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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 35

06/12/2020 Authored by Ecklund, Vang and Kresha

The bill was read for the first time and referred to the Greater Minnesota Jobs and Economic Development Finance Division

1.1 A bill for an act
1.2 relating to telecommunications; establishing a funding program for distance learning
1.3 equipment; establishing a grant program for telemedicine equipment purchased
1.4 to deal with COVID-19; requiring reports; appropriating money.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. DISTANCE LEARNING BROADBAND ACCESS GRANT PROGRAM.

1.7 Subdivision 1. Definition. For the purposes of this section, "commissioner" means the
1.8 commissioner of education.

1.9 Subd. 2. Establishment. A distance learning broadband access grant program is
1.10 established in the Department of Education to provide wireless or wire-line broadband
1.11 access for a limited duration to students currently lacking Internet access so that the students
1.12 may participate in distance learning offered by school districts and charter schools during
1.13 the peacetime public health emergency period that relates to the infectious disease known
1.14 as COVID-19.

1.15 Subd. 3. Eligible expenditures. A grant awarded under this section may be used to:

1.16 (1) provide a student with the equipment necessary for the student to use a broadband
1.17 connection to access learning materials available on the Internet through a mobile wireless
1.18 or wire-line broadband connection;

1.19 (2) reimburse a school district or charter school for actual costs incurred to provide
1.20 emergency distance learning wireless or wire-line broadband access during the 2019-2020
1.21 school year; and

2.1 (3) reimburse a school district or charter school for the cost of wireless or wire-line
 2.2 broadband Internet access for households with students that did not otherwise have Internet
 2.3 access before March 13, 2020, for the 2019-2020 school year.

2.4 Subd. 4. **Eligible applicants.** A Minnesota school district or charter school may apply
 2.5 for a grant award under this section.

2.6 Subd. 5. **Application review.** (a) An applicant for a grant under this section must file
 2.7 an application with the commissioner on a form developed by the commissioner. The
 2.8 commissioner may consult with the commissioner of employment and economic development
 2.9 when developing the form.

2.10 (b) An application for a grant under this subdivision must describe a school district's or
 2.11 charter school's approach to identify and prioritize access for students unable to access the
 2.12 Internet for distance learning and may include a description of local or private matching
 2.13 grants or in-kind contributions.

2.14 (c) A school district or charter school may develop its application in cooperation with
 2.15 the school district's or charter school's community education department, the school district's
 2.16 or charter school's adult basic education program provider, a public library, an Internet
 2.17 service provider, or other community partner.

2.18 (d) The commissioner must prioritize applicants based on an evaluation of the following
 2.19 factors: (1) the location of a school in or near an unserved area of the state, (2) the percent
 2.20 of students that live in a household without wired or wireless broadband service, and (3)
 2.21 the percent of students that were provided Internet access by the district or charter school
 2.22 under subdivision 3, clause (3).

2.23 (e) The commissioner must develop administrative procedures governing the application
 2.24 and grant award process.

2.25 Subd. 6. **Grant amount.** The commissioner must establish a minimum and maximum
 2.26 per-pupil amount for grants awarded under this section based on (1) the number of districts
 2.27 and charter schools that apply for a grant, (2) the total amount of money requested in the
 2.28 applications, and (3) the availability of federal money for a similar purpose.

2.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.30 Sec. 2. **TELEMEDICINE EQUIPMENT REIMBURSEMENT GRANT PROGRAM.**

2.31 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
 2.32 the meanings given.

3.1 (b) "Commissioner" means the commissioner of employment and economic development.

3.2 (c) "Telemedicine" has the meaning given in Minnesota Statutes, section 62A.671,
3.3 subdivision 9.

3.4 (d) "Telemedicine equipment" means multimedia communications equipment and
3.5 software that facilitates the delivery of telemedicine by a licensed health care provider.

3.6 Subd. 2. **Establishment.** A grant program is established in the Department of
3.7 Employment and Economic Development to award grants to reimburse grantees for the
3.8 purchase and installation of telemedicine equipment needed to provide health care services
3.9 through telemedicine during the COVID-19 pandemic and to ensure necessary health care
3.10 services are accessible to patients during the pandemic.

3.11 Subd. 3. **Eligible applicants.** Eligible applicants include the following:

3.12 (1) community health clinics defined under Minnesota Statutes, section 145.9268, clause
3.13 (1);

3.14 (2) critical access hospitals described in Minnesota Statutes, section 144.1483, clause
3.15 (9);

3.16 (3) local public health departments as defined in Minnesota Statutes, chapter 145A;

3.17 (4) county boards as defined in Minnesota Statutes, chapter 375;

3.18 (5) individual or small group physician practices that are primarily focused on primary
3.19 care; and

3.20 (6) nursing facilities licensed under Minnesota Statutes, chapter 144A.

3.21 Subd. 4. **Eligible expenditures.** A grant may be used to reimburse the cost incurred by
3.22 a grantee to purchase and install telemedicine equipment that enables the grantee to provide
3.23 health care services through telemedicine in response to the COVID-19 pandemic, including
3.24 the diagnosis and evaluation of patients for the COVID-19 disease during the COVID-19
3.25 pandemic.

3.26 Subd. 5. **Application; review.** (a) An eligible applicant must submit a grant application
3.27 to the commissioner on a form prescribed by the commissioner. The application must
3.28 include, at a minimum:

3.29 (1) the amount of the grant requested and a description of the telemedicine equipment
3.30 for which the applicant is seeking reimbursement; and

3.31 (2) a description of the intended use of the telemedicine equipment.

4.1 (b) When developing the application, the commissioner must consult with the
4.2 commissioner of health.

4.3 (c) The commissioner may award grants on a first-come, first-served basis, and, to the
4.4 extent practicable, priority must be given to applicants:

4.5 (1) serving uninsured, underinsured, and medically underserved individuals in either
4.6 rural or urban areas; or

4.7 (2) located in areas of the state where the commissioner of health has determined that
4.8 increasing telemedicine service capabilities would improve the quality of care, access,
4.9 patient safety, or community health during the COVID-19 pandemic.

4.10 Subd. 6. **Limitation.** The commissioner may establish a maximum amount for a grant
4.11 awarded under this section based on the number of applications received and the total
4.12 reimbursement amount requested.

4.13 Subd. 7. **Assistance from other federal coronavirus-related sources.** If a grantee
4.14 receives funds from a federal source related to coronavirus for telemedicine equipment
4.15 described in this section, the grantee must notify the commissioner of the amount received
4.16 from the federal source. If the commissioner determines that the total amount the grantee
4.17 received under this section and from the federal source exceeds the costs of the telemedicine
4.18 equipment, the commissioner must reduce the grant amount in this section so that the total
4.19 amount received does not exceed the cost of the equipment.

4.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.21 Sec. 3. **APPROPRIATION.**

4.22 (a) \$15,000,000 in fiscal year 2020 is appropriated from the coronavirus relief federal
4.23 fund to the commissioner of employment and economic development for transfer to the
4.24 commissioner of education for emergency distance learning wireless or wire-line broadband
4.25 access for student grants for school districts and charter schools under section 1. Up to five
4.26 percent of the appropriation under this paragraph may be used to reimburse reasonable costs
4.27 incurred by the Department of Education to administer section 1. This is a onetime
4.28 appropriation. Any funds that remain unexpended on September 30, 2020, are canceled. By
4.29 December 1, 2020, the commissioner of education must report to the legislature regarding
4.30 the districts and charter schools that received grants under section 1, the per-pupil amount
4.31 for each grant, and the number of students that were provided Internet access. The report
4.32 must also identify the costs to administer the grant program and the amount canceled. Money
4.33 appropriated under this paragraph must not be spent until the commissioner of management

5.1 and budget determines that the appropriation in this paragraph is an eligible use of the
5.2 coronavirus relief federal fund.

5.3 (b) \$2,000,000 in fiscal year 2020 is appropriated from the coronavirus relief federal
5.4 fund to the commissioner of employment and economic development to award grants for
5.5 the purchase of telemedicine equipment under section 2. Up to five percent of the
5.6 appropriation under this paragraph may be used to reimburse the reasonable costs incurred
5.7 by the Department of Employment and Economic Development to administer section 2.
5.8 This is a onetime appropriation. Any funds that remain unexpended on September 30, 2020,
5.9 are canceled. By December 31, 2020, the commissioner of employment and economic
5.10 development must report to the legislature regarding the number of applications received
5.11 under section 2, the number of grants awarded, the maximum and minimum grant amounts
5.12 awarded, and the mean and median grant amounts awarded. The report must also identify
5.13 the costs to administer the grant program and the amount canceled. Money appropriated
5.14 under this paragraph must not be spent until the commissioner of management and budget
5.15 determines that the appropriation in this paragraph is an eligible use of the coronavirus relief
5.16 federal fund.

5.17 (c) \$10,000,000 in fiscal year 2020 is appropriated from the coronavirus relief federal
5.18 fund to the commissioner of employment and economic development for deposit in the
5.19 border-to-border broadband fund account established in Minnesota Statutes, section 116J.396.
5.20 This appropriation is available until December 30, 2020. The appropriation must be used
5.21 only to provide broadband service in unserved areas, except that broadband infrastructure,
5.22 as defined in Minnesota Statutes, section 116J.394, for that purpose may be placed in
5.23 underserved areas. Notwithstanding the limitation in Minnesota Statutes, section 116J.395,
5.24 subdivision 7, paragraph (a), the grants are available for 55 percent of total project cost if
5.25 the grant is matched by ten percent or more from a nonstate entity. The nonstate entity
5.26 providing the match may include but is not limited to organized townships, cities, counties,
5.27 foundations, nonprofits, school districts, or higher education institutions. This is a onetime
5.28 appropriation. Money appropriated under this paragraph must not be spent until the
5.29 commissioner of management and budget determines that the appropriation in this paragraph
5.30 is an eligible use of the coronavirus relief federal fund.

5.31 (d) If the commissioner of management and budget determines the appropriation in
5.32 paragraph (c) is not an allowable use of the funds under federal law, the appropriation in
5.33 paragraph (c) is canceled. Funds canceled under this paragraph remain available for other
5.34 uses permitted under federal law.

5.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.