

SENATE, No. 1732

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 29, 2016

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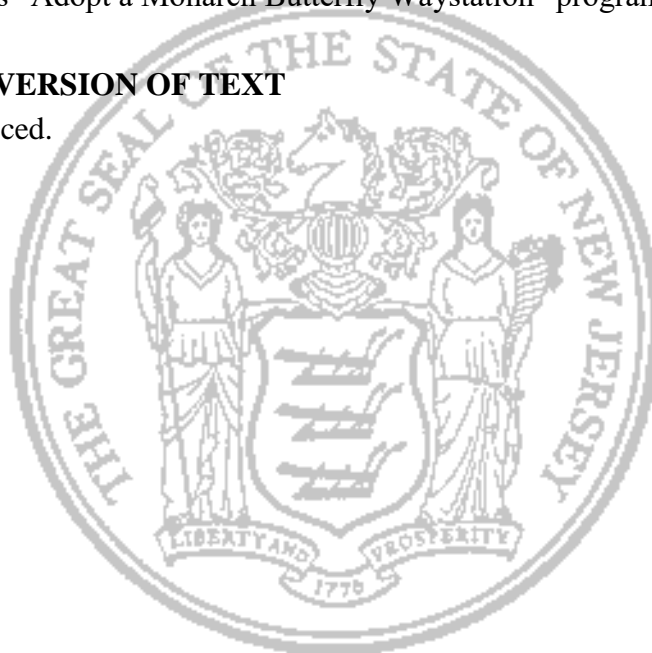
Assemblyman Conaway, Assemblywomen Pinkin and Lampitt

SYNOPSIS

Establishes “Adopt a Monarch Butterfly Waystation” program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT establishing an “Adopt a Monarch Butterfly Waystation”
2 program, and supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Adopt a
8 Monarch Butterfly Waystation Act.”

9

10 2. The Legislature finds and declares that:

11 a. Every autumn, millions of monarch butterflies migrate south
12 from Canada and the United States to Mexico, stopping at sites
13 along the way, like New Jersey, to feed and reproduce.

14 b. Reports indicate that migrating monarch butterflies are in
15 “grave danger,” as their colonies in Mexico now occupy the
16 smallest area since records began in 1993.

17 c. A major cause of decline in the monarch butterfly population
18 is the widespread loss of a plant called milkweed, which monarch
19 butterfly larvae rely on for food.

20 d. Once widespread throughout the United States, milkweed
21 has seen its range fall 58 percent between 1999 and 2010.

22 e. Monarch butterfly waystations provide the resources
23 necessary for monarch butterflies to produce successive generations
24 and sustain their spectacular migration through New Jersey and
25 North America.

26

27 3. As used in this act:

28 “Department” means the Department of Environmental
29 Protection.

30 “Monarch butterfly waystation” means a habitat that provides
31 milkweed plants, nectar sources, and shelter needed to sustain
32 monarch butterflies as they migrate through the State.

33 “Program volunteer” means any group, organization, business, or
34 individual who has been assigned a section of State-owned lands on
35 which to develop and maintain a monarch butterfly waystation in
36 accordance with this act.

37

38 4. The department shall, within 180 days after the effective
39 date of this act, establish an “Adopt a Monarch Butterfly
40 Waystation” program. The purpose of the program shall be to
41 utilize volunteer labor in a cooperative effort with State and local
42 government to develop, maintain, and protect monarch butterfly
43 waystations on State-owned land throughout the State.

44

45 5. a. The department shall:

46 (1) Establish criteria for the development and maintenance of
47 monarch butterfly waystations on State-owned lands;

- 1 (2) Develop a packet of information and instructions and, within
2 the limits of funds made available therefor, provide seeds and other
3 planting materials, for use by program volunteers in developing and
4 maintaining monarch butterfly waystations in accordance with this
5 act;
- 6 (3) Coordinate with program volunteers, public interest
7 organizations, and appropriate State and local government officials
8 to arrange for the development and maintenance of monarch
9 butterfly waystations on State-owned lands throughout the State;
- 10 (4) Advertise and promote the "Adopt a Monarch Butterfly
11 Waystation" program, and develop and utilize such slogans,
12 symbols, and mascots as the department may deem appropriate for
13 such purposes;
- 14 (5) In consultation with the Department of Education and
15 citizen, educational, and environmental groups, prepare educational
16 materials on the decline in the monarch butterfly population and the
17 ways in which all residents can create and conserve monarch
18 butterfly habitats, and distribute these educational materials to
19 school districts and public interest organizations;
- 20 (6) Create and maintain a list of forests, gardens, parks, and
21 other State-owned lands where development of monarch butterfly
22 waystations would be both beneficial and feasible, and would not
23 substantially interfere with any other uses of the land; and
- 24 (7) Issue to each program volunteer an adoption certificate and,
25 within the limits of funds made available therefor, provide a sign
26 indicating the name of the participating group, organization,
27 business, or individual for placement, if not otherwise prohibited by
28 law or municipal ordinance, at an appropriate point on the monarch
29 butterfly waystation, or at such other point as the department may
30 prescribe.
- 31 b. The department may charge program volunteers a reasonable
32 fee to cover the reasonable costs of any information and instruction
33 packets, seeds and other planting materials, certificates, and signs
34 distributed.
- 35
- 36 6. a. Any group, organization, business, or individual interested
37 in developing and maintaining a monarch butterfly waystation in
38 accordance with this act shall notify the department. Such
39 notification may include a request to adopt, if possible, a specified
40 portion of State-owned lands. Upon receipt of a notification of
41 interest, the department shall: (1) assign an appropriate portion of
42 State-owned lands to that group, organization, business, or
43 individual for the development and maintenance of a monarch
44 butterfly waystation; and (2) notify the group, organization,
45 business, or individual of that assignment and provide thereto the
46 materials required to be prepared pursuant to paragraph (2) of
47 subsection a. of section 5 of this act.

1 b. Upon receipt from the department of notification of its
2 assigned section of State-owned lands, the program volunteer shall
3 notify the clerk of the municipality in which the assigned section of
4 State-owned lands is located so that the municipality will be aware
5 of the program volunteer's activities and may, at its discretion,
6 provide assistance.

7 c. The period for developing and maintaining a monarch
8 butterfly waystation on assigned State-owned lands shall be one
9 year, but a program volunteer may renew its participation in the
10 program by notifying the department annually at such time as shall
11 be specified by the department.

12

13 7. a. No department, agency, bureau, board, commission,
14 authority, or other entity of the State, or of any county or
15 municipality, and no employee thereof, shall be liable to any person
16 for any injury or damages that may be caused or sustained by a
17 program volunteer while developing and maintaining a monarch
18 butterfly waystation on State-owned lands.

19 As a condition of participating in the program, a prospective
20 program volunteer shall sign a waiver releasing the department, the
21 State, and any other appropriate governmental entity, and all
22 employees thereof, from liability for any injury or damages that
23 may be caused or sustained by that volunteer while developing and
24 maintaining a monarch butterfly waystation on State-owned lands.

25 b. A program volunteer shall not be considered a "public
26 employee" or "State employee" for purposes of the "New Jersey
27 Tort Claims Act," N.J.S.59:1-1 et seq., or otherwise be accorded
28 any of the protections set forth therein.

29

30 8. Any person may donate to the department, or to a county,
31 municipality, or school, funds, supplies, or services for use in the
32 "Adopt a Monarch Butterfly Waystation" program, and the
33 department and any county, municipality, or school are authorized
34 to accept such donations.

35

36 9. This act shall take effect immediately.

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STATEMENT

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41 This bill would establish an "Adopt a Monarch Butterfly
42 Waystation" program in the Department of Environmental Protection
43 (DEP).

44 This bill would authorize groups, organizations, businesses, and
45 individuals to "adopt" assigned portions of State-owned lands to
46 develop and maintain monarch butterfly waystations. The DEP would
47 be responsible for, among other things, establishing criteria for the
48 development of waystations and coordinating with program

1 volunteers, public interest organizations, and government officials to
2 arrange for the adoption of State-owned lands. Groups, organizations,
3 businesses, and individuals who are interested in becoming program
4 volunteers would notify the DEP. Upon receipt of the request, the DEP
5 would assign the program volunteer an appropriate portion of State-
6 owned lands on which to develop a monarch butterfly waystation. The
7 DEP would then provide the program volunteer with information and
8 instructions on how to develop and maintain the waystation.
9 Adoptions would last for one year, but could be renewed on an annual
10 basis.

11 The bill also requires the DEP, in consultation with the Department
12 of Education and citizen, educational, and environmental groups, to
13 prepare educational materials on the decline in the monarch butterfly
14 population and the ways in which residents can create and conserve
15 monarch butterfly habitats, and to distribute these materials to schools
16 and public interest organizations.

17 Under the bill, each program volunteer in the “Adopt a Monarch
18 Butterfly Waystation” program would be required to sign a waiver to
19 release all State and local government entities and employees from any
20 liability for injury or damages caused or sustained while developing or
21 maintaining a waystation. An “Adopt a Monarch Butterfly
22 Waystation” program volunteer would not be considered a public
23 employee or State employee for the purposes of the “New Jersey Tort
24 Claims Act,” and would not be accorded any of the protections set
25 forth in that act.

26 The bill authorizes the DEP, counties, municipalities, and schools
27 to accept donations of funds, supplies, or services for use in the
28 “Adopt a Monarch Butterfly Waystation” program.