GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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HOUSE BILL 1398 PROPOSED SENATE COMMITTEE SUBSTITUTE H1398-PCS30536-RW-92

Short Title: Determining Senior Resident Sup Ct Judge. (Public) Sponsors: Referred to: April 13, 2009 A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT; AND TO ALLOW A FEDERAL DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 7A-41.1(b) reads as rewritten: There shall be one and only one senior resident superior court judge for each district or set of districts as defined in subsection (a) of this section, who shall be: (1) Where there is only one regular resident superior court judge for the district, that judge; and Where there are two or more regular resident superior court judges for the (2) district or set of districts, the judge who, from among all the regular resident superior court judges of the district or set of districts, has the most continuous service as a regular resident superior court judge; provided if two or more judges are of equal seniority, the oldest of those judges shall be the senior regular resident superior court judge.the Chief Justice of the Supreme Court shall designate one of the judges as senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice. In exercising the authority to appoint senior resident superior court judges pursuant to this subdivision, the Chief Judge shall consider the seniority, experience, and management competence of the regular resident superior court judges. In addition, the Chief Justice shall consult with the regular resident superior court judges, the chief district court judges, the members of the district bar, the clerks of court, district attorneys, and public defenders within the district." **SECTION 2.** G.S. 51-1 reads as rewritten: "§ 51-1. Requisites of marriage; solemnization. A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, either: (1) In the presence of an ordained minister of any religious denomination, a minister authorized by a church, a federal district

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court judge, or a magistrate; and

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- b. With the consequent declaration by the minister minister, federal district court judge, or magistrate that the persons are husband and wife; or
- (2) In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation."

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