

---

---

**HOUSE BILL No. 2935**

By Representatives DiVita, Huff, Merrick, Patterson  
T. Powell and D. Williams

2-13

---

10 AN ACT relating to the legislature; increasing the number of legislative  
11 privilege days after adjournment; concerning court proceedings;  
12 amending K.S.A. 46-125, 46-126, 46-127 and 46-128 and repealing the  
13 existing sections.  
14

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

16 Section 1. K.S.A. 46-125 is hereby amended to read as follows: 46-  
17 125. That from and after the ~~fifteenth~~ *15th* day preceding the day on  
18 which any regular or special session of the legislature of this state shall  
19 convene, and until the ~~ten~~ *15th* day after adjournment is taken sine die,  
20 members of the legislature of this state shall not be required to appear  
21 in any court in this state and participate in the trial of any action therein  
22 pending, or the hearing of any motion, application or other proceeding  
23 in which such member is employed as attorney or interested as a party;  
24 and no such member shall be required to attend the taking of any dep-  
25 ositions in any action pending in any court in this state in which he is  
26 employed during the whole of said period of time, except in cases where  
27 the court shall, in its discretion, make an order authorizing the taking of  
28 such deposition.

29 Sec. 2. K.S.A. 46-126 is hereby amended to read as follows: 46-126.  
30 That any member of the legislature who may have a ~~case~~ *cause of action*  
31 pending in any court in this state, may have the same continued until the  
32 legislature shall adjourn sine die in the manner hereafter provided for.

33 Sec. 3. K.S.A. 46-127 is hereby amended to read as follows: 46-127.  
34 That all judges of the courts of this state shall take judicial notice of the  
35 personnel of the legislature, and it shall be the duty of said judge to  
36 continue the trial of any cause in which any member of the legislature  
37 appears as attorney of record or party, so that said cause shall not be tried  
38 and no motion, application or other proceedings shall be taken or heard  
39 or judgment rendered therein during a period beginning ~~fifteen~~ *15* days  
40 before the legislature convenes and until the expiration of ~~ten~~ *15* days  
41 after the legislature shall have adjourned sine die, unless such privilege  
42 is waived in open court or in writing by such member.

43 Sec. 4. K.S.A. 46-128 is hereby amended to read as follows: 46-128.

1 Any deposition taken during the time mentioned and referred to in K.S.A.  
2 46-125, *and amendments thereto*, without leave of court shall not be read  
3 in evidence on behalf of the party taking the same without the consent  
4 of any such attorney. ~~Provided~~, *except* that the judge shall have full dis-  
5 cretionary power to prevent any abuse of the ~~privileges~~ *privilege* herein  
6 granted.

7 Sec. 5. K.S.A. 46-125, 46-126, 46-127 and 46-128 are hereby  
8 repealed.

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43