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State of Minnesota

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HOUSE OF REPRESENTATIVES

**Unofficial Engrossment**

House Engrossment of a Senate File

NINETY-FIRST SESSION

**S. F. No. 4494**

05/14/2020 Companion to House File No. 0. (Authors:null)  
Read First Time and Referred to the Committee on Ways and Means  
05/15/2020 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time

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 FUNDING.**

1.7 Subdivision 1. **Definitions.** For the purposes of this section: (1) "commissioner" means  
1.8 the commissioner of education, and (2) "school" means a school district, charter school, or  
1.9 cooperative unit.

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

1.16 Subd. 3. **Aid amount.** Each school is eligible for onetime distance learning aid equal to  
1.17 the lesser of:

1.18 (1) the school's actual expenditures under subdivision 4; or

1.19 (2) an allowance equal to the amount appropriated in section 3, paragraph (a), divided  
1.20 by the statewide enrollment for fiscal year 2019 times the students enrolled in each school  
1.21 during fiscal year 2019.

1.22 Subd. 4. **Eligible expenditures.** Aid received under this section must be used to:

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

2.4 (2) pay for actual costs incurred to provide emergency distance learning wireless or  
2.5 wire-line broadband access during the 2019-2020 school year; and

2.6 (3) pay for the cost of wireless or wire-line broadband Internet access for households  
2.7 with students that did not otherwise have Internet access before March 13, 2020, for the  
2.8 2019-2020 school year.

2.9 Subd. 5. **Schools to report expenditures.** Every school that receives aid under this  
2.10 section must submit a report to the commissioner of education by February 15, 2021,  
2.11 documenting its expenditures and describing the onetime and permanent improvements  
2.12 made to its distance learning access delivery system.

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

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

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

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

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

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

2.22 Subd. 2. **Establishment.** A grant program is established in the Department of  
2.23 Employment and Economic Development to award grants to provide reimbursement to  
2.24 grantees for the purchase and installation of telemedicine equipment in order to provide  
2.25 health care services through telemedicine during the COVID-19 pandemic and to ensure  
2.26 that necessary health care services continue to be accessible to patients during this pandemic.

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

2.28 (1) community health clinics defined under Minnesota Statutes, section 145.9268, clause  
2.29 (1);

2.30 (2) critical access hospitals described in Minnesota Statutes, section 144.1483, clause  
2.31 (9);

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

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

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

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

3.6 Subd. 4. **Eligible expenditures.** A grant may be used to reimburse the cost incurred by  
3.7 a grantee for the purchase and installation of telemedicine equipment that enables the grantee  
3.8 to provide health care services through telemedicine in response to the COVID-19 pandemic,  
3.9 including the diagnosis and evaluation of patients for the COVID-19 disease during the  
3.10 COVID-19 pandemic.

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

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

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

3.17 (b) In developing the application, the commissioner shall consult with the commissioner  
3.18 of health.

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

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

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

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

3.29 Subd. 7. **Assistance from other federal coronavirus-related sources.** If a grantee  
3.30 receives funds from a federal source related to coronavirus for telemedicine equipment  
3.31 described in this section, the grantee must notify the commissioner of the amount received  
3.32 from the federal source. If the commissioner determines that the total amount the grantee

4.1 received under this section and from the federal source exceeds the costs of the telemedicine  
4.2 equipment, the commissioner must reduce the grant amount in this section so that the total  
4.3 amount received does not exceed the cost of the equipment.

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

4.5 Sec. 3. **APPROPRIATION.**

4.6 (a) \$15,000,000 in fiscal year 2020 is appropriated from the general fund to the  
4.7 commissioner of employment and economic development for transfer to the commissioner  
4.8 of education for emergency distance learning wireless or wire-line broadband access for  
4.9 student grants for school districts and charter schools under section 1. Up to five percent of  
4.10 the appropriation under this paragraph may be used to reimburse reasonable costs incurred  
4.11 by the Department of Education to administer section 1. This is a onetime appropriation.  
4.12 Any funds that remain unexpended on September 30, 2020, are canceled. By December 1,  
4.13 2020, the commissioner of education must report to the legislature regarding the districts  
4.14 and charter schools that received grants under section 1, the per-pupil amount for each grant,  
4.15 and the number of students that were provided Internet access. The report must also identify  
4.16 the costs to administer the grant program and the amount canceled.

4.17 (b) \$2,000,000 in fiscal year 2020 is appropriated from the general fund to the  
4.18 commissioner of employment and economic development to award grants for the purchase  
4.19 of telemedicine equipment under section 2. Up to five percent of the appropriation under  
4.20 this paragraph may be used to reimburse the reasonable costs incurred by the Department  
4.21 of Employment and Economic Development to administer section 2. This is a onetime  
4.22 appropriation. Any funds that remain unexpended on September 30, 2020, are canceled. By  
4.23 December 31, 2020, the commissioner of employment and economic development must  
4.24 report to the legislature regarding the number of applications received under section 2, the  
4.25 number of grants awarded, the maximum and minimum grant amounts awarded, and the  
4.26 mean and median grant amounts awarded. The report must also identify the costs to  
4.27 administer the grant program and the amount canceled.

4.28 (c) \$10,000,000 in fiscal year 2021 is appropriated from the general fund to the  
4.29 commissioner of employment and economic development for deposit in the border-to-border  
4.30 broadband fund account established in Minnesota Statutes, section 116J.396. The  
4.31 appropriation must be used only to provide broadband service in unserved areas, except  
4.32 that broadband infrastructure, as defined in Minnesota Statutes, section 116J.394, for that  
4.33 purpose may be placed in underserved areas. Notwithstanding the limitation in Minnesota  
4.34 Statutes, section 116J.395, subdivision 7, paragraph (a), the grants are available for 55

5.1 percent of total project cost if the grant is matched by ten percent or more from a nonstate  
5.2 entity. The nonstate entity providing the match may include but is not limited to organized  
5.3 townships, cities, counties, foundations, nonprofits, school districts, or higher education  
5.4 institutions. This is a onetime appropriation.

5.5 (d) The commissioner of management and budget must determine whether any of the  
5.6 expenditures an appropriation is made for under this section is an eligible use of federal  
5.7 funding received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act,  
5.8 Public Law 116-136, title V. If the commissioner of management and budget determines  
5.9 an expenditure is eligible for funding under title V of the CARES Act, the amount for the  
5.10 eligible expenditure is appropriated from the account where CARES Act money has been  
5.11 deposited and the corresponding amount appropriated under this section cancels to the  
5.12 general fund.

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

5.14 Sec. 4. **APPROPRIATIONS GIVEN EFFECT ONCE.**

5.15 If an appropriation in this act is enacted more than once in the 2020 regular legislative  
5.16 session, the appropriations must be given effect only once.

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