

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

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

15 2. For those eligible for relocation assistance who have rented
16 their living quarters since December 1, 2003, and who can produce a
17 valid rental contract or other proof of rental arrangement,
18 assistance shall be in an amount equal to the average cost of twelve
19 (12) months of rent for comparable housing elsewhere in the county.
20 The trust shall provide such assistance in periodic payments and not
21 in a single lump sum. In addition, eligible individuals or married
22 couples shall receive reimbursement up to One Thousand Dollars
23 (\$1,000.00) for payment to a company in the moving business for at

1 least two (2) years or for reimbursement of actual moving expenses
2 as demonstrated by receipts. Recipients must agree, prior to
3 accepting such assistance, that they will not again reside within
4 one-half (1/2) mile of the most affected area of the site until the
5 State Commissioner of Health formally determines that the area is
6 safe for children six (6) years of age and younger;

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

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

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

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

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

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

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

1 3. For those individuals eligible for relocation assistance
2 under this subsection who own ~~homes~~ their place of residence, the
3 trust shall purchase such homes for an amount equal to the ~~average~~
4 ~~cost~~ value of comparable housing elsewhere in the county. In
5 addition, such individuals may receive up to One Thousand Dollars
6 (\$1,000.00) for moving expenses. Recipients must agree, prior to
7 accepting such assistance, that they will not again reside within
8 the area of greatest subsidence risk until the Office of the
9 Secretary of the Environment determines that the area is safe for
10 habitation;

11 4. To be eligible for commercial ~~rental~~ assistance under this
12 subsection, an individual or legal entity must have continually
13 operated in the area of greatest subsidence risk since January 31,
14 2006. For those eligible for relocation assistance who have rented
15 their business or nonprofit organization premises continually since
16 January 31, 2006, and who can produce a valid rental contract or
17 other proof of rental arrangement, assistance shall be in an amount
18 equal to the average cost of twelve (12) months of rent for
19 comparable premises elsewhere in the county. The trust may, in its
20 discretion, provide such assistance in periodic payments rather than
21 in a single lump sum. In addition, such businesses or organizations
22 may receive up to Two Thousand Dollars (\$2,000.00) for moving
23 expenses. Recipients must agree, prior to accepting such

1 assistance, that they will not again operate within the area of
2 greatest subsidence risk until the Office of the Secretary of the
3 Environment determines the area is safe for occupation;

4 5. For those individuals or legal entities eligible for
5 relocation assistance under this subsection that operate businesses
6 or nonprofit organizations in structures they own which are located
7 in the area of greatest subsidence risk, the trust shall purchase
8 the property for an amount equal to the ~~average cost~~ value of
9 comparable commercial property elsewhere in the county. In
10 addition, such businesses or organizations may receive up to Two
11 Thousand Dollars (\$2,000.00) for moving expenses. Recipients must
12 agree, prior to accepting such assistance, that they will not again
13 operate within the area of greatest subsidence risk until the Office
14 of the Secretary of the Environment determines the area is safe for
15 occupation; and

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

20 ~~C. Payments made pursuant to the provisions of this act may be~~
21 ~~issued to any eligible individual, married couple or head of~~
22 ~~household, provided not more than one payment agreement shall be~~
23 ~~provided per eligible residential or commercial unit~~ Where

1 application for relocation assistance is made by one of multiple
2 owners or lessees of a particular property or rental unit, the sum
3 of all payments for acquisition of such property shall not exceed
4 the amount that would have been paid had the property belonged to a
5 single owner and the sum of all rental assistance shall not exceed
6 the amount that would have been paid had the unit been rented by a
7 single lessee.

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

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

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

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

4 F. Real property acquired by the trust pursuant to the
5 relocation assistance provisions of ~~this act~~ the Lead-Impacted
6 Communities Relocation Assistance Act may be utilized or disposed of
7 in the manner that the trust determines shall best serve the public
8 interest.

9 G. 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. The trust is further
15 authorized to make reasonable use of grant funds for the
16 administration of the relocation assistance program.

17 H. In addition to the expenditure of funds according to the
18 provisions of ~~this act~~ the Lead-Impacted Communities Relocation
19 Assistance Act, a trust receiving a grant from the Department of
20 Environmental Quality, shall be authorized to seek and expend funds
21 from any other source, whether public or private, to further the
22 purposes of the trust. The funds granted to a trust by the state

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

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

8 J. Any trust receiving funds under ~~this act~~ the Lead-Impacted
9 Communities Relocation Assistance Act shall be subject to the
10 provisions of the Oklahoma Open Meeting Act and the Oklahoma Open
11 Records Act.

12 K. At no time shall a majority of the trustees of a trust
13 receiving funds under ~~this act~~ the Lead-Impacted Communities
14 Relocation Assistance Act be residents of the most affected area or
15 area of greatest subsidence risk. All trustees shall abstain from
16 participating in any decision in which they have a direct pecuniary
17 interest.

18 L. A trust receiving funds under the Lead-Impacted Communities
19 Relocation Assistance Act is authorized to purchase property
20 belonging to a trustee or a member of the trustee's immediate family
21 provided such purchase meets the requirements of the Lead-Impacted
22 Communities Relocation Assistance Act, such trustee discloses the
23 trustee's interest in the transaction, such trustee plays no role in

1 the discussions or vote approving such purchase and the value of the
2 purchase is based upon an independent appraiser's determination of
3 the value of comparable property elsewhere in the county.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 2-8-07
13 - DO PASS, As Coauthored.