

**VACANCIES.** Subdivision 1. **OFFICERS, TERMS.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, and except as otherwise provided in this section, there shall also be elected at each annual town meeting one town clerk, one treasurer, two justices of the peace, and two constables; ~~except as otherwise provided in this section~~. Each of these officers shall hold office for a term of two years and until their successors are elected and qualified.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 367.31, Subdivision 1, is amended to read:

**367.31 ADOPTION OF SPECIFIC OPTION.** Subdivision 1. **SUBMISSION TO ELECTORS.** Except as provided otherwise in subdivision 2, the town board may, and upon a petition signed by electors equal in number to at least 15 percent of the electors voting at the last previous town election shall, submit to the electors at an annual town meeting the question of adopting option A, B, C, or D. ~~Only one plan shall be submitted at any one annual meeting.~~

Sec. 3. This act is effective the day following its final enactment.

Approved March 8, 1976.

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## CHAPTER 42—H.F.No.749

[Coded in Part]

*An act relating to controlled substances; providing medical and educational intervention, evaluation, and treatment of persons in possession of small amounts of marijuana; providing penalties for possession of small amounts of marijuana; and prohibiting municipalities from enacting ordinances imposing greater civil or criminal penalties than provided by state law for the possession, sale or distribution of small amounts of marijuana; amending Minnesota Statutes 1974, Section 152.15, Subdivision 2, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1974, Section 152.15, Subdivision 2,

Changes or additions indicated by underline deletions by ~~strikeout~~

is amended to read:

**Subd. 2. CONTROLLED SUBSTANCES; MARIJUANA; POSSESSION OF SMALL AMOUNTS.** Any person who violates section 152.09, subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than five years or fined not more than \$5,000, or both;

(2) Any other controlled substance classified in Schedule I, II, or III, except small amounts of marijuana, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$3,000, or both;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$3,000, or both;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V or a small amount of marijuana, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$100 and participation in a drug education program unless the court enters a written finding that such a program is inappropriate, said program being approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority. A subsequent violation of this clause within one year-two years is a misdemeanor, and a person so convicted may-shall be required to participate in a medical-chemical dependency evaluation and treatment if so indicated by the evaluation. Upon a first conviction under this section the courts shall forward a report of said conviction to the department of public safety which shall make and maintain a private, nonpublic, record for a period not to exceed two years from the date of conviction. The private, nonpublic record shall be solely for use by the courts in determining the penalties which attach upon conviction under this section.

Additionally a person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or an-

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other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(6) In any case in which a defendant is convicted of a petty misdemeanor under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.

(7) Compliance with the terms of any sentence imposed for violation of clause (5) before conviction under clause (6) shall be an absolute defense.

Sec. 2. Minnesota Statutes 1974, Section 152.15, is amended by adding a subdivision to read:

Subd. 2a. No municipality may enact, prosecute under or otherwise enforce any ordinance or regulation applicable by its terms to the manufacture, sale, giving away, barter, delivery, exchange, distribution or possession of marijuana, which ordinance or regulation provides for the imposition of civil or criminal penalties or liabilities greater than those provided by state law for the same act, occurrence or event.

Sec. 3. [152.151] The state alcohol and drug authority shall build into the drug education program required by section 152.15, subdivision 2, proper evaluation and report directly each legislative session to the legislative standing committees having jurisdiction over the subject matter.

Sec. 4. EFFECTIVE DATE. This act is effective one month following its final enactment.

Approved March 11, 1976.

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**CHAPTER 43—H.F.No.945**

**[Coded in Part]**

*An act relating to employment services; unemployment compensation; excluding and exempting family farm corporation officers from certain provisions; amending Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 12, and by adding a subdivision.*

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

Section 1. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 12, is amended to read:

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