such~~ revenue bonds may contain such provisions for protecting and enforcing  
 41.21 the rights and remedies of the bondholders as may be reasonable and proper and not in  
 41.22 violation of laws, including particularly such provisions as have hereinabove been specifically  
 41.23 authorized to be included in any resolution or resolutions of the authority authorizing revenue  
 41.24 bonds thereof. Any bank or trust company incorporated under the laws of the state ~~which~~  
 41.25 that may act as depository of the proceeds of bonds or of revenues or other moneys may  
 41.26 furnish ~~such~~ indemnifying bonds or ~~pledges~~ ~~such~~ pledge securities as may be required by  
 41.27 the authority. Any ~~such~~ trust agreement may set forth the rights and remedies of the  
 41.28 bondholders and of the trustee or trustees and may restrict the individual right of action by  
 41.29 bondholders. In addition to the foregoing, any ~~such~~ trust agreement or resolution may contain  
 41.30 ~~such~~ other provisions as the authority may deem reasonable and proper for the security of  
 41.31 the bondholders. All expenses incurred in carrying out the provisions of ~~such~~ the trust  
 41.32 agreement or resolution may be treated as a part of the cost of the operation of a project.

42.1 Sec. 19. Minnesota Statutes 2020, section 136A.34, subdivision 3, is amended to read:

42.2 Subd. 3. **Investment.** Any ~~such~~ escrowed proceeds, pending such use, may be invested  
 42.3 and reinvested in direct obligations of the United States of America, or in certificates of  
 42.4 deposit or time deposits secured by direct obligations of the United States of America, or  
 42.5 in shares or units in any money market mutual fund whose investment portfolio consists  
 42.6 solely of direct obligations of the United States of America, maturing at such time or times  
 42.7 as shall be appropriate to assure the prompt payment, as to principal, interest and redemption  
 42.8 premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income  
 42.9 and profits, if any, earned or realized on any such investment may also be applied to the  
 42.10 payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow  
 42.11 have been fully satisfied and carried out, any balance of such proceeds and interest, income  
 42.12 and profits, if any, earned or realized on the investments thereof may be returned to the  
 42.13 authority for use by it in any lawful manner.

42.14 Sec. 20. Minnesota Statutes 2020, section 136A.34, subdivision 4, is amended to read:

42.15 Subd. 4. **Additional purpose; improvements.** The portion of the proceeds of any ~~such~~  
 42.16 revenue bonds issued for the additional purpose of paying all or any part of the cost of  
 42.17 constructing and acquiring additions, improvements, extensions or enlargements of a project  
 42.18 may be invested or deposited ~~in time deposits~~ as provided in section 136A.32, subdivision  
 42.19 7.

42.20 Sec. 21. Minnesota Statutes 2020, section 136A.36, is amended to read:

42.21 **136A.36 REVENUES.**

42.22 The authority may fix, revise, charge and collect rates, rents, fees and charges for the  
 42.23 use of and for the services furnished or to be furnished by each project and ~~to~~ may contract  
 42.24 with any person, partnership, association or corporation, or other body, public or private,  
 42.25 in respect thereof. ~~Such~~ The rates, rents, fees, and charges may vary between projects  
 42.26 involving an education facility and projects involving a health care facility and shall be  
 42.27 fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from ~~such~~  
 42.28 the project so as to provide funds sufficient with other revenues, if any:

42.29 (1) to pay the cost of maintaining, repairing and operating the project and each and every  
 42.30 portion thereof, to the extent that the payment of such cost has not otherwise been adequately  
 42.31 provided for;

43.1 (2) to pay the principal of and the interest on outstanding revenue bonds of the authority  
43.2 issued in respect of such project as the same shall become due and payable; and

43.3 (3) to create and maintain reserves required or provided for in any resolution authorizing,  
43.4 or trust agreement securing, ~~such~~ revenue bonds of the authority. ~~Such~~ The rates, rents, fees  
43.5 and charges shall not be subject to supervision or regulation by any department, commission,  
43.6 board, body, bureau or agency of this state other than the authority. A sufficient amount of  
43.7 the revenues derived in respect of a project, except ~~such~~ part of ~~such~~ the revenues as may  
43.8 be necessary to pay the cost of maintenance, repair and operation and to provide reserves  
43.9 and for renewals, replacements, extensions, enlargements and improvements as may be  
43.10 provided for in the resolution authorizing the issuance of any revenue bonds of the authority  
43.11 or in the trust agreement securing the same, shall be set aside at such regular intervals as  
43.12 may be provided in ~~such~~ the resolution or trust agreement in a sinking or other similar fund  
43.13 ~~which~~ that is hereby pledged to, and charged with, the payment of the principal of and the  
43.14 interest on ~~such~~ revenue bonds as the same shall become due, and the redemption price or  
43.15 the purchase price of bonds retired by call or purchase as therein provided. ~~Such~~ The pledge  
43.16 shall be valid and binding from the time when the pledge is made; the rates, rents, fees and  
43.17 charges and other revenues or other moneys so pledged and thereafter received by the  
43.18 authority shall immediately be subject to the lien of ~~such~~ the pledge without physical delivery  
43.19 thereof or further act, and the lien of any such pledge shall be valid and binding as against  
43.20 all parties having claims of any kind against the authority, irrespective of whether such  
43.21 parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge  
43.22 is created need be filed or recorded except in the records of the authority. The use and  
43.23 disposition of moneys to the credit of such sinking or other similar fund shall be subject to  
43.24 the provisions of the resolution authorizing the issuance of such bonds or of such trust  
43.25 agreement. Except as may otherwise be provided in ~~such~~ the resolution or ~~such~~ trust  
43.26 agreement, ~~such~~ the sinking or other similar fund shall be a fund for all ~~such~~ revenue bonds  
43.27 issued to finance a project or projects at one or more participating institutions ~~of higher~~  
43.28 ~~education~~ without distinction or priority of one over another; provided the authority in any  
43.29 such resolution or trust agreement may provide that such sinking or other similar fund shall  
43.30 be the fund for a particular project at ~~an~~ a participating institution ~~of higher education~~ and  
43.31 for the revenue bonds issued to finance a particular project and may, additionally, permit  
43.32 and provide for the issuance of revenue bonds having a subordinate lien in respect of the  
43.33 security herein authorized to other revenue bonds of the authority and, in such case, the  
43.34 authority may create separate or other similar funds in respect of ~~such~~ the subordinate lien  
43.35 bonds.

44.1 Sec. 22. Minnesota Statutes 2020, section 136A.38, is amended to read:

44.2 **136A.38 BONDS ELIGIBLE FOR INVESTMENT.**

44.3 Bonds issued by the authority under the provisions of sections 136A.25 to 136A.42, are  
 44.4 hereby made securities in which all public officers and public bodies of the state and its  
 44.5 political subdivisions, all insurance companies, trust companies, banking associations,  
 44.6 investment companies, executors, administrators, trustees and other fiduciaries may properly  
 44.7 and legally invest funds, including capital in their control or belonging to them; it being the  
 44.8 purpose of this section to authorize the investment in such bonds of all sinking, insurance,  
 44.9 retirement, compensation, pension and trust funds, whether owned or controlled by private  
 44.10 or public persons or officers; provided, however, that nothing contained in this section may  
 44.11 be construed as relieving any person, firm, or corporation from any duty of exercising due  
 44.12 care in selecting securities for purchase or investment; and provide further, that in no event  
 44.13 shall assets of pension funds of public employees of the state of Minnesota or any of its  
 44.14 agencies, boards or subdivisions, whether publicly or privately administered, be invested  
 44.15 in bonds issued under the provisions of sections 136A.25 to 136A.42. Such bonds are hereby  
 44.16 constituted "authorized securities" within the meaning and for the purposes of Minnesota  
 44.17 Statutes 1969, section 50.14. ~~Such~~ The bonds are hereby made securities ~~which~~ that may  
 44.18 properly and legally be deposited with and received by any state or municipal officer or any  
 44.19 agency or political subdivision of the state for any purpose for which the deposit of bonds  
 44.20 or obligations of the state now or may hereafter be authorized by law.

44.21 Sec. 23. Minnesota Statutes 2020, section 136A.41, is amended to read:

44.22 **136A.41 CONFLICT OF INTEREST.**

44.23 Notwithstanding any other law to the contrary it shall not be or constitute a conflict of  
 44.24 interest for a trustee, director, officer or employee of any participating institution ~~of higher~~  
 44.25 ~~education~~, financial institution, investment banking firm, brokerage firm, commercial bank  
 44.26 or trust company, architecture firm, insurance company, construction company, or any other  
 44.27 firm, person or corporation to serve as a member of the authority, provided such trustee,  
 44.28 director, officer or employee shall abstain from deliberation, action and vote by the authority  
 44.29 in each instance where the business affiliation of any such trustee, director, officer or  
 44.30 employee is involved.

45.1 Sec. 24. Minnesota Statutes 2020, section 136A.42, is amended to read:

45.2 **136A.42 ANNUAL REPORT.**

45.3 The authority shall keep an accurate account of all of its activities and all of its receipts  
 45.4 and expenditures ~~and shall annually report to the office.~~ Each year, the authority shall submit  
 45.5 to the Minnesota Historical Society and the Legislative Reference Library a report of the  
 45.6 authority's activities in the previous year, including all financial activities.

45.7 Sec. 25. **REVISOR INSTRUCTION.**

45.8 The revisor of statutes shall renumber the law establishing and governing the Minnesota  
 45.9 Higher Education Facilities Authority, renamed the Minnesota Health and Education  
 45.10 Facilities Authority in this act, as Minnesota Statutes, chapter 16F, coded in Minnesota  
 45.11 Statutes 2020, sections 136A.25 to 136A.42, as amended or repealed in this act. The revisor  
 45.12 of statutes shall also duplicate any required definitions from Minnesota Statutes, chapter  
 45.13 136A, revise any statutory cross-references consistent with the recoding, and report the  
 45.14 history in Minnesota Statutes, chapter 16F. The revisor of statutes shall change "Minnesota  
 45.15 Health and Education Facilities Authority" to "Minnesota Health and Higher Education  
 45.16 Facilities Authority" where it appears in Minnesota Statutes.

45.17 Sec. 26. **REPEALER.**

45.18 Minnesota Statutes 2020, section 136A.29, subdivision 4, is repealed.

45.19 **ARTICLE 4**

45.20 **MINNESOTA HEALTH AND EDUCATION FACILITIES AUTHORITY**  
 45.21 **CONFORMING AMENDMENTS**

45.22 Section 1. Minnesota Statutes 2020, section 3.732, subdivision 1, is amended to read:

45.23 Subdivision 1. **Definitions.** As used in this section and section 3.736 the terms defined  
 45.24 in this section have the meanings given them.

45.25 (1) "State" includes each of the departments, boards, agencies, commissions, courts, and  
 45.26 officers in the executive, legislative, and judicial branches of the state of Minnesota and  
 45.27 includes but is not limited to the Housing Finance Agency, the Minnesota Office of Higher  
 45.28 Education, the ~~Higher~~ Health and Education Facilities Authority, the Health Technology  
 45.29 Advisory Committee, the Armory Building Commission, the Zoological Board, the  
 45.30 Department of Iron Range Resources and Rehabilitation, the Minnesota Historical Society,  
 45.31 the State Agricultural Society, the University of Minnesota, the Minnesota State Colleges

46.1 and Universities, state hospitals, and state penal institutions. It does not include a city, town,  
46.2 county, school district, or other local governmental body corporate and politic.

46.3 (2) "Employee of the state" means all present or former officers, members, directors, or  
46.4 employees of the state, members of the Minnesota National Guard, members of a bomb  
46.5 disposal unit approved by the commissioner of public safety and employed by a municipality  
46.6 defined in section 466.01 when engaged in the disposal or neutralization of bombs or other  
46.7 similar hazardous explosives, as defined in section 299C.063, outside the jurisdiction of the  
46.8 municipality but within the state, or persons acting on behalf of the state in an official  
46.9 capacity, temporarily or permanently, with or without compensation. It does not include  
46.10 either an independent contractor except, for purposes of this section and section 3.736 only,  
46.11 a guardian ad litem acting under court appointment, or members of the Minnesota National  
46.12 Guard while engaged in training or duty under United States Code, title 10, or title 32,  
46.13 section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding  
46.14 sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee  
46.15 of the state" includes a district public defender or assistant district public defender in the  
46.16 Second or Fourth Judicial District, a member of the Health Technology Advisory Committee,  
46.17 and any officer, agent, or employee of the state of Wisconsin performing work for the state  
46.18 of Minnesota pursuant to a joint state initiative.

46.19 (3) "Scope of office or employment" means that the employee was acting on behalf of  
46.20 the state in the performance of duties or tasks lawfully assigned by competent authority.

46.21 (4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

46.22 Sec. 2. Minnesota Statutes 2021 Supplement, section 10A.01, subdivision 35, is amended  
46.23 to read:

46.24 Subd. 35. **Public official.** "Public official" means any:

46.25 (1) member of the legislature;

46.26 (2) individual employed by the legislature as secretary of the senate, legislative auditor,  
46.27 director of the Legislative Budget Office, chief clerk of the house of representatives, revisor  
46.28 of statutes, or researcher, legislative analyst, fiscal analyst, or attorney in the Office of  
46.29 Senate Counsel, Research and Fiscal Analysis, House Research, or the House Fiscal Analysis  
46.30 Department;

46.31 (3) constitutional officer in the executive branch and the officer's chief administrative  
46.32 deputy;

46.33 (4) solicitor general or deputy, assistant, or special assistant attorney general;

47.1 (5) commissioner, deputy commissioner, or assistant commissioner of any state  
47.2 department or agency as listed in section 15.01 or 15.06, or the state chief information  
47.3 officer;

47.4 (6) member, chief administrative officer, or deputy chief administrative officer of a state  
47.5 board or commission that has either the power to adopt, amend, or repeal rules under chapter  
47.6 14, or the power to adjudicate contested cases or appeals under chapter 14;

47.7 (7) individual employed in the executive branch who is authorized to adopt, amend, or  
47.8 repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

47.9 (8) executive director of the State Board of Investment;

47.10 (9) deputy of any official listed in clauses (7) and (8);

47.11 (10) judge of the Workers' Compensation Court of Appeals;

47.12 (11) administrative law judge or compensation judge in the State Office of Administrative  
47.13 Hearings or unemployment law judge in the Department of Employment and Economic  
47.14 Development;

47.15 (12) member, regional administrator, division director, general counsel, or operations  
47.16 manager of the Metropolitan Council;

47.17 (13) member or chief administrator of a metropolitan agency;

47.18 (14) director of the Division of Alcohol and Gambling Enforcement in the Department  
47.19 of Public Safety;

47.20 (15) member or executive director of the ~~Higher~~ Health and Education Facilities  
47.21 Authority;

47.22 (16) member of the board of directors or president of Enterprise Minnesota, Inc.;

47.23 (17) member of the board of directors or executive director of the Minnesota State High  
47.24 School League;

47.25 (18) member of the Minnesota Ballpark Authority established in section 473.755;

47.26 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

47.27 (20) manager of a watershed district, or member of a watershed management organization  
47.28 as defined under section 103B.205, subdivision 13;

47.29 (21) supervisor of a soil and water conservation district;

47.30 (22) director of Explore Minnesota Tourism;

48.1 (23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section  
48.2 97A.056;

48.3 (24) citizen member of the Clean Water Council established in section 114D.30;

48.4 (25) member or chief executive of the Minnesota Sports Facilities Authority established  
48.5 in section 473J.07;

48.6 (26) district court judge, appeals court judge, or supreme court justice;

48.7 (27) county commissioner;

48.8 (28) member of the Greater Minnesota Regional Parks and Trails Commission;

48.9 (29) member of the Destination Medical Center Corporation established in section  
48.10 469.41; or

48.11 (30) chancellor or member of the Board of Trustees of the Minnesota State Colleges  
48.12 and Universities.

48.13 Sec. 3. Minnesota Statutes 2020, section 136F.67, subdivision 1, is amended to read:

48.14 Subdivision 1. **Authorization.** A technical college or a community college must not  
48.15 seek financing for child care facilities or parking facilities through the ~~Higher~~ Health and  
48.16 Education Facilities Authority, as provided in section 136A.28, subdivision 7, without the  
48.17 explicit authorization of the board.

48.18 Sec. 4. Minnesota Statutes 2020, section 354B.20, subdivision 7, is amended to read:

48.19 Subd. 7. **Employing unit.** "Employing unit," if the agency employs any persons covered  
48.20 by the individual retirement account plan under section 354B.211, means:

48.21 (1) the board;

48.22 (2) the Minnesota Office of Higher Education; and

48.23 (3) the ~~Higher~~ Health and Education Facilities Authority."

48.24 Delete the title and insert:

48.25 "A bill for an act

48.26 relating to higher education; providing for supplemental funding and modifying  
48.27 policies for the Office of Higher Education, Minnesota State Colleges and  
48.28 Universities, and the University of Minnesota; creating and modifying certain  
48.29 student aid programs; creating and modifying certain grants to institutions;  
48.30 modifying certain institutional licensure provisions; creating the Inclusive Higher  
48.31 Education Technical Assistance Center; modifying Board of Regents provisions;  
48.32 expanding and renaming the Minnesota Higher Education Facilities Authority as  
48.33 the Minnesota Health and Higher Education Facilities Authority; requiring reports;

49.1 appropriating money; amending Minnesota Statutes 2020, sections 3.732,  
49.2 subdivision 1; 135A.15, subdivision 8, by adding a subdivision; 136A.121,  
49.3 subdivision 18; 136A.1701, subdivision 11; 136A.25; 136A.26; 136A.27; 136A.28;  
49.4 136A.29, subdivisions 1, 3, 6, 9, 10, 14, 19, 20, 21, 22, by adding a subdivision;  
49.5 136A.32, subdivisions 1, 4; 136A.33; 136A.34, subdivisions 3, 4; 136A.36;  
49.6 136A.38; 136A.41; 136A.42; 136A.833; 136F.02, subdivision 1; 136F.302,  
49.7 subdivisions 1, 2; 136F.67, subdivision 1; 137.022, subdivision 4; 137.024;  
49.8 137.0245, subdivision 2; 137.0246; 354B.20, subdivision 7; Minnesota Statutes  
49.9 2021 Supplement, sections 10A.01, subdivision 35; 135A.137, subdivision 3;  
49.10 136A.121, subdivision 6; 136A.91, subdivision 1; 136F.38, subdivision 3; Laws  
49.11 2021, First Special Session chapter 2, article 1, section 2, subdivisions 35, 36;  
49.12 proposing coding for new law in Minnesota Statutes, chapters 135A; 136A;  
49.13 repealing Minnesota Statutes 2020, sections 136A.29, subdivision 4; 136F.03;  
49.14 Minnesota Rules, part 4880.2500."