

1 ENGROSSED SENATE
2 BILL NO. 632

By: Paxton of the Senate

3 and

4 Hilbert of the House

5
6 [business courts - salary - exception - secretary-
7 bailiff - appointment - qualifications -
8 reappointment - oath - vacancies - authority and
9 jurisdiction - claims - transfer - removal -
10 procedures - time limitation - extension -
11 codification - effective date]

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

13 SECTION 1. AMENDATORY 20 O.S. 2021, Section 91.7, is
14 amended to read as follows:

15 Section 91.7. A. ~~The Oklahoma~~ Legislature finds that, due to
16 the complex nature of litigation involving highly technical
17 commercial issues, there is a need for a court in Oklahoma's most
18 populated counties with specific jurisdiction over actions involving
19 such commercial issues.

20 B. ~~The Supreme Court is authorized to create~~ There is hereby
21 created a business court division within the district court of any
22 judicial district containing a ~~municipality~~ county with a population
23 in excess of ~~three hundred thousand (300,000)~~ five hundred thousand
24 (500,000), according to the latest Federal Decennial Census.

1 C. ~~The Supreme Court shall promulgate rules for the~~
2 ~~establishment and jurisdiction of the~~ Each business court ~~divisions~~
3 division created shall be categorized and named numerically.
4 Business Court Division I shall be located in Oklahoma County and
5 quartered in Oklahoma City at the Court of Civil Appeals. Business
6 Court Division II shall be located in Tulsa County and quartered in
7 Tulsa at the Court of Civil Appeals.

8 SECTION 2. AMENDATORY 20 O.S. 2021, Section 92.1A, is
9 amended to read as follows:

10 Section 92.1A. For fiscal year 2021 and each fiscal year
11 thereafter, except as otherwise provided by the Board on Judicial
12 Compensation after ~~the effective date of this act~~ April 28, 2021,
13 the following judicial officers shall receive compensation for their
14 services, payable monthly as follows:

15 1. A judge of the district court shall receive an annual salary
16 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
17 (\$145,567.00);

18 2. An associate district judge shall receive an annual salary
19 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
20 (\$134,261.00); ~~and~~

21 3. A special judge shall receive an annual salary of One
22 Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars
23 (\$122,954.00); and

24

1 4. A business court judge shall receive an annual salary equal
2 to that of a United States district court judge.

3 SECTION 3. AMENDATORY 20 O.S. 2021, Section 95.1, is
4 amended to read as follows:

5 Section 95.1. A. Unless and until the Supreme Court or the
6 ~~Presiding Judge~~ presiding judge of the judicial administrative
7 district provides otherwise, and excluding any business courts
8 established pursuant to Section 91.7 of this title, the ~~District~~
9 ~~Court~~ district court shall hold court in the county seat of every
10 county in the district, in any city where a ~~Superior Court~~ superior
11 court held sessions and at such other places within the district as
12 the district and associate district judges shall prescribe.

13 B. If a governing board of the ~~Court Fund~~ court fund receives a
14 request from a municipality that court be held within that
15 municipality and the board determines that sufficient reasons exist
16 for establishing a court and that sufficient funds and space for a
17 court are made available by the municipality, the board may
18 establish a court, presided over by a special judge, in that
19 municipality. The request to hold court in a municipality shall be
20 included in the budget submitted by the governing board of the ~~Court~~
21 ~~Fund~~ court fund to the Chief Justice of the Supreme Court and
22 approved by the Chief Justice.

1 SECTION 4. AMENDATORY 20 O.S. 2021, Section 125, as
2 amended by Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp. 2024,
3 Section 125), is amended to read as follows:

4 Section 125. A. In all counties of the state there is created
5 the office of secretary-bailiff for district judges and associate
6 district judges, and a secretary-bailiff for business court judges,
7 with each such secretary-bailiff to be appointed by order of the
8 district judge, ~~or~~ associate district judge, or business court judge
9 to serve at the will of the appointing judge as an unclassified
10 employee of the state exempt from the provisions of the Oklahoma
11 Merit System of Personnel Administration. The Chief Justice shall
12 approve by administrative directive the number and assignments of
13 secretary-bailiffs in all counties of the state. Each secretary-
14 bailiff shall be paid a salary pursuant to the salary schedule
15 established by the annual appropriation for the district courts and
16 in accordance with the job description for the position to which
17 appointed. For fiscal year 2023 and each fiscal year thereafter,
18 each secretary-bailiff shall receive an annual salary of Forty-two
19 Thousand Dollars (\$42,000.00). In every county of the state each
20 district judge and each associate district judge, including business
21 court judges in counties with a business court division, may by
22 order appoint additional necessary court personnel subject to the
23 approval of the Chief Justice. A part-time bailiff shall be paid
24 out of the court fund of the county where appointed at the rate set

1 by administrative directive for each hour that such person actually
2 attends the court and performs services, or a pro rata fraction
3 thereof for less than an hour of service. Notwithstanding any other
4 provision of law, each district judge and associate district judge
5 may contract with the sheriff of the county to allow a deputy
6 sheriff to provide bailiff service to the court.

7 B. With the approval of the presiding judge, a special judge
8 may appoint a secretary-bailiff or other personnel in accordance
9 with the administrative order of the Chief Justice.

10 C. No judge shall engage more than one full-time secretary-
11 bailiff at any given time except only during the progress of a jury
12 trial, when a part-time bailiff may be engaged subject to the
13 approval of the Chief Justice. In the latter event, no more than
14 one additional bailiff shall be engaged to take charge of the jury.
15 The costs of meals and lodging of bailiffs ordered to keep a jury
16 together during the process of a trial or after the jury retires for
17 deliberation shall be lawfully paid from the court fund.

18 D. A district judge who sits regularly in more than one county
19 may employ only one full-time secretary-bailiff in the judicial
20 district of the judge, and in any other county of the district the
21 judge may engage a bailiff only on a part-time basis when such judge
22 sits in the county as a judge pursuant to the procedures set forth
23 by the Chief Justice in the administrative directive. The cost of
24 the operation of the office of a district judge of a multi-county

1 judicial district, including the purchase of equipment and supplies,
2 may be apportioned among the counties of that judicial district, or
3 appropriate division of that district, based upon the percentage of
4 revenue collected by the courts of the district.

5 E. The Administrative Director of the Courts shall develop and
6 promulgate job descriptions, salary schedules and time-keeping forms
7 for part-time bailiff personnel. The Chief Justice of the ~~Oklahoma~~
8 Supreme Court, through the Office of the Administrative Director of
9 the Courts, shall promulgate rules for the compensation for overtime
10 for all secretary-bailiff and part-time bailiff personnel employed.

11 F. Persons employed by a county that does not meet the
12 requirements of Section 951 of Title 19 of the Oklahoma Statutes,
13 and who serve as full-time secretary-bailiffs or full-time bailiffs
14 shall be eligible to participate in the state retirement system and
15 state insurance programs and any other benefits as are provided to
16 state employees in the unclassified service. All part-time bailiff
17 personnel shall be compensated by the local court fund.

18 G. On October 1, 1989, the position of full-time bailiff shall
19 be redesignated as the position of secretary-bailiff in accordance
20 with the job descriptions, salary schedules, and procedures approved
21 by the Chief Justice. Additional secretary-bailiff positions shall
22 be created as funding and employee positions are available.
23 Counties shall be allowed to provide additional support personnel to
24

1 the judges sitting in such counties to the extent that funding is
2 available.

3 H. Any secretary-bailiff~~7~~ who is ~~CLEET-certified~~ certified by
4 the Council on Law Enforcement Education and Training (CLEET) as a
5 basic peace officer~~7~~ shall have and exercise all the powers and
6 authority of a peace officer. The Office of the Administrative
7 Director of the Courts shall promulgate rules which prescribe the
8 duties for all CLEET-certified secretary-bailiffs. The provisions
9 of this subsection will not entitle a CLEET-certified secretary-
10 bailiff to participate in the Oklahoma Police Pension and Retirement
11 System.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 91.7b of Title 20, unless there
14 is created a duplication in numbering, reads as follows:

15 A. 1. Each business court shall consist of one business court
16 judge to be appointed by the Governor.

17 2. A business court judge shall have the following
18 qualifications:

- 19 a. at least thirty-five (35) years of age,
- 20 b. United States citizen,
- 21 c. a licensed attorney in good standing in this state
22 with ten (10) or more years of experience in:
 - 23 (1) practicing complex civil business litigation,
 - 24 (2) practicing business transaction law,

1 (3) serving as a judge of a court in this state with
2 civil jurisdiction, and hearing a substantial
3 number of civil cases, or

4 (4) any combination of experience totaling ten (10)
5 years as described by divisions 1 through 3 of
6 this subparagraph.

7 B. 1. Beginning on the effective date of this act, a business
8 court judge shall serve for a term of six (6) years. A business
9 court judge may be reappointed. A business court judge shall take
10 the constitutional oath of office required of appointed officers of
11 this state and file the oath with the Secretary of State.

12 2. If a vacancy occurs in an office of a business court judge,
13 the Governor shall appoint, in the same manner as the original
14 appointment, another person to serve for the remainder of the
15 unexpired term.

16 3. In the event that the docket of a business court judge
17 exceeds reasonable capacity, a district court judge may sit in
18 designation temporarily as a business court judge to assist in
19 caseload management. The designated district court judge shall have
20 the same authority as the business court judge in relation to the
21 cases assigned to them during such designation.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 91.7c of Title 20, unless there
24 is created a duplication in numbering, reads as follows:

1 A. When a business court division is created pursuant to
2 Section 91.7 of Title 20 of the Oklahoma Statutes, certain cases,
3 excluding arbitration cases, filed on or after January 1, 2026, may
4 be assigned to the business court docket. The business court shall
5 have the power to grant any relief that may be granted by a district
6 court and may exercise concurrent jurisdiction and the powers of a
7 court of equity, to the extent that such powers are exercised.
8 Notwithstanding the amount in controversy, where equitable relief is
9 requested in a business dispute, a business court may hear an
10 action:

11 1. Arising under the Uniform Arbitration Act, Section 1851 et
12 seq. of Title 12 of the Oklahoma Statutes;

13 2. Arising under the Uniform Commercial Code, Section 1-101 et
14 seq. of Title 12A of the Oklahoma Statutes;

15 3. Arising under the Oklahoma General Corporation Act, Section
16 1001 et seq. of Title 18 of the Oklahoma Statutes;

17 4. Arising under the Oklahoma Limited Liability Company Act,
18 Section 2000 et seq. of Title 18 of the Oklahoma Statutes;

19 5. Arising under the Oklahoma Revised Uniform Partnership Act,
20 Section 1-100 et seq. of Title 54 of the Oklahoma Statutes;

21 6. Arising under the Uniform Limited Partnership Act of 2010,
22 Section 500-101A et seq. of Title 54 of the Oklahoma Statutes;

23 7. Arising under the Oklahoma Uniform Securities Act of 2004,
24 Section 1-101 et seq. of Title 71 of the Oklahoma Statutes;

1 8. Arising under the Uniform Trade Secrets Act, Section 85 et
2 seq. of Title 78 of the Oklahoma Statutes;

3 9. Shareholder and unitholder derivative actions;

4 10. That relates to the internal affairs of businesses
5 including, but not limited to, rights or obligations between or
6 among business participants regarding the liability or indemnity of
7 business participants, officers, directors, managers, trustees,
8 controlling shareholders or members, or partners;

9 11. Where the complaint includes a professional malpractice
10 claim arising out of a business dispute;

11 12. Involving tort claims between or among two or more business
12 entities or individuals as to their business or investment
13 activities relating to contracts, transactions, or relationships
14 between or among such entities or individuals;

15 13. For breach of contract, fraud, or misrepresentation between
16 businesses arising out of business transactions or relationships;

17 14. Arising from e-commerce agreements, technology licensing
18 agreements including, but not limited to, software and biotechnology
19 license agreements, or any other agreement involving the licensing
20 of any intellectual property right including, but not limited to, an
21 agreement relating to patent rights; and

22 15. Involving commercial real property.

23 B. In an action where any other relief is requested, the amount
24 in controversy shall be at least:

1 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) for claims
2 under subsection A of this section; or

3 2. Five Hundred Thousand Dollars (\$500,000.00) for claims in
4 complex cases as defined in subsection C of this section.

5 C. The business court shall have jurisdiction to hear complex
6 cases. For purposes of this act, "complex case" means an action
7 that requires exceptional judicial management to avoid placing
8 unnecessary burdens on the court or the litigants and to expedite
9 the case, keep costs reasonable, and promote effective decision-
10 making by the court, the parties, and counsel. In deciding whether
11 an action is a complex case, the court shall consider factors
12 including, but not limited to, whether the action is likely to
13 involve:

14 1. Numerous hearings, and pretrial and dispositive motions
15 raising difficult or novel legal issues that will be time-consuming
16 to resolve;

17 2. Management of a large number of witnesses or a substantial
18 amount of documentary evidence;

19 3. Management of a large number of separately represented
20 parties;

21 4. Multiple expert witnesses;

22 5. Coordination with related actions pending in one or more
23 courts in other counties, states, or countries, or in a federal
24 court;

1 6. Substantial post-judgment judicial supervision; or

2 7. Legal or technical issues of complexity.

3 D. An action is provisionally a complex case if it involves one
4 or more of the following types of claims:

5 1. Antitrust or trade regulation claims;

6 2. Intellectual property matters including, but not limited to,
7 trade secrets, copyrights, and patents;

8 3. Construction defect claims involving many parties or
9 structures;

10 4. Securities claims or investment losses involving many
11 parties;

12 5. Environmental or toxic tort claims involving many parties;

13 6. Product liability claims;

14 7. Mass tort claims;

15 8. Class actions;

16 9. Ownership or control of business claims; or

17 10. Insurance coverage claims.

18 E. Except as provided by subsection D of this section, the
19 business court shall have supplemental jurisdiction over any other
20 claim related to a case or controversy within the court's
21 jurisdiction that forms part of the same case or controversy. If a
22 party objects to the business court's supplemental jurisdiction over
23 other claims, the business court judge may remand those claims to
24 the district court.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 91.7d of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section, actions
5 shall be brought before the business court as follows:

6 1. An action within the jurisdiction of the business court may
7 be filed in the business court. The filing party shall plead facts
8 sufficient to establish venue in a county in a division of the
9 business court. Venue may be established as provided by law or, if
10 a written contract specifies a county as venue for the action, as
11 provided by the contract;

12 2. If the business court determines it does not have
13 jurisdiction over the action, the business court shall:

14 a. transfer the action to a district court in a county
15 with jurisdiction over the action, or

16 b. dismiss the action without prejudice to the rights of
17 the parties; and

18 3. If the business court determines that the venue is improper
19 as to the action, the business court shall transfer the action to
20 the court of proper venue.

21 B. 1. A district court in this state may transfer an action to
22 the business court division of proper venue if the district court
23 judge determines the business court has subject matter jurisdiction
24 over the action.

1 2. A party to an action filed in a district court that is
2 within the jurisdiction of the business court may remove the action
3 to the business court. If the business court does not have
4 jurisdiction of the action, the business court shall remand the
5 action to the court in which the action was originally filed.

6 C. A party to an action filed in a district court of proper
7 venue that is not within an operating division of the business
8 court, or the judge of the court in which the action is filed, shall
9 not remove or transfer the action to the business court.

10 D. A party may file an agreed notice of removal to the business
11 court at any time during the pendency of the action. If all parties
12 to the action have not agreed to remove the action, the notice of
13 removal shall be filed:

14 1. Not later than thirty (30) days after the date the party
15 requesting removal of the action discovered, or reasonably should
16 have discovered, facts establishing the business court's
17 jurisdiction over the action; or

18 2. If an application for temporary injunction is pending on the
19 date the party requesting removal of the action discovered, or
20 reasonably should have discovered, facts establishing the business
21 court's jurisdiction over the action, not later than thirty (30)
22 days after the date the application is granted, denied, or denied as
23 a matter of law.

1 E. The notice of removal shall be filed with the business court
2 and the district court in which the action was originally filed. On
3 receipt of the notice, the clerk of the court in which the action
4 was originally filed shall immediately transfer the action to the
5 business court in accordance with the Oklahoma Pleading Code,
6 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the
7 court clerk shall assign the action to the appropriate division of
8 the business court.

9 F. Unless otherwise provided in this section, all pleadings
10 shall be governed by the Oklahoma Pleading Code.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 91.7e of Title 20, unless there
13 is created a duplication in numbering, reads as follows:

14 Non-jury trials in a business court shall be resolved within
15 twelve (12) months of the filing of the action. The twelve-month
16 disposition schedule may be extended if both parties agree to a
17 longer resolution period. Such an extension shall be agreed upon in
18 writing by all parties and approved by the court.

19 SECTION 9. This act shall become effective July 1, 2026.
20
21
22
23
24

