

[First Reprint]

SENATE, No. 929

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senator Brown

SYNOPSIS

Requires municipality to provide free beach access to certain veterans.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on June 10, 2021, with amendments.



(Sponsorship Updated As Of: 5/14/2020)

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[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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted June 10, 2021.

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

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

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

29 (1) children under the age of 12 years; or
30 (2) persons who have served in any of the Armed Forces of the
31 United States and who were discharged or released therefrom under
32 conditions other than dishonorable, and who either have served at
33 least 90 days in active duty or have been discharged or released
34 from active duty by reason of a service-incurred injury or disability.

35 The Adjutant General of the New Jersey Department of Military
36 and Veterans' Affairs shall promulgate rules and regulations
37 pertaining to veteran eligibility under paragraph (2) of this
38 subsection.

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

41 (1) persons 65 or more years of age;
42 (2) persons who meet the disability criteria for disability
43 benefits under Title II of the federal Social Security Act (42 U.S.C.
44 s.401 et seq.);
45 (3) persons in active military service in any of the Armed Forces
46 of the United States and to their spouse or dependent children over
47 the age of 12 years;

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

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

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

22 c. A municipality providing for no fees or reduced fees
23 pursuant to paragraph (3), (4), ~~[(5),]~~ or (6) of subsection b. of this
24 section, and all municipalities prohibited from charging or
25 collecting fees pursuant to paragraph (2) of subsection a. of this
26 section, shall track, in a manner deemed appropriate by the
27 governing body of the municipality, the number of persons who
28 qualify under the provisions of those paragraphs.

29 d. A person who qualifies for free access to beaches and
30 bathing and recreational grounds and free use of bathing and
31 recreational facilities pursuant to paragraph (3), (4), ~~[(5),]~~ or (6) of
32 subsection b. of this section, or pursuant to paragraph (2) of
33 subsection a. of this section, may, in lieu of obtaining and
34 presenting a municipal beach tag or similar admission pass to gain
35 such access and use, present a DD-214, DD-215, or DD-256 form
36 as issued by the federal government, NGB-22 or other approved
37 separation forms as outlined by all branches of the Armed Forces, a
38 county-issued veteran identification card pursuant to P.L.2012, c.30
39 (40A:9-78.1 et seq.), a veteran identification card as issued by the
40 United States Department of Veterans Affairs under the "Veterans
41 Identification Card Act of 2015," (38 U.S.C. 5706,) or similar
42 document, or State driver's license or identification card indicating
43 that the holder is a veteran of the Armed Forces of the United States
44 or a Gold Star Family member.

45 e. A municipality that issues a permit to operate a motorized
46 vehicle on a beach shall not charge a disabled veteran a fee to
47 obtain, replace, or renew the permit.

1 For purposes of this section, "disabled veteran" means any
2 resident of the State who has been honorably discharged or released
3 under honorable circumstances from active service in any branch of
4 the Armed Forces of the United States and who has been declared
5 by the United States Department of Veterans Affairs, or its
6 successor, to have a service-connected disability of any degree.¹
7 (cf: P.L.2019, c.500. s.7)

8

9 2. This act shall take effect immediately.