

# SENATE, No. 1986

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 18, 2016

**Sponsored by:**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

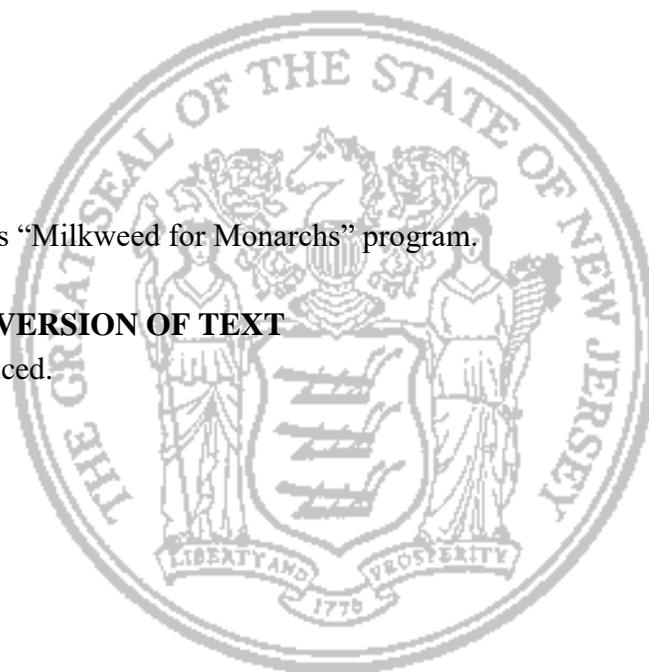
**Senators Allen, Ruiz, Assemblymen Conaway, Chiaravalloti and  
Assemblywoman Lampitt**

**SYNOPSIS**

Establishes “Milkweed for Monarchs” program.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT establishing the “Milkweed for Monarchs” program, and  
2 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 “Milkweed  
8 for Monarchs 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. The “Milkweed for Monarchs” program utilizes public and  
23 private help to plant milkweed in stormwater management basins  
24 throughout the State, thereby providing monarch butterflies with the  
25 resources they need to sustain their spectacular migration.

26 f. Swamp milkweed, which is native to New Jersey wetlands,  
27 is perfectly suited to stormwater management basins because it is  
28 water retentive and, thus, can help reduce flooding.

29

30 3. As used in this act:

31 “Department” means the Department of Environmental Protection.

32 “Program volunteer” means any group, organization, business, or  
33 individual who has been assigned a stormwater management basin in  
34 which to plant milkweed in accordance with this act.

35 “Stormwater management basin” means a State-owned excavation  
36 or embankment and related areas designed to retain stormwater runoff,  
37 which may be either a detention or infiltration basin that is normally  
38 dry, a retention basin that retains water in a permanent pool, or an area  
39 of constructed wetlands that is planted mainly with wetland vegetation.

40

41 4. The department shall, within 180 days after the effective  
42 date of this act, establish the “Milkweed for Monarchs” program.  
43 The purpose of the program shall be to utilize volunteer labor in a  
44 cooperative effort with State and local government to plant and  
45 maintain milkweed in stormwater management basins throughout  
46 the State.

47

48 5. a. The department shall:

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

1 will be aware of the program volunteer's activities and may, at its  
2 discretion, provide assistance.

3 c. The adoption period for a stormwater management basin  
4 shall be one year, but a program volunteer may renew its  
5 participation in the program by notifying the department annually at  
6 such time as shall be specified by the department.

7

8 7. a. No department, agency, bureau, board, commission,  
9 authority, or other entity of the State, or of any county or  
10 municipality, and no employee thereof, shall be liable to any person  
11 for any injury or damages that may be caused or sustained by a  
12 program volunteer while planting milkweed in an assigned  
13 stormwater management basin.

14 As a condition of participating in the program, a prospective  
15 program volunteer shall sign a waiver releasing the department, the  
16 State, and any other appropriate governmental entity, and all  
17 employees thereof, from liability for any injury or damages that  
18 may be caused or sustained by that volunteer while planting  
19 milkweed in an assigned stormwater management basin.

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

24

25 8. Any person may donate to the department, or to a county,  
26 municipality, or school, funds, supplies, or services for use in the  
27 "Milkweed for Monarchs" program, and the department and any  
28 county, municipality, or school are authorized to accept such  
29 donations.

30

31 9. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill would establish a "Milkweed for Monarchs" program in  
37 the Department of Environmental Protection (DEP).

38 This bill would authorize groups, organizations, businesses, and  
39 individuals to "adopt" assigned State-owned stormwater management  
40 basins throughout the state for the purpose of planting milkweed. The  
41 DEP would be responsible for, among other things, establishing  
42 criteria for the planting of milkweed in stormwater management basins  
43 and coordinating with program volunteers, public interest  
44 organizations, and government officials to arrange for the adoption of  
45 stormwater management basins. Groups, organizations, businesses,  
46 and individuals who are interested in becoming program volunteers  
47 would notify the DEP. Upon receipt of the request, the DEP would  
48 assign the program volunteer an appropriate stormwater management

1 basin in which to plant milkweed. The DEP would then provide the  
2 program volunteer with information and instructions on how to plant  
3 and maintain the milkweed. Adoptions would last for one year, but  
4 could be renewed on an annual basis.

5 The bill also requires the DEP, in consultation with the Department  
6 of Education and citizen, educational, and environmental groups, to  
7 prepare educational materials on the decline in the monarch butterfly  
8 population and the ways in which residents can create and conserve  
9 monarch butterfly habitats, and to distribute these materials to schools  
10 and public interest organizations.

11 Under the bill, each program volunteer in the “Milkweed for  
12 Monarchs” program would be required to sign a waiver to release all  
13 State and local government entities and employees from any liability  
14 for injury or damages caused or sustained while planting milkweed in  
15 an assigned stormwater management basin. A “Milkweed for  
16 Monarchs” program volunteer would not be considered a public  
17 employee or State employee for the purposes of the “New Jersey Tort  
18 Claims Act,” and would not be accorded any of the protections set  
19 forth in that act.

20 Finally, the bill authorizes the DEP, counties, municipalities, and  
21 schools to accept donations of funds, supplies, or services for use in  
22 the “Milkweed for Monarchs” program.