

the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of ~~((motor vehicles))~~ licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Passed the Senate March 6, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 121

[Engrossed Senate Bill No. 2021]

STATE CORRECTIONAL INSTITUTIONS—RESIDENTS—UNLAWFUL POSSESSION—PENALTIES

AN ACT Relating to correctional institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 43, Laws of 1977 ex. sess. and RCW 9.94.040; adding new sections to chapter 9.94 RCW; prescribing penalties; and declaring an emergency.

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

Section 1. Section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 43, Laws of 1977 ex. sess. and RCW 9.94-.040 are each amended to read as follows:

Every person serving a sentence in any penal institution of this state who, without authorization pursuant to law, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control ~~((any narcotic drug or~~

~~controlled substance as defined in chapter 69.50 RCW, any alcoholic beverage, or)) any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony ((punishable by imprisonment for not more than five years, which)). The sentence imposed under this section shall be in addition to ((the)) any sentence being served.~~

NEW SECTION. Sec. 2. Every person serving a sentence in any penal institution of this state who, without authorization, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony. The sentence imposed under this section shall be in addition to any sentence being served.

NEW SECTION. Sec. 3. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the first degree if, without authorization to do so, the person knowingly possesses or has under his or her control a deadly weapon on or in the buildings or adjacent grounds subject to the care, control, or supervision of a state correctional institution. Deadly weapon is used as defined in RCW 9A.04.110: PROVIDED, That such correctional buildings, grounds, or property are properly posted pursuant to section 5 of this act, and such person has knowingly entered thereon: PROVIDED FURTHER, That the provisions of this section do not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the correctional institution premises, proceeds directly along an access road to the administration building and promptly checks his or her firearm(s) with the appropriate authorities. The person may reclaim his or her firearm(s) upon leaving, but he or she must immediately and directly depart from the premises.

Possession of contraband on the premises of a state correctional institution in the first degree is a class B felony.

NEW SECTION. Sec. 4. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the second degree if, without authorization to do so, the person knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, on or in the buildings, grounds, or any other real property subject to the care, control, or supervision of a state correctional institution.

Possession of contraband on the premises of a state correctional institution in the second degree is a class C felony.

NEW SECTION. Sec. 5. The perimeter of the premises of correctional institutions covered by this act shall be posted at reasonable intervals to alert the public as to the existence of this act.

NEW SECTION. Sec. 6. For the purposes of sections 3 and 4 of this act, "state correctional institution" means the: Washington corrections center, Washington state penitentiary, Washington state reformatory, Purdy treatment center for women, Larch corrections center, Indian Ridge treatment center, Firland correctional center, Clearwater corrections center, Pine Lodge correctional center and other state correctional facilities used solely for the purpose of confinement of convicted felons.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are added to chapter 9.94 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance 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. 9. 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 Senate March 5, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 122

[Engrossed Senate Bill No. 2180]

AGRICULTURAL ACTIVITIES—PROTECTION FROM NUISANCE LAWSUITS

AN ACT Relating to agriculture; adding new sections to chapter 7.48 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature finds that agricultural activities conducted on farmland in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses. It is therefore the purpose of this act to provide that agricultural activities conducted on farmland be protected from nuisance lawsuits.

NEW SECTION. Sec. 2. There is added to chapter 7.48 RCW a new section to read as follows: