

A bill for an act
relating to courts; authorizing the court to seek partial payment or reimbursement
of costs from a party proceeding in forma pauperis; amending Minnesota Statutes
2010, section 563.01, subdivision 3.

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

Section 1. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota
or any political subdivision thereof may authorize the commencement or defense of any
civil action, or appeal therein, without prepayment of fees, costs and security for costs by
a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,
(b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to
pay the fees, costs and security for costs.

(b) Upon a finding by the court that the action is not of a frivolous nature, the court
shall allow the person to proceed in forma pauperis if the affidavit is substantially in the
language required by this subdivision and is not found by the court to be untrue. Persons
meeting the requirements of this subdivision include, but are not limited to, a person who
is receiving public assistance, who is represented by an attorney on behalf of a civil legal
services program or a volunteer attorney program based on indigency, or who has an
annual income not greater than 125 percent of the poverty line established under United
States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

(c) If, at or following commencement of the action, the party is or becomes able
to pay a portion of the fees, costs, and security for costs, the court may order any of
the following:

(1) payment of a fee of not less than \$75;

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2.1 (2) partial payment of fees, costs, and security for costs; or

2.2 (3) reimbursement of all or a portion of fees, costs, and security for costs paid in
2.3 monthly payments as directed by the court.

2.4 The court administrator shall transmit any fees or payments to the commissioner of
2.5 management and budget for deposit in the state treasury and credit them to the general
2.6 fund.

2.7 **EFFECTIVE DATE.** This section is effective July 1, 2011.