## SENATE BILL NO. 349

## INTRODUCED BY CHRISTIAENS, WILSON, REA

	IN THE SENATE
FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 22, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 23, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 24, 1993	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
MARCH 11, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 12, 1993	THIRD READING, CONCURRED IN. AYES, 90; NOES, 6.
MARCH 13, 1993	RETURNED TO SENATE.
	IN THE SENATE
MARCH 5, 1993	RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senata BILL NO. 349

2 INTRODUCED BY Amstrace Wilson Rea

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TENANT'S RIGHT TO APPEAR AND MOVE TO DISMISS A LANDLORD'S COMPLAINT; AND ESTABLISHING A 10-DAY PERIOD WITHIN WHICH A TENANT IS REQUIRED TO ANSWER A LANDLORD'S COMPLAINT AND SUMMONS IN A LANDLORD'S ACTION FOR UNLAWFUL DETAINER."

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

Section 1. Section 70-24-427, MCA, is amended to read:

"70-24-427. Landlord's remedies after termination. If the rental agreement is terminated, the landlord has a claim for possession as prescribed in 70-27-108 and for rent and a separate claim for actual damages for any breach of the rental agreement."

NEW SECTION. Section 2. Tenant's appearance and answer. On or before the day fixed for appearance in an unlawful detainer action, the tenant may appear and answer or move to dismiss the landlord's complaint for failure to state a claim. In any case, a tenant shall answer the complaint and summons within 10 days.

NEW SECTION. Section 3. Codification instruction.

[Section 2] is intended to be codified as an integral part

of Title 70, chapter 24, part 4, and the provisions of Title

Montana Legislative Council

1 70, chapter 24, part 4, apply to [section 2].
-End-

S\$349
-2- INTRODUCED BILL

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APPROVED BY COMMITTEE ON JUDICIARY

1	SENATE BILL NO. 349
2	INTRODUCED BY CHRISTIAENS, WILSON, REA
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING-A-TENANT'S
5	RIGHT-TO-APPEAR-AND-MOVE-TO-DISMISS-A-BANDBORD'SCOMPBAINT;
6	AND ESTABLISHING A 10-DAY PERIOD WITHIN WHICH A TENANT IS
7	REQUIRED TO ANSWER A LANDLORD'S COMPLAINT AND SUMMONS IN A
8	LANDLORD'S ACTION FOR UNLAWFUL DETAINER; AND AMENDING
9	SECTION 70-27-115, MCA."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section-1Section-70-24-427y-MCAy-is-amended-to-read:
13	470-24-427bandiord's-remedies-afterterminationif
14	the-rental-agreement-is-terminated; -the-landlord-has-a-claim
15	for-possession as-prescribed-in-70-27-108 and-for-rent-and-a
16	separateclaimforactualdamagesfor-any-breach-of-the
17	rental-agreement."
18	NEW-SECTION: Section 2. Tenant's appearance and
19	answer:Onorbeforetheday-fixed-for-appearance-in-an
20	unlawful-detainer-action;-the-tenant-may-appearandanswer
21	ormoveto-dismiss-the-landlord's-complaint-for-failure-to
22	state-a-claim:-Inanycase;atenantshallanswerthe
23	complaint-and-summons-within-10-days-
24	NEW-SECTION: Section-3 Codificationinstruction

{Section--2}--is-intended-to-be-codified-as-an-integral-part

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of-Title-707-chapter-247-part-47-and-the-provisions-of-Title

707-chapter-247-part-47-apply-to-fsection-2}.

SECTION 1. SECTION 70-27-115, MCA, IS AMENDED TO READ:

"70-27-115. Defendant's appearance and answer. On or before the day fixed for his the defendant's appearance, the defendant may appear and answer or move to dismiss the complaint for failure to state a claim. In any case, the defendant shall answer the complaint and summons within 10 days."
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Τ.	SERVICE BILL INC. 243
2	INTRODUCED BY CHRISTIAENS, WILSON, REA
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING-A-TENANT'S
5	RIGHT-TO-APPBAR-AND-MOVE-TO-DISMISS-A-LANDLORD'SCOMPLAINT;
6	AND ESTABLISHING A 10-DAY PERIOD WITHIN WHICH A TENANT IS
7	REQUIRED TO ANSWER A LANDLORD'S COMPLAINT AND SUMMONS IN A
8	LANDLORD'S ACTION FOR UNLAWFUL DETAINER; AND AMENDING
9	SECTION 70-27-115, MCA."
0	
1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
2	Section-1:section-70-24-4277-MCA7-is-amended-to-read:
3	#78-24-427bandlord-s-remedies-afterterminationIf
4	the-rental-agreement-is-terminated;-the-landlord-has-a-claim
5	for-possession as-prescribed-in-70-27-100 and-for-rent-and-a
6	separateelaimforactualdamagesfor-any-breach-of-the
7	rental-agreement.
8	NEW-SECTION: Section 2: Tenant'sappearanceand-
9	answerOnorbeforetheday-fixed-for-appearance-in-an
0	unlawful-detainer-action;-the-tenant-may-appearandanswer
1	ormoveto-dismiss-the-landlord's-complaint-for-failure-to
2	state-a-claim:-Inanycase:a-tenantshallanswerthe
23	complaint-and-summons-within-10-days:
4	NEW-SECTION: Section 3 Codification instruction:
3 E	[Gastian_3]_in_in_tandad_to_be_sadified_as_as_integrat-mout

CENAMO DILI NO 240

of-Title-707-chapter-247-part-47-and-the-provisions-of-Title
707-chapter-247-part-47-apply-to-{section-2};

SECTION 1. SECTION 70-27-115, MCA, IS AMENDED TO READ:

"70-27-115. Defendant's appearance and answer. On or
before the day fixed for his the defendant's appearance, the
defendant may appear and answer or move to dismiss the
complaint for failure to state a claim. In any case, the
defendant shall answer the complaint and summons within 10

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days."

1	SERATE BILL NU. 349
2	INTRODUCED BY CHRISTIAENS, WILSON, REA
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING-A-TENANT'S
5	richt-to-appear-and-move-to-dismiss-a-landlord-scomplaint;
6	AND ESTABLISHING A 10-DAY PERIOD WITHIN WHICH A TENANT IS
7	REQUIRED TO ANSWER A LANDLORD'S COMPLAINT AND SUMMONS IN A
8	LANDLORD'S ACTION FOR UNLAWFUL DETAINER; AND AMENDING
9	SECTION 70-27-115, MCA."
0	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section-1Bection-78-24-427y-MCAy-is-amended-to-read:
13	#70-24-427:bandlord's-remedies-aftertermination:If
L <b>4</b>	the-rental-agreement-is-terminatedy-the-landlord-has-a-claim
<b>L</b> 5	for-possession as-prescribed-in-78-27-188 and-for-rent-and-a
16	separateclaimforactualdamagesfor-any-breach-of-the
17	rental-agreement:
18	NEW-SECTION: Section 2 Tenant's appearance and
19	answerOnorbeforetheday-fixed-for-appearance-in-an
20	unlawful-detainer-actiony-the-tenant-may-appearandanswer
21	ormoveto-dismiss-the-landlord's-complaint-for-failure-to
22	state-a-claim:-Inanycase;atenantshallanswerthe
23	complaint-and-summons-within-10-days:
24	NBW-SBETION: Section-3 Codificationinstruction
25	ffeeties 21 is intended to be endified as an internal south

	of-Title-78y-chapter-24y-part-4y-and-the-provisions-of-Title
<u>:</u>	70y-chapter-24y-part-4y-apply-to-{section-2};
ì	SECTION 1. SECTION 70-27-115, MCA, IS AMENDED TO READ:
l	"70-27-115. Defendant's appearance and answer. On or
<b>j</b>	before the day fixed for his the defendant's appearance, the
5	defendant may appear and answer or move to dismiss the
,	complaint for failure to state a claim. In any case, the
3	defendant shall answer the complaint and summons within 10
	days 9

-End-

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