

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1406

By: Martin

AS INTRODUCED

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-11-415, which relates to Oklahoma Safe Playground Surfaces Act; providing requirement for certain material to consist of waste tires originating or recovered within this state; providing for notice of approved funds to be sent to applicant; prohibiting reimbursement or payment pending installation and proof of payment; authorizing eligible entity to assign certain payments; and declaring an emergency

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-11-415, is amended to read as follows:

Section 2-11-415. A. The Oklahoma Tax Commission is authorized to award matching grants, pursuant to the provisions of this act, to public schools or institutions, state parks and recreation areas for the purpose of reimbursing such entities for purchasing and installing, according to the specifications outlined in the American Standards for Testing and Materials 1292 (ASTM), playground surfacing material made from crumb rubber or other waste tire material processed by a facility located in this state. The processed crumb rubber or other waste tire material shall be obtained from waste tires originating or recovered within the State of Oklahoma.

B. Beginning July 1, 2001, when the total amount of funds accruing to the Waste Tire Recycling Indemnity Fund, created pursuant to the provisions of Section 2-11-404 of Title 27A of the Oklahoma Statutes, reaches Three Million Dollars (\$3,000,000.00), an amount not exceeding One Million Dollars (\$1,000,000.00) may be expended

from the fund within that state fiscal year for the reimbursement through matching grants of playground resurfacing material purchased pursuant to this section.

C. For the purposes of this act:

1. The term "public school or institution" means any public educational institution or other public institution located in this state and accredited for the purpose of educating or caring for children; and

2. The term "state park or recreation area" means any public recreation area owned and operated by the State of Oklahoma that contains a playground area for public use.

D. Any public school or institution, state park or recreation area shall be eligible to receive a matching grant of up to Twenty Thousand Dollars (\$20,000.00) as reimbursement or payment for purchasing and installing eligible playground surfacing material. A public school or institution may apply for any number of matching grants from the fund, but the total amount awarded shall not exceed Twenty Thousand Dollars (\$20,000.00) per school or institution. The application for reimbursement or payment may be submitted to the Tax Commission at the time a contract for sale and installation of the playground surfacing material has been executed. If approved, funds shall be obligated for the applicant and a notice of funds approval shall be sent by the Tax Commission to the applicant. Actual reimbursement or payment shall not be made by the Tax Commission until a notice of installation, signed by the contractor, has been received from the applicant. Nothing herein shall prevent any eligible entity from assigning payment, which has been approved by the Tax Commission, to a contractor.

E. Grants from the fund for public schools or institutions and state parks or recreation areas shall be awarded on a first-come, first-serve basis but shall not exceed One Million Dollars (\$1,000,000.00), including administrative costs as provided by

subsection F of this section, in any fiscal year. Any entity applying for a matching grant that is rejected due to limited funds shall remain eligible until funds become available.

F. The Tax Commission may retain one percent (1%) of the grant monies awarded from the fund for administrative costs to implement the provisions of this act.

G. The Tax Commission is directed to promulgate rules to implement the provisions of this act.

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.

48-2-2716

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