



# HOUSE BILL 240: GA Appoint for District Court Vacancies.

**This Bill Analysis  
reflects the  
contents of the bill  
as it was presented  
in committee.**

2017-2018 General Assembly

<b>Committee:</b>	House Judiciary IV	<b>Date:</b>	March 8, 2017
<b>Introduced by:</b>	Reps. Burr, K. Hall, Saine, Bumgardner	<b>Prepared by:</b>	Brian Gwyn Committee Co-Counsel
<b>Analysis of:</b>	PCS to First Edition H240-CSBE-3		

**OVERVIEW:** House Bill 240 would require district court vacancies to be filled by appointment of the General Assembly.

**The PCS would:**

- Expand the information required in the bill appointing judges to include the effective date of appointment and expiration of term
- For vacancies occurring when the General Assembly is not in session, require the Governor to appoint the person jointly submitted by the Speaker of the House and President Pro Tempore
- Make a conforming change to specify that all vacancy appointees must be duly authorized to practice law in the district where the vacancy occurs

**CURRENT LAW:** Article IV, Section 19 of the North Carolina Constitution states that "[u]nless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor. . . ." However, Article IV, Section 10 specifically allows district court vacancies to be governed by statute ("Vacancies in the office of District Judge shall be filled for the unexpired term in the manner provided by law."). G.S. 7A-142 currently requires district court vacancies to be filled by appointment of the Governor. While the bar of the judicial district must nominate five people who are residents of the judicial district and duly authorized to practice law, the Governor must only give "due consideration" to these nominees.

**BILL ANALYSIS:** The PCS for House Bill 240 would modify G.S. 7A-142 to give the General Assembly the authority to make district court vacancy appointments rather than the Governor. If the vacancy occurs while the General Assembly is not in session, the Speaker of the House and the President Pro Tempore may either leave the vacancy in place or jointly submit the name of a nominee. The Governor must appoint the nominee no later than 10 days after the nomination has been submitted to the Governor, or the appointment is deemed to have been made and the person may enter the office.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

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