# Public Law 95-469
# 95th Congress

## An Act

To provide for payments to local governments based upon the acreage of the National Wildlife Refuge System which is within their boundaries, and for other purposes.

Oct. 17, 1978
[H.R. 8394]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) section 401 of the Act of June 15, 1935 (commonly referred to as the "Refuge Revenue Sharing Act", 16 U.S.C. 715s) is amended as follows:

Refuge Revenue Sharing Act, amendment.

(1) Subsection (a) is amended—

(A) by inserting "salmonoid carcassas," after "animals,"; and

(B) by inserting after "National Wildlife Refuge System" the second time it appears ", National Fish Hatcheries, or other areas,".

(2) Subsection (b) is amended by inserting "and revenue-sharing" immediately after "revenue-producing"; and by striking out "set forth in subsection (a)".

(3) Subsections (c), (d), (e), (f), and (g) are amended to read as follows:

Payments.

"(c)(1) The Secretary shall pay out the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979, to each county in which is situated any fee area whichever of the following amounts is greater:

"(A) An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county.

"(B) An amount equal to three-fourths of 1 per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county.

"(C) An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum the same ratio as that portion of the fee area acreage which is within such county bears to the total acreage of such fee area.

"(2) At the end of each fiscal year the Secretary shall pay out of the fund for such fiscal year to each county in which any reserve area is situated, an amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such area during such fiscal year: *Provided*, That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such reserve area.

"(3) For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

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"(4)(A) For purposes of determining the fair market value of fee areas under paragraph (1)(B), the Secretary shall—

"(i) appraise before September 30, 1979, all fee areas for which payments under this section were not authorized for fiscal years occurring before October 1, 1977; and

"(ii) appraise all other fee areas, within five years after the date of the 1978 amendment to this subsection, in the order in which such areas were first established by the Service.

After initial appraisal under clause (i) or (ii), each fee area shall thereafter be reappraised by the Secretary at least once during each five-year period occurring after the date of the initial appraisal. Until any fee area referred to in clause (ii) is initially appraised under this subparagraph, the fair market value of such area shall be deemed to be that adjusted cost of the area which was used to determine payments under this subsection for fiscal year 1977; and in no case may the amount of any payment to any local government under paragraph (1)(B) with respect to any fee area be less than the amount paid under paragraph (2)(A) of this subsection (as in effect on September 30, 1977) with respect to such area.

Determinations.

"(B) The Secretary shall make the determinations required under this subsection in such manner as the Secretary considers to be equitable and in the public interest. All such determinations shall be final and conclusive.

"(5)(A) Each county which receives payments under paragraphs (1) and (2) with respect to any fee area or reserve area shall distribute, under guidelines established by the Secretary, such payments on a proportional basis to those units of local government (including, but not limited to, school districts and the county itself in appropriate cases) which have incurred the loss or reduction of real property tax revenues by reason of the existence of such area. In any case in which a unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments under paragraphs (1) and (2) shall be made to such other unit which shall distribute the payments in accordance with the guidelines.

Regulations.

"(B) The Secretary may prescribe regulations under which payments under this paragraph may be made to units of local government in cases in which subparagraph (A) will not effect the purposes of this paragraph.

"(C) Payments received by units of local government under this subsection may be used by such units for any governmental purpose.

"(d) If the net receipts in the fund which are attributable to revenue collections for any fiscal year do not equal the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, there are authorized to be appropriated to the fund an amount equal to the difference between the total amount of net receipts and such aggregate amount of payments.

"(e) If the net receipts in the fund which are attributable to revenue collections for any fiscal year exceed the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, the amount of such excess shall be transferred to the Migratory Bird Conservation Fund for use in the acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715–715r).

"(f) The Secretary shall carry out any revenue producing activity referred to in subsection (a) (1), (2), and (3) within any fee area or reserve area subject to such terms, conditions, or regulations, includ-

ing sales in the open markets, as the Secretary determines to be in the best interest of the United States. The Secretary may, in accordance with such regulations as the Secretary may prescribe, dispose of animals which are surplus to any such area by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propogation purposes, and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife. Disposal of animals.

"(g) As used in this section— Definitions.

"(1) The term 'Secretary' means the Secretary of the Interior.

"(2) The term 'fee area' means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

"(3) The term 'reserve area' means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service.

"(4) The term 'Service' means the United States Fish and Wildlife Service.

"(5) The term 'county' means any county, parish, or organized or unorganized borough.".

(4) Such section is amended by adding at the end thereof the following new subsection:

"(h) In administering the Act of October 20, 1976 (Public Law 94-565, 31 U.S.C. 1601-1607), for fiscal years occurring after September 30, 1978—

"(1) reserve areas shall be deemed to be entitlement lands for purposes of section 6(a) of such Act; and

"(2) payments received by any unit of local government pursuant to subsection (c)(2) shall be deemed to be payments under a provision of law specified in section 4 of such Act.".

(b) Title IV of such Act of June 15, 1935, is amended by amending the center heading immediately preceding section 401 thereof to read as follows: 16 USC 715s.

"TITLE IV—PARTICIPATION OF LOCAL GOVERNMENTS IN REVENUE FROM AREAS ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE".

SEC. 2. The amendments made by this Act shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935, for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV which amend section 401 (a) and (g), add paragraph (4) to section 401(c), and amend the title heading shall take effect on the date of the enactment of this Act. No authorization for appropriation shall be available under this Act before the fiscal year ending September 30, 1980. 16 USC 715s note. 16 USC 715s.

SEC. 3. The Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976 (90 Stat. 2662; 31 U.S.C. 1601) is amended as follows:

(1) in subsection (a) of section 6 delete clause (4) and insert in lieu thereof the following new clause: 31 USC 1606.

"(4) effective October 1, 1978, lands on which are located semiactive or inactive installations, not including industrial installations, retained by the Army for mobilization purposes and for support of reserve component training; or".

(2) at the end of section 5 insert the following new subsection: 31 USC 1605.

"(c) Nothing in this Act shall authorize any payments to any unit of local government for any lands otherwise entitled to receive payments pursuant to subsection (a) of section 6 if such lands were owned and/or administered by a State or unit of local government and exempt from payment of real estate taxes at the time title to such lands is conveyed to the United States, except that, beginning in fiscal year 1979, this subsection shall cease to be applicable to payments for any land which is or was acquired by a State or unit of local government from private parties for the purpose of donation of such land to the Federal Government and which is or was so donated within eight years of the date of acquisition thereof by the State or unit of local government."; and

31 USC 1606.

(3) at the end of section 3 insert the following new subsection:

31 USC 1603.

"(e) Notwithstanding the provisions of subsection (c) of section 6 of this Act as it applies to the State of Alaska, for purposes of this section, beginning in fiscal year 1979 a unit of local government in Alaska located outside the boundaries of an organized borough which acts as the collecting and distributing agency for real property taxes shall be eligible to receive payments under the foregoing provisions of this section.".

Approved October 17, 1978.

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LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1197 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 95-1174 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 124 (1978):
June 6, considered and passed House.
Sept. 25, considered and passed Senate, amended; vote vitiated; reconsidered and passed Senate, amended.
Sept. 29, House concurred in Senate amendments.