

area or such portion of a geographic service area. For purposes of this section, "basic telecommunications service" means voice grade, local exchange telecommunications service.

(2) Actions or transactions of radio communications service companies that are not regulated pursuant to subsection (1) of this section shall not be deemed actions or transactions otherwise permitted, prohibited, or regulated by the commission for purposes of RCW 19.86.170.

(3) Radio communications service companies shall file with the commission copies of all agreements with any of their affiliated interests as defined in RCW 80.16.010, showing the rates, tolls, rentals, contracts, and charges of such affiliated interest for services rendered and equipment and facilities supplied to the radio communications service company, except that such agreements need not be filed where the services rendered and equipment and facilities supplied are provided by the affiliated interest under a tariff or price list filed with the commission.

Passed the House March 8, 1985.

Passed the Senate April 16, 1985.

Approved by the Governor April 25, 1985.

Filed in Office of Secretary of State April 25, 1985.

CHAPTER 168

[House Bill No. 169]

PUBLIC LANDS EXCHANGES

AN ACT Relating to public lands; creating new sections; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The board of natural resources shall exchange common school trust lands leased by the state board for community college education as sites for the Green River, Grays Harbor, and Highline community colleges for land of equal value granted to the state for the support of charitable, educational, penal, and reformatory purposes. The state board for community college education shall not be charged rent for the use of land assigned under this section after the exchange is completed by the board of natural resources.

NEW SECTION. Sec. 2. The department of corrections shall not be charged rent for the site of the Purdy treatment center which is located on land granted to the state for the support of charitable, educational, penal, and reformatory purposes.

NEW SECTION. Sec. 3. The state board for community college education shall be responsible for payment of any rents due prior to completion of the exchange. The sum of six hundred ninety-six thousand eight hundred

dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1985, from the charitable, educational, penal and reformatory institutions account in the state general fund to the state board for community college education to pay the rents due.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 15, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 25, 1985.

Filed in Office of Secretary of State April 25, 1985.

CHAPTER 169

[House Bill No. 949]

ENERGY EQUIPMENT AND SERVICES—PROCUREMENT—PERFORMANCE-BASED CONTRACTS

AN ACT Relating to procurement of energy equipment and services under performance-based contracts by municipalities; amending RCW 35.22.620, 35.23.352, 36.32.240, and 36.32.250; adding a new section to chapter 39.04 RCW; adding a new chapter to Title 39 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

- (1) Conserving energy in publicly owned buildings will have a beneficial effect on our overall supply of energy;
- (2) Conserving energy in publicly owned buildings can result in cost savings for taxpayers; and
- (3) Performance-based energy contracts are a means by which municipalities can achieve energy conservation without capital outlay.

Therefore, the legislature declares that it is the policy that a municipality may, after a competitive selection process, negotiate a performance-based energy contract with a firm that offers the best proposal.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Energy equipment and services" means any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance.

(2) "Municipality" has the definition provided in RCW 39.04.010.