

1 **SENATE FLOOR VERSION**

2 February 28, 2012

3 SENATE BILL NO. 1363

By: Nichols of the Senate

4 and

5 Martin (Scott) of the House

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7  
8 An Act relating to private prisons; amending 57 O.S.  
9 2011, Section 561.2, which relates to siting of  
10 certain correctional facilities; clarifying  
11 references; and providing an effective date.

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

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 561.2, is  
14 amended to read as follows:

15 Section 561.2. A. The Oklahoma Department of Corrections shall  
16 develop criteria for selection of a site upon which to construct the  
17 correctional facilities described in subsection B of ~~Section 79 of~~  
18 ~~this act~~ Section 183 of Title 73 of the Oklahoma Statutes. The  
19 criteria shall include, but shall not be limited to, the  
20 availability of medical services, support services, transportation  
21 services, the availability of potential employees who would be  
22 qualified to perform required functions at a state correctional  
23 facility and any benefits or incentives offered by the applicant.

1 The criteria shall be subject to approval by the Board of  
2 Corrections.

3 B. The Oklahoma Department of Corrections shall establish a  
4 process for requesting proposals to construct a correctional  
5 facility built with the funds authorized pursuant to ~~Section 79 of~~  
6 ~~this act~~ Section 183 of Title 73 of the Oklahoma Statutes.

7 C. Proposals shall be submitted not later than thirty (30) days  
8 after receipt of the request. The Department shall identify the  
9 proposals meeting the criteria approved pursuant to subsection A of  
10 this section within thirty (30) days after receipt of the proposals.  
11 The Department of Corrections shall identify by appropriate review  
12 and analysis the proposals submitted and shall select a maximum of  
13 three proposals which conform to the criteria set out in subsection  
14 A of this section and shall forward the proposals meeting criteria  
15 to the Board of Corrections.

16 D. The Department of Corrections shall deliver to the Board of  
17 Corrections the top three qualified proposals identified pursuant to  
18 this section together with the information reviewed and analyzed by  
19 the Department of Corrections during analysis of the proposals as  
20 required by this section. The Board of Corrections shall evaluate  
21 the information provided and shall make a final decision selecting  
22 the best site for the correctional facility within fifteen (15) days  
23 of receipt of the information.

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1 E. Any plans developed pursuant to the process for selection of  
2 a contractor for construction of a facility authorized pursuant to  
3 ~~Section 79 of this act~~ Section 183 of Title 73 of the Oklahoma  
4 Statutes shall become the nonexclusive property of the State of  
5 Oklahoma as a condition of the award of the final contract for  
6 construction of the facility. The State of Oklahoma shall not be  
7 obligated to obtain any further permission for use of the plans or  
8 to make payment to any person or other legal entity for the further  
9 use of the plans as may be needed for additional projects for site  
10 adaptation for buildings, structures, or both, for use by the  
11 Department of Corrections.

12 F. The Department of Central Services shall be responsible for  
13 any changes or updates of such plans for construction of any  
14 additional correctional facility constructed using the plans  
15 described in subsection E of this section. The Oklahoma Department  
16 of Transportation and the Department of Central Services shall  
17 provide such architectural, engineering and consulting services as  
18 the Department of Corrections may require in order to adapt existing  
19 plans for use in construction of additional correctional facilities.

20 G. If the Department of Corrections requires architectural,  
21 engineering or other consulting services in addition to those  
22 services authorized by subsection F of this section, the Department  
23 of Central Services shall be authorized to enter into a contract  
24 with an architect, engineer or for other necessary services, as may

1 be required in order to adapt existing plans for new sites for  
2 additional correctional facilities. The costs of any such services  
3 shall be paid by the Department of Corrections.

4 SECTION 2. This act shall become effective November 1, 2012.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-23-12 - DO  
6 PASS, As Coauthored.

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