

CS for SB 1463

1 THE STATE SENATE
2 Monday, February 27, 2006

3 Committee Substitute for
4 Senate Bill No. 1463

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1463 - By: WYRICK of the
6 Senate and GLENN of the House.

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

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

10 SECTION 1. AMENDATORY Section 3, Chapter 371, O.S.L.
11 2004 (10 O.S. Supp. 2005, Section 7603), is amended to read as
12 follows:

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

19 1. Funds shall be used to assist individuals or married couples
20 living within the most affected area of the site and who are parents
21 or legal guardians of children six (6) years of age and younger.
22 For purposes of the Lead-Impacted Communities Relocation Assistance
23 Act, "most affected area" shall mean the communities in which lead
24 poses the greatest threat to children's health and shall include a

1 reasonable buffer area around such communities. To be eligible for
2 assistance an individual or married couple shall have both:

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

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

8 2. For those eligible for relocation assistance who have rented
9 their living quarters since December 1, 2003, and who can produce a
10 valid rental contract or other proof of rental arrangement,
11 assistance shall be in an amount equal to the average cost of twelve
12 (12) months of rent for comparable housing elsewhere in the county.
13 The trust shall provide such assistance in periodic payments and not
14 in a single lump sum. In addition, eligible individuals or married
15 couples shall receive reimbursement up to One Thousand Dollars
16 (\$1,000.00) for payment to a company in the moving business for at
17 least two (2) years or for reimbursement of actual moving expenses
18 as demonstrated by receipts. Recipients must agree, prior to
19 accepting such assistance, that they will not again reside within
20 one-half (1/2) mile of the most affected area of the site until the
21 State Commissioner of Health formally determines that the area is
22 safe for children six (6) years of age and younger;

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

13 4. In determining the purchase price of a recipient's home, the
14 trust shall deduct any amounts received by the recipient in
15 compensation for damage to the home caused by remedial action on the
16 property; and

17 5. Funds shall also be used to assist landlords whose tenants
18 take advantage of the relocation assistance provided in paragraph 2
19 of this subsection. Landlords shall be eligible for an amount equal
20 to twelve (12) months of rent at a monthly rate equal to the average
21 monthly rent received by the landlord for the vacated unit over the
22 previous twelve (12) months. Recipients of such assistance must
23 agree, prior to accepting such assistance, that they will not permit

1 any family with children six (6) years of age and younger to occupy
2 any vacated unit until the State Commissioner of Health formally
3 determines that the area is safe for children of such an age.

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

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

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

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

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

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

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

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

18 G. In addition to the expenditure of funds according to the
19 provisions of this act, a trust receiving a grant from the
20 Department of Environmental Quality, shall be authorized to seek and
21 expend funds from any other source, whether public or private, to
22 further the purposes of the trust. The funds granted to a trust by

1 the state shall be transferred in periodic payments rather than a
2 single lump sum.

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
19 2-23-06 - DO PASS, As Amended and Coauthored.