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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: January 18, 2018
Subject: Bill Brief for SB 199

SB 199 amends bond requirements for appeals under the code of civil procedure.

Currently, K.S.A. 60-2103(d) requires that an appellant seeking a stay of enforcement of a judgment during the period of appeal pays a supersedeas bond set at the full amount of the judgment, with certain exceptions. The bill would add two new exceptions in subsection (d)(2)(C): (1) The bond of any individual appellant and its successors or corporate affiliates, individually or collectively, shall not exceed \$25,000,000, regardless of the full amount of the judgment; and (2) the bond of any small business shall not exceed \$1,000,000 or the amount of the judgment, whichever is less. Small business is defined in the bill as an independently owned and operated business or nonprofit organization with not more than 50 full-time employees and not more than \$50,000,000 in annual revenue. Subsection (j) provides that the two new exceptions would apply to any proceeding that is filed on or after the effective date of the act, or was filed prior to the effective date and is pending or on appeal on or after the effective date (publication in the Kansas Register).