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GOVERNOR'S PRESS RELEASE ON SIGNING: No

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Bills to help monarchs signed by governor; solar subsidy bill passes Legislature," The Press of Atlantic City, January 9, 2018

"Butterflies, booze, but not bacteria - What NJ's last-minute laws cover," NJ Spotlight, January 9, 2018

RH/CL

P.L.2017, CHAPTER 252, *approved January 8, 2018*
Senate, No. 1986

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.

1 The purpose of the program shall be to utilize volunteer labor in a
2 cooperative effort with State and local government to plant and
3 maintain milkweed in stormwater management basins throughout
4 the State.

5

6 5. a. The department shall:

7 (1) Establish criteria for the planting of milkweed in stormwater
8 management basins on State-owned lands;

9 (2) Develop a packet of information and instructions and, within
10 the limits of funds made available therefor, provide seeds and other
11 planting materials, for use by program volunteers in planting milkweed
12 in stormwater management basins in accordance with this act;

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

16 (4) Advertise and promote the "Milkweed for Monarchs" program,
17 and develop and utilize such slogans, symbols, and mascots as the
18 department may deem appropriate for such purposes;

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

25 (6) Create and maintain a list of stormwater management basins on
26 State-owned lands where the planting of milkweed would be both
27 beneficial and feasible; and

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

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

39

40 6. a. Any group, organization, business, or individual
41 interested in adopting a stormwater management basin for the
42 purpose of planting milkweed in accordance with this act shall
43 notify the department. Such notification may include a request to
44 adopt, if possible, a specified stormwater management basin. Upon
45 receipt of a notification of interest, the department shall: (1) assign
46 an appropriate stormwater management basin to that group,
47 organization, business, or individual for adoption; and (2) notify the
48 group, organization, business, or individual of that assignment and

1 provide thereto the materials required to be prepared pursuant to
2 paragraph (2) of subsection a. of section 5 of this act.

3 b. Upon receipt from the department of notification of its
4 assigned stormwater management basin, the program volunteer
5 shall notify the clerk of the municipality in which the assigned
6 stormwater management basin is located so that the municipality
7 will be aware of the program volunteer's activities and may, at its
8 discretion, provide assistance.

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

13

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

20 As a condition of participating in the program, a prospective
21 program volunteer shall sign a waiver releasing the department, the
22 State, and any other appropriate governmental entity, and all
23 employees thereof, from liability for any injury or damages that
24 may be caused or sustained by that volunteer while planting
25 milkweed in an assigned stormwater management basin.

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

30

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

36

37 9. This act shall take effect immediately.

38

39

40

STATEMENT

41

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

44 This bill would authorize groups, organizations, businesses, and
45 individuals to "adopt" assigned State-owned stormwater management
46 basins throughout the state for the purpose of planting milkweed. The
47 DEP would be responsible for, among other things, establishing
48 criteria for the planting of milkweed in stormwater management basins

1 and coordinating with program volunteers, public interest
2 organizations, and government officials to arrange for the adoption of
3 stormwater management basins. Groups, organizations, businesses,
4 and individuals who are interested in becoming program volunteers
5 would notify the DEP. Upon receipt of the request, the DEP would
6 assign the program volunteer an appropriate stormwater management
7 basin in which to plant milkweed. The DEP would then provide the
8 program volunteer with information and instructions on how to plant
9 and maintain the milkweed. Adoptions would last for one year, but
10 could be renewed on an annual 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 “Milkweed for
18 Monarchs” program would be required to sign a waiver to release all
19 State and local government entities and employees from any liability
20 for injury or damages caused or sustained while planting milkweed in
21 an assigned stormwater management basin. A “Milkweed for
22 Monarchs” 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 Finally, the bill authorizes the DEP, counties, municipalities, and
27 schools to accept donations of funds, supplies, or services for use in
28 the “Milkweed for Monarchs” program.

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Establishes “Milkweed for Monarchs” program.

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:

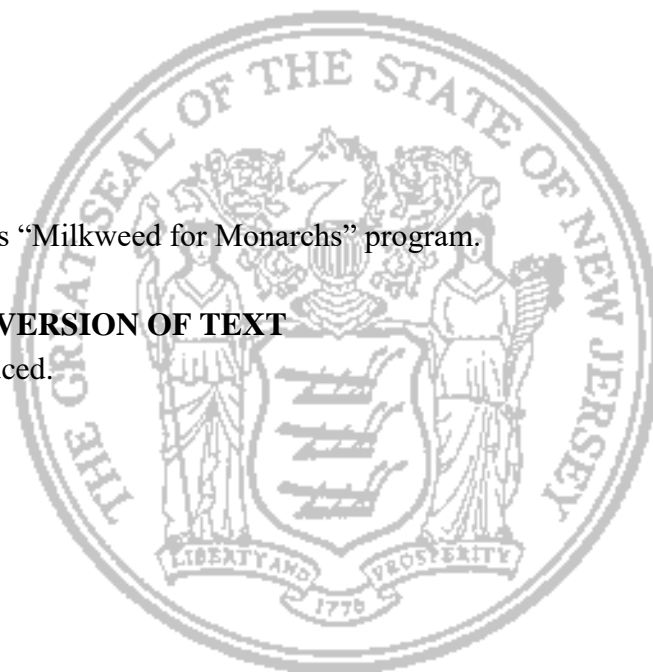
**Senators Allen, Ruiz, Assemblymen Conaway, Chiaravalloti and
Assemblywoman Lampitt**

SYNOPSIS

Establishes “Milkweed for Monarchs” program.

CURRENT VERSION OF TEXT

As introduced.



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

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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,
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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

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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.

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30 fee to cover the reasonable costs of any information and instruction
31 packets, seeds and other planting materials, certificates, and signs
32 distributed.

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44 paragraph (2) of subsection a. of section 5 of this act.

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15 program volunteer shall sign a waiver releasing the department, the
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20 b. A program volunteer shall not be considered a "public
21 employee" or "State employee" for purposes of the "New Jersey
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23 any of the protections set forth therein.

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STATEMENT

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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.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1986

STATE OF NEW JERSEY

DATED: JUNE 16, 2016

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1986.

This bill would establish a “Milkweed for Monarchs” program in the Department of Environmental Protection (DEP).

This bill would authorize groups, organizations, businesses, and individuals to “adopt” assigned State-owned stormwater management basins throughout the State for the purpose of planting milkweed. The DEP would be responsible for, among other things, establishing criteria for the planting of milkweed in stormwater management basins and coordinating with program volunteers, public interest organizations, and government officials to arrange for the adoption of stormwater management basins. Groups, organizations, businesses, and individuals who are interested in becoming program volunteers would notify the DEP. Upon receipt of a request, the DEP would assign the program volunteer an appropriate stormwater management basin in which to plant milkweed. The DEP would then provide the program volunteer with information and instructions on how to plant and maintain the milkweed. Adoptions would last for one year, but could be renewed on an annual basis.

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

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

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

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
SENATE, No. 1986

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2016

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 1986.

This bill would establish a “Milkweed for Monarchs” program in the Department of Environmental Protection (DEP).

This bill would authorize groups, organizations, businesses, and individuals to “adopt” assigned State-owned stormwater management basins throughout the State for the purpose of planting milkweed. The DEP would be responsible for, among other things, establishing criteria for the planting of milkweed in stormwater management basins and coordinating with program volunteers, public interest organizations, and government officials to arrange for the adoption of stormwater management basins. Groups, organizations, businesses, and individuals who are interested in becoming program volunteers would notify the DEP. Upon receipt of a request, the DEP would assign the program volunteer an appropriate stormwater management basin in which to plant milkweed. The DEP would then provide the program volunteer with information and instructions on how to plant and maintain the milkweed. Adoptions would last for one year, but could be renewed on an annual basis.

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

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

As reported by the committee, this bill is identical to Assembly Bill No. 2448 as also reported by the committee.

ASSEMBLY, No. 2448

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:

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:

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)

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2 supplementing Title 13 of the Revised Statutes.

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15 “grave danger,” as their colonies in Mexico now occupy the
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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.

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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.

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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.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2448

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2016

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2448.

This bill would establish a “Milkweed for Monarchs” program in the Department of Environmental Protection (DEP).

This bill would authorize groups, organizations, businesses, and individuals to “adopt” assigned State-owned stormwater management basins throughout the State for the purpose of planting milkweed. The DEP would be responsible for, among other things, establishing criteria for the planting of milkweed in stormwater management basins and coordinating with program volunteers, public interest organizations, and government officials to arrange for the adoption of stormwater management basins. Groups, organizations, businesses, and individuals who are interested in becoming program volunteers would notify the DEP. Upon receipt of a request, the DEP would assign the program volunteer an appropriate stormwater management basin in which to plant milkweed. The DEP would then provide the program volunteer with information and instructions on how to plant and maintain the milkweed. Adoptions would last for one year, but could be renewed on an annual basis.

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

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

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

As reported by the committee, this bill is identical to Senate Bill No. 1986 as also reported by the committee.