

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 22, 2025

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB632

By: Paxton of the Senate and Hilbert of the House

Title: Business courts; creating business court divisions in certain judicial districts; providing for appointment of business court judges; specifying authority and jurisdiction of business court. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:

Paxton

Howard

Daniels

Rader

Rosino

Pugh

Kirt

HOUSE CONFEREES:

Conference Committee on Judiciary and Public Safety Oversight

Senate Action _____ Date _____ House Action _____ Date _____

HOUSE CONFEREES

Culver, Bob

Bob Culver

Duel, Collin

Collin Duel

Ford, Ross

Ross Ford

Hardin, David

Harris, Erick

Erick Harris

Hilbert, Kyle

Kyle Hilbert

Humphrey, Justin

Kane, John

Kannady, Chris

Chris Kannady

Manger, Robert

Robert Manger

Rosecrants, Jacob

Schreiber, Suzanne

Sterling, Danny

Stewart, Ronald

Worthen, Rande

Rande Worthen

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 632

By: Paxton of the Senate

and

Hilbert and Duel of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to business courts; amending 20 O.S. 2021, Sections 91.7, 92.1A, 95.1, and 125, as amended by Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp. 2024, Section 125), which relate to business court divisions, salaries, places of holding court, and office of secretary-bailiff; modifying certain legislative findings; creating business court divisions in certain judicial districts; providing for salary of judge of business court; providing exception for location of holding court; authorizing secretary-bailiff for business court judges; authorizing appointment of law clerk by business court judges; updating statutory language; updating statutory reference; providing for appointment of business court judges by Governor; requiring Senate confirmation; requiring Speaker of the House of Representatives to provide certain lists; establishing qualifications for appointment of business court judges; specifying terms; authorizing reappointment; requiring taking and filing of certain oath; specifying method of filling vacancies; authorizing temporary designation as business court judge under certain circumstances; specifying authority and jurisdiction of business court; establishing subject matter jurisdiction of business court; specifying amount in controversy jurisdiction; specifying types of claims determined to be complex claims; providing for supplemental jurisdiction over certain claims; prohibiting exercise of jurisdiction

1 over certain claims; providing for filing with or
2 transferring actions to business court; clarifying
3 proper venue; requiring transfer from business court
4 upon certain determinations; authorizing removal of
5 certain actions; establishing procedures for notice
6 of removal; stating applicability of Oklahoma
7 Pleading Code; establishing requirements for jury
8 trials in business court; establishing time
9 limitation for disposition of non-jury trials;
10 authorizing extension upon agreement of parties;
11 requiring Supreme Court to promulgate rules for
12 electronic filing; establishing filing fees;
13 providing for codification; and providing an
14 effective date.

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

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

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

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

25 C. ~~The Supreme Court shall promulgate rules for the~~
~~establishment and jurisdiction of the~~ Each business court ~~divisions~~

division created shall be categorized and named numerically. The
Supreme Court shall promulgate rules for the implementation and
administration of the business courts as required by Article VII of
the Oklahoma Constitution. Business Court Division I shall be
located in Oklahoma County and quartered in Oklahoma City; Business
Court Division II shall be located in Tulsa County and quartered in
Tulsa. Both business court divisions shall be quartered in a
location as determined by the Chief Justice of the Supreme Court in
consultation with any state officials or private parties needed to
secure appropriate court and office space. Proper venue for the
respective divisions shall be set forth in Section 7 of this act.

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

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

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

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

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 an associate justice of the Supreme Court.

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~~

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 of the
14 Supreme Court shall approve by administrative directive the number
15 and assignments of secretary-bailiffs in all counties of the state.
16 Each secretary-bailiff shall be paid a salary pursuant to the salary
17 schedule established by the annual appropriation for the district
18 courts and in accordance with the job description for the position
19 to which appointed. For fiscal year 2023 and each fiscal year
20 thereafter, each secretary-bailiff shall receive an annual salary of
21 Forty-two Thousand Dollars (\$42,000.00). In each business court
22 division, the business court judge may appoint a law clerk, who
23 shall be an attorney licensed to practice law in this state, to
24 serve at the will of the appointing judge with an annual salary to

1 be set by the Chief Justice. In every county of the state each
2 district judge and each associate district judge, including business
3 court judges in counties with a business court division, may by
4 order appoint additional necessary court personnel subject to the
5 approval of the Chief Justice. A part-time bailiff shall be paid
6 out of the court fund of the county where appointed at the rate set
7 by administrative directive for each hour that such person actually
8 attends the court and performs services, or a pro rata fraction
9 thereof for less than an hour of service. Notwithstanding any other
10 provision of law, each district judge and associate district judge
11 may contract with the sheriff of the county to allow a deputy
12 sheriff to provide bailiff service to the court.

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

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

1 D. A district judge who sits regularly in more than one county
2 may employ only one full-time secretary-bailiff in the judicial
3 district of the judge, and in any other county of the district the
4 judge may engage a bailiff only on a part-time basis when such judge
5 sits in the county as a judge pursuant to the procedures set forth
6 by the Chief Justice in the administrative directive. The cost of
7 the operation of the office of a district judge of a multi-county
8 judicial district, including the purchase of equipment and supplies,
9 may be apportioned among the counties of that judicial district, or
10 appropriate division of that district, based upon the percentage of
11 revenue collected by the courts of the district.

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

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

1 G. On October 1, 1989, the position of full-time bailiff shall
2 be redesignated as the position of secretary-bailiff in accordance
3 with the job descriptions, salary schedules, and procedures approved
4 by the Chief Justice. Additional secretary-bailiff positions shall
5 be created as funding and employee positions are available.
6 Counties shall be allowed to provide additional support personnel to
7 the judges sitting in such counties to the extent that funding is
8 available.

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

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

21 A. 1. Each business court shall consist of one business court
22 judge to be appointed by the Governor with the advice and consent of
23 the Senate. The Governor shall choose a nominee for any vacancy
24 from a list of three candidates provided by the Speaker of the House

1 of Representatives. If the Governor rejects all three candidates,
2 the Governor may request a subsequent list of candidates from the
3 Speaker. The Speaker shall provide such subsequent list to the
4 Governor within forty (40) days of the request. If such subsequent
5 list is not provided, the Governor may appoint any person who meets
6 the qualifications set forth in paragraph 2 of this subsection.

7 2. To be eligible for appointment, a business court judge shall
8 be:

- 9 a. at least thirty-five (35) years of age,
- 10 b. a United States citizen, and
- 11 c. a licensed attorney in good standing in this state
12 with ten (10) or more years of experience in:
 - 13 (1) practicing complex civil business litigation,
 - 14 (2) practicing business transaction law,
 - 15 (3) serving as a judge or clerk of a court in this
16 state with civil jurisdiction, and hearing a
17 substantial number of civil cases, or
 - 18 (4) any combination of experience totaling ten (10)
19 years as described by divisions 1 through 3 of
20 this subparagraph.

21 B. 1. A business court judge shall serve a term of eight (8)
22 years, except as otherwise provided by this subsection, beginning
23 September 1, 2025, and may be reappointed. The first business court
24 judge appointed to Business Court Division II shall serve a term of

1 four (4) years beginning September 1, 2025, and may be reappointed.

2 A business court judge shall take the constitutional oath of office
3 required of appointed officers of this state and file the oath with
4 the Secretary of State. A business court judge shall serve the full
5 term to which he or she was appointed and shall continue to serve
6 until a replacement is appointed and confirmed.

7 2. If a vacancy occurs in the office of a business court judge
8 due to death, incapacity, resignation, or impeachment, the Governor
9 shall appoint a person to serve for the remainder of the unexpired
10 term in the same manner as the original appointment and with the
11 advice and consent of the Senate.

12 3. Upon request by a business court judge, the Chief Justice
13 may appoint a district court judge to sit in designation temporarily
14 as a business court judge to assist in caseload management. The
15 designated district court judge shall have the same authority as the
16 business court judge in relation to the cases assigned to them
17 during such designation.

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

21 A. When a business court division is created pursuant to
22 Section 91.7 of Title 20 of the Oklahoma Statutes, certain cases,
23 excluding arbitration cases, filed on or after January 1, 2026, may
24 be assigned to the business court docket. The business court shall

1 have the power to grant any relief that may be granted by a district
2 court and may exercise concurrent jurisdiction and the powers of a
3 court of equity, to the extent that such powers are exercised.

4 Except as provided in subsection D of this section, a business court
5 may hear an action where the amount in controversy is at least Five
6 Hundred Thousand Dollars (\$500,000.00):

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

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

11 3. Arising under the Oklahoma General Corporation Act, Section
12 1001 et seq. of Title 18 of the Oklahoma Statutes;

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

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

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

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

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

23 9. Shareholder and unitholder derivative actions;

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

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

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

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

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

19 15. Involving commercial real property.

20 B. A business court shall also have jurisdiction to hear the
21 following complex cases where the amount in controversy is at least
22 Five Hundred Thousand Dollars (\$500,000.00):

23 1. Antitrust or trade regulation claims;
24

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

3 3. Securities claims or investment losses involving more than
4 two parties;

5 4. Ownership or control of business claims; or

6 5. Insurance coverage claims.

7 C. A business court shall have supplemental jurisdiction over
8 any other claim related to a case or controversy within the court's
9 jurisdiction that forms part of the same case or controversy. If a
10 party objects to the business court's supplemental jurisdiction over
11 other claims, the business court judge may remand those claims to
12 the district court.

13 D. A business court shall not have authority to exercise
14 jurisdiction over claims arising under federal or state law, as
15 applicable, involving:

16 1. The Oklahoma Consumer Protection Act, Section 751 et seq. of
17 Title 15 of the Oklahoma Statutes;

18 2. Against a governmental entity or political subdivision under
19 Title 19 of the Oklahoma Statutes or under The Governmental Tort
20 Claims Act, Section 151 et seq. of Title 51 of the Oklahoma
21 Statutes;

22 3. Guardianship matters under Title 30 of the Oklahoma
23 Statutes;

24 4. Probate matters under Title 58 of the Oklahoma Statutes;

1 5. A deceptive trade practice as set forth in Section 53 of
2 Title 78 of the Oklahoma Statutes, to the extent such matter is not
3 a business dispute;

4 6. Residential landlord and tenant;

5 7. Personal injury and wrongful death;

6 8. Domestic relations;

7 9. Foreclosures;

8 10. Individual consumer claims or transactions involving a
9 retail customer of goods or services who uses or intends to use such
10 goods or services primarily for personal, family, or household
11 purposes; provided, however, this paragraph shall not be construed
12 to preclude the court from exercising jurisdiction over mass actions
13 or class actions involving such individual consumer claims;

14 11. Collections in matters involving a corporation or other
15 entity subject to the farming and ranching statutes of this state or
16 an individual farmer;

17 12. Cases that would generally be considered consumer
18 transactions or human relation matters; or

19 13. Matters involving royalty owners.

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

23 A. Except as provided in subsection E of Section 6 of this act,
24 actions shall be brought before the business court as follows:

1 1. An action within the subject matter jurisdiction of the
2 business court may be filed in the business court. An action that
3 arises in a county located within the jurisdiction of the United
4 States District Court for the Western District of Oklahoma shall be
5 filed in Business Court Division I; an action that arises in a
6 county located within the jurisdiction of the United States District
7 Court for the Northern District of Oklahoma or Eastern District of
8 Oklahoma shall be filed in Business Court Division II. Venue may be
9 established as provided by law or, if a written contract specifies a
10 county as venue for the action, as provided by the contract;

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

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

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

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

20 B. 1. A district court in this state may transfer an action to
21 the business court division of proper venue if the district court
22 judge determines the business court has subject matter jurisdiction
23 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 may file an agreed notice of removal to the business
7 court at any time during the pendency of the action. If all parties
8 to the action have not agreed to remove the action, the notice of
9 removal shall be filed:

10 1. Not later than thirty (30) days after the date the party
11 requesting removal of the action discovered, or reasonably should
12 have discovered, facts establishing the business court's
13 jurisdiction over the action; provided, however, in no event shall a
14 party have less than the amount of time to respond to the action
15 than to remove to the business court; or

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

22 D. The notice of removal shall be filed with the business court
23 and the district court in which the action was originally filed. On
24 receipt of the notice, the clerk of the court in which the action

1 was originally filed shall immediately transfer the action to the
2 business court in accordance with the Oklahoma Pleading Code,
3 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the
4 court clerk shall assign the action to the appropriate division of
5 the business court.

6 E. Unless otherwise provided in this section, all pleadings
7 shall be governed by the Oklahoma Pleading Code.

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

11 A. A jury trial may be reserved by a party if claimed within a
12 time period established by court rules. A jury trial conducted by
13 the business court judge shall be held in the county where the
14 contract stipulates as proper venue, where the action was originally
15 filed, if removed, or in any county of proper jurisdiction if
16 originally filed in a business court.

17 B. Non-jury trials in a business court shall be resolved within
18 twelve (12) months of the filing of the action. The twelve-month
19 disposition schedule may be extended if both parties agree to a
20 longer resolution period, or upon a finding by the business court of
21 extraordinary cause for such an extension, which shall be appealable
22 to the Supreme Court. An extension shall be memorialized in writing
23 by all parties and approved by the court.

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

4 A. The Supreme Court shall provide for electronic filing of
5 documents in the business courts of this state and shall promulgate
6 rules for the filing of documents transmitted by electronic devices.

7 B. A fee of One Thousand Five Hundred Dollars (\$1,500.00) shall
8 be charged and collected by the court clerk at the time of filing
9 any action in, or upon the filing of a motion for removal to, a
10 business court division established pursuant to Section 91.7 of
11 Title 20 of the Oklahoma Statutes. Fees shall be charged and
12 collected pursuant to the fee schedule established for district
13 courts.

14 SECTION 10. This act shall become effective September 1, 2025.
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