

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 891
Committee Substitute Favorable 5/6/25

Short Title: Civil Actions/State Agency and AG Litigation.

(Public)

Sponsors:

Referred to:

April 14, 2025

A BILL TO BE ENTITLED
AN ACT ENACTING THE GOVERNMENT AGENCY FORUM SELECTION ACT AND
RELATING TO LITIGATION BY THE ATTORNEY GENERAL.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 1 of the General Statutes is amended by adding a new Article
to read:

"Article 54.

"Government Agency Forum Selection Act.

"§ 1-665. Government agency forum selection; requirements.

(a) It is the public policy of the State of North Carolina that its General Court of Justice
maintain primary jurisdiction to hear civil actions involving the State or a local political
subdivision of the State, as follows:

(1) For matters where a State court has concurrent jurisdiction with a federal
court, an action brought by the State or a local political subdivision of the State
shall be brought in State court.

(2) A State or local political subdivision of the State may file a civil action in
federal court rather than State court if the federal court has exclusive
jurisdiction over the subject matter of the action.

(3) In any case where the State or a local political subdivision of the State is a
defendant in a civil action, the State or local political subdivision of the State
shall not seek to remove, or consent to removal of, the action from State court
to federal court.

(b) This Article does not apply to any of the following:

(1) Agents of the State acting under G.S. 1-72.2 or G.S. 120-32.6.

(2) Lawsuits against an employee, officer, or agent of a judicial department entity,
including judges.

(3) Lawsuits against district attorneys.

(4) Lawsuits against law enforcement officers and agencies.

(5) Lawsuits against local governments.

(6) Lawsuits filed by people who are incarcerated.

(7) Lawsuits involving Medicaid.

(8) Employment discrimination claims.

"§ 1-666. Severability.

If any provision of this Article or its application is held invalid or unconstitutional by any
court of competent jurisdiction, the invalidity or unconstitutionality shall not affect other
provisions or applications of this Article that can be given effect without the invalid or



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1 unconstitutional provision or application. Therefore, the provisions of this Article are declared
2 to be severable."

3 **SECTION 2.** G.S. 114-2.8, as enacted by Section 3D.1 of S.L. 2024-57, reads as
4 rewritten:

5 "**§ 114-2.8. Limitation on participation in ~~foreign litigation.~~litigation.**

6 (a) The Attorney General shall initiate actions on behalf of the State to enforce or defend
7 State law and shall not, as a party, amicus, or any other participant in an action pending before a
8 state or federal court in ~~another state, any jurisdiction,~~ advance any argument that would result
9 in the invalidation of any statute enacted by the General Assembly.

10 (b) The Attorney General shall not enter into a class action lawsuit unless the Attorney
11 General receives approval from the General Assembly when the General Assembly is in regular
12 session. If the General Assembly is not in regular session, the Attorney General shall seek joint
13 approval by the Speaker of the House of Representatives and the President Pro Tempore of the
14 Senate as agents of the State through the General Assembly. For purposes of this section, "regular
15 session" is the period from the date set by law or resolution that the General Assembly convenes
16 until the General Assembly either adjourns sine die or recesses or adjourns for more than 10
17 days."

18 **SECTION 3.** This act is effective when it becomes law.