

AMENDED IN SENATE APRIL 23, 2012

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 release of contact information.~~ *Automated License Data System: nonprofit conservation organizations.*

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. *Existing law authorizes the Fish and Game Commission to require and prescribe the form of applications for licenses, permits, tags, reservations, and other entitlements and the form of any contrivance to be used in connection therewith. An existing regulation defines the Automated License Data System as an automated system that replaced the department's paper license inventory system.*

~~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 selected nonprofit conservation 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~~ *require the department, if it determines that a nonprofit conservation organization meets specified eligibility requirements and submits a prescribed letter annually, to include the nonprofit conservation organization's logo in a space with a link to the organization's Internet Web site on the Automated Data License System for a time period agreed upon by the department and the organization.* The bill would authorize the department to impose a charge on a nonprofit conservation organization ~~to recover the direct~~ *for inclusion on the Automated Data License System that would be prohibited from exceeding the* 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.~~

1 ~~(b) A nonprofit conservation organization seeking to receive~~
2 ~~contact information pursuant to this section shall submit in a~~
3 ~~manner determined by the department, once every three years, a~~
4 ~~letter to the department providing evidence that it meets the criteria~~
5 ~~set forth in subdivision (e). If the department determines that the~~
6 ~~nonprofit organization is eligible, it shall include the entity in the~~
7 ~~checkoff box or other means determined pursuant to subdivision~~
8 ~~(a).~~

9 ~~(e) Notwithstanding Section 1050.6, the department shall~~
10 ~~annually transmit contact information collected pursuant to~~
11 ~~subdivision (a) to the selected nonprofit conservation organizations.~~

12 *1065. (a) A nonprofit conservation organization seeking*
13 *promotion, exposure, and awareness of the organization on the*
14 *Automated License Data System through means, including, but*
15 *not limited to, the display of the organization's logo and the*
16 *opportunity for a prospective license buyer to link electronically*
17 *to the organization's Internet Web site, shall annually submit, in*
18 *a manner determined by the department, a letter to the department*
19 *providing evidence that the organization meets the criteria set*
20 *forth in subdivision (c). If the department determines that the*
21 *nonprofit conservation organization is eligible, it shall include the*
22 *organization's logo in a space with a link to the organization's*
23 *Internet Web site on the Automated License Data System for a time*
24 *period agreed upon by both parties.*

25 ~~(d)~~

26 ~~(b) The department may impose a charge on a nonprofit~~
27 ~~conservation organization included in the checkoff box or other~~
28 ~~means determined pursuant to subdivision (a) for inclusion on the~~
29 ~~Automated License Data System pursuant to subdivision (a) that~~
30 ~~shall not exceed the reasonable costs associated with the direct~~
31 ~~administration of this section.~~

32 ~~(e)~~

33 ~~(c) As used in this section, "nonprofit conservation organization"~~
34 ~~means an entity that the department determines meets all of the~~
35 ~~following:~~

36 ~~(1) It is a nonprofit organization described in Section 501(c)(3)~~
37 ~~of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)), that is~~
38 ~~exempt from taxation under Section 501(a) of that code (26 U.S.C.~~
39 ~~Sec. 501(a)).~~

40 ~~(2) It is registered with the Attorney General.~~

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

3 (4) In at least one of the previous three calendar years, it has
4 entered into, or been obligated under, a contract or other agreement,
5 including, but not limited to, a license, easement, memorandum
6 of understanding, or lease, with the department to perform habitat
7 or other wildlife conservation work, to provide hunting or fishing
8 opportunities for the public, to raise funds on behalf of the
9 department, including, but not limited to, the sale of hunting
10 fundraising tags or related items, or to otherwise provide assistance
11 to the department that is consistent with the department's mission.

12 ~~(f) (1) A nonprofit conservation organization that receives~~
13 ~~contact information from the department pursuant to this section~~
14 ~~shall not share that information with any other third party without~~
15 ~~the prior written consent of the individual to whom the contact~~
16 ~~information applies.~~

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

24 ~~(g)~~

25 (d) Notwithstanding Section 13340 of the Government Code,
26 the moneys generated from the charge imposed pursuant to
27 subdivision (d) are continuously appropriated, without regard to
28 fiscal year, to the department, to be used to pay the reasonable
29 costs associated with the direct administration of this section,
30 including, but not limited to, a reasonable portion of the costs of
31 making changes to the Automated License Data System necessary
32 to implement this section.