

**#229 - SPECIAL PROVISIONS REGARDING BIGHORN SHEEP, MOUNTAIN GOAT, MOOSE, DEER, ELK, AND PRONGHORN LICENSES AUTHORIZED BY AUCTION OR COMPETITIVE RAFFLE**

**See also §§33-4-116 through 116.5, C.R.S., concerning statutes for these auctions and raffles**

**A. Conduct of the Auction or Raffle.** Any organization selected to conduct a license auction or raffle for the Wildlife Commission shall abide by the following rules:

**1. General**

- a. All auctions and raffles shall be carried out in accordance with applicable Colorado and Federal laws and the laws of the state where such auction or raffle is held. In the event the auction is held outside of Colorado and there is a conflict between Colorado and local laws, such conflict will be resolved in accordance with applicable principles of conflict of laws; provided the requirements of this regulation must be complied with.
- b. Unless their hunting license privilege is revoked or under suspension pursuant to the law of any state or country, any person, without regard to resident status or citizenship, is eligible to bid at competitive auction or to participate in any raffle for any license authorized by the Commission.
- c. Except as provided herein, auction and raffle licenses are non-transferable and shall be issued only to the winner of a raffle and the highest bidder at an auction. The highest bidder in any auction may give the license as a gift to another person provided written designation of such person is received by the Director at least 30 days prior to the opening of the season. Further, the Director may authorize a transfer of an auction or raffle license prior to the opening of the season due to death or medical incapacity of the holder of any auction or raffle license.
- d. Funds received by a conservation organization which conducts any auction for the Wildlife Commission and due the Division shall be paid to the Division within 60 days after the auction and at least 30 days prior to the opening of the season. Funds received by a conservation organization which conducts any raffle for the Wildlife Commission and due the Division shall be paid to the Division within 90 days after the raffle. No license shall be issued until such funds are received by the Division.
- e. The conservation organization shall ensure no discrimination against any person on the basis of race, creed, color, national origin, religion, sex, age (except as required by Colorado raffle statutes), marital status or physical handicap.

**2. Competitive Auction:**

- a. Conduct the competitive auction at a location reasonably accessible to prospective bidders.
- b. Utilize the services of a professional and experienced auctioneer
- c. Accept verbal and customary bids as well as absentee written and telephone bids.
- d. No minimum bid shall be established.
- e. No buyers premium in any form may be charged.
- f. Advertise the location, date and starting time of the auction in at least one Colorado paper with statewide circulation. Also, announce the auction through at least two conservation or wildlife oriented magazines with nationwide circulation. Such advertisement shall be accomplished at least 30 days in advance of the auction.
- g. Accept payment by legal tender, cashier's check, certified check or major credit card.
- h. Provide appropriate Colorado hunting regulations and other information to potential bidders and other interested parties at least 10 days prior to the auction upon a request basis and to any in attendance immediately prior to and during the auction.
- i. Make award to the highest bidder, but maintain a record of the second highest bidder in case of payment default or other contingency.
- j. Conduct the auction in accordance with auction procedures established and announced at the start of the auction, including, but not limited to, re-bidding procedures. In the case of any dispute, the auctioneer shall make the final determination as to the highest competitive bid. In the event of a tie, the auctioneer 44

may reopen the bidding of those two bidders to determining the highest bidder. The auctioneer has the sole discretion to advance the bidding and may reject a nominal or fractional advance over the preceding bid. The auctioneer may refuse any bid for reasonable cause.

### **3. Raffle**

- a. Procedures for issuing and collecting raffle tickets and related funds, the location, date and approximate time of a random drawing and all other procedures pertaining to the raffle shall be published and made available upon request at least three (3) months prior to any drawing or award.
- b. Any raffle drawing shall be conducted at a meeting of a conservation organization open to general public attendance. The location, date and time of such meeting must be advertised at least 30 days in advance.
- c. Raffle tickets shall be available for a value of not more than \$25.00 each, and the same name shall not appear on more than 25 tickets.
- d. All tickets shall include a place for a name, address and phone number of the holder and all tickets and stubs shall be numbered. Winner need not be present.
- e. The location and time of the drawing as well as the purpose of the raffle and other information pertaining to the raffle shall be printed on each ticket.
- f. The raffle license shall be issued to the person whose name appears on the winning raffle ticket.

### **B. Auction and Raffle Licenses**

1. Licenses issued by auction or raffle shall permit the taking of one animal of either sex, as defined or specified by unit or season in this chapter; except as otherwise provided in these regulations. Rocky Mountain bighorn sheep licenses are not valid for desert bighorn sheep.
2. All licenses issued as a product of a competitive auction or raffle shall be written at the Division headquarters.
3. There shall be no refund of any monies collected through auction or raffle.
4. Licenses for each species shall be valid on a unit-by-unit basis from the first open season in a unit for that species after August 1 through December 31, except as provided in regulation #210(D)(5)(a) or #4(a) below. Licenses are not valid in units that do not have an open season for the species between August 1 and December 31. An open season is any season in which licenses are issued by the Division for the species in question by drawing, over the counter, or in a Special Management License unit for bighorn sheep or mountain goat, upon request from an Auction and Raffle hunter as approved by the Division.
  - a. Licenses for deer shall be valid on a unit-by-unit basis from the first open deer season in a unit after August 1 through November 30 or the last day of the last open antlered or either-sex deer season in a unit, whichever comes later.
5. For sheep, goat and moose, manner of take must be consistent with manner of take restrictions for any ongoing open season, or if no open season is ongoing, restricted to the manners of take allowed in the unit or part of a unit.
6. For deer, elk, and pronghorn, any manner of take legal for that species can be used during the period the license is valid, except pronghorn licenses are valid by archery before the last Saturday in August.
7. Licenses will be valid for one year only and only in accordance with applicable provisions of this chapter and other appropriate regulations of the Wildlife Commission, unless otherwise provided herein.
8. Prior to hunting, all holders of auction and raffle licenses shall provide the Division with the following information:
  - a. Anticipated hunting areas, including GMUs and nearest towns.
  - b. Vehicle descriptions.
  - c. Intended methods of take.
9. All auction and raffle hunters shall complete and return a harvest questionnaire provided by the Division within 30 days after the close of their final hunting season. All wildlife 45

harvested through the use of an auction or raffle license shall be presented to and inspected by an employee of the Division on or before the 5<sup>th</sup> working day after the taking thereof. Failure to present harvested wildlife for inspection as required by this regulation shall make the licensee ineligible for future licenses for that species in Colorado.

### **C. Expenditure of Auction and Raffle Proceeds**

1. A Project Advisory Committee (PAC) shall be established for each species qualifying for auction and raffle licenses. Each PAC shall be made up of a spokesperson representative from each nonprofit, conservation organization selling an auction or raffle license for that species and a spokesperson representative of the Division. A conservation organization can abstain from participating on a PAC if they so choose or if they do not provide representation. In addition, the USFS, BLM, and other potentially affected land management agencies shall each have the opportunity to provide a spokesperson representative for each PAC at their discretion.

2. The Division shall be responsible for annual solicitation of project proposals requesting auction and raffle funding with a deadline no later than April 30<sup>th</sup> of each year. Funding can potentially be provided to government agencies, including the Division, nonprofit organizations, and private entities for appropriate projects as provided by Colorado laws. Each PAC shall review the project proposals for their respective species and recommend how auction and raffle proceeds for that species shall be expended. Each PAC shall make funding recommendations to the Division Director no later than May 31<sup>st</sup> of each year. Project funding shall require approval by the Division Director or a designee of the Director.

3. As provided by Colorado laws, auction and raffle funds for deer, elk, and pronghorn can be used interchangeably among said species and auction and raffle funds for bighorn sheep, mountain goats, and moose can be used interchangeably among said species. PACs that desire to recommend funding of projects using auction and raffle funds for a different species within an interchangeable group shall include in their recommendations for funding the respective recommendations of any PAC responsible for an affected species.

### **D. Accounting of auction and raffle proceeds.**

1. Each conservation organization receiving an auction or raffle license for sale shall enter into an agreement with the Division that includes requirements for auction and raffle income and disposition records. Each organization shall maintain records of activities relating to auction and raffle proceeds retained by the organization. Such records shall be available for inspection by the Division at all reasonable times and subject to audit by the state.

2. The Division shall provide each conservation organization with a list of all projects that have been approved for auction and raffle funding each year.

3. The Division shall provide the PAC committees with current auction and raffle fund balances by May 1<sup>st</sup> of each year.

4. Recipients of auction and raffle funds must provide an annual status report to the Division by July 1<sup>st</sup> for each fiscal year funding is provided. In some cases the Division may also request a comprehensive final report. At a minimum, such reports must provide a summary of accomplishments and results in relation to proposal objectives and a basic accounting of auction and raffle fund expenditures. The Division may request additional follow-up information such as more detailed records of results and expenditures. Failure to provide a satisfactory report or follow-up information can result in termination of

auction and raffle funding at the discretion of the Division. The Division shall provide copies of available annual status reports and final reports to each PAC upon request