

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 891

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

Sponsors: Representatives Blackwell, Schietzelt, Blust, and Howard (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

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 agents of the State acting under G.S. 1-72.2 or G.S. 120-32.6.

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

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

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

The Attorney General shall initiate actions on behalf of the State to enforce or defend State law and shall not, as a party, amicus, or any other participant in an action pending before a state



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1 or federal court in ~~another state, any jurisdiction,~~ advance any argument that would result in the
2 invalidation of any statute enacted by the General Assembly."

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