

SENATE, No. 3966

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 20, 2019

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Requires municipality to provide free beach access to certain veterans.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2019)

1 AN ACT concerning access to beaches by veterans and amending
2 P.L.1955, c.49.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1955, c.49 (C.40:61-22.20) is amended to
8 read as follows:

9 1. a. The governing body of any municipality bordering on the
10 Atlantic Ocean, tidal water bays or rivers which owns or shall
11 acquire, by any deed of dedication or otherwise, lands bordering on
12 the ocean, tidal water bays or rivers, or easement rights therein, for
13 a place of resort for public health and recreation and for other
14 public purposes shall have the exclusive control, government and
15 care thereof and of any boardwalk, bathing and recreational
16 facilities, safeguards and equipment, now or hereafter constructed
17 or provided thereon, and may, by ordinance, make and enforce rules
18 and regulations for the government and policing of such lands,
19 boardwalk, bathing facilities, safeguards and equipment; provided,
20 that such power of control, government, care and policing shall not
21 be construed in any manner to exclude or interfere with the
22 operation of any State law or authority with respect to such lands,
23 property and facilities. Any such municipality may, in order to
24 provide funds to improve, maintain and police the same and to
25 protect the same from erosion, encroachment and damage by sea or
26 otherwise, and to provide facilities and safeguards for public
27 bathing and recreation, including the employment of lifeguards, by
28 ordinance, make and enforce rules and regulations for the
29 government, use, maintenance and policing thereof and provide for
30 the charging and collecting of reasonable fees for the registration of
31 persons using said lands and bathing facilities, for access to the
32 beach and bathing and recreational grounds so provided and for the
33 use of the bathing and recreational facilities, but no such fees shall
34 be charged or collected from;

35 (1) children under the age of 12 years; or

36 (2) persons who have served in any of the Armed Forces of the
37 United States and who were discharged or released therefrom under
38 conditions other than dishonorable, and who either have served at
39 least 90 days in active duty or have been discharged or released
40 from active duty by reason of a service-incurred injury or disability.

41 The Adjutant General of the New Jersey Department of Military
42 and Veterans' Affairs shall promulgate rules and regulations
43 pertaining to veteran eligibility under paragraph (2) of this
44 subsection.

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

Matter underlined thus is new matter.

1 b. A municipality may by ordinance provide that no fees, or
2 reduced fees, shall be charged to:

3 (1) persons 65 or more years of age;

4 (2) persons who meet the disability criteria for disability
5 benefits under Title II of the federal Social Security Act (42 U.S.C.
6 s.401 et seq.);

7 (3) persons in active military service in any of the Armed Forces
8 of the United States and to their spouse or dependent children over
9 the age of 12 years;

10 (4) persons who are active members of the New Jersey National
11 Guard who have completed Initial Active Duty Training and to their
12 spouse or dependent children over the age of 12 years. As used in
13 this paragraph, "Initial Active Duty Training" means Basic Military
14 Training, for members of the New Jersey Air National Guard, and
15 Basic Combat Training and Advanced Individual Training, for
16 members of the New Jersey Army National Guard; and

17 (5) ~~persons who have served in any of the Armed Forces of the~~
18 ~~United States and who were discharged or released therefrom under~~
19 ~~conditions other than dishonorable and who either have served at~~
20 ~~least 90 days in active duty or have been discharged or released~~
21 ~~from active duty by reason of a service-incurred injury or disability.~~
22 ~~The Adjutant General of the New Jersey Department of Military~~
23 ~~and Veterans' Affairs shall promulgate rules and regulations~~
24 ~~pertaining to veteran eligibility under this paragraph; and~~ (Deleted
25 by amendment, P.L. , c.) (pending before the Legislature as this
26 bill)

27 (6) persons holding a driver's license or identification card with
28 a Gold Star Family designation issued pursuant to section 1 of
29 P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47
30 (C.39:3-29.3), respectively.

31 c. A municipality providing for no fees or reduced fees
32 pursuant to paragraph (3), (4), ~~[(5),]~~ or (6) of subsection b. of this
33 section, and all municipalities prohibited from charging or
34 collecting fees pursuant to paragraph (2) of subsection a. of this
35 section, shall track, in a manner deemed appropriate by the
36 governing body of the municipality, the number of persons who
37 qualify under the provisions of those paragraphs.

38 d. A person who qualifies for free access to beaches and
39 bathing and recreational grounds and free use of bathing and
40 recreational facilities pursuant to paragraph (3), (4), ~~[(5),]~~ or (6) of
41 subsection b. of this section, or pursuant to paragraph (2) of
42 subsection a. of this section, may, in lieu of obtaining and
43 presenting a municipal beach tag or similar admission pass to gain
44 such access and use, present a valid military identification card,
45 form DD-214 or similar document, or State driver's license or
46 identification card indicating that the holder is a veteran of the
47 Armed Forces of the United States or a Gold Star Family member.
48 (cf: P.L.2017, c.175, s.8)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill prohibits a shore municipality from charging and
7 collecting any fees for access to beaches and bathing and
8 recreational grounds, and for use of bathing and recreational
9 facilities, by veterans who have served in any of the Armed Forces
10 of the United States and who were discharged or released therefrom
11 under conditions other than dishonorable, and who either served at
12 least 90 days in active duty or were discharged or released from
13 active duty by reason of a service-incurred injury or disability.

14 Current law permits shore municipalities, by ordinance, to
15 provide free or reduced fee beach access to qualifying veterans.
16 This bill would require shore municipalities to provide free beach
17 access to these qualifying veterans.