

ENGROSSED SENATE
BILL NO. 1463

By: Wyrick of the Senate
and
Glenn of the House

[children - Lead-Impacted Communities Relocation Act
-
emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 371, O.S.L.
2004 (10 O.S. Supp. 2005, Section 7603), is amended to read as
follows:

Section 7603. A. The Department of Environmental Quality is
hereby authorized to make grants, from monies appropriated for that
purpose, to state beneficiary public trusts serving communities
affected by historic lead and zinc mining and located within the
boundaries of federal Superfund sites; provided, that any trust
receiving such a grant shall accept the following grant conditions:

1. Funds shall be used to assist individuals or married couples
living within the most affected area of the site and who are parents
or legal guardians of children six (6) years of age and younger.
For purposes of the Lead-Impacted Communities Relocation Assistance
Act, "most affected area" shall mean the communities in which lead
poses the greatest threat to children's health and shall include a
reasonable buffer area around such communities. To be eligible for
assistance an individual or married couple shall have both:

- a. continually resided in the most affected area of the
site since December 1, 2003, and

- b. on December 1, 2003, either been pregnant or had residing with them a child or children six (6) years of age and younger;

2. For those eligible for relocation assistance who have rented their living quarters since December 1, 2003, and who can produce a valid rental contract or other proof of rental arrangement, assistance shall be in an amount equal to the average cost of twelve (12) months of rent for comparable housing elsewhere in the county. The trust shall provide such assistance in periodic payments and not in a single lump sum. In addition, eligible individuals or married couples shall receive reimbursement up to One Thousand Dollars (\$1,000.00) for payment to a company in the moving business for at least two (2) years or for reimbursement of actual moving expenses as demonstrated by receipts. Recipients must agree, prior to accepting such assistance, that they will not again reside within one-half (1/2) mile of the most affected area of the site until the State Commissioner of Health formally determines that the area is safe for children six (6) years of age and younger;

3. For those individuals and married couples eligible for relocation assistance who have owned their homes since December 1, 2003, the trust shall purchase their homes for an amount equal to the average cost of comparable housing elsewhere in the county. In addition, such individuals shall receive reimbursement up to One Thousand Dollars (\$1,000.00) either for payment to a company in the moving business for at least two (2) years or for reimbursement of actual moving expenses as demonstrated by receipts. Recipients must agree, prior to accepting such assistance, that they will not again reside within one-half (1/2) mile of the most affected area of the site until the State Commissioner of Health formally determines that the area is safe for children six (6) years of age and younger;

4. In determining the purchase price of a recipient's home, the trust shall deduct any amounts received by the recipient in

compensation for damage to the home caused by remedial action on the property; and

5. Funds shall also be used to assist landlords whose tenants take advantage of the relocation assistance provided in paragraph 2 of this subsection. Landlords shall be eligible for an amount equal to twelve (12) months of rent at a monthly rate equal to the average monthly rent received by the landlord for the vacated unit over the previous twelve (12) months. Recipients of such assistance must agree, prior to accepting such assistance, that they will not permit any family with children six (6) years of age and younger to occupy any vacated unit until the State Commissioner of Health formally determines that the area is safe for children of such an age.

B. The trust shall agree to place a restriction which shall run with the land on the deeds to all property obtained pursuant to paragraph 3 of subsection A of this section providing that the property may not be occupied by children six (6) years of age and younger until the State Commissioner of Health formally determines that the area is safe for children of such an age.

C. Participation in the assistance program shall be voluntary. No person shall be required to relocate under the provisions of this act.

D. In addition to the relocation assistance program described in subsection A of this section, funds granted to the trust may be used for the following purposes:

1. To provide grants to municipalities, public trusts, or other public entities operating utility systems located within the most affected area of the site in order to lessen the debt burden on such entities as a result of the relocation of families pursuant to this act. The amount of such grants shall be based on the outstanding debt of such entities and the proportion that the number of persons relocated bears to the total population of the community served by such entity; ~~and~~

2. To benefit public school districts located within the most affected area of the site; and

3. To assist municipalities, counties, school districts, or other public entities in responding to hazards posed by subsidence.

E. Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in the manner that the trust determines shall best serve the public interest.

F. A trust receiving a grant from the Department of Environmental Quality shall be authorized to establish appropriate procedures for eligible residents to apply for the relocation assistance described in this section; provided, however, that such a trust must set a deadline requiring eligible residents to submit their initial application for assistance within four (4) months of the effective date of this act. The trust is further authorized to make reasonable use of grant funds for the administration of the relocation assistance program.

G. In addition to the expenditure of funds according to the provisions of this act, a trust receiving a grant from the Department of Environmental Quality, shall be authorized to seek and expend funds from any other source, whether public or private, to further the purposes of the trust. The funds granted to a trust by the state shall be transferred in periodic payments rather than a single lump sum.

H. Prior to determining what constitutes the most affected area, the trust shall consult with the Department of Environmental Quality, which shall provide a recommendation regarding what it believes the boundaries of such an area should be.

I. Any trust receiving funds under this act shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

J. At no time shall a majority of the trustees of a trust receiving funds under this act be residents of the most affected area. All trustees shall abstain from participating in any decision in which they have a direct pecuniary interest.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 2nd day of March, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives