

AMENDED IN SENATE MARCH 22, 2012

SENATE BILL

No. 1107

Introduced by Senator Berryhill

February 17, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, 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 *or an authorized license agent*. 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 (*ALDS*) 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. *The bill would continuously appropriate to the department the moneys generated from the charge, to be used to pay the reasonable costs associated with the direct administration of the bill, including but not limited to, a reasonable portion of the costs of making changes to the Automated License Data System necessary to implement the bill.*

Vote: majority. Appropriation: ~~no~~-yes. 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)~~ (e). If the department determines that
- 15 the nonprofit organization is eligible, it shall include the entity in
- 16 the checkoff box or other means determined pursuant to subdivision
- 17 (a).
- 18 ~~(e) 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)~~

1 (c) Notwithstanding Section 1050.6, the department shall
2 annually transmit contact information collected pursuant to
3 subdivision (a) to the designated nonprofit conservation
4 organization.

5 (e)

6 (d) The department may impose a charge on a nonprofit
7 conservation organization included in the checkoff box or other
8 means determined pursuant to subdivision (a) that shall not exceed
9 the reasonable costs associated with the direct administration of
10 this section.

11 (f)

12 (e) As used in this section, “nonprofit conservation organization”
13 means an entity that the department determines meets all of the
14 following:

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

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

20 (3) Its goals and objectives are directly related to the
21 conservation and management of ~~fish~~ and *sport fish or game*
22 species.

23 (4) In the previous three calendar years, it has entered into a
24 contract or other agreement, including, but not limited to, a license,
25 easement, memorandum of understanding, or lease, with the
26 department to perform habitat or other wildlife conservation work,
27 *provide hunting or fishing opportunities for the public*, or to raise
28 funds on behalf of the department, including, but not limited to,
29 the sale of hunting fundraising tags or related items.

30 (g)

31 (f) (1) A nonprofit conservation organization that receives
32 contact information from the department pursuant to this section
33 shall not share that information with any other third party without
34 the prior written consent of the individual to whom the contact
35 information applies.

36 (2) If a nonprofit conservation organization violates paragraph
37 (1), the department shall remove the organization from the checkoff
38 box or other means determined pursuant to subdivision (a). The
39 department shall not make a nonprofit conservation organization
40 that violates paragraph (1) eligible to receive contact information

1 pursuant to this section until at least five years after the date the
2 organization was determined to be ineligible.

3 ~~(h) Upon appropriation by the Legislature, the department may~~
4 ~~use~~

5 *(g) Notwithstanding Section 13340 of the Government Code,*
6 *the moneys generated from the surcharge placed on entitlements*
7 *purchased pursuant to the Automated License Data System charge*
8 *imposed pursuant to subdivision (d) are continuously appropriated,*
9 *without regard to fiscal year, to the department, to be used to pay*
10 *the reasonable costs associated with the direct administration of*
11 *this section, including, but not limited to, a reasonable portion of*
12 *the costs of making changes to the Automated License Data System*
13 *necessary to implement this section.*