

April 18, 1996

Advisory Opinion 1996 - No. 5

The Board has received a request for an advisory opinion from Edward Seeberger, Director of Senate Committee Services. Mr. Seeberger has waived the right to confidentiality afforded to persons requesting advisory opinions.

QUESTION

Mr. Seeberger previously authored a book about the legislative process entitled *Sine Die: a Guide to the Washington State Legislative Process*. Would there be a violation of the ethics law if a new edition of the book is prepared by Mr. Seeberger under the following circumstances:

1. He would have no personal gain from sales of the book.
2. While he would occasionally work on the book during regular office hours, the amount of time he would do so would be minimal and other Senate work would be primary. However, he may make extensive use of a Senate computer to prepare the publication.
3. The contract with University of Washington Press, the proposed publisher, will provide for a number of free copies for the state library and the legislature.
4. The University of Washington Press is a part of a state agency.
5. Publication of the book would be a public benefit by enhancing knowledge about the legislature, assisting college and other government classes, and aiding legislators and staff.

OPINION

Given the facts stated in the question, and the conditions described in the analysis section of this opinion, the use of state facilities to prepare the book would not be a violation of the State Ethics Act.

ANALYSIS

The answer to this question depends on whether the Senate approves Mr. Seeberger's working on this project during work hours and with the use of office facilities.

The Board is aware that legislative staff frequently prepare publications designed to inform the

public on the workings of the legislative branch. The preparation of such publications is an important function of the legislative branch. Whether any particular legislative employee may work on such a publication, however, depends on whether he or she has official authorization to do so. Absent such authorization, the legislative employee runs a serious risk of violating several provisions of the State Ethics Act, including RCW 42.52.020, relating to conflicts of interest; RCW 42.52.070, relating to special privileges; RCW 42.52.120, relating to compensation for activities outside official duties; and RCW 42.52.160, relating to the private use of public resources.

The Board advises Mr. Seeberger to seek approval of the Secretary of the Senate for his proposed publication. Should the Secretary approve, then the Board concludes that he may work on the publication pursuant to his authorization and in the manner specified in the question. The Board notes that the previous edition of Mr. Seeberger's informative book was prepared with Senate authorization, and that fact was noted in the contract with the publisher.