



SENATE JOINT RESOLUTION 105

PROPOSED CONSTITUTIONAL AMENDMENT

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 105 begins on page 10.

Vote cast by the members of the 1983 Legislature on final passage:
HOUSE: Yeas, 88; Nays, 0; Absent or not voting, 10.
SENATE: Yeas, 45; Nays, 1; Absent or not voting, 3.

Official Ballot Title:

Shall the state constitution be amended to increase from thirty to fifty-five years the maximum term for state harbor leases?

The law as it now exists:

The Washington State Constitution provides for the establishment of state-owned harbor areas which are located in navigable waters bordering incorporated cities. These harbor areas are reserved for landings, wharves, streets and

other conveniences of commerce and navigation. The legislature, pursuant to the Constitution, has established general laws for the leasing of these areas. The Constitution now limits the maximum term of such leases to thirty years, while existing law permits leases of state-owned tidelands and shorelands for up to fifty-five years.

The effect of SJR 105, if approved into law:

This proposed amendment of the Washington State Constitution would increase from thirty to fifty-five years the maximum allowable term for leases of state harbor areas. This change would make the maximum allowable term for harbor area leases consistent with the present fifty-five year maximum for state-owned tide and shorelands.

Statement for

This measure passed the Legislature by 133 yes votes, 1 no vote.

In 1889, the year the State Constitution was adopted, a 30-year lease on harbor areas was adequate. Now, 94 years later, longer term financing is often necessary to fulfill the dreams of the Constitution drafters. The adoption of SJR 105 by the people would permit the legislature to extend the maximum term for harbor area leases to 55 years, thus allowing sufficient time to amortize the cost of improvements.

It is clear that responsible people throughout the state feel the public can best be served by providing greater harbor area leasing flexibility. If Washington is to maintain its rightful place in the world trade market, it is necessary that the voters approve SJR 105.

World trade awaits us. This added leasing tool will help make it happen.

Rebuttal of Statement against

SJR 105 will NOT encourage condominiums, hotels or other non-navigational use of harbors. Washington Constitution restricts use of harbor areas to navigation and commerce. SJR 105 will not change that. It simply provides longer lease terms so facilities for constitutional trade/navigation uses can be financed.

SJR 105 encourages navigation and commerce facilities in harbor areas rather than fragile tidelands where 55 year financing is currently allowed. SJR 105 is a good measure.

Voters' Pamphlet Statement Prepared by:

GEORGE FLEMING, State Senator; PATRICK R. McMULLEN, State Representative.

Advisory Committee; LEWIS R. HOLCOMB, Executive Director, Washington Public Ports Association; RICHARD D. FORD, Executive Director, Port of Seattle; BILL CROAKE, Executive Secretary, Seattle Building and Construction Trades.

Statement against

SSJR 105 IS UNWISE AND UNNECESSARY

SSJR 105 threatens to displace maritime businesses in harbor areas. Longer leases work toward elimination of maritime and fishing industries in harbor areas by decreasing the certainty of availability of these areas.

Developers of hotels, condominiums, trade centers and office buildings want fifty-five year leases to finance construction over water. This is presently unconstitutional between the line of ordinary high water and the outer harbor line.

Maritime businesses have no need for fifty-five year leases in harbor areas. They lease constitutionally up to thirty years and obtain renewals indefinitely. They have never been denied financing because of thirty year leases.

CONSTITUTIONAL PROTECTION CIRCUMVENTED

To circumvent the Constitution, early legislatures, without a vote of the people, withdrew from the harbor area those portions nearest land, terming them "tidelands" so they could be sold and used for other than navigation and commerce. Unsold state-owned "tidelands" were given fifty-five year leases. Extending fifty-five year leases to remaining harbor areas promotes additional encroachment of non-navigation uses, further decreasing access to land by maritime businesses.

The Constitution, Article XV, Section 1, referring to harbors in front of cities, states in part: ". . . nor shall any of the area lying between any harbor line and the line of ordinary high water . . . be sold or granted by the state, nor its right to control the same be relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce."

Non-navigation uses are attempting to take over the harbor areas.

Vote No on SSJR 105.

Rebuttal of Statement for

Proponents' arguments are misleading and non-factual. The Legislature voted simply to place this issue on the ballot, not as approval of the amendment.

The Constitution drafters responsibly reserved harbor areas for navigation and commerce to promote world trade.

Sufficient time to amortize costs of improvements for navigation uses is already in the Constitution. Only hotels, office buildings and other non-navigation uses require fifty-five year leases.

This is the developers' dream—not the Constitution drafters' dream.

Voters' Pamphlet Statement Prepared by:

PATRICIA DAVIS, Port Watch; VIRGINIA L. RICHMOND, President, Seattle Shorelines Coalition; JAMES T. SMITH, Vice President, Seattle Shorelines Coalition.

Advisory Committee: JOHN JOVANOVICH, Port Watch; BENELLA CAMINITI, Seattle Shorelines Coalition; RUTH MOORE, Seattle Shorelines Coalition, WILLIAM C. ERXLBEN, Port Watch.



COMPLETE TEXT OF Senate Joint Resolution 103

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington, by repealing Article II, section 3 and Article XXVII, section 13 thereof and adding a new section to Article II thereof to read as follows:

Article II, section _____. (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection,

the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.

(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day if the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.

(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.

(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.

(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF Senate Joint Resolution 105

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XV, section 2, of the Constitution of the state of Washington to read as follows:

Article XV, section 2. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than ~~((thirty))~~ fifty-five years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF Senate Joint Resolution 112

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 10, of the Constitution of the state of Washington to read as follows:

Article VIII, section 10. Notwithstanding the provisions of sections 5 and 7 of this Article, until January 1, ~~((1980))~~ 2005 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy ~~((to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures))~~, or lend its credit financed by the issuance of debt instruments secured solely by revenues, to provide financing to individuals, associations, companies, or corporations to be used for the purposes of conserving energy. Except as provided in section 7 of this Article, an appropriate charge back to the recipient shall be made for such extension of public moneys or credit and the same ~~((shall))~~ may be a lien against the ~~((residential))~~ structure or equipment benefited, or against such other adequate security as specified by implementing legislation that the legislature is hereby authorized to enact.

Activities authorized by this section are deemed to be for a public purpose.

Except as to ~~((contracts entered into))~~ bonds and loans issued prior ~~((thereto, this amendment to the state Constitution shall be null and void as of January 1, 1998 and shall have no further force or effect after that date))~~ to January 1, 2005, this section shall expire on January 1, 2005.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

SPECIAL NOTE: The following is the complete text of Chapter 16, Laws of 1983. Although this measure will *not* be voted upon at the state general election on November 8, it contains the implementing statutes for Senate Joint Resolution 103 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to reapportionment and redistricting; amending section 27, Chapter 2, Laws of 1982 and RCW 29.70.100; creating a new chapter in Title 44 RCW; repealing section 18, chapter 2, Laws of 1982 and RCW 29.70.010; repealing section 19, chapter 2, Laws of 1982 and RCW 29.70.020; repealing section 20, chapter 2, Laws of 1982 and RCW 29.70.030; repealing section 21, chapter 2, Laws of 1982 and RCW 29.70.040; repealing section 22, chapter 2, Laws of 1982 and RCW 29.70.050; repealing section 23, chapter 2, Laws of 1982 and RCW 29.70.060; repealing section 24, chapter 2, Laws of 1982 and RCW 29.70.070; repealing section 25, chapter 2, Laws of 1982 and RCW 29.70.080; repealing section 26, chapter 2, Laws of 1982 and RCW 29.70.090; repealing section 28, chapter 2, Laws of 1982 and RCW 29.70.110; repealing section 29, chapter 2, Laws of 1982 and RCW 29.70.120; repealing section 30, chapter 2, Laws of 1982 and RCW 29.70.130; repealing section 31, chapter 2, Laws of 1982 and RCW 29.70.900; repealing section 33, chapter 2, Laws of 1982 and RCW 29.70.910; and providing for a contingent effect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. This act may be cited as the Washington State Redistricting Act.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section _____ of the state Constitution.

NEW SECTION. Sec. 3. A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

NEW SECTION. Sec. 4. Before serving on the commission every person shall take and subscribe an oath to faithfully

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

~~(6)(a) ((An elected official))~~ Any registered voter residing in an area affected by the municipal corporation's redistricting plan may request review of the adopted local plan by the ~~((voting boundary commission))~~ superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation may be joined as respondent. The ~~((voting boundary commission))~~ superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in ~~((RCW 29.70.030 and))~~ subsection (4) of this section.

~~(b) If ((, within thirty days of submission of a local government plan, the commission))~~ the superior court finds the plan to be consistent with the requirements of this ~~((chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified))~~ section, the plan shall take effect ~~((ten days after certification))~~ immediately.

(c) If the ~~((commission))~~ superior court determines the plan does not meet the requirements of this ~~((chapter))~~ section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the ~~((commission))~~ superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 2, Laws of 1982 and RCW 29.70.010;

(2) Section 19, chapter 2, Laws of 1982 and RCW 29.70.020;

(3) Section 20, chapter 2, Laws of 1982 and RCW 29.70.030;

(4) Section 21, chapter 2, Laws of 1982 and RCW 29.70.040;

(5) Section 22, chapter 2, Laws of 1982 and RCW 29.70.050;

(6) Section 23, chapter 2, Laws of 1982 and RCW 29.70.060;

(7) Section 24, chapter 2, Laws of 1982 and RCW 29.70.070;

(8) Section 25, chapter 2, Laws of 1982 and RCW 29.70.080;

(9) Section 26, chapter 2, Laws of 1982 and RCW 29.70.090;

(10) Section 28, chapter 2, Laws of 1982 and RCW 29.70.110;

(11) Section 29, chapter 2, Laws of 1982 and RCW 29.70.120;

(12) Section 30, chapter 2, Laws of 1982 and RCW 29.70.130;

(13) Section 31, chapter 2, Laws of 1982 and RCW 29.70.900; and

(14) Section 33, chapter 2, Laws of 1982 and RCW 29.70.910;

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

SPECIAL NOTE: The following is the complete text of Chapter 259, Laws of 1983. Although this measure will *not* be voted upon at the state general election on November 8, it contains the implementing statutes for Senate Joint Resolution 105 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to harbor areas; amending section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070; amending section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080; and providing a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070 are each amended to read as follows:

If the owner of any harbor area lease upon tidal waters shall desire to construct thereon any wharf, dock, or other convenience of navigation or commerce, or to extend, enlarge, or substantially improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the department of natural resources for a new lease of such harbor area for a period not exceeding ~~((thirty))~~ fifty-five years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the department shall forthwith investigate the same and if it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, it shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental shall be a fixed percentage, during the term of such lease, on the true and fair value in money of such harbor area determined from time to time by the department as provided in RCW 79.92.050. The department may propose modifications of the proposed wharf, dock, or other convenience or extensions, enlargements, or improvements thereon. The department shall, within ninety days from the filing of such application

notify the applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid, and if the applicant shall within ninety days thereafter elect to accept a new lease of such harbor area upon the terms and conditions, and at the rental prescribed by the department, the department shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and canceled.

Sec. 2. Section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080 are each amended to read as follows:

Upon expiration of any harbor area lease upon tidal waters hereafter expiring, the owner thereof may apply for a re-lease of such harbor area for a period not exceeding ~~((thirty))~~ fifty-five years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings, and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the department of natural resources shall forthwith investigate the same and if it shall determine that the character of the wharves, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, it shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid, which rate shall be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area as determined from time to time by the department of natural resources in accordance with RCW 79.92.050.

NEW SECTION. Sec. 3. This act shall take effect on the same date as the proposed amendment to Article XV, section 2 of the state Constitution (SJR No. 105) is validly submitted and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

SPECIAL NOTE: The following is the complete text of Chapter 62, Laws of 1983. Although this measure will *not* be voted upon at the state general election on November 8, it contains the implementing statutes for Senate Joint Resolution 112 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to financing energy conservation measures; amending section 1, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.355; amending section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.360; amending section 3, chapter 239, Laws of 1979 ex. sess. and RCW 54.16.280; and providing and expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Section 1, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.355 are each amended to read as follows:

The conservation of energy in all forms and by every possible means is ~~((found and declared to be))~~ a public purpose of highest priority. The legislature further finds ~~((and declares))~~ that all municipal corporations, quasi municipal corporations, and other political subdivisions of the state

which are engaged in the ~~((generation))~~ sale~~(-)~~ or distribution of energy should be granted the authority to develop and carry out programs which will conserve resources, reduce waste, and encourage more efficient use of energy by ~~((consumers))~~ individuals, associations, companies, or corporations.

In order to establish the most effective state-wide program for energy conservation, the legislature ~~((hereby))~~ encourages any company, corporation, or association engaged in selling or furnishing utility services to assist ~~((their))~~ its customers in the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy.

Sec. 2. Section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.360 are each amended to read as follows:

Any city or town engaged in the ~~((generation))~~ sale~~(-)~~ or distribution of energy is ~~((hereby))~~ authorized, within limits established by the Constitution of the state of Washington, to assist ~~((the owners of residential structures))~~ individuals, associations, companies, or corporations in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy ~~((in such structures pursuant to))~~ under an energy conservation plan adopted by the city or town if the cost per unit of energy saved or produced by the use of ~~((such))~~ these materials and equipment is less than the incremental system cost ~~((per unit of energy produced by the next least costly new energy resource))~~ of generating, transmitting, and distributing electricity from the lowest cost alternative new source of supply which the city or town could acquire to meet future demands. Except where otherwise authorized, ~~((such))~~ assistance shall be limited to:

~~(1) ((Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;~~

~~(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards;~~

~~(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and~~

~~(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.~~

~~(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.)~~ Providing an energy conservation analysis to the customer, either directly or through one or more consultants under contract. The analysis may include estimates