



**RULES, REGULATIONS AND MODES  
OF PROCEDURE RELATING TO THE  
TEXAS WEATHER MODIFICATION ACT**

**TEXAS WATER DEVELOPMENT BOARD**

**RULES, REGULATIONS AND MODES OF  
PROCEDURE RELATING TO THE  
TEXAS WEATHER MODIFICATION ACT**

Revised and Adopted  
by the Texas Water Development Board  
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## TEXAS WATER DEVELOPMENT BOARD

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C E R T I F I C A T E

STATE OF TEXAS     |

3  
COUNTY OF TRAVIS   |

I, the undersigned, General Counsel of the Texas Water Development Board, do hereby certify that the following attached document is a true and correct copy of RULES, REGULATIONS AND MODES OF PROCEDURE RELATING TO THE TEXAS WEATHER MODIFICATION ACT as the same was revised and, as revised, adopted by the Texas Water Development Board at the regular meeting thereof held on the 18th day of November, 1975.

WITNESS MY HAND AND THE OFFICIAL SEAL of the Texas Water Development Board, this the 21st day of November, 1975.



TEXAS WATER DEVELOPMENT BOARD

*Royston S. Lanning*  
Royston S. Lanning, General Counsel

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## CHAPTER I

### GENERAL PROVISIONS

#### CONCEPT OF RULES

**101. PURPOSE OF RULES:** The Rules contained herein are adopted for the purpose of promoting continued research and development in the science and technology of weather modification, minimizing the danger of weather modification activities to health and property, simplifying procedures, avoiding delays, saving expenses, and facilitating administration and enforcement of Chapter 14 (Weather Modification) of the Texas Water Code, and these Rules shall be construed accordingly.

**102. USE AND EFFECT OF RULES:** These Rules are prescribed for the performance of the statutory powers and functions vested in the Texas Water Development Board. In no event shall any Rule or Rules be construed as a limitation or restriction upon the exercise of any statutory power of the Texas Water Development Board.

**103. SUSPENSION AND WAIVER OF RULES:** The Texas Water Development Board may suspend or waive a Rule, in whole or in part, upon a showing of good cause, or when in the discretion of the Texas Water Development Board, the particular facts or circumstances render such suspension or waiver of the Rule appropriate.

**104. AMENDING OF RULES:** These rules may be amended from time to time and new Rules may be adopted by the Texas Water Development Board.

#### DEFINITIONS

**105. DEFINITIONS OF TERMS:** The following definitions of terms apply, unless the subject matter or context requires otherwise:

- (a) "Act" or "Weather Modification Act" means the Weather Modification Act of 1967 (Acts 1967, 60th Legislature, chapter 576, page 1295) as amended and codified—Chapter 14 of the Texas Water Code;
- (b) "Board" means the Texas Water Development Board;
- (c) "Executive Director" means the Executive Director of the Texas Water Development Board;
- (d) "Weather Modification Affairs Coordinator" or "Coordinator" means the Board employee who has been given primary responsibility for administration of the Act and these Regulations;
- (e) "Operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain weather



modifying effect within one geographical area over one continuing time interval not exceeding four (4) years;

- (f) "Research and development" means theoretical analysis, exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes including the experimental production and testing of models, devices, equipment, materials, and processes;
- (g) "Weather modification and control" means intentional changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere;
- (h) "Weather modifier" means a person or organization undertaking weather modification or control activities; and
- (i) "Interested party" shall include the following:
  - (1) applicant for a license, renewal license or permit;
  - (2) licensee in any Board action concerning revocation, suspension or amendment of such licensee's license or permit;
  - (3) any person who demonstrates a material interest in the outcome of any Board action concerning Weather Modification activities; and,
  - (4) any person, group of persons or organization which sponsors the activities of a weather modifier in conducting an operation.

## CHAPTER II

### WEATHER MODIFICATION AFFAIRS COORDINATOR

#### APPOINTMENT AND DUTIES OF COORDINATOR

**201. APPOINTMENT BY BOARD:** The Weather Modification Affairs Coordinator shall be a full-time employee of the Board. He shall be appointed by the Executive Director, and he shall serve at the Executive Director's pleasure.

**202. AUTHORITY OF COORDINATOR:** The Coordinator shall coordinate actions for and on behalf of the Board in all matters pertaining to the administration of the Weather Modification Act, except such matters as may be specifically reserved to the Board by other rules or by statute. The Coordinator's functions shall include the following:

- (a) Preparing correspondence and reports, maintaining files and records, preparing recommendations concerning the issuance or amendment of weather modification licenses and permits and performing other administrative functions required by the Act and these Rules;
- (b) Investigating and promptly reporting to the Executive Director through administrative channels any violation of the Act or these Rules; and
- (c) Receiving all weather modification related correspondence and preparing appropriate replies.

**CHAPTER III**  
**ISSUANCE OF LICENSES AND PERMITS**

**LICENSE AND PERMIT REQUIRED**

**301. LICENSE AND PERMITS REQUIRED:** It is unlawful for any person or organization not specifically exempted by law and these Rules to act or perform services as a weather modifier, without obtaining a license and permit as provided for in the Act and these Rules.

**302. TO WHOM LICENSE MAY BE ISSUED:** Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who meet the requirements set out in the Act and these Rules. If the applicant is an organization, these requirements shall be met by the individual or individuals who are to be in control and in charge of the applicant's weather modification operations.

**303. LICENSE AND PERMIT NOT REQUIRED:** Individuals and organizations engaging in the following activities, and only the following activities, are exempt from the license and permit requirements of the Act and these Rules:

- (a) Research performed wholly within laboratory facilities;
- (b) Activities of an emergency nature for protection against fire or frost or the effects of sleet or fog. An emergency shall be considered to have arisen only when the Executive Director determines that there was insufficient time for reasonable compliance with the normal procedures outlined in the Act and these Rules;
- (c) Firefighting activities where water or chemical preparations are applied directly to fires without intent to modify the weather; and
- (d) Frost and fog protective measures provided through the application of water and/or heat by orchard heaters or similar devices, or by mixing of the lower layers of the atmosphere by helicopters or other type of aircraft where no chemicals are dispensed into the atmosphere, other than normal combustion by-products and engine exhaust; and
- (e) Activities of the United States government.

**304. EFFECTIVE PERIOD OF LICENSE:** Each license shall be issued for a period to expire at the end of the Texas State fiscal year in which it is issued. A licensee may renew an expired license in the manner prescribed by these Rules.

**PROCEDURES FOR ACQUISITION**  
**AND RENEWAL OF LICENSE**

**305. APPLICATION FOR LICENSE:** In order to qualify for a weather modification license an applicant must:

- (a) Submit a properly completed application as described in Chapter VIII of these Rules;

- (b) Pay to the Board a license fee of \$50.00; and
- (c) Submit to the Board evidence of (1) the possession by the applicant of a baccalaureate or higher degree in meteorology or related physical science or engineering and at least five years experience in the field of meteorology, or (2) such other training and experience as may be acceptable to the Board as indicative of sufficient competence in the field of meteorology to engage in weather modification activities.

**306. RENEWAL OF LICENSE:** A licensee may qualify for renewal of a license by submitting an application for renewal accompanied by the \$50.00 renewal fee; in the case of an organization, the application for renewal must state whether the personnel on the basis of whose qualification the original license was issued continue to be in control and in charge of the organization's weather modification operations, or if the organization has acquired replacement personnel, that there has been a change in personnel. If the organization has hired replacement personnel, the organization shall attach to their application for a renewal a statement setting out the names and qualifications of said personnel. Licensee should file an application for renewal 60 days prior to the expiration date of his license.

## **PROCEDURES FOR ACQUISITION OF PERMIT**

**307. APPLICATION FOR PERMIT:** In order to qualify for receipt of a weather modification permit a licensee must:

- (a) Submit to the Board a properly executed application as described in Chapter IX of these Rules;
- (b) Pay to the Board a permit fee of \$25.00;
- (c) Demonstrate to the satisfaction of the Executive Director his ability to respond in damages for liability which might reasonably arise as a result of the applicant's proposed weather modification activities;
- (d) File with the Board a notice of intention for publication which sets forth at least all of the following:
  - (1) the name and address of the applicant;
  - (2) the date he received a proper weather modification license and all dates of renewal;
  - (3) the nature and the object of the intended operation and the person or organization on whose behalf it is to be conducted;
  - (4) the specific area in which and the approximate date and time during which the operation will be conducted;
  - (5) the specific area which is intended to be affected by the operation;
  - (6) the materials and methods to be used in conducting the operation; and
  - (7) a statement that persons interested in such permit application should contact the Board.
- (e) File with the Board, within 15 days from the last date of the publication of notice, proof that the applicant caused the notice of intention or that portion thereof including the items specified in the Act to be published at least once a week for 3 consecutive weeks in

a newspaper having a general circulation and published within each county in which the operation is to be conducted and in which the affected area is located. In case there is no newspaper published with the appropriate county, publication shall be made in a newspaper having a general circulation within the county.

(It is recommended that the applicant not begin publication of notice until the applicant has received approval of the form and substance of the notice of intention from the Coordinator)

**308. DESCRIPTION OF PERMIT:** A licensee shall comply with all the requirements set out in his permit. A permit shall include the following:

- (a) The effective period of the permit, which shall not exceed four years, shall be determined by the Board;
- (b) The location of the operation;
- (c) The method(s) which may be employed; and
- (d) Other necessary terms, requirements, and conditions.

**309. BOARD AUTHORITY TO AMEND A PERMIT:** The Board may amend the terms of a permit after issuance thereof if the Board determines that it is in the public interest or it is necessary that the permit be modified for the protection of the health or the property of any person or persons. Such amendment shall become effective only after the permit holder is accorded his right to an administrative hearing pursuant to the Administrative Procedure and Texas Register Act and the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*.

## **BOARD DISPOSITION OF APPLICATION**

**310. DISPOSITION OF APPLICATION:** All applications for licenses, license renewals, or permits are subject to the requirements of the Administrative Procedure and Texas Register Act, Chapter 61, Acts of the 64th Legislature, 1975 (Senate Bill 41) and shall receive disposition according to the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*. Such applications, if containing the requirements of Sections 301 through 307, inclusive, of these Rules shall constitute "applications" within the meaning of the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*, and the Executive Director shall docket the same as a pending proceeding pursuant to Rule 118 thereof. The applicant shall be notified as to the disposition of his application immediately upon the issuance of a final decision and order pursuant to said Rules.

**311. APPLICANT'S BURDEN OF PROOF AND BOARD FINDINGS:** The issuance of a weather modification permit is subject to Section 14.061 of the Texas Water Code, as amended by Chapter 538, Acts of the 64th Legislature, 1975 (House Bill 1089). Prior to the issuing of a weather modification permit, the Board must find that the weather modification and control operation as proposed in the permit application will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area, in accordance with the regulations of the Board.

The burden of proof shall be upon the applicant to establish, under the applicable provisions of the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*, that the weather modification and control operation, as proposed in the permit application, will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area.

## **PUBLIC HEARING PRIOR TO ISSUANCE OF PERMIT**

**312. PUBLIC HEARING PRIOR TO ISSUANCE OF PERMIT:** The Board shall, if requested by at least 25 persons, hold at least one public hearing in the area where the operation is to be conducted prior to the issuance of a permit. The request for such public hearing must be in writing and may be made in the form of petitions, letters, or other writing bearing collectively a total of 25 signatures. No particular form of request is necessary provided that each signature appear on a petition, letter, or other written document which reasonably identifies the application for the permit concerned and the operation to be conducted under the permit. For purposes of identification, it shall be sufficient to refer to or attach a copy of the notice required to be published by Sections 14.064 through 14.067 of the Texas Water Code and Section 307 of these Rules, though not required.

The time and place of such public hearing shall be determined by the Board with a view to obtaining maximum public attendance. Notice thereof shall be given in such manner as the Board may deem adequate to notify the general public of the time, place, and subject matter of the public hearing.

## CHAPTER IV

### REVOCATION & SUSPENSION OF LICENSES AND PERMITS

#### GROUND FOR REVOCATION

**401. SUSPENSION OF A PERMIT:** The Board shall institute proceedings to suspend any weather modification permit issued under the terms of the Act and these Rules if the licensee's weather modification license should expire, or in the case of an organization being the licensee, if the person listed on the application for the permit as being in control of and in charge of operations for the licensee should become incapacitated, leave the employment of the licensee, or for any other reason be unable to continue to be in control of and in charge of the operation in question and a replacement approved by the Board, acting through its Executive Director, has not been obtained.

**402. BOARD'S AUTHORITY TO SUSPEND OR REVOKE LICENSES AND PERMITS:** The Board may suspend or revoke any license or permit issued for the following reasons:

- (a) If the licensee no longer possesses the qualifications necessary for the issuance of a license or permit;
- (b) If the licensee has violated any of the provisions of the Act;
- (c) If the licensee has violated any of the provisions of these Rules;
- (d) If the licensee has violated any provisions of his license and/or permit; or
- (e) If the Executive Director shall determine that a permitted weather modification and control operation will significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of person or property in that area.

**403. PROCEDURE FOR REVOCATION OR SUSPENSION OF LICENSES AND PERMITS:** When the Executive Director has probable cause to believe that a ground or grounds exist for the revocation or suspension of a license or permit, he shall institute proceedings for such revocation or suspension pursuant to Rule 151 of the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*. The licensee or permittee against whom the proceedings are instituted shall be accorded all rights to which he is entitled under Sub-Chapter D, Chapter 14, Sections 14.091 through 14.093 of the Texas Water Code and the Administrative Procedure and Texas Register Act. No license or permit shall be suspended or revoked prior to the issuance of a final decision and order entered by the Board pursuant to the Administrative Procedure and Texas Register Act.

**404. EMERGENCY ORDER TO CEASE OPERATIONS:** The Executive Director may, without suspension of the permit authorizing the same, order a licensee to cease some or all operations with regard to a particular permitted weather modification and control operation for a period not exceeding five days if he shall determine that probable imminent injury or hazard shall result to any person or property, or to the public, by reason of the operation. Notice of the order to discontinue operations may be verbally given by an authorized member of the staff of the Texas Water Development Board to be confirmed in writing thereafter at the earliest possible time; or may be given by certified or registered letter, telegram, or a written notice delivered by special messenger. Such order shall not be considered a suspension or revocation of a permit for any purpose, but only as an emergency safety measure.

The Executive Director shall similarly notify the licensee immediately upon his determination that the probability of injury or hazard has ceased, after which the licensee may resume operations. If the Executive Director shall determine that the probability of injury or hazard shall continue for a longer period than five days, he shall thereupon institute proceedings for suspension or revocation, as appropriate to the situation, pursuant to Rule 151 of the *General and Special Rules of Practice and Procedure of the Texas Water Development Board*.

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## **CHAPTER V**

### **RECORD KEEPING**

#### **RECORDS REQUIRED**

**501. INFORMATION TO BE RECORDED:** All individuals and organizations conducting weather modification operations in Texas shall keep and maintain a record of each operation which they conduct. For the purposes of this Chapter, the daily log required by Title 15, Chapter IX, Sub-Chapter A, Part 908, Section 908.8 (a), Code of Federal Regulations, November 1, 1972, as amended, and the supplemental information required by Sections 908.8 (b), (c), and (d) will be considered adequate, provided that each applicant for a weather modification permit submit with his application a list containing the name and post-office address of each individual who will participate or assist in the operation, as required by Section 14.071 (a) (5) of the Texas Water Code, and promptly report any changes or additions to this list to the Coordinator.

**502. TIME FOR MAKING REPORTS:**

- (a) Each individual and organization conducting weather modification operations in Texas shall submit copies of the daily log and supplemental information described in Section 501 (supra) for each month to the Board by the fifth day of each succeeding month. This requirement shall apply to all operations in Texas for which reports are required by Federal regulations, even though exempted from Texas license and permit requirements by Chapter III, Section 303 of these Rules.
- (b) Information copies of all other reports required by Title 15, Chapter IX, Sub-Chapter A, Part 908, Sections 908.5, 908.6, and 908.7, Code of Federal Regulations, shall be submitted to the Board as soon as practicable, but in no case later than the deadlines set by the Federal regulation.

## CHAPTER VI

### ENFORCEMENT PROVISIONS

**601. PENAL:** Any person violating any of the provisions of these Rules or orders issued pursuant thereto shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 10 days or be fined not less than \$100.00 nor more than \$1,000.00 or both, for each separate offense. Under the Act a continuing violation is punishable as a separate offense for each day during which a violation occurs.

#### **602. CIVIL**

- (a) Whenever it appears that a person has violated or is violating, or is threatening to violate, any provision of this chapter or any regulation, license, permit, or order of the Board, then the Board, or the Executive Director when authorized by the Board, may have a civil suit instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation, or for the assessment and recovery of a civil penalty of not less than \$50 nor more than \$1,000 for each act of violation and for each day of violation, or for both injunctive relief and civil penalty.
- (b) Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter or any regulation, license, permit, or order of the Board, the district court shall grant the injunctive relief the facts may warrant.
- (c) At the request of the Board, or the Executive Director when authorized by the Board, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty, as authorized in Subsection (a) of this section.

## CHAPTER VII

### GENERAL INFORMATION AND INSTRUCTIONS

**701. LICENSE AND RENEWAL:** The applicant must secure a license to engage in weather modification operations in Texas. The license is valid through August 31 of the State fiscal year in which it was issued; however, the mere possession of a license does not entitle the licensee to operate at any time or place in the State until he has secured a permit authorizing a specific weather modification operation. The Form TWDBE-WT-70 to be used by the applicant may be obtained from the Texas Water Development Board, Austin. The cost is \$50.00 for a license or a renewal thereof.

**702. PERMIT:** To obtain a permit to undertake any weather modification activity, §§ 14.064 through 14.067 of the Texas Water Code require the licensee to file with the Board, and cause to be published, a *notice of intention*. A separate permit must be applied for and issued for each operation (see FORM TWDBE-WT-72), thereby requiring a separate notice of intention.

**703. NOTICE OF INTENTION TO CONDUCT OPERATIONS:** An important procedure that should not be overlooked, in view of a possible modification of the licensee's area of activity or the terms of the permit by the Board, is that the licensee should send a copy of the notice of intention to arrive at the Texas Water Development Board at least 15 days before it is sent out for publication. This order of filing will serve four purposes: (1) it serves as an immediate notice to the Board that a weather modification operation is intended; (2) it allows the Board to determine conformity with Weather Modification Act requirements before valuable publication time is lost and costs are incurred; (3) it alerts the Board to the possible need for determining the amount and type of financial responsibility required; and (4) it alerts the Board to expect receipt of an Application for Permit (FORM TWDBE-WT-72) to which will be attached the necessary proof of publication of the notice of intention by publisher's affidavit, proof of financial responsibility, and the permit fee of \$25.00.

**704. PUBLICATION OF NOTICE OF INTENTION:** The notice of intention must be published at least once a week for three consecutive weeks in a newspaper having a general circulation and published in the county of operation, or, if the operation is to be conducted in more than one county, in a newspaper having a general circulation and published within each of such counties. If there is no newspaper published within the appropriate county, publication shall be in a newspaper having a general circulation within the county. The final date of publication must precede any issuance of a Permit for Weather Modification Operation within the meaning of the Act.

**705. FORM FOR NOTICE OF INTENTION:** The notice of intention shall provide the information required in § 14.065 of the Texas Water Code, and may be in a form substantially as follows:

**NOTICE OF INTENTION  
TO ENGAGE IN WEATHER MODIFICATION ACTIVITIES**

NOTICE IS HEREBY GIVEN, THAT \_\_\_\_\_ (NAME OF LICENSEE) OF \_\_\_\_\_ (ADDRESS IN FULL) \_\_\_\_\_, who holds License No. \_\_\_\_\_ of the State of Texas intends to engage in an operation to change or attempt to change by artificial methods the natural development of appropriate atmospheric cloud forms or precipitation forms which occur in the troposphere, for and on behalf of \_\_\_\_\_ (retaining organization) \_\_\_\_\_ located \_\_\_\_\_ (address in full) \_\_\_\_\_, and will conduct a program of weather modification \_\_\_\_\_ (give nature and object of intended operation, e.g. to increase useful precipitation by means of ground based silver iodide generators) \_\_\_\_\_ as follows:

1. Area in which equipment will be operated \_\_\_\_\_ (describe) \_\_\_\_\_.
2. The target area will be \_\_\_\_\_ (describe) \_\_\_\_\_.
3. The areas adjacent to target area which may be subject to effects of the operation are \_\_\_\_\_ (describe) \_\_\_\_\_.
4. The materials and methods to be used in conducting the operation are \_\_\_\_\_ (describe) \_\_\_\_\_.
5. Person who will be in control and in charge of the operation \_\_\_\_\_.\*

The operation will extend during the period beginning about \_\_\_\_\_ and ending about \_\_\_\_\_.

Individuals, organizations, or agencies who consider that their interests will be adversely affected by the operation proposed may file a formal protest for consideration by the Board with the following:

Weather Modification Affairs Coordinator  
Texas Water Development Board  
P.O. Box 13087  
Austin, Texas 78711

Dated \_\_\_\_\_ Signed: \_\_\_\_\_

\*Must have been listed on application for license or on a supplemental personnel statement filed with the Board.

**706. DESCRIPTION OF AREAS OF OPERATIONS:** When preparing a notice of intention the area in which equipment will be operated, the target area, the areas adjacent to the target area which may be subject to effects of the operation, and the materials and methods to be used in conducting the operation, should all be described and given in sufficient detail to permit plotting the information on a general map of the vicinity of the operation. On the basis of information provided and after evaluation of the plotted data the notice of intention may be modified by the Board.

**707. PROOF OF PUBLICATION:** § 14.067 of the Texas Water Code requires proof of publication of the notice of intention within 15 days from the last date of publication. A publisher's affidavit containing a copy of the notice as published, and indicating the dates of publication will suffice.

**708. FINANCIAL RESPONSIBILITY:** Pursuant to § 14.068 of the Texas Water Code, the applicant must demonstrate proof of financial responsibility to the satisfaction of the Executive Director. This requirement may be discharged by presenting to the Board (1) a certificate of liability insurance, currently in force, the principal amount of which to be approved by the Executive Director and (2) a copy of the entire liability insurance policy. The policy to which the certificate refers shall have been issued by an insurance company licensed by the State of Texas or an insurance company approved by the Board.

**709. RECORDS TO BE KEPT BY LICENSEE:** Upon receipt of permit the licensee shall keep and maintain a record of each operation that he conducts. In general, the record must show: the period covered by the report; the location of the operation; the method employed; descriptions of equipment used; and, the name and post office address of each person participating or assisting in the operation. In addition, the time and place of operation of equipment, type of material (chemicals or other materials) and amount used is required for each ground based generator, mobile generator, or flight.

**710. NECESSITY FOR LICENSE:** Weather Modifiers should note carefully that § 14.061 (1) of the Code requires that for a permit to be valid the operator must have a valid license. Also, if the person listed in paragraph 4 of the application for a weather modification permit is incapacitated, leaves the employ of the licensee, or is for any reason unable to continue to be in charge and in control of the operation, the permit will be suspended until an amended personnel statement listing a substitute acceptable to the Board is filed.

**711. INQUIRIES:** The Board welcomes the opportunity to be of assistance to any licensee or applicant or any special problems that may arise concerning weather modification operations. Written inquiries should be addressed to:

Weather Modification Affairs Coordinator  
Texas Water Development Board  
P.O. Box 13087  
Austin, Texas 78711

Telephone inquiries may be made to the Board's offices in Austin.

## CHAPTER VIII

### INSTRUCTIONS FOR LICENSE APPLICATIONS

**801. LICENSE INSTRUCTIONS FOR LICENSE APPLICANTS:** Read the application carefully and answer all questions fully. If sufficient space is not available to answer any question on the application form, complete the answers on separate sheets and attach them to the application. The application must be complete in all details before consideration by the Board.

**802. FEES:** The fee for a license is \$50.00, which must be forwarded at the time the license application is filed. A license which is issued for one State Fiscal Year may be renewed annually upon application to the Board when accompanied by a renewal fee of \$50.00 and a completed Form TWDBE-WT-71, Application for Renewal, 60 days prior to the first day of September.

**803. DETAILED INSTRUCTIONS FOR LICENSE APPLICATION FORM:** Detailed instructions for completing application form TWDBE-WT-70 are as follows:

- (a) Give the name of the applicant exactly as you wish it to appear on the license.
- (b) Give the business address of the applicant. If address is changed applicant must notify the Board.
- (c) This section is self-explanatory.
- (d) The "personnel" of an applicant shall include: if an individual, the individual applying; if a partnership, the members of the partnership; if a corporation, association, or other type of organization, the names of officers charged with its control. The "personnel" shall also include the persons, if not already named who will be in control and in charge of any weather modification operations. If at any time a person not named in this section is to be placed in control and in charge of weather modification operations, the applicant shall immediately file with the Board a supplement to the application giving the information required in paragraph 7 of the application form for each such person. No fee will be required for filing this supplement to the application.
- (e) This section is self-explanatory.
- (f) This section is self-explanatory.
- (g) The information required in this section must be given for the application and all employees who may be in control and in charge of weather modification operations. Attach additional sheets if more than one person is involved.

**804. SIGNATURES:** The applicant's signature must be executed or acknowledged before a notary public.

**805. FILING FORM:** Enclose one copy of the completed form together with a check or money order for \$50.00 made payable to the "Texas Water Development Board." This should be submitted to:

Weather Modification Affairs Coordinator  
Texas Water Development Board  
P.O. Box 13087  
Austin, Texas 78711

**806. FORMS FOR LICENSE APPLICATIONS AND RENEWALS:** The following are samples of FORM TWDBE-WT-70, *Application for Weather Modification License* and FORM TWDBE-WT-71, *Application for Renewal of Weather Modification License*:

STATE OF TEXAS  
TEXAS WATER DEVELOPMENT BOARD  
P. O. Box 13087  
AUSTIN, TEXAS 78711

APPLICATION FOR LICENSE TO ENGAGE IN  
WEATHER MODIFICATION OPERATIONS  
WITHIN THE STATE OF TEXAS

1. Name of applicant \_\_\_\_\_
2. Business address \_\_\_\_\_
3. Applicant intends to do business as an \_\_\_\_\_  
(individual, partnership, corporation, other)
4. Print below the full name, title, and address of all personnel to be engaged in weather modification operations who may be in control and in charge of operations for applicant.

Personnel		
:	:	:
:	:	:
: Full name	: Title or position	: Residence
: (do not use initials)	: (owner, partner, officer,	: address
:	: responsible managing	:
:	: employee)	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:





EXPERIENCE IN WEATHER MODIFICATION OPERATIONS, EXPERIMENTS, OR PLANNING  
(Please begin with most recent experience).

		Occupations and	Employers
From	To	Description of Duties	(Names, Addresses &
Mo. Yr.	Mo. Yr.	(List each position separately)	Types of Business):
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:

Special educational and experience qualifications

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Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

By \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Title \_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_, State of \_\_\_\_\_

APPLICATION FOR RENEWAL OF WEATHER MODIFICATION LICENSE

To: Weather Modification Affairs Coordinator  
Texas Water Development Board  
P. O. Box 13087  
Austin, Texas 78711

I (We) \_\_\_\_\_ hereby  
Licensee

apply for renewal of State of Texas Weather Modification License  
No. \_\_\_\_\_ for the fiscal year beginning September 1, 19\_\_\_\_. A  
check or money order for \$50.00 is enclosed.

I (We) certify that: (strike out statement (1) or (2) which is  
not applicable.)

(1) There has been no change in the personnel on the basis  
of whose qualifications the presently valid license was granted.  
(Please make any address changes or other corrections on copy of  
original application or separate sheet, enter N/A after statements  
3 through 7, and date and sign on last page.)

(2) There have been personnel changes since the current  
weather modification license was granted. (Complete sections 3  
through 7 as applicable, date and sign on last page.)

(3) The following personnel listed on the previous application  
will no longer be in control of weather modification operations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Print below the full name, title, and address of all added personnel to be engaged in weather modification operations who may be in control and in charge of operations.

Full Name	Title or Position	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(5) Has any person listed in Section 4 been convicted of a felony in this State or elsewhere? \_\_\_\_\_ If so, attach a detailed statement

(6) Has any person listed in Section 4 been denied a license to conduct or participate in weather modification activities in Texas or elsewhere, or had a license suspended or revoked? \_\_\_\_\_ If so, attach a detailed statement.

(7) Give the name, education, experience, and qualifications of persons listed in Section 4. (If more than one attach additional sheets.)

NAME \_\_\_\_\_

Course of Study (Major)	Graduate (Yes or No)	Year of Graduation
_____	_____	_____
_____	_____	_____

Jr. College	1	2		
College or University	1	2	3	4
University Graduate Study	Hrs. or Units			
Certificates of Professional or Vocational Competence or License				
Membership Status in Professional or Technical Associations				

EXPERIENCE IN WEATHER MODIFICATION OPERATIONS, EXPERIMENTS, OR PLANNING  
(Please begin with most recent experience).

From Mo. Yr.	To Mo. Yr.	Occupations and Description of Duties (List each position separately)	Employers (Names, Addresses and Types of Business)

Special education and/or experience qualifications.

Date \_\_\_\_\_ By \_\_\_\_\_  
Title \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_, State of \_\_\_\_\_

## CHAPTER IX

### INSTRUCTIONS FOR PERMIT APPLICATIONS

**901. DETAILED INSTRUCTIONS FOR PERMIT APPLICATION:** Detailed instructions for submitting application for permit are as follows:

- (a) Give name of licensee as it appears on the license form.
- (b) Give the business address of the applicant. If address is changed applicant must notify the Board.
- (c) Give current license number as it appears on the license form.
- (d) List person who will be in charge and in control of operation. Note that this person must have been listed on the application for a license or on a supplemental personnel statement.
- (e) Attach a copy of the published notice of intention, with the publisher's affidavit indicating dates of publication. Affidavits must be received by the Board within 15 days of the last publication date or republication will be required.
- (f) Attach proof of financial responsibility. (See 708 of Chapter VII).
- (g) Enclose a check or money order for the \$25.00 permit fee, made payable to the Texas Water Development Board.

**902. FORM FOR PERMIT APPLICATION:** The following is a sample FORM TWDBE-WT-72, *Application for a Weather Modification Permit*. The application for a permit may be submitted in letter form, but must be in a form substantially in agreement with FORM TWDBE-WT-72.

TO: Weather Modification Activities Coordinator  
Texas Water Development Board  
P. O. Box 13087  
Austin, Texas 78711

APPLICATION FOR PERMIT TO ENGAGE IN A WEATHER MODIFICATION OPERATION WITHIN THE  
STATE OF TEXAS

1. Name of Licensee \_\_\_\_\_
  2. Business Address \_\_\_\_\_
  3. Weather Modification License Number \_\_\_\_\_
  4. Person who will be in control and in charge of the operation \_\_\_\_\_
- \*

Having complied with §§14.064 through 14.067 of the Texas Water Code, I hereby make application for a Permit to Engage in a Weather Modification Operation as shown on the attached copy of my notice of intention with the publisher's certificate indicating dates of publication.

In compliance with §14.068 of the Texas Water Code and Section 310.1 (k) of the Weather Modification Regulations proof of financial responsibility is attached. (If insurance is offered as proof, a copy of the policy and all endorsements thereto must accompany application)

Payment of the \$25.00 permit fee is enclosed.

Dated \_\_\_\_\_ Signed \_\_\_\_\_

Attachments

- \* Must have been listed on the application for a license or on a supplemental personnel statement of file with the Board.

3

THE TEXT OF  
THE WEATHER MODIFICATION ACT  
(OF TEXAS)

Amended  
1975



## **CHAPTER 14. WEATHER MODIFICATION**

### **SUBCHAPTER A. GENERAL PROVISIONS**

#### **Section**

- 14.001. Short Title.
- 14.002. Definitions.

[Sections 14.003 to 14.010 reserved for expansion]

### **SUBCHAPTER B. POWERS AND DUTIES OF BOARD**

- 14.011. Regulations—In General.
- 14.012. Regulations—Licenses and Permits.
- 14.013. Regulations—Safety.
- 14.014. Studies; Investigations; Hearings.
- 14.015. Advisory Committees.
- 14.016. Personnel.
- 14.017. Materials and Equipment.
- 14.018. Interstate Compacts.
- 14.019. Contracts, Cooperative Agreements, Etc.
- 14.020. Promotion of Research and Development.
- 14.021. Grants, Gifts, Etc.
- 14.022. Disposition of License and Permit Fees.
- 14.023. Oaths of Witnesses; Subpoenas.

[Sections 14.024 to 14.040 reserved for expansion]

### **SUBCHAPTER C. LICENSES AND PERMITS**

- 14.041. License and Permit Required.
- 14.042. Exemptions.
- 14.043. Issuance of License.
- 14.044. License Fee.
- 14.045. Expiration Date.
- 14.046. Renewal License.

[Sections 14.047 to 14.060 reserved for expansion]

- 14.061. Issuance of Permit.
- 14.062. Permit Fee.
- 14.063. Scope of Permit.
- 14.064. Application and Notice of Intention.
- 14.065. Content of Notice.
- 14.066. Publication of Notice.
- 14.067. Proof of Publication; Affidavit.
- 14.068. Proof of Financial Responsibility.
- 14.069. Modification of Permit.

- 14.070. Scope of Activity.  
14.071. Records and Reports.

[Sections 14.072 to 14.090 reserved for expansion]

#### **SUBCHAPTER D. SANCTIONS**

##### **Section**

- 14.091. Suspension; Revocation; Refusal to Renew.  
14.092. Hearing Required.  
14.093. Record of Hearing.

[Sections 14.094 to 14.100 reserved for expansion]

- 14.101. Immunity of State.  
14.102. Private Legal Relationships.

[Sections 14.103 to 14.110 reserved for expansion]

- 14.111. Penalty.  
14.112. Enforcement by Board.

#### **SUBCHAPTER A. GENERAL PROVISIONS**

##### **Section 14.001. Short Title**

This chapter may be cited as the Weather Modification Act. (60th Legis., Ch. 576, Sec. 1.)

##### **§ 14.002. Definitions**

As used in this chapter, unless the context requires a different definition:

- (1) "board" means the Texas Water Development Board;
- (2) "weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of atmospheric cloud forms or precipitation forms which occur in the troposphere;
- (3) "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding four years; and
- (4) "research and development" means theoretical analysis, exploration, experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Amended by Acts 1975, 64th Leg., p. 1394, ch. 538, § 1, eff. Sept. 1, 1975.

## SUBCHAPTER B. POWERS AND DUTIES OF BOARD

### § 14.011. Regulations—In General

The board may make regulations necessary to the exercise of its powers and the performance of its duties under this chapter. (60th Legis., Ch. 576, Sec. 3, subdiv. 2 (part).)

### § 14.012. Regulations—Licenses and Permits

In order to effectuate the purposes of this chapter, the board may make regulations establishing procedures and conditions for the issuance of licenses and permits. (60th Legis., Ch. 576, Sec. 9, subsec. 2, sen. 1; Sec. 10 (part).)

### § 14.013. Regulations—Safety

The board may, by regulation or order, establish any standards and instructions to govern the carrying out of research or projects in weather modification and control that the board considers necessary or desirable to minimize danger to health or property. (60th Legis., Ch. 576, Sec. 3, subdiv. 2 (part).)

### § 14.014. Studies; Investigations; Hearings

The board may make any studies or investigations, obtain any information, and hold any hearings the board considers necessary or proper to assist it in exercising its power or administering or enforcing this chapter or any regulations or orders issued under this chapter. (60th Legis., Ch. 576, Sec. 3, subdiv. 3.)

### § 14.015. Advisory Committees

The board may establish advisory committees to advise the board and to make recommendations to the board concerning legislation, policies, administration, research, and other matters. (60th Legis., Ch. 576, Sec. 3, subdiv. 1.)

### § 14.016. Personnel

The board may, as provided by the general appropriations act, appoint and fix the compensation of any personnel, including specialists and consultants, necessary to perform its duties and functions under this chapter. (60th Legis., Ch. 576, Sec. 3, subdiv. 4.)

### § 14.017. Materials and Equipment

The board may acquire, in the manner provided by law, any materials, equipment, and facilities necessary to perform its duties and functions under this chapter. (60th Legis., Ch. 576, Sec. 3, subdiv. 5.)

### § 14.018. Interstate Compacts

The board may represent the state in matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control. (60th Legis., Ch. 576, Sec. 3, subdiv. 7.)

### § 14.019. Contracts, Cooperative Agreements, Etc.

- (a) The board may cooperate with public or private agencies to promote the purposes of this chapter.

- (b) The board may enter into cooperative agreements with the United States or any of its agencies, or with counties and cities of this state, or with any private or public agencies, for conducting weather modification or cloud-seeding operations.
- (c) The board may represent the state, counties, cities, and public and private agencies in contracting with private concerns for the performance of weather modification or cloud-seeding operations. (60th Legis., Ch. 576, Sec. 3, subdvs. 6, 8, and 9.)

**§ 14.020. Promotion of Research and Development**

- (a) In order to assist in expanding the theoretical and practical knowledge of weather modification and control, the board shall promote continuous research and development in:
  - (1) the theory and development of methods of weather modification and control, including processes, materials, and devices related to these methods;
  - (2) the utilization of weather modification and control for agricultural, industrial, commercial, and other purposes; and
  - (3) the protection of life and property during research and operational activities.
- (b) The board may conduct and may contract for research and development activities relating to the purposes of this section. (60th Legis., Ch. 576, Sec. 4.)

**§ 14.021. Grants, Gifts, Etc.**

Subject to any limitations imposed by law, the board may accept federal grants, private gifts, and donations from any other source. Unless the use of the money is restricted or subject to any limitations provided by law, the board may spend it for the administration of this chapter or may, by grant, contract, or cooperative arrangement, use the money to encourage research and development by a public or private agency. (60th Legis., Ch. 576, Sec. 6, subsec. 1.)

**§ 14.022. Disposition of License and Permit Fees**

The board shall deposit all license and permit fees in the state treasury. (60th Legis., Ch. 576, Sec. 6, subsec. 2.)

**§ 14.023. Oaths of Witnesses; Subpoenas**

- (a) In conducting any hearing, the board or a representative designated by it may administer oaths and examine witnesses.
- (b) The board or a representative designated by it may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents, and instruments. (60th Legis., Ch. 576, Sec. 5, sen. 2.)

[Sections 14.024 to 14.040 reserved for expansion]

**SUBCHAPTER C. LICENSES AND PERMITS**

**§ 14.041. License and Permit Required**

Except as provided by regulation of the board under Section 14.042 of this code, no person may engage in activities for weather modification and control:

- (1) without a weather modification license and a weather modification permit issued by the board; or
- (2) in violation of any term or condition of the license or the permit. (60th Legis., Ch. 576, Sec. 7.)

**§ 14.042. Exemptions**

The board, to the extent it considers exemptions practical, shall provide by regulation for exempting the following activities from the license and permit requirements of this chapter:

- (1) research, development, and experiments conducted by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations;
- (2) laboratory research and experiments;
- (3) activities of an emergent nature for protection against fire, frost, sleet, or fog; and
- (4) activities normally conducted for purposes other than inducing, increasing, decreasing, or preventing precipitation or hail. (60th Legis., Ch. 576, Sec. 8.)

**§ 14.043. Issuance of License**

- (a) The board, in accordance with its regulations, shall issue a weather modification license to each applicant who:
  - (1) pays the license fee; and
  - (2) demonstrates, to the satisfaction of the board, competence in the field of meteorology which is reasonably necessary to engage in weather modification and control activities.
- (b) If the applicant is an organization, the competence must be demonstrated by the individual or individuals who are to be in control and in charge of the operation for the applicant. (60th Legis., Ch. 576, Sec. 9, subsec. 1.)

**§ 14.044. License Fee**

The fee for an original or renewal license is \$50. (60th Legis., Ch. 576, Sec. 9, subsec. 2, sen. 3.)

**§ 14.045. Expiration Date**

Each original or renewal license expires at the end of the state fiscal year for which it was issued. (60th Legis., Ch. 576, Sec. 9, subsec. 2, sen. 2 (part).)

**§ 14.046. Renewal License**

At the expiration of the license period, the board shall issue a renewal license to each applicant who pays the license fee and who has the qualifications necessary for issuance of an original license. (60th Legis., Ch. 576, Sec. 9, subsec. 2, sen. 2 (part).)

[Sections 14.047 to 14.060 reserved for expansion]

**§ 14.061. Issuance of Permit**

- (a) The board, in accordance with its regulations, and upon a finding that the weather modification and control operation as proposed in the permit application will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area, may issue a weather modification permit to each applicant who:
- (1) holds a valid weather modification license;
  - (2) pays the permit fee;
  - (3) publishes a notice of intention and submits proof of publication as required by this chapter; and
  - (4) furnishes proof of financial responsibility.
- (b) The Board shall, if requested by at least 25 persons, hold at least one public hearing in the area where the operation is to be conducted prior to the issuance of a permit.

Amended by Acts 1975, 64th Leg., p. 1394, ch. 538, § 2, eff. Sept. 1, 1975.

**§ 14.062. Permit Fee**

The fee for each permit is \$25. (60th Legis., Ch. 576, Sec. 15.)

**§ 14.063. Scope of Permit**

A separate permit is required for each operation. If an operation is to be conducted under contract, a permit is required for each separate contract. The board shall not issue a permit for a contracted operation unless it covers a continuous period not to exceed four years.

Amended by Acts 1975, 64th Leg., p. 1395, ch. 538, § 3, eff. Sept. 1, 1975.

**§ 14.064. Application and Notice of Intention**

Before undertaking any operation, a licensee shall file an application for a permit and shall have a notice of intention published as required by this chapter. (60th Legis., Ch. 576, Sec. 11, sen. 2.)

**§ 14.065. Content of Notice**

In the notice of intention the applicant shall include:

- (1) the name and address of the licensee;
- (2) the nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;
- (3) the area in which and the approximate time during which the operation is to be conducted;
- (4) the area which is intended to be affected by the operation; and
- (5) the materials and methods to be used in conducting the operation. (60th Legis., Ch. 576, Sec. 12.)

**§ 14.066. Publication of Notice**

The notice of intention shall be published at least once a week for three consecutive weeks in a newspaper of general circulation published in each county in which the operation is to be conducted and in each county which includes any part of the affected area. If in any county no newspaper of general circulation is published, then publication shall be made in a newspaper having general circulation in the county. (60th Legis., Ch. 576, Sec. 13, subsec. 1.)

**§ 14.067. Proof of Publication; Affidavit**

The applicant shall file proof of the publication, together with the publishers' affidavits, with the board during the 15-day period immediately following the date of the last publication. (60th Legis., Ch. 576, Sec. 13, subsec. 2.)

**§ 14.068. Proof of Financial Responsibility**

Proof of financial responsibility is made by showing, to the satisfaction of the executive director of the board, that the licensee has the ability to respond in damages for liability which might reasonably result from the operation for which the permit is sought. (60th Legis., Ch. 576, Sec. 14.)

**§ 14.069. Modification of Permit**

The board may modify the terms and conditions of a permit if:

- (1) the licensee is first given notice and a reasonable opportunity for a hearing on the need for a modification; and
- (2) it appears to the board that a modification is necessary to protect the health or property of any person. (60th Legis., Ch. 576, Sec. 17, subsec. 2.)

**§ 14.070. Scope of Activity**

Once a permit is issued, the licensee shall confine his activities substantially within the limits of time and area specified in the notice of intention, except to the extent that the limits are modified by the board. He shall also comply with any terms and conditions of the permit as originally issued or as subsequently modified by the board. (60th Legis., Ch. 576, Sec. 11, sen. 3.)

**§ 14.071. Records and Reports**

- (a) A licensee shall keep a record of each operation conducted under permit, showing:
  - (1) the method employed;
  - (2) the type of equipment used;
  - (3) the kind and amount of each material used;
  - (4) the times and places the equipment is operated;
  - (5) the name and post-office address of each individual, other than the licensee, who participates or assists in the operation; and
  - (6) other information required by the board. (60th Legis., Ch. 576, Sec. 16, subsec. 1 (part).)

- (b) The fact that a person holds a license or permit under this chapter, or that he has complied with this chapter or the regulations issued under this chapter, is not admissible as evidence in any legal proceeding brought against him. (60th Legis., Ch. 576, Sec. 18, sen. 1 (part), sen. 2.)

[Sections 14.103 to 14.110 reserved for expansion]

**§ 14.111. Penalty**

- (a) A person who violates any provision of this chapter or any valid regulation or order issued under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000, or by confinement in the county jail for not more than 10 days, or by both.
- (b) A separate offense is committed each day a violation continues. (60th Legis., Ch. 576, Sec. 19.)

**§ 14.112. Enforcement by Board**

- (a) Whenever it appears that a person has violated or is violating, or is threatening to violate, any provision of this chapter or any regulation, license, permit, or order of the board, then the board, or the executive director when authorized by the board, may have a civil suit instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation, or for the assessment and recovery of a civil penalty of not less than \$50 nor more than \$1,000 for each act of violation and for each day of violation, or for both injunctive relief and civil penalty.
- (b) Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter or any regulation, license, permit, or order of the board, the district court shall grant the injunctive relief the facts may warrant.
- (c) At the request of the board, or the executive director when authorized by the board, the attorney general shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty, as authorized in Subsection (a) of this section.

Added by Acts 1971, 62nd Leg., p. 1769, ch. 518, § 11, eff. May 31, 1971.



- (b) The board shall require written reports covering each operation, whether it is exempt or conducted under a permit. (60th Legis., Ch. 576, Sec. 16, subsec. 2.)
- (c) At the time and in the manner required by the board, a licensee shall submit a written report containing the information described in Subsection (a) of this section. (60th Legis., Ch. 576, Sec. 16, subsec. 1 (part).)
- (d) All information on an operation shall be submitted to the board before it is released to the public. (60th Legis., Ch. 576, Sec. 16, subsec. 3.)
- (e) The reports and records in the custody of the board shall be kept open for public inspection. (60th Legis., Ch. 576, Sec. 16, subsec. 4.)

[Sections 14.072 to 14.090 reserved for expansion]

## **SUBCHAPTER D. SANCTIONS**

### **§ 14.091. Suspension; Revocation; Refusal to Renew**

- (a) The board may suspend or revoke a license or permit if it appears that the licensee:
  - (1) no longer has the qualifications necessary for the issuance of an original license or permit; or
  - (2) has violated any provision of this chapter.
- (b) The board may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter. (60th Legis., Ch. 576, Sec. 17, subsec. 1, sen. 1, 2, and 4.)

### **§ 14.092. Hearing Required**

The board may not suspend or revoke a license or permit without first giving the licensee notice and a reasonable opportunity to be heard with respect to the grounds for the board's proposed action. (60th Legis., Ch. 576, Sec. 17, subsec. 1, sen. 3.)

### **§ 14.093. Record of Hearing**

The board shall have a record made of all proceedings at each hearing held under Section 14.092 of this code, and shall have the record filed with its findings and conclusions. (60th Legis., Ch. 576, Sec. 5, sen. 1.)

[Sections 14.094 to 14.100 reserved for expansion]

### **§ 14.101. Immunity of State**

The state and its officers and employees are immune from liability for all weather modification and control activities conducted by private persons and groups. (60th Legis., Ch. 576, Sec. 18, sen. 1 (part).)

### **§ 14.102. Private Legal Relationships**

- (a) This chapter does not affect private legal relationships, except that an operation conducted under the license and permit requirements of this chapter is not an ultrahazardous activity which makes the participants subject to liability without fault.