

1 **SENATE FLOOR VERSION**

2 March 5, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 632

5 By: Paxton of the Senate

6 and

7 Hilbert of the House

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

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

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

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

22 B. ~~The Supreme Court is authorized to create~~ There is hereby
23 created a business court division within the district court of any
24 judicial district containing a ~~municipality~~ county with a population

1 in excess of ~~three hundred thousand (300,000)~~ five hundred thousand
2 (500,000), according to the latest Federal Decennial Census.

3 C. ~~The Supreme Court shall promulgate rules for the~~
4 ~~establishment and jurisdiction of the~~ Each business court ~~divisions~~
5 division created shall be categorized and named numerically.

6 Business Court Division I shall be located in Oklahoma County and
7 quartered in Oklahoma City at the Court of Civil Appeals. Business
8 Court Division II shall be located in Tulsa County and quartered in
9 Tulsa at the Court of Civil Appeals.

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

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

17 1. A judge of the district court shall receive an annual salary
18 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
19 (\$145,567.00);

20 2. An associate district judge shall receive an annual salary
21 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
22 (\$134,261.00); ~~and~~

23
24

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

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

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

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

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

24

1 ~~Fund~~ court fund to the Chief Justice of the Supreme Court and
2 approved by the Chief Justice.

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

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

1 approval of the Chief Justice. A part-time bailiff shall be paid
2 out of the court fund of the county where appointed at the rate set
3 by administrative directive for each hour that such person actually
4 attends the court and performs services, or a pro rata fraction
5 thereof for less than an hour of service. Notwithstanding any other
6 provision of law, each district judge and associate district judge
7 may contract with the sheriff of the county to allow a deputy
8 sheriff to provide bailiff service to the court.

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

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

20 D. A district judge who sits regularly in more than one county
21 may employ only one full-time secretary-bailiff in the judicial
22 district of the judge, and in any other county of the district the
23 judge may engage a bailiff only on a part-time basis when such judge
24 sits in the county as a judge pursuant to the procedures set forth

1 by the Chief Justice in the administrative directive. The cost of
2 the operation of the office of a district judge of a multi-county
3 judicial district, including the purchase of equipment and supplies,
4 may be apportioned among the counties of that judicial district, or
5 appropriate division of that district, based upon the percentage of
6 revenue collected by the courts of the district.

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

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

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

1 Counties shall be allowed to provide additional support personnel to
2 the judges sitting in such counties to the extent that funding is
3 available.

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

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

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

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

20 a. at least thirty-five (35) years of age,

21 b. United States citizen,

22 c. a licensed attorney in good standing in this state
23 with ten (10) or more years of experience in:

24 (1) practicing complex civil business litigation,

- 1 (2) practicing business transaction law,
2 (3) serving as a judge of a court in this state with
3 civil jurisdiction, and hearing a substantial
4 number of civil cases, or
5 (4) any combination of experience totaling ten (10)
6 years as described by divisions 1 through 3 of
7 this subparagraph.

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

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

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

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

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

11 Notwithstanding the amount in controversy, where equitable relief is
12 requested in a business dispute, a business court may hear an
13 action:

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

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

18 3. Arising under the Oklahoma General Corporation Act, Section
19 1001 et seq. of Title 18 of the Oklahoma Statutes;

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

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

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

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

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

7 9. Shareholder and unitholder derivative actions;

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

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

15 12. Involving tort claims between or among two or more business
16 entities or individuals as to their business or investment
17 activities relating to contracts, transactions, or relationships
18 between or among such entities or individuals;

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

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

3 15. Involving commercial real property.

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

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

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

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

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

22 2. Management of a large number of witnesses or a substantial
23 amount of documentary evidence;

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- 1 3. Management of a large number of separately represented
2 parties;
- 3 4. Multiple expert witnesses;
- 4 5. Coordination with related actions pending in one or more
5 courts in other counties, states, or countries, or in a federal
6 court;
- 7 6. Substantial post-judgment judicial supervision; or
- 8 7. Legal or technical issues of complexity.
- 9 D. An action is provisionally a complex case if it involves one
10 or more of the following types of claims:
- 11 1. Antitrust or trade regulation claims;
- 12 2. Intellectual property matters including, but not limited to,
13 trade secrets, copyrights, and patents;
- 14 3. Construction defect claims involving many parties or
15 structures;
- 16 4. Securities claims or investment losses involving many
17 parties;
- 18 5. Environmental or toxic tort claims involving many parties;
- 19 6. Product liability claims;
- 20 7. Mass tort claims;
- 21 8. Class actions;
- 22 9. Ownership or control of business claims; or
- 23 10. Insurance coverage claims.
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1 E. Except as provided by subsection D of this section, the
2 business court shall have supplemental jurisdiction over any other
3 claim related to a case or controversy within the court's
4 jurisdiction that forms part of the same case or controversy. If a
5 party objects to the business court's supplemental jurisdiction over
6 other claims, the business court judge may remand those claims to
7 the district court.

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

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

13 1. An action within the jurisdiction of the business court may
14 be filed in the business court. The filing party shall plead facts
15 sufficient to establish venue in a county in a division of the
16 business court. Venue may be established as provided by law or, if
17 a written contract specifies a county as venue for the action, as
18 provided by the contract;

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

- 21 a. transfer the action to a district court in a county
22 with jurisdiction over the action, or
- 23 b. dismiss the action without prejudice to the rights of
24 the parties; and

1 3. If the business court determines that the venue is improper
2 as to the action, the business court shall transfer the action to
3 the court of proper venue.

4 B. 1. A district court in this state may transfer an action to
5 the business court division of proper venue if the district court
6 judge determines the business court has subject matter jurisdiction
7 over the action.

8 2. A party to an action filed in a district court that is
9 within the jurisdiction of the business court may remove the action
10 to the business court. If the business court does not have
11 jurisdiction of the action, the business court shall remand the
12 action to the court in which the action was originally filed.

13 C. A party to an action filed in a district court of proper
14 venue that is not within an operating division of the business
15 court, or the judge of the court in which the action is filed, shall
16 not remove or transfer the action to the business court.

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

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

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

7 E. The notice of removal shall be filed with the business court
8 and the district court in which the action was originally filed. On
9 receipt of the notice, the clerk of the court in which the action
10 was originally filed shall immediately transfer the action to the
11 business court in accordance with the Oklahoma Pleading Code,
12 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the
13 court clerk shall assign the action to the appropriate division of
14 the business court.

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

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

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

1 SECTION 9. This act shall become effective July 1, 2026.

2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS

3 March 5, 2025 - DO PASS

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