

SENATE BILL NO. 349

INTRODUCED BY CHRISTIAENS, WILSON, REA

IN THE SENATE

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| 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

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| 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

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| MARCH 5, 1993 | RECEIVED FROM HOUSE. |
| | SENT TO ENROLLING. |
| | REPORTED CORRECTLY ENROLLED. |

1 *Senate* BILL NO. *349*
2 INTRODUCED BY *Christiane 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 LANDLORD'S COMPLAINT;
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."
9

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

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

12 "70-24-427. Landlord's remedies after termination. If
13 the rental agreement is terminated, the landlord has a claim
14 for possession as prescribed in 70-27-108 and for rent and a
15 separate claim for actual damages for any breach of the
16 rental agreement."

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

23 NEW SECTION. **Section 3.** Codification instruction.
24 [Section 2] is intended to be codified as an integral part
25 of Title 70, chapter 24, part 4, and the provisions of Title

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

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 349

INTRODUCED BY CHRISTIAENS, WILSON, REA

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; AND AMENDING
SECTION 70-27-115, MCA."

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
70, chapter 24, part 4, 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
days."

-End-

SENATE BILL NO. 349

INTRODUCED BY CHRISTIAENS, WILSON, REA

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; AND AMENDING
SECTION 70-27-115, MCA."

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

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 for possession as prescribed in 70-27-100 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.~~

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the rental agreement is terminated, the landlord has a claim
for possession as prescribed in 70-27-108 and for rent and a
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rental agreement."~~

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before the day fixed for his the defendant's appearance, the
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defendant shall answer the complaint and summons within 10
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-End-