

SB 1190

THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1190
As Amended

SENATE BILL NO. 1190 - By: WYRICK of the Senate and GLENN of the House.

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

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

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

Section 2203. 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

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

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

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

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

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

1 previous twelve (12) months. Recipients of such assistance must
2 agree, prior to accepting such assistance, that they will not permit
3 any family with children six (6) years of age and younger to occupy
4 any vacated unit until the State Commissioner of Health formally
5 determines that the area is safe for children of such an age.

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

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

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

1 greatest threat to public safety and shall include a reasonable
2 buffer area around such communities;

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

18 3. For those individuals eligible for relocation assistance
19 under this subsection who own ~~homes~~ their place of residence, the
20 trust shall purchase such homes for an amount equal to the ~~average~~
21 ~~cost~~ value of comparable housing elsewhere in the county. In
22 addition, such individuals may receive up to One Thousand Dollars
23 (\$1,000.00) for moving expenses. Recipients must agree, prior to

1 accepting such assistance, that they will not again reside within
2 the area of greatest subsidence risk until the Office of the
3 Secretary of the Environment determines that the area is safe for
4 habitation;

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

21 5. For those individuals or legal entities eligible for
22 relocation assistance under this subsection that operate businesses
23 or nonprofit organizations in structures they own which are located

1 in the area of greatest subsidence risk, the trust shall purchase
2 the property for an amount equal to the ~~average cost~~ value of
3 comparable commercial property elsewhere in the county. In
4 addition, such businesses or organizations may receive up to Two
5 Thousand Dollars (\$2,000.00) for moving expenses. Recipients must
6 agree, prior to accepting such assistance, that they will not again
7 operate within the area of greatest subsidence risk until the Office
8 of the Secretary of the Environment determines the area is safe for
9 occupation; and

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

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

1 the amount that would have been paid had the unit been rented by a
2 single lessee.

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

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

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

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

21 F. Real property acquired by the trust pursuant to the
22 relocation assistance provisions of ~~this act~~ the Lead-Impacted
23 Communities Relocation Assistance Act may be utilized or disposed of

1 in the manner that the trust determines shall best serve the public
2 interest.

3 G. A trust receiving a grant from the Department of
4 Environmental Quality shall be authorized to establish appropriate
5 procedures for eligible residents to apply for the relocation
6 assistance described in this section; provided, however, that such a
7 trust must set a deadline requiring eligible residents to submit
8 their initial application for assistance. The trust is further
9 authorized to make reasonable use of grant funds for the
10 administration of the relocation assistance program.

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

19 I. Prior to determining what constitutes the most affected area
20 or area of greatest subsidence risk, the trust shall consult with
21 the Department of Environmental Quality, which shall provide a
22 recommendation regarding what it believes the boundaries of such an
23 area should be.

1 J. Any trust receiving funds under ~~this act~~ the Lead-Impacted
2 Communities Relocation Assistance Act shall be subject to the
3 provisions of the Oklahoma Open Meeting Act and the Oklahoma Open
4 Records Act.

5 K. At no time shall a majority of the trustees of a trust
6 receiving funds under ~~this act~~ the Lead-Impacted Communities
7 Relocation Assistance Act be residents of the most affected area or
8 area of greatest subsidence risk. All trustees shall abstain from
9 participating in any decision in which they have a direct pecuniary
10 interest.

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
6 PASS, As Amended and Coauthored.