

land must be in a form approved by the attorney general, reserve all minerals and mineral rights to the state of Minnesota, and contain a reverter and such other reservations, covenants, easements, restrictions, terms, and conditions required by the board of trustees of Minnesota state colleges and universities.

(b) The land that may be conveyed is described as follows: That part of the Southeast Quarter of Section 9, Township 139 North, Range 48 West, described as follows:

Beginning at a point on the North-South quarter line of said Section 9, said point being located 356.47 feet South of the center of said Section 9; thence South along said North-South quarter line in said Section 9 a distance of 1152.05 feet; thence North 89 degrees, 36 minutes, 30 seconds East on a line which parallels an existing fence line and is 10 feet North of said existing fence line a distance of 1050.78 feet; thence North 36 degrees, 44 minutes, 30 seconds West along the South right-of-way of trunk Highway No. 52 a distance of 1428.62 feet; thence North 89 degrees, 59 minutes West a distance of 196.04 feet to the point of beginning.

(c) The description may be revised in accordance with a survey of the land prepared by a licensed land surveyor if necessary to correct any deficiencies in the description. Any such revised description must be approved by the attorney general.

Presented to the governor April 14, 1997

Signed by the governor April 16, 1997, 10:10 a.m.

CHAPTER 33—S.F.No. 305

An act relating to civil actions; modifying and clarifying provisions governing lawsuits by prisoners inmates; amending Minnesota Statutes 1996, sections 244.035; and 563.02, subdivision 3.

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

Section 1. Minnesota Statutes 1996, section 244.035, is amended to read:

244.035 SANCTIONS RELATED TO LITIGATION.

The commissioner shall develop disciplinary sanctions to provide infraction penalties for an inmate who submits a frivolous or malicious claim as determined under section 563.02, subdivision 3, or who is determined by the court to have testified falsely or to have submitted false evidence to a court. Infraction penalties may include loss of privileges, punitive segregation, loss of good time, or adding discipline confinement time. The determination of the commissioner regarding disciplinary sanctions under this section is limited to the nature and extent of the infraction penalty to be imposed. The commissioner is bound by the finding of the court that the inmate submitted a frivolous or malicious claim, testified falsely, or submitted false evidence.

Sec. 2. Minnesota Statutes 1996, section 563.02, subdivision 3, is amended to read:

Subd. 3. **DISMISSAL OF ACTION.** (a) The court may, as provided by this subdivision, dismiss, in whole or in part, an action in which an affidavit has been filed under

New language is indicated by underline, deletions by strikeout.

section 563.01 by an inmate seeking to proceed as a plaintiff. The action shall be dismissed without prejudice on a finding that the allegation of financial inability to pay fees, costs, and security for costs is false. The action shall be dismissed with prejudice if it is frivolous or malicious. The court shall provide a copy of its order dismissing an action or claim under this section to the commissioner of corrections.

(b) In determining whether an action is frivolous or malicious, the court may consider whether:

(1) the claim has no arguable basis in law or fact; or

(2) the claim is substantially similar to a previous claim that was brought against the same party, arises from the same operative facts, and in which there was an action that operated as an adjudication on the merits.

(c) An order dismissing the action or specific claims asserted in the action may be entered before or after service of process, and with or without holding a hearing.

(d) If the court dismisses a specific claim in the action, it shall designate any issue and defendant on which the action is to proceed without the payment of fees and costs. An order under this subdivision is not subject to interlocutory appeal.

(e) To determine whether the allegation of financial inability to pay fees, costs, and security for costs is false or whether the claim is frivolous or malicious, the court may:

(1) request the commissioner of corrections to file a report under oath responding to the issues described in paragraph (b), clause (1) or (2);

(2) order the commissioner of corrections to furnish information on the balance in the inmate's inmate account, if authorized by the inmate under subdivision 2; or

(3) hold a hearing at the correctional facility where the inmate is confined on the issue of whether the allegation of financial inability to pay is false, or whether the claim is frivolous or malicious.

Presented to the governor April 14, 1997

Signed by the governor April 16, 1997, 10:12 a.m.

CHAPTER 34—H.F.No. 2132

An act relating to taxation; providing an extension of time to file and pay certain state taxes for residents in a flood disaster area.

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

Section 1. RESIDENTS OF FLOOD DISASTER AREA; EXTENSIONS OF TIME RELATING TO TAXES.

Subdivision 1. INCOME TAX EXTENSION. The limitations of time provided by Minnesota Statutes, chapters 289 and 290 relating to income taxes, and Minnesota Stat-

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