

44: 7-15

LEGISLATIVE HISTORY CHECKLIST

WJSA 44:7-15 (Welfare boards--certificates of reimbursement--limit liens to 20 years)

LAWS OF 1979 CHAPTER 415

Bill No. A758

Sponsor(s) Hurley and Chinnici

Date Introduced Feb. 6, 1978

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 20, 1978

Senate Jan. 3, 1980

Date of approval Feb. 8, 1980

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed.

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 758

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1978

By Assemblymen HURLEY and CHINNICI

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning old age and permanent disability assistance
liens and amending R. S. 44:7-15.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 44:7-15 is amended to read as follows:

2 44:7-15. At any time the county welfare ***[board]*** *agency* may
3 execute and file with the county clerk or register of deeds and mort-
4 gages, as the case may be, a certificate, in form to be prescribed by
5 the State division, showing the amount of assistance advanced to
6 said person, and when so filed each certificate shall be a legal claim
7 against both the recipient and his spouse with the same force and
8 effect *for 20 years* as a judgment of the ***[County Court, law di-**
9 **vision, of the county]*** *Superior Court**, with priority over all
10 unsecured claims except burial and funeral expenses not to exceed
10A \$255.00.

11 Where the above-mentioned certificates are filed with the county
12 clerk, subsequent proceedings for the collection and satisfaction
13 of the judgment, including issuance of execution, shall conform
14 to the practice prevailing in the ***[County]*** *Superior** Court.
15 In counties where the above-mentioned certificates are filed with
16 the register of deeds and mortgages, the register, upon request of
17 the county welfare ***[board]*** *agency**, shall execute and file with
18 the said county clerk certified copies of the certificates herein de-
19 scribed, which shall be filed in the judgment records of the
20 ***[County]*** *Superior** Court, and shall have the same force and
21 effect *for 20 years* as a judgment in that court ***[, law division,**
22 and may subsequently be docketed in the Superior Court of New
22A Jersey where lands are situate in several counties]*.

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

23 No levy shall be made upon the real estate while it is occupied
24 by the widow or widower, as the case may be. If the proceeds of
25 the sale of any personalty or real estate, under the terms of this
26 chapter, exceed the total amount paid as assistance under this
27 chapter, such excess shall be returned to said person, and in the
28 event of his death such excess shall be considered as the property
29 of the deceased for proper administration proceedings. All funds
30 reclaimed under these provisions shall be reimbursed to the county,
31 State and Federal Government, in the same proportion as it was
32 contributed.

33 The county welfare ***[board]*** *agency** shall be empowered to
34 accept voluntary conveyance of real or personal property in lieu of
35 issuance of execution. All real property acquired by execution sale
36 or voluntary conveyance may be disposed of at public sale, or by
37 sale on sealed bids in the discretion of the county welfare ***[board]***
38 *agency**; after public advertisement at least once a week for 2
39 weeks prior to the sale, in a newspaper published in the county;
40 provided, however, that the terms, conditions and consideration for
41 such sale shall be first approved by the State Division of ***[Old Age**
42 **Assistance, of the Department of Institutions and Agencies]***
43 *Public Welfare of the Department of Human Services**. The
44 county welfare ***[board]*** *agency** is hereby authorized and em-
45 powered to execute and deliver any and all documents necessary
46 to convey title to a purchaser of such real or personal property, in
47 exactly the same manner as any other corporate entity.

1 2. This act shall take effect immediately.

27 chapter, such excess shall be returned to said person, and in the
28 event of his death such excess shall be considered as the property
29 of the deceased for proper administration proceedings. All funds
30 reclaimed under these provisions shall be reimbursed to the county,
31 State and Federal Government, in the same proportion as it was
32 contributed.

33 The county welfare board shall be empowered to accept voluntary
34 conveyance of real or personal property in lieu of issuance of
35 execution. All real property acquired by execution sale or
36 voluntary conveyance may be disposed of at public sale, or by
37 sale on sealed bids in the discretion of the county welfare board;
38 after public advertisement at least once a week for 2 weeks prior
39 to the sale, in a newspaper published in the county; provided,
40 however, that the terms, conditions and consideration for such
41 sale shall be first approved by the State Division of Old Age
42 Assistance, of the Department of Institutions and Agencies. The
43 county welfare board is hereby authorized and empowered to
44 execute and deliver any and all documents necessary to convey
45 title to a purchaser of such real or personal property, in exactly
46 the same manner as any other corporate entity.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to limit the lien resulting from certificates of reimbursement for assistance filed by welfare boards with the county clerk or registrar of deeds and mortgages to 20 years.

A recent court decision (*Cumberland County Welfare Board v. Roberts*, 139 N. J. Super. 129, January 1976) held that welfare board liens are to be treated no better or worse than all other judgments and are, therefore, subject to the 20-year statute of limitations for bringing action on a judgment.

A. 758 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 758

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 1978

The purpose of this bill is to limit to 20 years the lien resulting from certificates of reimbursement for financial assistance filed by county welfare boards. The bill pertains to liens arising prior to January, 1974 for financial assistance granted under the Old Age Assistance, Permanent and Total Disability Assistance and Assistance for the Blind programs.

This bill follows a recent court decision (Cumberland County Welfare Board v. Roberts, 139 N. J. Super. 126, January 1976) which held that the welfare board's lien should be treated as other lien judgments and is subject to the 20-year statute of limitations for bringing action on a judgment.

The committee agreed with the purpose of this bill and released the bill without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 758
with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 1979

This bill limits to 20 years the lien resulting from certificates of reimbursement for financial assistance filed by welfare agencies. The bill pertains to liens arising prior to January, 1974 granted under the Old Age Assistance, Permanent and Disability Assistance, and Assistance for the Blind programs.

In 1976 the court held in Cumberland County Welfare Board v. Roberts (139 N. J. Super. 129, January 1976) that the welfare agency's lien should be treated as other lien judgments and is subject to the 20 year statute of limitations for bringing action on a judgment. This bill is in accord with the court decision.

The committee made several technical amendments to the bill to conform with recent changes in the State court system and in the Department of Human Services.