

AMENDED IN SENATE APRIL 10, 2012

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, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Berryhill. Entitlements: ~~voluntary donations.~~ *release of contact information.*

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 *one or more* nonprofit conservation organizations, as defined, *as specifically selected by the individual* 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~~ *selected* nonprofit conservation ~~organization~~ *organizations* 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: 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 *one or more* eligible nonprofit conservation
8 organizations, *as specifically selected by the individual* through
9 means of a checkoff box, or through other means the department
10 determines to be appropriate.
11 (b) A nonprofit conservation organization seeking to receive
12 contact information pursuant to this section shall submit in a
13 manner determined by the department, once every three years, a
14 letter to the department providing evidence that it meets the criteria
15 set forth in subdivision (e). If the department determines that the
16 nonprofit organization is eligible, it shall include the entity in the
17 checkoff box or other means determined pursuant to subdivision
18 (a).
19 (c) Notwithstanding Section 1050.6, the department shall
20 annually transmit contact information collected pursuant to
21 subdivision (a) to the ~~designated~~ *selected* nonprofit conservation
22 ~~organization~~ *organizations*.
23 (d) The department may impose a charge on a nonprofit
24 conservation organization included in the checkoff box or other
25 means determined pursuant to subdivision (a) that shall not exceed

1 the reasonable costs associated with the direct administration of
2 this section.

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

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

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

11 (3) Its goals and objectives are directly related to the
12 conservation and management of sport fish or game species.

13 (4) In *at least one of* the previous three calendar years, it has
14 entered into, *or been obligated under*, a contract or other
15 agreement, including, but not limited to, a license, easement,
16 memorandum of understanding, or lease, with the department to
17 perform habitat or other wildlife conservation work, *to provide*
18 hunting or fishing opportunities for the public, ~~or~~ to raise funds
19 on behalf of the department, including, but not limited to, the sale
20 of hunting fundraising tags or related items, *or to otherwise provide*
21 *assistance to the department that is consistent with the*
22 *department’s mission.*

23 (f) (1) A nonprofit conservation organization that receives
24 contact information from the department pursuant to this section
25 shall not share that information with any other third party without
26 the prior written consent of the individual to whom the contact
27 information applies.

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

35 (g) Notwithstanding Section 13340 of the Government Code,
36 the moneys generated from the charge imposed pursuant to
37 subdivision (d) are continuously appropriated, without regard to
38 fiscal year, to the department, to be used to pay the reasonable
39 costs associated with the direct administration of this section,
40 including, but not limited to, a reasonable portion of the costs of

- 1 making changes to the Automated License Data System necessary
- 2 to implement this section.

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