

Sec. 6. CHANGES TO THE MEDICARE CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES.

(a) The commissioner of health shall convene a working group to consist of home care providers and other interested individuals. The first purpose of this group is to develop a summary of federal home care agency regulations and laws that hamper state flexibility and place burdens on the goal of achieving a high quality of services, such as provisions requiring rigid time frames for the completion of supervisory visits by registered nurses and for the submission of home care client assessment information. The commissioner shall share this summary with the legislature, other states, and national groups that advocate for state interests. The commissioner shall work with officials of the federal government and with members of the Minnesota congressional delegation to achieve necessary changes in the law.

(b) The commissioner of health shall also review with this working group the current licensure process for home care providers and evaluate continued appropriateness of that process. This review shall consider federal certification regulations for home care and hospice and the need to have separate licensure provisions for certified facilities. The commissioner shall make recommendations to the legislature by January 1, 2005.

Sec. 7. EFFECTIVE DATE.

Sections 3 and 6 are effective the day following final enactment.

Presented to the governor May 13, 2003

Signed by the governor May 16, 2003, 12:05 p.m.

CHAPTER 56—H.F.No. 361

An act relating to elections; providing procedures and criteria for calling special elections to fill vacancies in certain instances; amending Minnesota Statutes 2002, sections 365.52, subdivision 1; 367.03, subdivision 6.

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

Section 1. Minnesota Statutes 2002, section 365.52, subdivision 1, is amended to read:

Subdivision 1. **MEETING; HOW, WHY CALLED.** A special town meeting may be held ~~for an election to fill a vacancy when the town board has failed to fill the vacancy by appointment. A special meeting may also be held to do other to~~ conduct any lawful business. To call a special meeting, the supervisors and town clerk, or any two of them, together with at least 12 other town freeholders, shall file a statement in the town clerk's office. The statement must tell why the meeting is called, the particular business to be transacted, and that the interests of the town require the meeting. A

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special town meeting may also be called on petition of 20 percent of the electors of the town. The percentage is of the number of voters at the last general election.

Sec. 2. Minnesota Statutes 2002, section 367.03, subdivision 6, is amended to read:

Subd. 6. **VACANCIES.** (a) When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. Except as provided in paragraph (b), the person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term.

(b) When a vacancy occurs in a town office:

(1) with more than one year remaining in the term; and

(2) on or after the 14th day before the first day to file an affidavit of candidacy for the town election;

the vacancy must be filled by appointment. The person appointed serves until the next annual town election following the election for which affidavits of candidacy are to be filed, when a successor shall be elected for the unexpired term.

(c) A vacancy in the office of supervisor must be filled by an appointment committee comprised of the remaining supervisors and the town clerk.

(d) Any person appointed to fill the vacancy in the office of supervisor must, upon assuming the office, be an eligible voter, be 21 years of age, and have resided in the town for at least 30 days.

(e) When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

(f) When, for any reason, the town board or the appointment committee fails to fill a vacancy in the position of an elected town officer by appointment, a special election may be called. To call a special election, the supervisors and town clerk, or any two of them together with at least 12 other town freeholders, must file a statement in the town clerk's office. The statement must tell why the election is called and that the interests of the town require the election. When the town board or the appointment committee fails to fill a vacancy by appointment, a special town election may also be called on petition of 20 percent of the electors of the town. The percentage is of the number of voters at the last general election. A special town election must be conducted in the manner required for the annual town election.

(g) Law enforcement vacancies must be filled by appointment by the town board.

Presented to the governor May 15, 2003

Signed by the governor May 19, 2003, 11:35 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.