

Introduced by Senator BerryhillFebruary 17, 2012

An act to add Section 1065 to the Fish and Game Code, relating to entitlements.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as introduced, Berryhill. Entitlements: voluntary donations.

Under existing law, all licenses, permits, tags, reservations, and other entitlements authorized by the Fish and Game Code are prepared and issued by the Department of Fish and Game. Existing law authorizes specified persons to obtain tags or stamps for the taking of specific animals or aquatic species, if certain requirements are met.

This bill would require that a person to whom a license, permit, reservation, tag, or other entitlement is issued pursuant to the Automated License Data System have the opportunity at the time of issuance to voluntarily authorize the release of contact information to nonprofit conservation organizations, as defined, through means of a checkoff box, or through other means the department determines to be appropriate. The bill would require the department to annually transmit contact information to the designated nonprofit conservation organization and would prohibit a nonprofit conservation organization that receives contact information from the department from sharing that information with any other 3rd party without the prior written consent of the individual to whom the contact information applies. The bill would authorize the department to impose a charge on a nonprofit conservation organization to recover the direct reasonable costs of administering these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1065 is added to the Fish and Game Code,
2 to read:

3 1065. (a) A person to whom any license, permit, reservation,
4 tag, or other entitlement is issued pursuant to the Automated
5 License Data System shall have the opportunity at the time of
6 issuance to voluntarily authorize the release of his or her contact
7 information to eligible nonprofit conservation organizations
8 through means of a checkoff box, or through other means the
9 department determines to be appropriate.

10 (b) A nonprofit conservation organization seeking to receive
11 contact information pursuant to this section shall submit in a
12 manner determined by the department, once every three years, a
13 letter to the department providing evidence that it meets the criteria
14 set forth in subdivision (f). If the department determines that the
15 nonprofit organization is eligible, it shall include the entity in the
16 checkoff box or other means determined pursuant to subdivision
17 (a).

18 (c) A nonprofit conservation organization seeking to advertise
19 on the Automated Data License System, including the opportunity
20 for prospective license buyers to link electronically to the
21 nonprofit's Internet Web page, shall submit in a manner determined
22 by the department a letter to the department providing evidence
23 that it meets the criteria set forth in subdivision (f). If the
24 department determines that the nonprofit organization is eligible,
25 it shall include the nonprofit organization's advertisement in a
26 space and for a time period agreed upon by both parties. Any
27 advertising materials produced pursuant to this section are subject
28 to Section 211.

29 (d) Notwithstanding Section 1050.6, the department shall
30 annually transmit contact information collected pursuant to
31 subdivision (a) to the designated nonprofit conservation
32 organization.

33 (e) The department may impose a charge on a nonprofit
34 conservation organization included in the checkoff box or other
35 means determined pursuant to subdivision (a) that shall not exceed
36 the reasonable costs associated with the direct administration of
37 this section.

1 (f) As used in this section, “nonprofit conservation organization”
2 means an entity that the department determines meets all of the
3 following:

4 (1) It is a nonprofit organization described in Section 501(c)(3)
5 of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)), that is
6 exempt from taxation under Section 501 (a) of that code (26 U.S.C.
7 Sec. 501(a)).

8 (2) It is registered with the Attorney General.

9 (3) Its goals and objectives are directly related to the
10 conservation and management of fish and game species.

11 (4) In the previous three calendar years, it has entered into a
12 contract or other agreement, including, but not limited to, a license,
13 easement, memorandum of understanding, or lease, with the
14 department to perform habitat or other wildlife conservation work,
15 or to raise funds on behalf of the department, including, but not
16 limited to, the sale of hunting fundraising tags or related items.

17 (g) (1) A nonprofit conservation organization that receives
18 contact information from the department pursuant to this section
19 shall not share that information with any other third party without
20 the prior written consent of the individual to whom the contact
21 information applies.

22 (2) If a nonprofit conservation organization violates paragraph
23 (1), the department shall remove the organization from the checkoff
24 box or other means determined pursuant to subdivision (a). The
25 department shall not make a nonprofit conservation organization
26 that violates paragraph (1) eligible to receive contact information
27 pursuant to this section until at least five years after the date the
28 organization was determined to be ineligible.

29 (h) Upon appropriation by the Legislature, the department may
30 use moneys generated from the surcharge placed on entitlements
31 purchased pursuant to the Automated License Data System to pay
32 a reasonable portion of the costs of making changes to the
33 Automated License Data System necessary to implement this
34 section.