

Sec. 2. [211.41] Subd. 2. **EXCEPTIONS.** The provisions of section 1 shall not be construed to prohibit:

(a) Denial of admittance into a particular apartment, room, mobile home or personal residential unit by a person or persons residing in that particular apartment, room, mobile home or unit.

(b) Requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(c) In the case of nursing homes, denial of permission to visit certain persons where valid reasons of health exist therefor;

(d) Limiting visits by candidates or workers accompanied by the candidate to reasonable number of persons, reasonable hours or requiring prior appointments;

(e) Denial of admittance to or expulsion from a multiple unit dwelling for good cause.

Sec. 3. [211.41] Subd. 3. **INJUNCTION.** Any candidate who is denied access personally or with workers he accompanies to any multiple unit dwelling in violation of section 1 shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against all persons involved in any violation of section 1, to prevent and restrain violations thereof without alleging or proving actual damages or that an adequate remedy at law does not exist, so that injunctive relief can be obtained promptly without awaiting injury or actual damage. Such injunctive relief shall not abridge or be in lieu of any other remedy or penalty provided by law, provided the court shall specifically exclude from the injunction any resident of the multiple unit facilities specified in section 1 who shall have indicated orally or in writing to the candidate, his representative or the court that he does not want to be contacted by said candidate.

Sec. 4. [211.41] Subd. 4. **VIOLATIONS NOT A CRIME.** A violation of the provisions of this act is not a crime.

Approved April 12, 1973.

CHAPTER 94—H.F.No.418

An act relating to the department of corrections; amending Minnesota Statutes 1971, Sections 241.01, Subdivisions 2 and 3; 241.03, Subdivision 1; 242.03; 243.02; and 243.04.

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

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. **DEPARTMENT OF CORRECTIONS; OFFICERS AND EMPLOYEES; DIVISIONS.** ~~The commissioner of corrections shall establish a division of youth conservation under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state~~ may appoint and employ no more than four deputy commissioners who shall serve at the pleasure of the commissioner in the unclassified service of the state civil service. Each deputy may perform and exercise every duty, power and responsibility imposed by law upon the commissioner when authorized to so do by the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state. ~~The commissioner of corrections shall also establish a division of adult corrections which shall include probation, parole, and institutions, under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.~~

Sec. 2. Minnesota Statutes 1971, Section 241.01, Subdivision 3, is amended to read:

Subd. 3. **OFFICERS, EMPLOYEES AND AGENTS.** Subject to the provisions of this chapter, and to other applicable laws, the commissioner of corrections is authorized to organize the department and to employ such officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe.

The commissioner shall also appoint a chief executive officer for each institution under his exclusive control and may, under the provisions of section 43.24, remove him for cause. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the commissioner. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a

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chief executive officer. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state correctional institution and those conferred by this chapter upon the commissioner of corrections, it shall be conclusively presumed that the power belongs to the latter. The commissioner may require that a chief executive officer reside upon the institution grounds.

~~The chief executive officers of the state training school for boys, the Minnesota home school, and the reception and diagnostic center shall be in the classified service of the state, and the salaries of such chief executive officers shall be in the same personnel classification and salary range.~~

When not prohibited by law, and when special circumstances warrant, the commissioner of corrections may direct that personnel, agents and facilities, of one division shall be utilized in carrying out the duties of the other division. The commissioner may assign correctional officers to transport inmates among the several state correctional institutions, apprehend escapees from such institutions, and to assist corrections agents in the apprehension of parole and probation violators. Such correctional officers may, upon the written order of the youth conservation commission or the adult corrections commission, retake and place in actual custody persons who have violated the terms and conditions of their parole or probation. He may obtain institutional consultant services from the commissioner of public welfare by agreement with the said commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 3. Minnesota Statutes 1971, Section 241.03, Subdivision 1, is amended to read:

241.03 ADULT CORRECTIONS COMMISSION. Subdivision 1. **BOARD OF PAROLE AND PROBATION, SUBSTITUTION.** The name of the board of parole and probation is hereby changed to the adult corrections commission. ~~The duties of chairman of the adult corrections commission are hereby imposed upon the deputy commissioner of corrections controlling and supervising the division of adult corrections in the department of corrections. When special circumstances warrant The deputy commissioner of corrections may~~ shall, with the approval of the commissioner, designate one other appoint an officer of the division of adult corrections department to serve as chairman, and delegate to such officer his powers and duties as chairman of the adult corrections commission. Subject to the other provisions of Laws 1959, Chapter 263, and to other applicable law, the adult corrections commission shall continue to exercise all powers and duties vested in or imposed upon the state board of parole and probation as heretofore constituted but in the department of corrections.

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Sec. 4. Minnesota Statutes 1971, Section 242.03, is amended to read:

242.03 MEMBERS; QUORUM; CHAIRMAN AND DIRECTOR, DUTIES; COMPENSATION. ~~The commission shall consist of six persons, including a deputy commissioner of corrections in control of and supervising the division of youth conservation chairman and director who shall be appointed by the commissioner of corrections from among the several officers of the department of corrections, and five others, at least one of whom shall be a woman, appointed by the governor, with the consent of the senate. Four members shall constitute a quorum, except as otherwise provided in section 242.10. The deputy commissioner of corrections shall be the chairman and director of the commission. The chairman and director, may, with the approval of the commissioner of corrections, designate an officer of the department of corrections as deputy chairman to represent him as a voting member at meetings of the commission held for the purpose of section 242.10, and to perform ministerial duties as may be assigned by the chairman and director pursuant to section 242.10, subdivision 2. The chairman and director as deputy commissioner of corrections in control of and supervising the division of youth conservation shall be responsible for the administration and enforcement of sections 242.01 to 242.54 with the policy matters and decisions pertaining to the care, treatment, and disposition of persons committed to it determined by the commission. The deputy commissioner of corrections chairman and director shall serve without additional compensation. All other members shall serve on a per diem basis.~~

Sec. 5. Minnesota Statutes 1971, Section 243.02, is amended to read:

243.02 ADULT CORRECTIONS COMMISSION; CHAIRMAN. A commission having power to parole and discharge prisoners confined in the state prison, the state reformatory for men, and the Minnesota correctional institution for women or any other adult correctional facility as may be established is hereby created, to be known and designated as the adult corrections commission. This commission shall be composed of a chairman, who is ~~the deputy commissioner of corrections controlling and supervising the division of adult corrections in~~ shall be appointed by the commissioner of corrections from among the several officers of the department of corrections, and four other members, who shall be appointed by the governor, with the advice and consent of the senate, and who, except as hereinafter provided, shall hold office for a term of six years from the first Monday in January next after such appointments are made and until their successors be appointed and have qualified. Except as provided in section 243.05, the commission may sit in units of three, as designated by the chairman, and three

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members shall constitute a quorum. No more than two members appointed by the governor to the commission shall belong to the same political party. In the case of a vacancy it shall be filled for the unexpired term in which the vacancy occurs as herein provided for original appointments. The commission shall keep a record of all its proceedings.

Sec. 6. Minnesota Statutes 1971, Section 243.04, is amended to read:

243.04 COMMISSION; COMPENSATION, EXPENSES, ESTIMATES OF EXPENSES. Each of the members of the commission other than the chairman shall receive as compensation the sum of \$35 per day for each day actually spent in the discharge of his official duties but for not to exceed 15 working days in any calendar month. The chairman of the commission shall receive as compensation his salary as ~~deputy commissioner of corrections~~ an officer of the department of corrections. In addition to the compensation so provided, each of the members of the commission shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties. This compensation and these expenses shall be paid out of the revenue fund in the same manner as the salaries and expenses of other state officers are paid. All of the other expenses of the adult corrections commission shall be audited and allowed by the commissioner of corrections and paid out of the funds appropriated for the maintenance of the department in such proportions as the commissioner of corrections shall determine. The adult corrections commission shall furnish such estimates of anticipated expenses and requirements as the commissioner of corrections may, from time to time, require.

Approved April 12, 1973.

CHAPTER 95—H.F.No.507.

An act relating to drivers' licenses; instruction permits valid for one year in certain cases; amending Minnesota Statutes 1971, Section 171.05, Subdivision 1.

Be it enacted by the Legislature of the State of Minnesota:

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