

CHAPTER 252

AN ACT establishing the “Milkweed for Monarchs” 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-15.170 Short title.

1. This act shall be known and may be cited as the “Milkweed for Monarchs Act.”

C.13:1B-15.171 Findings, declarations relative to the “Milkweed for Monarchs” program.

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

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

C.13:1B-15.172 Definitions relative to the “Milkweed for Monarchs” program.

3. As used in this act:

“Department” means the Department of Environmental Protection.

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

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

C.13:1B-15.173 Establishment of the “Milkweed for Monarchs” program.

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

C.13:1B-15.174 Responsibilities of department.

5. a. The department shall:

- (1) Establish criteria for the planting of milkweed in stormwater management basins 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 planting milkweed in stormwater management basins in accordance with this act;

(3) Coordinate with program volunteers and appropriate local government officials in arranging for the planting of milkweed in stormwater management basins throughout the State;

(4) Advertise and promote the “Milkweed for Monarchs” 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 stormwater management basins on State-owned lands where the planting of milkweed would be both beneficial and feasible; 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 stormwater management basin, 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-15.175 Notification of intent.

6. a. Any group, organization, business, or individual interested in adopting a stormwater management basin for the purpose of planting milkweed in accordance with this act shall notify the department. Such notification may include a request to adopt, if possible, a specified stormwater management basin. Upon receipt of a notification of interest, the department shall: (1) assign an appropriate stormwater management basin to that group, organization, business, or individual for adoption; 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 stormwater management basin, the program volunteer shall notify the clerk of the municipality in which the assigned stormwater management basin is located so that the municipality will be aware of the program volunteer’s activities and may, at its discretion, provide assistance.

c. The adoption period for a stormwater management basin 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-15.176 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 planting milkweed in an assigned stormwater management basin.

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 planting milkweed in an assigned stormwater management basin.

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-15.177 Donations.

8. Any person may donate to the department, or to a county, municipality, or school, funds, supplies, or services for use in the “Milkweed for Monarchs” 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.