

CHAPTER 544 - MODIFICATION OF WEATHER

RESEARCH

NRS 544.010	Short title.
NRS 544.020	Definitions.
NRS 544.030	State Department of Conservation and Natural Resources authorized to conduct research programs.
NRS 544.040	County financial participation in research; conditions.
NRS 544.050	Agreements between counties and State Department of Conservation and Natural Resources; term of agreements.
NRS 544.060	Use of facilities and technical resources of Desert Research Institute of Nevada System of Higher Education.

REGULATION OF OPERATIONS

NRS 544.070	Definitions.
NRS 544.080	Powers of the Director of the State Department of Conservation and Natural Resources.
NRS 544.090	Promotion of research and development.
NRS 544.100	Hearings: Record of proceedings; subpoenas.
NRS 544.110	Acceptance of gifts and grants.
NRS 544.120	License and permit required for activities for modification and control of weather.
NRS 544.130	Exemptions.
	Payment of child support: Statement by applicant for license; grounds for denial of license; duty of Director. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 544.134	Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 544.136	Application for license to include social security number of applicant. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 544.140	Qualifications of licensees; issuance and renewal of licenses; fee. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
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NRS 544.145	Application for renewal of license must include certain information regarding state business license; grounds for denial of renewal.
NRS 544.150	Conditions for issuance of permits.
NRS 544.160	Separate permit required for each operation; notice of intention; conditions and modification of permit.
NRS 544.170	Notice of intention: Contents.
NRS 544.180	Notice of intention: Publication; filing of proof of publication.
NRS 544.190	Proof of financial responsibility.
NRS 544.200	Fees for permits.
NRS 544.210	Records and reports of licensees and exempt organizations.
NRS 544.220	Suspension or revocation of license or permit: Grounds; modification of terms.
NRS 544.230	Construction of NRS 544.070 to 544.240 , inclusive.
NRS 544.240	Penalties.

RESEARCH

NRS 544.010 Short title. [NRS 544.010](#) to [544.060](#), inclusive, may be cited as the Weather Modification Research Law. (Added to NRS by [1961, 668](#))

NRS 544.020 Definitions. As used in [NRS 544.010](#) to [544.060](#), inclusive, unless the context otherwise requires:

1. "Department" means the State Department of Conservation and Natural Resources.
2. "Director" means the Director of the State Department of Conservation and Natural Resources.

(Added to NRS by [1961, 668](#))

NRS 544.030 State Department of Conservation and Natural Resources authorized to conduct research programs. The Department may conduct weather modification research programs.
(Added to NRS by [1961, 668](#))

NRS 544.040 County financial participation in research; conditions. In areas where weather modification research is to be carried on, the counties involved may give such financial assistance as the Director and the board of county commissioners shall determine, but such financial assistance shall aggregate for the counties involved an amount not less than 25 percent of the amount paid by the State for such program.
(Added to NRS by [1961, 668](#))

NRS 544.050 Agreements between counties and State Department of Conservation and Natural Resources; term of agreements. Counties in cooperating with the Director in conducting any weather modification program in fulfillment of the purposes of [NRS 544.010](#) to [544.060](#), inclusive, are authorized to enter into 5-year agreements with the Director.
(Added to NRS by [1961, 669](#); A [1975, 576](#))

NRS 544.060 Use of facilities and technical resources of Desert Research Institute of Nevada System of Higher Education. In carrying out the purposes of [NRS 544.010](#) to [544.060](#), inclusive, the Director shall utilize to the fullest possible extent the facilities and technical resources of the Desert Research Institute of the Nevada System of Higher Education.
(Added to NRS by [1961, 669](#); A [1969, 1443](#); [1993, 413](#))

REGULATION OF OPERATIONS

NRS 544.070 Definitions. As used in [NRS 544.070](#) to [544.240](#), inclusive, unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.
2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract 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 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, 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 1 year.

3. "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.

4. "Weather modification and control" means 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.

(Added to NRS by [1961, 691](#); A [1997, 2090](#); [1999, 520, 542](#); [2013, 2737](#))

NRS 544.080 Powers of the Director of the State Department of Conservation and Natural Resources. In the performance of his or her functions the Director may, in addition to any other acts authorized by law:

1. Establish advisory committees to advise with and make recommendations to the Director concerning legislation, policies, administration, research and other matters.

2. Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the Director may deem necessary or desirable to minimize danger to health or property, and make such regulations as are necessary in the performance of his or her powers and duties.

3. Make such studies, investigations, obtain such information and hold such hearings as the Director may deem necessary or proper to assist the Director in exercising his or her authority or in the administration or enforcement of [NRS 544.070](#) to [544.240](#), inclusive, or any regulations or orders issued thereunder.

4. Appoint and fix the compensation of such personnel, without compliance with the provisions of [chapter 284](#) of NRS, including specialists and consultants, as are necessary to perform the duties and functions of the Director.

5. Acquire, in the manner provided by law, such materials, equipment and facilities as are necessary to perform the duties and functions of the Director.

6. Cooperate with public or private agencies in the performance of the functions or duties of the Director and in furtherance of the purposes of [NRS 544.070](#) to [544.240](#), inclusive.

7. Represent the State in any and all matters pertaining to plans, procedures or negotiations for interstate compacts relating to weather modification and control.

8. With approval of the Governor, enter into cooperative agreements with the various counties and cities of this State or with any private or public agencies for conducting weather modification or cloud seeding operations.

9. Act for and represent the State and the counties, cities and private or public agencies in contracting with private concerns for the performance of weather modifications or cloud seeding operations.

(Added to NRS by [1961, 692](#))

NRS 544.090 Promotion of research and development. The Director shall exercise the powers of the Director in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the Director may conduct, and make arrangements including contracts and agreements for the conduct of, research and development activities relating to:

1. The theory and development of methods of weather modification and control, including processes, materials and devices related thereto.

2. Utilization of weather modification and control for agricultural, industrial, commercial and other purposes.

3. The protection of life and property during research and operational activities.

(Added to NRS by [1961, 693](#))

NRS 544.100 Hearings: Record of proceedings; subpoenas. In the case of hearings held pursuant to [NRS 544.220](#), the Director shall, and in other cases may, cause a record of all proceedings to be taken and filed with the Director, together with his or her findings and conclusions. For any hearing, the Director or a representative designated by the Director may issue, in the name of the Director, subpoenas requiring any person to appear and testify or to appear and produce documents at any designated place.

(Added to NRS by [1961, 693](#); A [1981, 89](#))

NRS 544.110 Acceptance of gifts and grants. The Director may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the State any money which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, or from any other source, and may expend the money, unless its use is restricted and subject to any limitations otherwise provided by law, for the administration of [NRS 544.070](#) to [544.240](#), inclusive, and for the encouragement of research and development by a state or public or private agency, either by direct grant, by contract or other cooperative means.

(Added to NRS by [1961, 693](#); A [1979, 118](#))

NRS 544.120 License and permit required for activities for modification and control of weather. Except as provided in [NRS 544.130](#), no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the Director authorizing such activities.

(Added to NRS by [1961, 693](#))

NRS 544.130 Exemptions. The Director, to the extent the Director deems practical, shall provide by regulation for exempting from the license, permit and liability requirements of [NRS 544.070](#) to [544.240](#), inclusive:

1. Research and development and experiments by state and federal agencies, institutions of higher learning and bona fide nonprofit research organizations.
2. Laboratory research and experiments.
3. Activities required in emergencies for protection against fire, frost, sleet or fog.
4. Activities normally engaged in for purposes other than those of inducing, increasing, decreasing or preventing precipitation or hail.

(Added to NRS by [1961, 693](#); A [1967, 159](#))

NRS 544.132 Payment of child support: Statement by applicant for license; grounds for denial of license; duty of Director. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. A natural person who applies for the issuance or renewal of a license to engage in activities for weather modification and control shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Director shall include the statement required pursuant to subsection 1 in:

- (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
- (b) A separate form prescribed by the Director.

3. A license to engage in activities for weather modification and control may not be issued or renewed by the Director if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by [1997, 2089](#))

NRS 544.134 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in activities for weather modification and control, the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Director shall reinstate a license to engage in activities for weather modification and control that has been suspended by a district court pursuant to [NRS 425.540](#) if the director receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [1997, 2090](#))

NRS 544.136 Application for license to include social security number of applicant. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] The application of a natural person who applies for the issuance of a license to engage in activities for weather modification and control must include the social security number of the applicant.

(Added to NRS by [1997, 2090](#))

NRS 544.140 Qualifications of licensees; issuance and renewal of licenses; fee. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the

professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. Licenses to engage in activities for weather modification and control must be issued to an applicant who:
 - (a) Pays the fee required pursuant to subsection 2;
 - (b) If the applicant is a natural person, submits the statement required pursuant to [NRS 544.132](#); and
 - (c) Demonstrates, to the satisfaction of the Director, competence in the field of meteorology reasonably necessary to engage in activities for weather modification and control.
2. If the applicant is an organization, the requirements set forth in paragraphs (a) and (c) of subsection 1 must be met by the person or persons who are to be in control and in charge of the operation for the applicant.
3. The Director shall issue licenses in accordance with such procedures and subject to such conditions as the Director may by regulation establish to effectuate the provisions of [NRS 544.070](#) to [544.240](#), inclusive. Each license must be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, the license must, upon application, be renewed at the expiration of that period. A license must be issued or renewed only upon the payment to the Director of \$100 for the license or the renewal thereof.
(Added to NRS by [1961, 694](#); A [1997, 2091](#))

NRS 544.140 Qualifications of licensees; issuance and renewal of licenses; fee. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate, to the satisfaction of the Director, competence in the field of meteorology reasonably necessary to engage in activities for weather modification and control. 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 operation for the applicant.
2. The Director shall issue licenses in accordance with such procedures and subject to such conditions as the Director may by regulation establish to effectuate the provisions of [NRS 544.070](#) to [544.240](#), inclusive. Each license must be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, such license shall, upon application, be renewed at the expiration of that period. A license shall be issued or renewed only upon the payment to the Director of \$100 for the license or the renewal thereof.
(Added to NRS by [1961, 694](#); A [1997, 2091](#), effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 544.145 Application for renewal of license must include certain information regarding state business license; grounds for denial of renewal.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to engage in activities for weather modification and control must indicate in the application submitted to the Director whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of [chapter 76](#) of NRS.
2. A license to engage in activities for weather modification and control may not be renewed by the Director if:
 - (a) The applicant fails to submit the information required by subsection 1; or
 - (b) The State Controller has informed the Director pursuant to subsection 5 of [NRS 353C.1965](#) that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:
 - (1) Satisfied the debt;
 - (2) Entered into an agreement for the payment of the debt pursuant to [NRS 353C.130](#); or
 - (3) Demonstrated that the debt is not valid.
3. As used in this section:
 - (a) "Agency" has the meaning ascribed to it in [NRS 353C.020](#).
 - (b) "Debt" has the meaning ascribed to it in [NRS 353C.040](#).
(Added to NRS by [2013, 2736](#))

NRS 544.150 Conditions for issuance of permits. The Director shall issue permits in accordance with such procedures and subject to such conditions as the Director may by regulation establish to effectuate the provisions of [NRS 544.070](#) to [544.240](#), inclusive, only:

1. If the applicant is licensed pursuant to [NRS 544.070](#) to [544.240](#), inclusive.
2. If a sufficient notice of intention is published and proof of publication is filed as required by [NRS 544.180](#).
3. If the applicant furnishes proof of financial responsibility, as provided in [NRS 544.190](#), in an amount as may be determined by the Director but not to exceed \$20,000.
4. If the fee for a permit is paid as required by [NRS 544.200](#).
(Added to NRS by [1961, 694](#))

NRS 544.160 Separate permit required for each operation; notice of intention; conditions and modification of permit. A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the Director and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his or her activities for the permitted operation substantially within the time and area limits set forth in the notice of intention, unless modified by the Director, and the activities shall also substantially conform to any conditions imposed by the Director upon the issuance of the permit or to the terms of the permit as modified after issuance.
(Added to NRS by [1961, 694](#))

NRS 544.170 Notice of intention: Contents. The notice of intention shall set forth at least all the following:

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 will be conducted.
4. The area which is intended to be affected by the operation.
5. The materials and methods to be used in conducting the operation.

(Added to NRS by [1961, 694](#))

NRS 544.180 Notice of intention: Publication; filing of proof of publication.

1. The applicant shall cause the notice of intention, or that portion thereof including the items specified in [NRS 544.170](#), to be published at least once a week for 3 consecutive weeks in a newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county.

2. Proof of publication, made in the manner provided by law, shall be filed by the licensee with the Director within 15 days from the date of the last publication of the notice.

(Added to NRS by [1961, 695](#))

NRS 544.190 Proof of financial responsibility. Proof of financial responsibility may be furnished by an applicant by the applicant's showing, to the satisfaction of the Director, the applicant's ability to respond in damages for liability which might reasonably be attached to or result from weather modification and control activities in connection with the operation for which the applicant seeks a permit; but the applicant need not show ability to respond in damages for liability resulting from precipitation caused by weather modification experiments.

(Added to NRS by [1961, 695](#); A [1967, 159](#))

NRS 544.200 Fees for permits. The fee to be paid by each applicant for a permit shall be equivalent to 1 1/2 percent of the estimated cost of such operation, such cost to be estimated by the Director from the evidence available to the Director. The fee is due and payable to the Director as of the date of the issuance of the permit, but if the applicant is able to give to the Director satisfactory security for the payment of the balance, the applicant may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than 50 percent of the fee. The balance due shall be paid within 3 months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required is grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew the license or to issue any further permits to such person.

(Added to NRS by [1961, 695](#))

NRS 544.210 Records and reports of licensees and exempt organizations.

1. Each licensee shall keep and maintain a record of all operations conducted by the licensee pursuant to his or her license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the Director, and shall report the same to the Director at the time and in the manner required by the Director.

2. The Director shall require written reports in such manner as the Director provides but not inconsistent with the provisions of [NRS 544.070](#) to [544.240](#), inclusive, covering each operation for which a permit is issued. The Director shall also require written reports from such organizations as are exempt from the license, permit and liability provisions of [NRS 544.130](#).

3. All information on an operation shall be submitted to the Director before any information on such operation may be released to the public.

4. The reports and records in the custody of the Director shall be open for public examination.

(Added to NRS by [1961, 695](#))

NRS 544.220 Suspension or revocation of license or permit: Grounds; modification of terms.

1. The Director may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The Director may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of [NRS 544.070](#) to [544.240](#), inclusive. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The Director may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provisions of [NRS 544.070](#) to [544.240](#), inclusive.

2. The Director may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the Director that it is necessary for the protection of the health or the property of any person to make the modification proposed.

(Added to NRS by [1961, 696](#))

NRS 544.230 Construction of [NRS 544.070](#) to [544.240](#), inclusive. Nothing in [NRS 544.070](#) to [544.240](#), inclusive, shall be construed to impose or accept any liability or responsibility on the part of the State or any state officials or employees for any weather modification and control activities of any private person or group, or to affect in any way any contractual, tortious or other legal rights, duties or liabilities between any private persons or groups.

(Added to NRS by [1961, 696](#))

NRS 544.240 Penalties. Any person violating any of the provisions of [NRS 544.070](#) to [544.240](#), inclusive, or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

(Added to NRS by [1961, 696](#); A [2013, 2737](#))