

26:4A-4

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 191

NJSA: 26:4A-4 (Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements.)

BILL NO: S3110 (Substituted for A4617 (1R))

SPONSOR(S) Scutari, Nicholas P., and others

DATE INTRODUCED: July 23, 2015

COMMITTEE: **ASSEMBLY:** ---

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/17/2015

SENATE: 12/7/2015

DATE OF APPROVAL: January 11, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S3110

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4617 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

P.L.2015, CHAPTER 191, *approved January 11, 2016*
Senate, No. 3110 (*First Reprint*)

1 AN ACT concerning health clubs and amending P.L.1991, c.135.

2

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

5

6 1. Section 1 of P.L.1991, c.135 (C.26:4A-4) is amended to read
7 as follows:

8 1. As used in this act:

9 "Campground" means a plot of ground upon which two or more
10 campsites are located, established or maintained for occupancy by
11 camping units of the general public as temporary living quarters for
12 children or adults, or both, for a total of 15 days or more in any
13 calendar year, for recreation, education, or vacation purposes.

14 "Common interest community" means:

15 a. property subject to the "Condominium Act," P.L.1969, c.257
16 (C.46:8B-1 et seq.) or the "Horizontal Property Act," P.L.1963,
17 c.168 (C.46:8A-1 et seq.);

18 b. a housing corporation or association, commonly known as a
19 cooperative, which entitles the holder of a share or membership
20 interest thereof to possess and occupy for dwelling purposes a
21 house, apartment, manufactured or mobile home or other unit of
22 housing owned or leased by the corporation or association, or to
23 lease or purchase a unit of housing constructed or to be constructed
24 by the corporation or association; or

25 c. real estate with respect to which a person, by virtue of his
26 ownership of a unit, is obligated to pay for real estate taxes,
27 insurance premiums, maintenance or improvement of other real
28 estate described in the instrument, however denominated, which
29 creates the common interest community. Ownership of a unit does
30 not include holding a leasehold interest of less than 20 years in a
31 unit, including renewal options.

32 "Health club" means a health club that is registered with the
33 Director of the Division of Consumer Affairs in the Department of
34 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et
35 seq.).

36 "Hotel" or "motel" means a commercial establishment with a
37 building of four or more dwelling units or rooms used for rental and
38 lodging by guests.

39 "Mobile home park" means a parcel of land, or two or more
40 contiguous parcels of land, containing at least 10 sites equipped for
41 the installation of mobile or manufactured homes, where these sites

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 SCM committee amendments adopted November 9, 2015.

1 are under common ownership and control, other than as a
2 cooperative, for the purpose of leasing each site to the owner of a
3 mobile or manufactured home for the installation thereof, and where
4 the owner provides services, which are provided by the municipality
5 in which the park is located for property owners outside the park,
6 which services may include, but shall not be limited to:

- 7 a. Construction and maintenance of streets;
- 8 b. Lighting of streets and other common areas;
- 9 c. Garbage removal;
- 10 d. Snow removal; and
- 11 e. Provision for the drainage of surface water from home sites
12 and common areas.

13 "Private lake, river or bay or private community lake, river or
14 bay association" means an organization of property owners within a
15 fixed or defined geographical area with deeded or other rights to
16 utilize, with similarly situated owners, various lakefront, riverfront
17 or bayfront properties, which properties are not open to the general
18 public, other than bona fide guests of a member of the private lake,
19 river or bay or private community lake, river or bay association.

20 "Private marina" means a privately-owned water dependent
21 facility for the docking, servicing or storage of private boats, at
22 which services are provided on an annual, seasonal or per diem
23 basis, and which facility is not open to the general public, other
24 than bona fide guests of boat owners eligible to use the marina and
25 which has a private swimming pool that is not open to the general
26 public, other than bona fide guests of boat owners eligible to use the
27 marina.

28 "Retirement community" means a retirement community which
29 is registered with the Division of Housing and Development in the
30 Department of Community Affairs pursuant to "The Planned Real
31 Estate Development Full Disclosure Act," P.L.1977, c.419
32 (C.45:22A-21 et seq.).

33 "Specially exempt facility" means a private lake, river or bay or
34 private community lake, river or bay association, or private
35 nonprofit common interest community which restricts the use of its
36 lake, river, bay or pool, as appropriate, to the owners of units
37 thereof and their invited guests. Specially exempt facility also
38 includes a campground, hotel, motel, mobile home park, or
39 retirement community which restricts the use of its pool to renters
40 of the lodging units or owners of the dwelling units, as appropriate,
41 and their invited guests, or day-use visitors, or a private marina
42 which restricts the use of its swimming pool to owners of boats
43 eligible to use the facilities and their invited guests. Specially
44 exempt facility also includes a privately-owned campground which
45 restricts the use of a swimming area other than its swimming pool
46 to renters of the lodging units or owners of the dwelling units, as
47 appropriate, and their invited guests, or day-use visitors. Specially
48 exempt facility also includes a health club which restricts the use of

1 its pool to the health club's members and their invited guests **[and]**;
2 does not permit the use of its pool by persons under 16 years of age
3 **[.]**; and in which the maximum depth of the water in the pool does
4 not exceed five feet, but does not include a health club which shares
5 the use of its pool with another entity. ¹**[If a health club would**
6 ordinarily qualify as a specially exempt facility under this section,
7 but it no longer satisfies all of the requirements for exemption
8 because it has elected to provide swimming lessons, classes, or
9 instruction, either directly or through a third-party entity, to persons
10 who are not members of the health club, or to persons who are
11 under 16 years of age, the health club shall continue to be deemed a
12 specially exempt facility for the purposes of P.L.1991, c.135
13 (C.26:4A-4 et seq.).]¹
14 (cf: P.L.2009, c.31, s.1)

15
16 ¹2. Section 2 of P.L.1991, c.135 (C.26:4A-5) is amended to read
17 as follows:

18 2. Notwithstanding the provisions of section 7 of P.L.1947,
19 c.177 (C.26:1A-7) or any rules or regulations promulgated pursuant
20 thereto to the contrary, a specially exempt facility shall be exempt
21 from mandatory compliance with the first aid personnel and
22 lifeguard requirements of N.J.A.C.8:26-5 et seq., except that:

23 a. A campground, private marina with a swimming pool, hotel,
24 motel, mobile home park or retirement community which does not
25 voluntarily comply with these requirements shall have a manager or
26 owner on the premises when its swimming area or, in the case of a
27 private marina, when its swimming pool is open for use; **[and]**

28 b. A health club which does not voluntarily comply with these
29 requirements shall have an owner or manager on the premises when
30 its swimming pool is open for use. The provisions of this section
31 shall not be construed to exempt a health club from the provisions
32 of P.L.2005, c.346 (C.2A:62A-30 et seq.); and

33 c. A health club which would ordinarily qualify as a specially
34 exempt facility, but no longer satisfies all of the requirements for
35 exemption because it has elected to provide swimming lessons,
36 classes, or instruction, either directly or through a third-party entity,
37 to persons who are not members of the health club, or to persons
38 who are under 16 years of age, shall continue to be deemed a
39 specially exempt facility for the purposes of P.L.1991, c.135
40 (C.26:4A-4 et seq.), provided that the health club complies with the
41 first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et
42 seq. while the swimming lessons, classes or instruction are taking
43 place.¹

44 (cf: P.L.2009, c.31, s.2)

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46 ¹**[2.] 3.**¹ This act shall take effect immediately.

S3110 [1R]

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Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements.

SENATE, No. 3110

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JULY 24, 2015

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Exempts from recreational bathing regulations health clubs that provide swimming lessons to persons who are not health club members or are under the age of 16.

CURRENT VERSION OF TEXT

As introduced.



S3110 SCUTARI

2

1 AN ACT concerning health clubs and amending P.L.1991, c.135.

2

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

5

6 1. Section 1 of P.L.1991, c.135 (C.26:4A-4) is amended to read
7 as follows:

8 1. As used in this act:

9 "Campground" means a plot of ground upon which two or more
10 campsites are located, established or maintained for occupancy by
11 camping units of the general public as temporary living quarters for
12 children or adults, or both, for a total of 15 days or more in any
13 calendar year, for recreation, education, or vacation purposes.

14 "Common interest community" means:

15 a. property subject to the "Condominium Act," P.L.1969, c.257
16 (C.46:8B-1 et seq.) or the "Horizontal Property Act," P.L.1963,
17 c.168 (C.46:8A-1 et seq.);

18 b. a housing corporation or association, commonly known as a
19 cooperative, which entitles the holder of a share or membership
20 interest thereof to possess and occupy for dwelling purposes a
21 house, apartment, manufactured or mobile home or other unit of
22 housing owned or leased by the corporation or association, or to
23 lease or purchase a unit of housing constructed or to be constructed
24 by the corporation or association; or

25 c. real estate with respect to which a person, by virtue of his
26 ownership of a unit, is obligated to pay for real estate taxes,
27 insurance premiums, maintenance or improvement of other real
28 estate described in the instrument, however denominated, which
29 creates the common interest community. Ownership of a unit does
30 not include holding a leasehold interest of less than 20 years in a
31 unit, including renewal options.

32 "Health club" means a health club that is registered with the
33 Director of the Division of Consumer Affairs in the Department of
34 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et
35 seq.).

36 "Hotel" or "motel" means a commercial establishment with a
37 building of four or more dwelling units or rooms used for rental and
38 lodging by guests.

39 "Mobile home park" means a parcel of land, or two or more
40 contiguous parcels of land, containing at least 10 sites equipped for
41 the installation of mobile or manufactured homes, where these sites
42 are under common ownership and control, other than as a
43 cooperative, for the purpose of leasing each site to the owner of a
44 mobile or manufactured home for the installation thereof, and where
45 the owner provides services, which are provided by the municipality

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.

S3110 SCUTARI

3

1 in which the park is located for property owners outside the park,
2 which services may include, but shall not be limited to:

- 3 a. Construction and maintenance of streets;
- 4 b. Lighting of streets and other common areas;
- 5 c. Garbage removal;
- 6 d. Snow removal; and
- 7 e. Provision for the drainage of surface water from home sites
8 and common areas.

9 "Private lake, river or bay or private community lake, river or
10 bay association" means an organization of property owners within a
11 fixed or defined geographical area with deeded or other rights to
12 utilize, with similarly situated owners, various lakefront, riverfront
13 or bayfront properties, which properties are not open to the general
14 public, other than bona fide guests of a member of the private lake,
15 river or bay or private community lake, river or bay association.

16 "Private marina" means a privately-owned water dependent
17 facility for the docking, servicing or storage of private boats, at
18 which services are provided on an annual, seasonal or per diem
19 basis, and which facility is not open to the general public, other
20 than bona fide guests of boat owners eligible to use the marina and
21 which has a private swimming pool that is not open to the general
22 public, other than bona fide guests of boat owners eligible to use the
23 marina.

24 "Retirement community" means a retirement community which
25 is registered with the Division of Housing and Development in the
26 Department of Community Affairs pursuant to "The Planned Real
27 Estate Development Full Disclosure Act," P.L.1977, c.419
28 (C.45:22A-21 et seq.).

29 "Specially exempt facility" means a private lake, river or bay or
30 private community lake, river or bay association, or private
31 nonprofit common interest community which restricts the use of its
32 lake, river, bay or pool, as appropriate, to the owners of units
33 thereof and their invited guests. Specially exempt facility also
34 includes a campground, hotel, motel, mobile home park, or
35 retirement community which restricts the use of its pool to renters
36 of the lodging units or owners of the dwelling units, as appropriate,
37 and their invited guests, or day-use visitors, or a private marina
38 which restricts the use of its swimming pool to owners of boats
39 eligible to use the facilities and their invited guests. Specially
40 exempt facility also includes a privately-owned campground which
41 restricts the use of a swimming area other than its swimming pool
42 to renters of the lodging units or owners of the dwelling units, as
43 appropriate, and their invited guests, or day-use visitors. Specially
44 exempt facility also includes a health club which restricts the use of
45 its pool to the health club's members and their invited guests **[and]**;
46 does not permit the use of its pool by persons under 16 years of age
47 **[,]**; and in which the maximum depth of the water in the pool does
48 not exceed five feet, but does not include a health club which shares

S3110 SCUTARI

1 the use of its pool with another entity. If a health club would
2 ordinarily qualify as a specially exempt facility under this section,
3 but it no longer satisfies all of the requirements for exemption
4 because it has elected to provide swimming lessons, classes, or
5 instruction, either directly or through a third-party entity, to persons
6 who are not members of the health club, or to persons who are
7 under 16 years of age, the health club shall continue to be deemed a
8 specially exempt facility for the purposes of P.L.1991, c.135
9 (C.26:4A-4 et seq.).
10 (cf: P.L.2009, c.31, s.1)

11
12 2. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill would amend the provision of law that exempts certain
18 facilities from compliance with the State's recreational bathing
19 regulations, in order to expand the exemption as it applies to health
20 clubs.

21 Existing law exempts from the State's recreational bathing
22 regulations a health club that restricts the use of its pool to the
23 health club's members and their invited guests, does not permit the
24 use of its pool by persons under 16 years of age, and in which the
25 maximum depth of the water in the pool does not exceed five feet,
26 so long as the health club does not share the use of its pool with
27 another entity. This bill would clarify that, if a health club would
28 ordinarily qualify as a specially exempt facility, but no longer
29 satisfies all of the requirements for exemption because it has elected
30 to provide swimming lessons, classes, or instruction, either directly
31 or through a third-party entity, to persons who are not members of
32 the health club, or to persons who are under 16 years of age, the
33 health club will continue to be deemed a specially exempt facility
34 for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.).

35 Health clubs in the State are currently deterred from providing
36 swimming lessons and classes to children or non-members, because
37 a health club that elects to provide swim instruction, whether
38 directly or through a third-party entity, would no longer be deemed
39 to satisfy the criteria necessary to be exempted from the State's
40 recreational bathing regulations. Compliance with these
41 recreational bathing regulations, moreover, is overly burdensome
42 for a health club that provides swimming lessons to children or non-
43 members, because the regulations require a lifeguard to be on duty
44 during every hour that a pool is in operation. Consequently, under
45 existing law, although a health club which does not provide any
46 swim instruction to minors or non-members will be fully exempt
47 from the State's recreational bathing regulations, and is not required
48 to have a lifeguard on duty at any time, a health club that does

S3110 SCUTARI

1 provide swimming lessons to minors or non-members would be
2 required to comply with this constant staffing requirement,
3 regardless of whether the lessons are provided on a limited basis,
4 and despite the fact that the health club would, at all other times of
5 day, satisfy the ordinary conditions for exemption from this staffing
6 requirement.

7 Accordingly, in order to facilitate and encourage health clubs in
8 the State to provide swimming lessons and classes to minors and
9 non-members, this bill would clarify that, when a health club elects
10 to provide swim instruction to minors or non-members (either
11 directly or through a third-party entity), the health club – if it
12 otherwise satisfies the ordinary requirements for exemption under
13 P.L.1991, c.135 (C.26:4A-4 et seq.) – will remain exempt from the
14 State’s recreational bathing requirements.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3110

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 2015

The Senate Commerce Committee reports favorably, and with committee amendments, Senate Bill No. 3110.

This bill, as amended, allows health clubs to remain exempt in certain situations from mandatory compliance with the first aid personnel and lifeguard requirements, provided that the health club complies with the first aid personnel and lifeguard requirements while swimming lessons, classes or instruction are taking place.

Existing law exempts a health club that restricts the use of its pool to the health club's members and their invited guests, does not permit the use of its pool by persons under 16 years of age, and in which the maximum depth of the water in the pool does not exceed five feet, from the State's recreational bathing regulations concerning first aid personnel and lifeguard requirements. As amended, this bill provides that, if a health club would ordinarily qualify as a specially exempt facility, but no longer satisfies all of the requirements for exemption because it has elected to provide swimming lessons, classes, or instruction, either directly or through a third-party entity, to persons who are not members of the health club, or to persons who are under 16 years of age, the health club will continue to be deemed a specially exempt facility for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.), provided that the health club complies with the first aid personnel and lifeguard requirements while the swimming lessons, classes or instruction are taking place.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that a health club will continue to be a specially exempt facility for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.), only if the health club complies with the first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et seq. while the swimming lessons, classes or instruction are taking place.

ASSEMBLY, No. 4617

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 29, 2015

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Exempts from recreational bathing regulations health clubs that provide swimming lessons to persons who are not health club members or are under the age of 16.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/10/2015)

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
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12 children or adults, or both, for a total of 15 days or more in any
13 calendar year, for recreation, education, or vacation purposes.

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40 contiguous parcels of land, containing at least 10 sites equipped for
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43 cooperative, for the purpose of leasing each site to the owner of a
44 mobile or manufactured home for the installation thereof, and where
45 the owner provides services, which are provided by the municipality

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 in which the park is located for property owners outside the park,
2 which services may include, but shall not be limited to:

- 3 a. Construction and maintenance of streets;
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44 exempt facility also includes a health club which restricts the use of
45 its pool to the health club's members and their invited guests **[and]**;
46 does not permit the use of its pool by persons under 16 years of
47 age**[,]** ; and in which the maximum depth of the water in the pool
48 does not exceed five feet, but does not include a health club which

1 shares the use of its pool with another entity. If a health club would
2 ordinarily qualify as a specially exempt facility under this section,
3 but it no longer satisfies all of the requirements for exemption
4 because it has elected to provide swimming lessons, classes, or
5 instruction, either directly or through a third-party entity, to persons
6 who are not members of the health club, or to persons who are
7 under 16 years of age, the health club shall continue to be deemed a
8 specially exempt facility for the purposes of P.L.1991, c.135
9 (C.26:4A-4 et seq.).
10 (cf: P.L.2009, c.31, s.1)

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12 2. This act shall take effect immediately.

13

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15

STATEMENT

16

17 This bill would amend the provision of law that exempts certain
18 facilities from compliance with the State's recreational bathing
19 regulations, in order to expand the exemption as it applies to health
20 clubs.

21 Existing law exempts from the State's recreational bathing
22 regulations a health club that restricts the use of its pool to the
23 health club's members and their invited guests, does not permit the
24 use of its pool by persons under 16 years of age, and in which the
25 maximum depth of the water in the pool does not exceed five feet,
26 so long as the health club does not share the use of its pool with
27 another entity. This bill would clarify that, if a health club would
28 ordinarily qualify as a specially exempt facility, but no longer
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30 to provide swimming lessons, classes, or instruction, either directly
31 or through a third-party entity, to persons who are not members of
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35 Health clubs in the State are currently deterred from providing
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41 recreational bathing regulations, moreover, is overly burdensome
42 for a health club that provides swimming lessons to children or non-
43 members, because the regulations require a lifeguard to be on duty
44 during every hour that a pool is in operation. Consequently, under
45 existing law, although a health club which does not provide any
46 swim instruction to minors or non-members will be fully exempt
47 from the State's recreational bathing regulations, and is not required
48 to have a lifeguard on duty at any time, a health club that does

1 provide swimming lessons to minors or non-members would be
2 required to comply with this constant staffing requirement,
3 regardless of whether the lessons are provided on a limited basis,
4 and despite the fact that the health club would, at all other times of
5 day, satisfy the ordinary conditions for exemption from this staffing
6 requirement.

7 Accordingly, in order to facilitate and encourage health clubs in
8 the State to provide swimming lessons and classes to minors and
9 non-members, this bill would clarify that, when a health club elects
10 to provide swim instruction to minors or non-members (either
11 directly or through a third-party entity), the health club – if it
12 otherwise satisfies the ordinary requirements for exemption under
13 P.L.1991, c.135 (C.26:4A-4 et seq.) – will remain exempt from the
14 State’s recreational bathing requirements.

ASSEMBLY REGULATORY OVERSIGHT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4617

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2015

The Assembly Regulatory Oversight Committee reports favorably and with committee amendments Assembly Bill No. 4617.

As amended, this bill would amend the provision of law that exempts certain facilities from compliance with the State's recreational bathing regulations, in order to expand the exemption as it applies to health clubs.

Existing law exempts from the State's recreational bathing regulations a health club that restricts the use of its pool to the health club's members and their invited guests, does not permit the use of its pool by persons under 16 years of age, and in which the maximum depth of the water in the pool does not exceed five feet, so long as the health club does not share the use of its pool with another entity. This bill would clarify that, if a health club would ordinarily qualify as a specially exempt facility, but no longer satisfies all of the requirements for exemption because it has elected to provide swimming lessons, classes, or instruction, either directly or through a third-party entity, to persons who are not members of the health club, or to persons who are under 16 years of age, the health club will continue to be deemed a specially exempt facility for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.).

Compliance with these recreational bathing regulations is overly burdensome for a health club that provides swimming lessons to children or non-members, because the regulations require a lifeguard to be on duty during every hour that a pool is in operation. Consequently, under existing law, although a health club which does not provide any swim instruction to minors or non-members will be fully exempt from the State's recreational bathing regulations, and is not required to have a lifeguard on duty at any time, a health club that does provide swimming lessons to minors or non-members would be required to comply with this constant staffing requirement, regardless of whether the lessons are provided on a limited basis, and despite the fact that the health club would, at all other times of day, satisfy the ordinary conditions for exemption from this staffing requirement.

This bill would clarify that, when a health club elects to provide swim instruction to minors or non-members (either directly or through a third-party entity), the health club – if it otherwise satisfies the ordinary requirements for exemption under P.L.1991, c.135 (C.26:4A-4 et seq.) – will remain exempt from the State’s recreational bathing requirements.

As amended, Assembly Bill No. 4617 is identical to Senate Bill No. 3110 (1R) of 2014-2015.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that a health club will continue to be a specially exempt facility for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.), only if the health club complies with the first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et seq. while the swimming lessons, classes or instruction are taking place. This amendment makes this bill identical to Senate Bill No. 3110 (1R) of 2014-2015.

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Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegman) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttie, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttie, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttie, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttie, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttie, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Danielsen, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPP to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

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