

SENATE, No. 2306

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Provides free or reduced fee beach access to certain New Jersey National Guard members.

CURRENT VERSION OF TEXT

As introduced.



S2306 BEACH

2

1 AN ACT providing free or reduced fee beach access to certain New
2 Jersey National Guard members and amending 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 children under the age of 12 years.

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

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

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

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

44 (4) persons who are active members of the New Jersey National
45 Guard who have completed Initial Active Duty Training and to their

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 spouse or dependent children over the age of 12 years. As used in
2 this paragraph, "Initial Active Duty Training" means Basic Military
3 Training, for members of the New Jersey Air National Guard, and
4 Basic Combat Training and Advanced Individual Training, for
5 members of the New Jersey Army National Guard;

6 (5) persons who have served in any of the Armed Forces of the
7 United States and who were discharged or released therefrom under
8 conditions other than dishonorable and who either have served at
9 least 90 days in active duty or have been discharged or released
10 from active duty by reason of a service-incurred injury or disability.
11 The Adjutant General of the New Jersey Department of Military
12 and Veterans' Affairs shall promulgate rules and regulations
13 pertaining to veteran eligibility under this paragraph; **and**

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

18 (7) persons who have served in the New Jersey National Guard
19 and who were discharged or released therefrom under conditions
20 other than dishonorable.

21 c. A municipality providing for no fees or reduced fees
22 pursuant to paragraph (3), (4), (5), **or** (6), or (7) of subsection b.
23 of this section shall track, in a manner deemed appropriate by the
24 governing body of the municipality, the number of persons who
25 qualify under the provisions of those paragraphs.

26 d. A person who qualifies for free access to beaches and
27 bathing and recreational grounds and free use of bathing and
28 recreational facilities pursuant to paragraph (3), (4), (5), **or** (6), or
29 (7) of subsection b. of this section may, in lieu of obtaining and
30 presenting a municipal beach tag or similar admission pass to gain
31 such access and use, present a valid military identification card,
32 form DD-214 or similar document, or State driver's license or
33 identification card indicating that the holder is a veteran of the
34 Armed Forces of the United States or a Gold Star Family member.

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

38 For purposes of this section, "disabled veteran" means any
39 resident of the State who has been honorably discharged or released
40 under honorable circumstances from active service in any branch of
41 the Armed Forces of the United States and who has been declared
42 by the United States Department of Veterans Affairs, or its
43 successor, to have a service-connected disability of any degree.

44 (cf: P.L.2019, c.398, s.1)

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46 2. This act shall take effect immediately.

1 STATEMENT

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3 This bill adds persons who have served in the New Jersey
4 National Guard and who were discharged or released under
5 conditions other than dishonorable, to the list of persons eligible to
6 receive free or reduced beach access granted by a shore
7 municipality.

8 Current law permits shore municipalities, by ordinance, to
9 provide free or reduced fee beach access to persons who are active
10 members of the New Jersey National Guard who have completed
11 Initial Active Duty Training and to their spouse or dependent
12 children over the age of 12 years. This bill permits a shore
13 municipality to provide free or reduced fee beach access to any
14 person who has served in the New Jersey National Guard and who
15 was discharged or released therefrom under conditions other than
16 dishonorable.