



CHAPTER 120
ARTICLE 14 - LEGISLATIVE ETHICS ACT

N.C.G.S. § 120-104.

Advisory opinions.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2018-146, ss. 3.1(a), (b), 6.1 — ninth act in the lineage	RETRIEVED 21 September 2026, 05:38 UTC	SOURCE FINGERPRINT de4e536b3b21db8916c1e328 - b9afecf3d617f4b8f7253a21 - b4e08228bd5e1520
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- § 120-104(a)

At the request of any member of the General Assembly, the Committee shall render formal advisory opinions on specific questions involving legislative ethics.
- § 120-104(b)

The Committee shall receive and review recommended advisory opinions issued to legislators, except the Lieutenant Governor, by the State Ethics Commission under G.S. 138A-13. The opinion shall not be considered a formal advisory opinion until the advisory opinion is adopted by the Committee. The Committee may modify or overrule the recommended advisory opinions issued to legislators by the State Ethics Commission, and the final action on the opinion by the Committee shall control.
- § 120-104(c)

A legislator who acts in reliance on a formal advisory opinion issued by the Committee under this section shall be entitled to the immunity granted under G.S. 138A-13(e).
- § 120-104(d)

Staff to the Committee may issue informal, nonbinding advisory opinions under procedures adopted by the Committee.
- § 120-104(e)

The Committee may interpret this Article and Chapter 138A of the General Statutes as it applies to legislators, except the Lieutenant Governor, and these interpretations are binding on all legislators upon publication.
- § 120-104(f)

The Committee shall submit its formal advisory opinions to the State Ethics Commission, and the State Ethics Commission shall publish the Committee's opinions under G.S. 138A-13(h). The Committee shall edit for publication purposes as necessary to protect the identities of the individuals requesting opinions prior to

submission to the State Ethics Commission. The Committee may distribute the edited formal advisory opinion to members of the General Assembly prior to publication by the State Ethics Commission.

§ 120-104(g)

Except as provided under subsection (f) of this section, a request made by a legislator to the Committee for an advisory opinion, advisory opinions issued under this section, recommended advisory opinions received from the State Ethics Commission, and any supporting documents submitted or caused to be submitted to the Committee in connection with requests for advisory opinions or recommended advisory opinions are confidential. Neither the identity of the legislator making the request nor the existence of the request may be revealed to any person without the consent of the legislator. A legislator requesting or receiving an advisory opinion may authorize the release to any other person, the State, or any governmental unit of the request, the recommended advisory opinion, the advisory opinion, or any supporting documents.

For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advisory opinions, recommended advisory opinions, advisory opinions issued by the Committee, and any supporting documents are not "public records" as defined in G.S. 132-1.

§ 120-104(h)

Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of an advisory opinion.

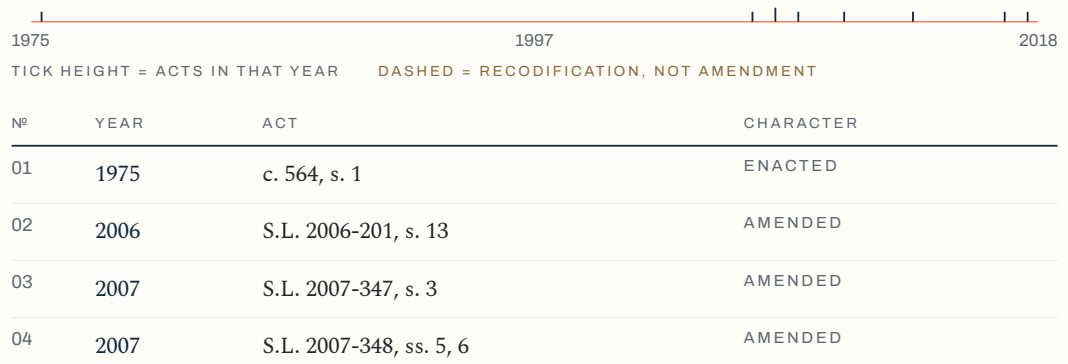
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



05	2008	S.L. 2008-213, s. 2(a)	AMENDED
06	2010	S.L. 2010-169, s. 22(e)	AMENDED
07	2013	S.L. 2013-146, s. 2	AMENDED
08	2017	S.L. 2017-6, s. 3	AMENDED
09	2018	S.L. 2018-146, ss. 3.1(a), (b), 6.1	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 138A-13	(b)	<i>"by the State Ethics Commission under"</i>
G.S. 138A-13(e)	(c)	<i>"entitled to the immunity granted under"</i>
G.S. 138A-13(h)	(f)	<i>"shall publish the Committee's opinions under"</i>
G.S. 120-129	(g)	<i>"section, "document" is as defined in"</i>
G.S. 132-1	(g)	<i>"not "public records" as defined in"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 120-104 (2018).

PINPOINT
N.C. Gen. Stat. § 120-104(a) (2018).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1975, c. 564, s. 1; 2006-201, s. 13; 2007-347, s. 3; 2007-348, ss. 5, 6; 2008-213, s. 2(a); 2010-169, s. 22(e); 2013-146, s. 2; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

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