

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1398
Senate Judiciary I Committee Substitute Adopted 7/6/10

Short Title: Determining Senior Resident Sup Ct Judge.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT
3 SUPERIOR COURT JUDGE FOR A DISTRICT; AND TO ALLOW A FEDERAL
4 DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7A-41.1(b) reads as rewritten:

7 "(b) There shall be one and only one senior resident superior court judge for each district
8 or set of districts as defined in subsection (a) of this section, who shall be:

9 (1) Where there is only one regular resident superior court judge for the district,
10 that judge; and

11 (2) Where there are two or more regular resident superior court judges for the
12 district or set of districts, ~~the judge who, from among all the regular resident~~
13 ~~superior court judges of the district or set of districts, has the most~~
14 ~~continuous service as a regular resident superior court judge; provided if two~~
15 ~~or more judges are of equal seniority, the oldest of those judges shall be the~~
16 ~~senior regular resident superior court judge.~~ the Chief Justice of the Supreme
17 Court shall designate one of the judges as senior resident superior court
18 judge to serve in that capacity at the pleasure of the Chief Justice. In
19 exercising the authority to appoint senior resident superior court judges
20 pursuant to this subdivision, the Chief Judge shall consider the seniority,
21 experience, and management competence of the regular resident superior
22 court judges. In addition, the Chief Justice shall consult with the regular
23 resident superior court judges, the chief district court judges, the members of
24 the district bar, the clerks of court, district attorneys, and public defenders
25 within the district."

26 SECTION 2. G.S. 51-1 reads as rewritten:

27 "§ 51-1. Requisites of marriage; solemnization.

28 A valid and sufficient marriage is created by the consent of a male and female person who
29 may lawfully marry, presently to take each other as husband and wife, freely, seriously and
30 plainly expressed by each in the presence of the other, either:

31 (1) a. In the presence of an ordained minister of any religious
32 denomination, a minister authorized by a church, a federal district
33 court judge, or a magistrate; and

34 b. With the consequent declaration by the ~~minister~~ minister, federal
35 district court judge, or magistrate that the persons are husband and
36 wife; or



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1 (2) In accordance with any mode of solemnization recognized by any religious
2 denomination, or federally or State recognized Indian Nation or Tribe.
3 Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not
4 ordained, are validated from their consummation."

5 **SECTION 3.** Section 1 of this act becomes effective October 1, 2010, but each
6 senior resident superior court judge seated on that date in a multi-judge district shall continue to
7 serve as senior resident superior court judge until that judge vacates the seat. The remainder of
8 this act is effective when it becomes law.