

2A:17-17

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:17-17 (Tenants by entirety -- exempts from judgment)

LAWS 1981 CHAPTER 548

Bill No. A3547

Sponsor(s) Dalton

Date Introduced June 25, 1981

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate State Gov't., Federal & Interstate Relations & Veterans Affairs;

Amended during passage Judiciary Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 23, 1981

Senate Dec. 17, 1981

Date of approval January 12, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>XXX</del>	(Below)
Committee Statement: Assembly	Yes	<del>XXX</del>	
Senate	Yes	<del>XXX</del>	
Fiscal Note	<del>XXX</del>	No	
Veto Message	<del>XXX</del>	No	
Message on signing	Yes	<del>XXX</del>	

Following were printed:

Reports	<del>XXX</del>	No
Hearings	<del>XXX</del>	No

Sponsors' statement:

This bill would exempt from real estate liable to execution, that real estate held by a husband and wife as tenants by the entirety on which is erected a dwelling house in which they reside.

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## ASSEMBLY, No. 3547

## STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1981

By Assemblyman DALTON

Referred to Committee on Judiciary, Law, Public Safety  
and DefenseAN ACT exempting certain real estate from property subject to  
levy and amending N. J. S. 2A:17-17.1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. N. J. S. 2A:17-17 is amended to read as follows:

2 2A:17-17. All real estate shall be liable to be levied upon and  
3 sold by executions to be issued on judgments obtained in any court  
4 of record in this State, except county district courts, for the pay-  
5 ment and satisfaction of the debt, damages, sum of money and  
6 costs so recovered or to be recovered; but no real estate of any  
7 testator or intestate shall be sold or in anywise affected by any  
8 judgment or execution against executors or administrators\*\*.\*  
9 \***[**and no real estate held by a husband and wife as tenants by the  
10 *entirety on which is erected a dwelling house in which they reside,*  
11 *shall be liable to be levied upon and sold or in anywise affected*  
12 *by any judgment or execution against either tenant.]*\* \*No judg-  
13 *ment obtained for the payment and satisfaction of any employment*  
14 *wage tax, including penalties, \*\****[***nor any judgment of any court out*  
15 *of this State which had an underlying cause of action which would*  
16 *be subject to the jurisdiction of the county district courts in this*  
17 *State]*\*\* *shall be enforced pursuant to this section.\**

1 2. This act shall take effect immediately.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3547**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1981

This bill, as amended, would exempt real estate from being levied upon or sold by execution in order to enforce a judgment which was obtained for the payment and satisfaction of any employment wage tax, including penalties or which was ordered by a court out of this State in an action which would be subject to the jurisdiction of the county district courts in New Jersey. The bill would, therefore, specifically eliminate levy upon and sale of real estate as a result of nonpayment of any employment wage tax, as well as extended the exception of this section for judgments obtained in county district courts to judgments obtained out of State which, if heard in this State, would be within the jurisdiction of New Jersey county district courts. The underlying rationale of this two-fold amendment is that the collection of judgments in these type matters by execution against real property is inappropriate and unwarranted. In most cases, real estate represents the primary personal or family asset and, therefore, should be subject to execution only in matters of a more significant nature.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3547

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 1981

This bill would provide that no judgment for back wage taxes could be enforced through execution on real property. By amendment, the committee deleted language providing that no out-of-state judgment which resulted from an action which would be under the jurisdiction of the county district court if brought in New Jersey could be enforced through execution on real property.

A-3603, sponsored by Assemblyman Christopher Jackman (D-Hudson), amends the "Local Public Contracts Law" to permit a municipality to enter into a contract wherein energy conservation work and services would be performed for the municipality and would be paid for with a percentage of the savings in energy costs. The contract could run for a maximum of ten years.

A-3055, sponsored by Assemblyman Raymond Lesniak (D-Union), empowers the Department of Environmental Protection to designate dangerous pesticides and establish a fee schedule for the enforcement of the Pesticide Control Act.

A-3547, sponsored by Assemblyman Daniel Dalton (D-Camden), would shield real estate from levies or judgements for the payment of wage taxes and penalties. The intent of the bill is to block the City of Philadelphia from attaching or disposing of the property of New Jersey residents to satisfy judgements for unpaid Philadelphia city wage taxes. However, the legislation does not deny recognition of the wage tax judgements, simply one method of enforcement.

A-3378, sponsored by Assemblyman Martin Herman (D-Gloucester), appropriates \$350,000 from the Clean Waters Fund for a loan to Logan Township. The loan would be utilized for provision of potable water supplies to home where private wells have been contaminated by the discharge of hazardous substances.

A-3199, sponsored by Assemblyman Robert Hollenbeck (D-Bergen), establishes a "Drought Surcharge Fund", pursuant to Executive Order 104, financed from levies collected from excess water users and appropriates monies to the Drought Coordinator in the D.E.P. for water conservation educational and promotion programs, administrative costs to the D.E.P. and water purveyors. The bill also provides that customers and users who paid fines for excess water usage may apply for reimbursement in cases of hardship or improper levies.

A-3490, sponsored by Assemblyman Daniel Dalton (D-Camden), extends State sales tax exemptions available to the metals and glass recycling industry to the paper recycling industry.

NOTE: This list is not complete. Descriptions of signed legislation will be issued as soon as possible.