

## HOUSE BILL No. 2424

By Representative DiVita

2-7

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AN ACT concerning legislators; relating to the privileges of members in court proceedings; amending K.S.A. 46-126, 46-127, 46-127a and 46-128 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 46-126 is hereby amended to read as follows: 46-126. ~~That~~ Any member of the legislature who may have a case, *cause of action, motion, application or other proceeding* pending in any court in this state, may have the same continued until the legislature shall adjourn sine die in the manner hereafter provided for.

Sec. 2. K.S.A. 46-127 is hereby amended to read as follows: 46-127. ~~That~~ All judges of the courts of this state shall take judicial notice of the personnel of the legislature, and it shall be the duty of ~~said~~ *such* judge to continue the trial of any ~~cause~~ *action, hearing of any motion, application or other proceeding* in which any member of the legislature appears as attorney of record or party, so that ~~said cause~~ *such action* shall not be tried and no motion, application or other proceedings shall be taken or heard or judgment rendered therein during a period beginning ~~fifteen~~ 15 days before the legislature convenes and until the expiration of ~~ten~~ 10 days after the legislature shall have adjourned sine die, unless such privilege is waived in open court or in writing by such member.

Sec. 3. K.S.A. 46-127a is hereby amended to read as follows: 46-127a. Any judgment obtained in any ~~cause~~ *action* tried contrary to the provisions of this act, and every order made by any court contrary to the provisions of this act, shall be null and void.

Sec. 4. K.S.A. 46-128 is hereby amended to read as follows: 46-128. Any deposition taken during the time mentioned and referred to in K.S.A. 46-125, *and amendments thereto*, without leave of court shall not be read in evidence on behalf of the party taking the same without the consent of any such attorney. ~~Provided, That.~~ The judge shall have full discretionary power to prevent any abuse of the ~~privileges~~ *privilege* herein granted.

Sec. 5. K.S.A. 46-126, 46-127, 46-127a and 46-128 are hereby repealed.

1     Sec. 6. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
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