

SENATE BILL NO. 362
INTRODUCED BY BIANCHI

IN THE SENATE

FEBRUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 12, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 15, 1993	THIRD READING, CONCURRED IN. AYES, 81; NOES, 17.
MARCH 16, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 18, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.
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ON MOTION, PREVIOUS ACTION
RECONSIDERED

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

MARCH 22, 1993

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 5, 1993

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 19, 1993

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 20, 1993

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1993

FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 362
2 INTRODUCED BY Rasmussen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 10-DAY
5 LIMIT WITHIN WHICH A COURT IS REQUIRED TO SET A HEARING DATE
6 IN A LANDLORD'S ACTION FOR POSSESSION; SETTING A 5-DAY LIMIT
7 WITHIN WHICH THE COURT IS REQUIRED TO RULE ON AN ACTION FOR
8 POSSESSION; AMENDING SECTION 70-24-427, MCA; AND PROVIDING
9 AN IMMEDIATE EFFECTIVE DATE."

10

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

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

13 "70-24-427. Landlord's remedies after termination --
14 action for possession. (1) If the rental agreement is
15 terminated, the landlord has a claim for possession and for
16 rent and a separate claim for actual damages for any breach
17 of the rental agreement.

18 (2) An action filed pursuant to subsection (1) in a
19 justice's court must be heard within 10 days after the
20 tenant's appearance or answer date stated in the summons. If
21 the action is appealed to the district court, the hearing
22 must be held within 10 days after the case is submitted to
23 the district court by the justice's court.

24 (3) The landlord and tenant may stipulate to a
25 continuance of the hearing beyond the time limit in

1 subsection (2) without the necessity of an undertaking.

2 (4) In a landlord's action for possession filed
3 pursuant to subsection (1), the justice's court or district
4 court shall rule on the action within 5 days after the
5 hearing."

6 **NEW SECTION. Section 2.** Effective date. [This act] is
7 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 362

INTRODUCED BY SENATE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 10-DAY LIMIT WITHIN WHICH A COURT IS REQUIRED TO SET A HEARING DATE IN A LANDLORD'S ACTION FOR POSSESSION; SETTING A 5-DAY LIMIT WITHIN WHICH THE COURT IS REQUIRED TO RULE ON AN ACTION FOR POSSESSION; AMENDING SECTION 70-24-427, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 -- action for possession. (1) If the rental agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual damages for any breach of the rental agreement.

(2) An action filed pursuant to subsection (1) in a justice's court must be heard within 10 days after the tenant's appearance or answer date stated in the summons. If the action is appealed to the district court, the hearing must be held within 10 days after the case is submitted to the district court by the justice's court.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in

subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the justice's court or district court shall rule on the action within 5 days after the hearing."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-End-

1 Senate BILL NO. 362
 2 INTRODUCED BY Reynolds
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 10-DAY
 5 LIMIT WITHIN WHICH A COURT IS REQUIRED TO SET A HEARING DATE
 6 IN A LANDLORD'S ACTION FOR POSSESSION; SETTING A 5-DAY LIMIT
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 14 action for possession. (1) If the rental agreement is
 15 terminated, the landlord has a claim for possession and for
 16 rent and a separate claim for actual damages for any breach
 17 of the rental agreement.

18 (2) An action filed pursuant to subsection (1) in a
 19 justice's court must be heard within 10 days after the
 20 tenant's appearance or answer date stated in the summons. If
 21 the action is appealed to the district court, the hearing
 22 must be held within 10 days after the case is submitted to
 23 the district court by the justice's court.

24 (3) The landlord and tenant may stipulate to a
 25 continuance of the hearing beyond the time limit in

1 subsection (2) without the necessity of an undertaking.

2 (4) In a landlord's action for possession filed
 3 pursuant to subsection (1), the justice's court or district
 4 court shall rule on the action within 5 days after the
 5 hearing."

6 NEW SECTION. Section 2. Effective date. [This act] is
 7 effective on passage and approval.

-End-



HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 362
Representative Brandewie

March 12, 1993 1:36 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 362 (third reading copy -- blue).

Signed: 
Representative Brandewie

And, that such amendments to Senate Bill 362 read as follows:

1. Title, lines 5 and 6.
Following: "TO" on line 5
Strike: the remainder of line 5 through "IN" on line 6
Insert: "HEAR"

-END-

ADOPT

HOUSE

SB 362

SENATE BILL NO. 362

INTRODUCED BY BIANCHI

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 10-DAY LIMIT WITHIN WHICH A COURT IS REQUIRED TO SET-A-HEARING-DATE IN HEAR A LANDLORD'S ACTION FOR POSSESSION; SETTING A 5-DAY LIMIT WITHIN WHICH THE COURT IS REQUIRED TO RULE ON AN ACTION FOR POSSESSION; AMENDING SECTION 70-24-427, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) An action filed pursuant to subsection (1) in a justice's court must be heard within 10 days after the tenant's appearance or answer date stated in the summons. If the action is appealed to the district court, the hearing must be held within 10 days after the case is submitted to the district court by the justice's court.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in

subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the justice's court or district court shall rule on the action within 5 days after the hearing."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-End-



Free Conference Committee
on Senate Bill No. 362
Report No. 1, April 15, 1993

April 15, 1993
Page 2 of 2

Page 1 of 2

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 362, met
and considered:

Senate Bill No. 362 in its entirety

We recommend that Senate Bill No. 362 (reference copy - salmon)
be amended as follows:

1. Title, line 4.
Strike: "10-DAY"
Insert: "20-DAY"

2. Page 1, line 19.
Strike: "justice's"
Strike: "10"
Insert: "20"

3. Page 1, line 22.
Strike: "10"
Insert: "20"
Strike: "submitted"
Insert: "transmitted"

4. Page 1, line 23.
Following: the first "court"
Strike: the remainder of line 23 through the second "court"

5. Page 2, line 3.
Following: "the"
Strike: the remainder of line 3

6. Page 2, line 6.
Following: line 5
Insert: "NEW SECTION. Section 2. Coordination instruction. The
code commissioner shall remove references to specific courts
of original jurisdiction in new material enacted to be
codified as part of Title 70, chapter 24 or 25."
Renumber: subsequent section

ADOPT


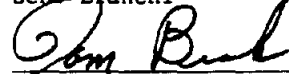
REJECT

831020CC.San

And that this Free Conference Committee report be adopted.


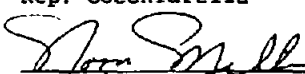
For the Senate:



Sen. Weldon, Chair


Sen. Bianchi

Sen. Beck

For the House:


Rep. Brandewie, Chair


Rep. Cocchiarella

Rep. Mills


Amd. Coord.
Sec. of Senate

SB 362
F.C.C.R. #1
831020CC.San

SENATE BILL NO. 362

INTRODUCED BY BIANCHI

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A ~~10-DAY~~
20-DAY LIMIT WITHIN WHICH A COURT IS REQUIRED TO SET-A
~~HEARING-DATE-IN~~ HEAR A LANDLORD'S ACTION FOR POSSESSION;
SETTING A 5-DAY LIMIT WITHIN WHICH THE COURT IS REQUIRED TO
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terminated, the landlord has a claim for possession and for
rent and a separate claim for actual damages for any breach
of the rental agreement.

(2) An action filed pursuant to subsection (1) in a
justice's court must be heard within 10 20 days after the
tenant's appearance or answer date stated in the summons. If
the action is appealed to the district court, the hearing
must be held within 10 20 days after the case is submitted
TRANSMITTED to the district court by-the-justice's-court.

(3) The landlord and tenant may stipulate to a
continuance of the hearing beyond the time limit in

subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed
pursuant to subsection (1), the ~~justice's-court-or--district~~
court shall rule on the action within 5 days after the
hearing."

NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. THE
CODE COMMISSIONER SHALL REMOVE REFERENCES TO SPECIFIC COURTS
OF ORIGINAL JURISDICTION IN NEW MATERIAL ENACTED TO BE
CODIFIED AS PART OF TITLE 70, CHAPTER 24 OR 25.

NEW SECTION. Section 3. Effective date. [This act] is
effective on passage and approval.

-End-

REFERENCE BILL: Includes Free
Conference Committee Report
Dated 4-15-93