



# SENATE BILL 563: Business Court Changes.

2017-2018 General Assembly

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<b>Committee:</b>		<b>Date:</b>	April 26, 2017
<b>Introduced by:</b>	Sens. Barringer, Newton, Lee	<b>Prepared by:</b>	Amy Darden Staff Attorney
<b>Analysis of:</b>	Second Edition		

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**OVERVIEW:** *Senate Bill 563 would remove the requirement that all contested tax cases to go the NC Business Court.*

**CURRENT LAW:** The Chief Justice of Supreme Court designates special superior court judges to hear and decide complex business cases in the NC Business Court. All contested tax cases go to the Business Court. A party may designate as a mandatory complex business case an action that involves material issues related to certain business disputes.

Additionally, the following are required to be designated as a mandatory complex business case:

1. Any action involving a material issue related to tax law that has been the subject of a contested tax case for which judicial review is requested, to be designated by plaintiff or petitioner.
2. A civil action containing a constitutional challenge to a tax statute, to be designated by plaintiff or petitioner.
3. Other specified cases where the pleading causes the amount in controversy to equal or exceed \$5 million, to be designated by the party making said pleading.

Current law provides that a taxpayer may seek judicial review of a final decision in a contested tax case in accordance with procedures for a mandatory complex business case.

## **BILL ANALYSIS:**

Section 1: would add a minimum amount in controversy of \$10,000 to the first listed requirement above.

Section 2: would change the procedure for petitions requesting judicial review of contested tax cases when the amount in controversy is under \$10,000.

**EFFECTIVE DATE:** This act becomes effective October 1, 2017, and applies to actions commenced on or after that date.

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