

1 ENGROSSED SENATE
2 BILL NO. 1190

By: Wyrick of the Senate
and
Glenn of the House

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6 [lead-impacted communities - relocation and rental
7 assistance grants -
8 emergency]

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

11 SECTION 1. AMENDATORY Section 3, Chapter 371, O.S.L.
12 2004, as amended by Section 2, Chapter 226, O.S.L. 2006, and as
13 renumbered by Section 6, Chapter 226, O.S.L. 2006 (27A O.S. Supp.
14 2007, Section 2203), is amended to read as follows:

15 Section 2203. A. The Department of Environmental Quality is
16 hereby authorized to make grants, from monies appropriated for that
17 purpose, to state beneficiary public trusts serving communities
18 affected by historic lead and zinc mining and located within the
19 boundaries of federal Superfund sites; provided, that any trust
20 receiving such a grant shall accept the following grant conditions:

21 1. Funds shall be used to assist individuals or married couples
22 living within the most affected area of the site and who are parents
23 or legal guardians of children six (6) years of age and younger.

24 For purposes of the Lead-Impacted Communities Relocation Assistance

1 Act, "most affected area" shall mean the communities in which lead
2 poses the greatest threat to children's health and shall include a
3 reasonable buffer area around such communities. To be eligible for
4 assistance under this subsection an individual or married couple
5 shall have both:

- 6 a. continually resided in the most affected area of the
7 site since December 1, 2003, and
- 8 b. on December 1, 2003, either been pregnant or had
9 residing with them a child or children six (6) years
10 of age and younger;

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

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

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

19 5. Funds shall also be used to assist landlords whose tenants
20 take advantage of the relocation assistance provided in paragraph 2
21 of this subsection. Landlords shall be eligible for an amount equal
22 to twelve (12) months of rent at a monthly rate equal to the average
23 monthly rent received by the landlord for the vacated unit over the
24 previous twelve (12) months. Recipients of such assistance must

1 agree, prior to accepting such assistance, that they will not permit
2 any family with children six (6) years of age and younger to occupy
3 any vacated unit until the State Commissioner of Health formally
4 determines that the area is safe for children of such an age.

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

11 B. ~~Upon the effective date of this act~~ Beginning June 6, 2006,
12 the Department of Environmental Quality is authorized to make grants
13 to state beneficiary public trusts serving communities affected by
14 historic lead and zinc mining and located within the boundaries of
15 federal Superfund sites; provided that any trust receiving such a
16 grant shall accept the following conditions:

17 1. Funds shall be used to assist those persons owning or
18 renting property within the area of greatest subsidence risk. For
19 purposes of ~~this act~~ the Lead-Impacted Communities Relocation
20 Assistance Act, "area of greatest subsidence risk" shall mean the
21 communities in which subsurface lead and zinc mine caverns pose the
22 greatest threat to public safety and shall include a reasonable
23 buffer area around such communities;

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1 2. To be eligible for ~~rental~~ residential assistance under this
2 subsection, an individual must have continually resided in the area
3 of greatest subsidence risk since January 31, 2006. For those
4 eligible for relocation assistance who have rented their living
5 quarters since January 31, 2006, and who can produce a valid rental
6 contract or other proof of rental arrangement, assistance shall be
7 in an amount equal to the average cost of twelve (12) months of rent
8 for comparable housing elsewhere in the county. The trust may, in
9 its discretion, provide such assistance in periodic payments rather
10 than in a single lump sum. In addition, eligible individuals may
11 receive up to One Thousand Dollars (\$1,000.00) for moving expenses.
12 Recipients must agree, prior to accepting such assistance, that they
13 will not again reside within the area of greatest subsidence risk
14 until the Secretary of the Environment determines that the area is
15 safe for habitation;

16 3. For those individuals eligible for relocation assistance
17 under this subsection who own ~~homes~~ their place of residence, the
18 trust shall purchase such homes for an amount equal to the ~~average~~
19 ~~cost~~ value of comparable housing elsewhere in the county. In
20 addition, such individuals may receive up to One Thousand Dollars
21 (\$1,000.00) for moving expenses. Recipients must agree, prior to
22 accepting such assistance, that they will not again reside within
23 the area of greatest subsidence risk until the Office of the
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1 Secretary of the Environment determines that the area is safe for
2 habitation;

3 4. To be eligible for commercial ~~rental~~ assistance under this
4 subsection, an individual or legal entity must have continually
5 operated in the area of greatest subsidence risk since January 31,
6 2006. For those eligible for relocation assistance who have rented
7 their business or nonprofit organization premises continually since
8 January 31, 2006, and who can produce a valid rental contract or
9 other proof of rental arrangement, assistance shall be in an amount
10 equal to the average cost of twelve (12) months of rent for
11 comparable premises elsewhere in the county. The trust may, in its
12 discretion, provide such assistance in periodic payments rather than
13 in a single lump sum. In addition, such businesses or organizations
14 may receive up to Two Thousand Dollars (\$2,000.00) for moving
15 expenses. Recipients must agree, prior to accepting such
16 assistance, that they will not again operate within the area of
17 greatest subsidence risk until the Office of the Secretary of the
18 Environment determines the area is safe for occupation;

19 5. For those individuals or legal entities eligible for
20 relocation assistance under this subsection that operate businesses
21 or nonprofit organizations in structures they own which are located
22 in the area of greatest subsidence risk, the trust shall purchase
23 the property for an amount equal to the ~~average cost~~ value of
24 comparable commercial property elsewhere in the county. In

1 addition, such businesses or organizations may receive up to Two
2 Thousand Dollars (\$2,000.00) for moving expenses. Recipients must
3 agree, prior to accepting such assistance, that they will not again
4 operate within the area of greatest subsidence risk until the Office
5 of the Secretary of the Environment determines the area is safe for
6 occupation; and

7 6. All other owners of real property in the area of greatest
8 subsidence risk may be eligible under this subsection to sell their
9 property to the trust for an amount equal to the ~~average cost~~ value
10 of comparable property elsewhere in the county.

11 C. ~~Payments made pursuant to the provisions of this act may be~~
12 ~~issued to any eligible individual, married couple or head of~~
13 ~~household, provided not more than one payment agreement shall be~~
14 ~~provided per eligible residential or commercial unit~~ Where
15 application for relocation assistance is made by one of multiple
16 owners or lessees of a particular property or rental unit, the sum
17 of all payments for acquisition of such property shall not exceed
18 the amount that would have been paid had the property belonged to a
19 single owner and the sum of all rental assistance shall not exceed
20 the amount that would have been paid had the unit been rented by a
21 single lessee.

22 D. Participation in the assistance program shall be voluntary.
23 No person shall be required to relocate under the provisions of ~~this~~
24 ~~act~~ the Lead-Impacted Communities Relocation Assistance Act.

1 E. In addition to the relocation assistance program described
2 in subsections A and B of this section, funds granted to the trust
3 may be used for the following purposes:

4 1. To provide grants to municipalities, public trusts, or other
5 public entities operating utility systems located within the most
6 affected area of the site in order to lessen the debt burden on such
7 entities as a result of the relocation of families pursuant to ~~this~~
8 ~~act~~ the Lead-Impacted Communities Relocation Assistance Act. The
9 amount of such grants ~~shall~~ may be based on the outstanding debt of
10 such entities and the proportion that the number of persons
11 relocated bears to the total population of the community served by
12 such entity; and

13 2. To benefit public school districts, public trusts, and other
14 public entities located within the most affected area of the site or
15 area of greatest subsidence risk;

16 F. Real property acquired by the trust pursuant to the
17 relocation assistance provisions of ~~this act~~ the Lead-Impacted
18 Communities Relocation Assistance Act may be utilized or disposed of
19 in the manner that the trust determines shall best serve the public
20 interest.

21 G. A trust receiving a grant from the Department of
22 Environmental Quality shall be authorized to establish appropriate
23 procedures for eligible residents to apply for the relocation
24 assistance described in this section; provided, however, that such a

1 trust must set a deadline requiring eligible residents to submit
2 their initial application for assistance. The trust is further
3 authorized to make reasonable use of grant funds for the
4 administration of the relocation assistance program.

5 H. In addition to the expenditure of funds according to the
6 provisions of ~~this act~~ the Lead-Impacted Communities Relocation
7 Assistance Act, a trust receiving a grant from the Department of
8 Environmental Quality, shall be authorized to seek and expend funds
9 from any other source, whether public or private, to further the
10 purposes of the trust. The funds granted to a trust by the state
11 shall be transferred in periodic payments rather than a single lump
12 sum.

13 I. Prior to determining what constitutes the most affected area
14 or area of greatest subsidence risk, the trust shall consult with
15 the Department of Environmental Quality, which shall provide a
16 recommendation regarding what it believes the boundaries of such an
17 area should be.

18 J. Any trust receiving funds under ~~this act~~ the Lead-Impacted
19 Communities Relocation Assistance Act shall be subject to the
20 provisions of the Oklahoma Open Meeting Act and the Oklahoma Open
21 Records Act.

22 K. At no time shall a majority of the trustees of a trust
23 receiving funds under ~~this act~~ the Lead-Impacted Communities
24 Relocation Assistance Act be residents of the most affected area or

1 area of greatest subsidence risk. All trustees shall abstain from
2 participating in any decision in which they have a direct pecuniary
3 interest.

4 L. A trust receiving funds under the Lead-Impacted Communities
5 Relocation Assistance Act is authorized to purchase property
6 belonging to a trustee or a member of the trustee's immediate family
7 provided such purchase meets the requirements of the Lead-Impacted
8 Communities Relocation Assistance Act, such trustee discloses the
9 trustee's interest in the transaction, such trustee plays no role in
10 the discussions or vote approving such purchase and the value of the
11 purchase is based upon an independent appraiser's determination of
12 the value of comparable property elsewhere in the county.

13 M. The trust shall establish priorities among those seeking
14 assistance, making certain that those at the greatest risk for loss
15 of life and property receive the highest priority. All assistance
16 programs shall be contingent upon the availability of funds.

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

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