

CHAPTER 250

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

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

C.13:1B-15.162 Short title.

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

C.13:1B-15.163 Findings, declarations relative to monarch butterfly waystations.

2. The Legislature finds and declares that:

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

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

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

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

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

C.13:1B-15.164 Definitions relative to monarch butterfly waystations.

3. As used in this act:

“Department” means the Department of Environmental Protection.

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

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

C.13:1B-15.165 Establishment of “Adopt a Monarch Butterfly Waystation” program.

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

C.13:1B-15.166 Responsibilities of department.

5. a. The department shall:

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

(2) Develop a packet of information and instructions and, within the limits of funds made available therefor, provide seeds and other planting materials, for use by program volunteers in developing and maintaining monarch butterfly waystations in accordance with this act;

(3) Coordinate with program volunteers, public interest organizations, and appropriate State and local government officials to arrange for the development and maintenance of monarch butterfly waystations on State-owned lands throughout the State;

(4) Advertise and promote the “Adopt a Monarch Butterfly Waystation” program, and develop and utilize such slogans, symbols, and mascots as the department may deem appropriate for such purposes;

(5) In consultation with the Department of Education and citizen, educational, and environmental groups, prepare educational materials on the decline in the monarch butterfly population and the ways in which all residents can create and conserve monarch butterfly habitats, and distribute these educational materials to school districts and public interest organizations;

(6) Create and maintain a list of forests, gardens, parks, and other State-owned lands where development of monarch butterfly waystations would be both beneficial and feasible, and would not substantially interfere with any other uses of the land; and

(7) Issue to each program volunteer an adoption certificate and, within the limits of funds made available therefor, provide a sign indicating the name of the participating group, organization, business, or individual for placement, if not otherwise prohibited by law or municipal ordinance, at an appropriate point on the monarch butterfly waystation, or at such other point as the department may prescribe.

b. The department may charge program volunteers a reasonable fee to cover the reasonable costs of any information and instruction packets, seeds and other planting materials, certificates, and signs distributed.

C.13:1B-15.167 Notification of interest.

6. a. Any group, organization, business, or individual interested in developing and maintaining a monarch butterfly waystation in accordance with this act shall notify the department. Such notification may include a request to adopt, if possible, a specified portion of State-owned lands. Upon receipt of a notification of interest, the department shall: (1) assign an appropriate portion of State-owned lands to that group, organization, business, or individual for the development and maintenance of a monarch butterfly waystation; and (2) notify the group, organization, business, or individual of that assignment and provide thereto the materials required to be prepared pursuant to paragraph (2) of subsection a. of section 5 of this act.

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

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

C.13:1B-15.168 Immunity from liability.

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

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

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

C.13:1B-15.169 Donations.

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

9. This act shall take effect immediately.

Approved January 8, 2018.