

§ 163A-252. Request for advice.

(a) At the request of any person, State agency, or governmental unit affected by this Article, the State Board shall render advice on specific questions involving the meaning and application of this Article and that person's, State agency's, or any governmental unit's compliance therewith. Requests for advice and advice rendered in response to those requests shall relate to real or reasonably anticipated fact settings or circumstances.

(b) A request for a formal opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The State Board shall issue formal advisory opinions having prospective application only. An individual, State agency, or governmental unit who relies upon the advice provided to that individual, State agency, or governmental unit on a specific matter addressed by a requested formal advisory opinion shall be immune from all of the following:

- (1) Investigation by the State Board.
- (2) Any adverse action by the employing entity.

(c) Staff to the State Board may issue advice, but not formal advisory opinions, under procedures adopted by the State Board.

(d) The State Board shall publish its formal advisory opinions within 30 days of issuance, edited as necessary to protect the identities of the individuals requesting opinions.

(e) Except as provided under subsection (d) of this section, a request for advice, any advice provided by State Board staff, any formal advisory opinions, any supporting documents submitted or caused to be submitted to the State Board or State Board staff, and any documents prepared or collected by the State Board or the State Board staff in connection with a request for advice are confidential. The identity of the individual, State agency, or governmental unit making the request for advice, the existence of the request, and any information related to the request may not be revealed without the consent of the requestor. An individual, State agency, or governmental unit who requests advice or receives advice, including a formal advisory opinion, may authorize the release to any other person, the State, or any governmental unit of the request, the advice, or any supporting documents.

For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice, any advice, and any documents related to requests for advice are not "public records" as defined in G.S. 132-1.

(f) Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of a formal advisory opinion. (2006-201, s. 18; 2007-348, s. 10; 2008-213, s. 2(c); 2009-570, s. 14; 2016-125, 4th Ex. Sess., s. 4; 2017-6, ss. 2, 3, 6.)