

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5461H.011  
 Bill No.: HB 2388  
 Subject: Environmental Protection; Department of Natural Resources; Environmental Protection  
 Type: Original  
 Date: March 30, 2026

Bill Summary: This proposal creates the "Clear Skies Act" prohibiting geoengineering, cloud seeding and other atmospheric interventions, and authorizing the Department of Natural Resources to investigate violations, and includes penalty provisions.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(\$9,269 to Unknown)	(\$22,691 to Unknown)	(\$23,145 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$9,269 to Unknown)</b>	<b>(\$22,691 to Unknown)</b>	<b>(\$23,145 to Unknown)</b>

\*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

**ESTIMATED NET EFFECT ON OTHER STATE FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

**ESTIMATED NET EFFECT ON FEDERAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

**ESTIMATED NET EFFECT ON LOCAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Local Government</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §640.870 - the "Clean Skies Act"

Officials from the **Department of Natural Resources (DNR)** state that the bill text at §640.870.4 requires the department to create an online publicly accessible form for the purpose of reporting any instance of weather modification in the state. The department intends to use its existing form for reporting environmental concerns to the department. This section also requires the department to investigate each report for any violations.

The department estimates it will require 40 hours for an Environmental Program Analyst to review a single report of suspected weather modification activity. For a single investigation/inspection of reported weather modification, the department estimates it will require a state vehicle rental at \$70, an overnight stay at \$140, per diem at \$83, and 12 hours of time for an Environmental Program Analyst to conduct an inspection and write a report. The following summary provides the estimated fiscal impact assuming three reports of suspected weather modification activity are received each year.

The following summary provides the estimated fiscal impact assuming three reports of suspected weather modification activity are received each year.

#### Summary of impact for §640.870.4:

Staff time to Review, Inspect and Develop Report on three reports of suspected weather modification activity/year: (52 hr. x 3 reports) for Environmental Program Analyst @ \$35.48 per hour = \$5,535/year (fringe and indirect not included)

Estimated 3 investigations/inspections per year: \$879 per fiscal year  $((\$140 + \$83 + 70) \times 3)$

§640.870.7 requires the department to promulgate rules to enforce the provisions of this section.

The department estimates the staff time needed to develop and move a rulemaking through the administrative process and subsequent filing with the secretary of state, would take about 600 hours of staff time for an Environmental Program Analyst position.

#### Summary of impact for §640.870.7:

The 600 hours of staff time for an Environmental Program Analyst as needed to develop the rulemaking and move it through the administrative process would be a one-time cost of: \$21,288.

#### Summary of impact §640.870:

FY27: \$27,702 (\$879+\$5,535+\$21,288)

The department anticipates being able to absorb the FTE, but not the cost related to the work. However, until the FY27 Budget is final, the department cannot identify specific FTE. The program's current funding sources are not eligible for the work so General Revenue would need to be requested. The personal services costs are included in the Other Category since FTE are not being requested.

FY 28 and beyond: \$6,414/fiscal year

The department anticipates being able to absorb the FTE, but not the cost related to the work. However, until the FY27 Budget is final, the department cannot identify specific FTE.

The program's current funding sources are not eligible for the work so General Revenue would need to be requested. The personal services costs are included in the Other Category since FTE are not being requested.

**Oversight** assumes the DNR is provided with core funding to handle a certain amount of activity each year. Oversight assumes the DNR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, the DNR could request funding through the appropriation process.

Officials from the **Department of Corrections (DOC)** state that this proposal creates the “Clear Skies Act” prohibiting geoengineering, cloud seeding and other atmospheric interventions, and authorizing the Department of Natural Resources to investigate violations and includes penalty provisions.

Section 640.870 prohibits entities from engaging in any form of geoengineering, weather modification, or cloud seeding in this state. The penalty is a felony offense and a fine of not less than one hundred thousand dollars or imprisonment of not more than two years, or both. The referenced term of imprisonment would cause the felony to be considered a nonviolent class E felony offense.

As fines fall outside the purview of DOC, there is no impact to DOC for the offense resulting in a fine. The offense resulting in a class E felony would be considered a new crime. As there is little direct data on which to base an estimate, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$11,123)	(\$9,269)	0	\$0	2	(\$9,269)
Year 2	2	(\$11,123)	(\$22,691)	0	\$0	4	(\$22,691)
Year 3	2	(\$11,123)	(\$23,145)	0	\$0	7	(\$23,145)
Year 4	2	(\$11,123)	(\$23,608)	0	\$0	7	(\$23,608)
Year 5	2	(\$11,123)	(\$24,080)	0	\$0	7	(\$24,080)
Year 6	2	(\$11,123)	(\$24,561)	0	\$0	7	(\$24,561)
Year 7	2	(\$11,123)	(\$25,053)	0	\$0	7	(\$25,053)
Year 8	2	(\$11,123)	(\$25,554)	0	\$0	7	(\$25,554)
Year 9	2	(\$11,123)	(\$26,065)	0	\$0	7	(\$26,065)
Year 10	2	(\$11,123)	(\$26,586)	0	\$0	7	(\$26,586)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368), which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender

would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

\*If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes. Oversight assumes the unknown cost has the potential to exceed \$250,000.

Oversight notes that violations of §640.870 could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fines vary widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Commerce and Insurance, Department of Economic Development, Department of Elementary and Secondary Education, Department of Health and Senior Services, Department of Higher Education and Workforce Development, Department of Labor and Industrial Relations, Department of Mental Health, Department of Public Safety (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission, Office of the Director,**

**State Emergency Management Agency), Department of Revenue, Department of Social Services, Joint Committee on Legislative Research (Legislative Research and Oversight Division), Joint Committee On Public Employee Retirement, Missouri Consolidated Health Care Plan, Missouri Department of Agriculture, Missouri Department of Conservation, Missouri Department of Transportation, Missouri Lottery Commission, Missouri National Guard, Missouri Ethics Commission, Missouri House of Representatives, Missouri State Employee's Retirement System, Missouri Senate, MODOT & Patrol Employees' Retirement System, Office of Administration (Office of Administration - Administrative Hearing Commission, Office of Administration - Budget and Planning, Commissioner's Office), Office of the Governor, Office of the Lieutenant Governor, Office of the State Auditor, Office of the State Courts Administrator, Office of the State Public Defender, Office of the State Treasurer, Petroleum Storage Tank Insurance Fund, State Tax Commission, and University of Missouri System** each assume the proposal will have no fiscal impact on their respective organizations for this proposal.

Officials from the **City of Kansas City, City of O'Fallon, City of Springfield, Jackson County Election Board, Platte County Board of Elections, St. Louis City Board of Elections, St. Louis County Board of Elections, Newton County Health Department, Christian County Auditor, Phelps County Sheriff's Department, Branson Police Department, Kansas City Police Department, St. Louis County Police Department, Eastern Clay County Ambulance District, County Employees Retirement Fund, Kansas City Civilian Police Employees' Retirement, Kansas City Police Retirement System, Metro St. Louis Sewer District Employees Pension Plan, Public Education Employees' Retirement System, Sheriff's Retirement System, High Point R-III, Metropolitan St. Louis Sewer District - 7B Sewer, South River Drainage District - 7D Levee, Wayne County PWS #2, Northwest Missouri State University, University of Central Missouri, Southeast Missouri Regional Planning And Economic Development Commission, Kansas City Port Authority, Callaway County SB 40 Board, and Bootheel Regional Planning Commission SWMD** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that

this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<b>GENERAL REVENUE</b>			
<u>Cost – DOC (\$640.870) Increased incarceration costs p.4-6</u>	(\$9,269 to Unknown)	(\$22,691 to Unknown)	(\$23,145 to Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$9,269 to Unknown)</u></b>	<b><u>(\$22,691 to Unknown)</u></b>	<b><u>(\$23,145 to Unknown)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue Gain – School Districts (\$640.870) Potential Penalties p.6</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
<b>ESTIMATED NET EFFECT ON THE LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill creates the "Clean Skies Act", which prohibits any entity from engaging in any form of geoengineering, weather modification, or cloud seeding in the State.

The Department of Natural Resources must create an online form for reporting suspected violations of the prohibition and establish procedures to investigate each report. If the Department finds a violation has occurred, it must immediately issue a cease-and-desist order as

specified in the bill. The Department can enlist the assistance of local law enforcement, the State Highway Patrol, or the National Guard to investigate and enforce the provisions.

Any entity found to be in violation is guilty of a felony and must pay a fine of no less than \$100,000 or serve no more than two years of imprisonment, or both.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
    Alcohol and Tobacco Control  
    Capitol Police  
    Fire Safety  
    Missouri Gaming Commission  
    Missouri Highway Patrol  
    Missouri Veterans Commission  
    Office of the Director  
    State Emergency Management Agency  
Department of Revenue  
Department of Social Services  
Joint Committee on Administrative Rules  
Joint Committee on Legislative Research  
    Legislative Research  
    Oversight Division  
Joint Committee on Public Employee Retirement  
Missouri Consolidated Health Care Plan  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Ethics Commission  
Missouri House of Representatives  
Missouri Lottery Commission

Missouri National Guard  
Missouri Office of Prosecution Services  
Missouri Senate  
Missouri State Employee's Retirement System  
MoDOT & Patrol Employees' Retirement System  
Office of Administration  
    Administrative Hearing Commission  
    Budget and Planning  
    Commissioner's Office  
Office of the Governor  
Office of the Lieutenant Governor  
Office of the Secretary of State  
Office of the State Auditor  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
Petroleum Storage Tank Insurance Fund  
State Tax Commission  
City of Kansas City  
City of O'Fallon  
City of Springfield  
Jackson County Election Board  
Platte County Board of Elections  
St. Louis City Board of Elections  
St. Louis County Board of Elections  
Newton County Health Department  
Christian County Auditor  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department  
Eastern Clay County Ambulance District  
County Employees Retirement Fund  
Kansas City Civilian Police Employees' Retirement  
Kansas City Police Retirement System  
Metro St. Louis Sewer District Employees Pension Plan  
Public Education Employees' Retirement System  
Sheriff's Retirement System  
High Point R-III  
Metropolitan St. Louis Sewer District - 7B Sewer  
South River Drainage District - 7D Levee  
Wayne County PWSD #2  
Northwest Missouri State University  
University of Central Missouri

L.R. No. 5461H.01I

Bill No. HB 2388

Page **11** of **11**

March 30, 2026

Southeast Missouri Regional Planning and Economic Development Commission  
Kansas City Port Authority  
Callaway County SB 40 Board  
Bootheel Regional Planning Commission SWMD



Julie Morff

Director

March 30, 2026



Jessica Harris

Assistant Director

March 30, 2026