

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 21, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-098 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, line 3, strike "18-___," and substitute
2 "18-098,".

3 Page 2, lines 6 and 7, strike "13-21-101, **amend** (1) as follows:" and
4 substitute "**amend** 13-21-101 as follows:".

5 Page 3, strike lines 6 through 8 and substitute "forth in subsections (3)
6 and (4) of this section from the date ~~the action accrued and shall~~ OF
7 JUDGMENT THROUGH THE DATE OF SATISFYING THE JUDGMENT AND MUST
8 include compounding of interest annually. ~~from the date such suit was~~
9 ~~filed.~~

10 (2) (a) If a judgment for money in an action brought to recover
11 damages for personal injuries is appealed by a judgment debtor and the
12 judgment is affirmed, POSTJUDGMENT interest, as set out in subsections
13 (3) and (4) of this section, ~~shall be~~ IS payable from the date ~~the action~~
14 ~~accrued until satisfaction of the judgment~~ OF JUDGMENT THROUGH THE
15 DATE OF SATISFYING THE JUDGMENT.

16 (b) If a judgment for money in an action to recover damages for
17 personal injuries is appealed by a judgment debtor and the judgment is
18 modified or reversed with a direction that a judgment for money be
19 entered in the trial court, POSTJUDGMENT interest, as set out in subsections
20 (3) and (4) of this section, ~~shall be~~ IS payable from the date ~~the action~~
21 ~~accrued until the judgment is satisfied~~ OF JUDGMENT THROUGH THE DATE

1 OF SATISFYING THE JUDGMENT. This POSTJUDGMENT interest ~~shall be~~ IS
2 payable on the amount of the final judgment.

3 (3) The rate of POSTJUDGMENT interest ~~shall~~ MUST be certified on
4 each January 1 by the secretary of state to be two percentage points above
5 the discount rate, which discount rate ~~shall~~ MUST be the rate of interest a
6 commercial bank pays to the federal reserve bank of Kansas City using
7 a government bond or other eligible paper as security, and ~~shall be~~
8 rounded to the nearest full percent. Such annual rate of interest ~~shall be~~
9 ~~so~~ MUST BE established as of December 31, 1982, to become effective
10 January 1, 1983. Thereafter, as of December 31 of each year, the annual
11 rate of interest ~~shall~~ MUST be established in the same manner, ~~to become~~
12 effective on January 1 of the following year.

13 (4) The rate at which POSTJUDGMENT interest ~~shall accrue~~
14 ACCRUES during each year ~~shall be~~ IS the rate which the secretary of state
15 has certified as the annual interest rate ~~under~~ PURSUANT TO subsection (3)
16 of this section."

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