



May 6, 2009

**PUBLISHED ADVISORY OPINION OF THE
LEGISLATIVE ETHICS COMMITTEE**

**AO-LEC-09-001: Proceeding with legislation after receiving an offer
from a lobbyist to assist legislator's constituent if legislator
discontinues work on legislation - G.S. 138A-32(a).**

Approved by Legislative Ethics Committee April 28, 2009

QUESTIONS:

- (1) May a legislator proceed with a bill the legislator cosponsored after receiving an offer from a lobbyist that the lobbyist's principal will reduce or forgive a substantial debt owed by a constituent to the lobbyist's principal in exchange for the legislator "killing" legislation that would have affected the lobbyist's principal?
- (2) Is the legislator required to proceed with the bill in this situation?

OPINION:

(1) Yes. However, in order to protect the legislator and the legislative process, the legislator is strongly encouraged to report the incident immediately to the Legislative Ethics Committee.

G.S. 138A-32(a) prohibits a legislator from knowingly, directly or indirectly, accepting or agreeing to receive anything of value for another person in return for being influenced in the discharge of your official responsibilities. A legislator should not accept the offer because to do so and to have that influence the discharge of a legislator's official responsibilities would be an ethical violation.

G.S. 120-86(a) makes it a Class F felony for a legislator to receive a favor based on any understanding that the legislator's vote, official actions or judgment would be influenced by the favor, or where it could reasonable be inferred that the thing of value would influence the legislator in the discharge of the legislator's duties.

(2) No. However, in order to protect the legislator and the legislative process, the legislator is strongly encouraged to report the incident immediately to the Legislative Ethics Committee.

A legislator may choose not to proceed with the legislation. Each chamber has a procedure to excuse a legislator from deliberations and voting on a bill. The legislator may ask another sponsor to proceed with the legislation.