

February 19, 2026

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 449 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 449 is respectfully submitted to your committee.

SB 449 would enact the Clean Air Preservation Act. The bill would prohibit engaging in a polluting atmospheric intervention or using an unmarked or unidentified aircraft or any other vehicle or facility to carry out a weather engineering or other polluting intervention. All government and military projects would be required to meet the requirements of the Act. If there was any activity deemed hazardous by the Act that had been approved by the federal government, a law enforcement agency would be required to issue a notice to the appropriate federal agency that the activity could not lawfully be carried out within or over the State of Kansas. The bill would specify that law enforcement agencies would be required to implement the Act, which would include determining whether violations of the Act have occurred and if necessary, referring potentially prohibited activity to the Air National Guard.

The bill would require law enforcement agencies and the Air National Guard to develop a policy to determine the process for assessment of violations and enforcement of the procedure within 120 days after the enactment. The bill would make definitions and outline requirements for affected entities. Violations of the Act would be a severity level 7 felony with a maximum fine of \$100,000 for corporations and \$5,000 for aircraft operators and controllers. Each day where prohibited activity was conducted could be considered a separate offense and offenders could also be subject to further penalties of Kansas pollution laws. The bill would repeal the Kansas Weather Modification Act, KSA 82a-1401 et seq.

According to the Kansas Adjutant General's Department (AGD), enactment of SB 449 would increase State General Fund expenditures by \$407.0 million to \$552.0 million in FY 2026, \$42.0 million to \$60.0 million in FY 2027, and \$45.0 million to \$65.0 million in future years. The estimate would include 160.00 to 180.00 additional positions which would be comprised of 10.00 pilots, approximately 90.00 maintainers, and 60.00 to 80.00 support personnel for intel, weather,

security forces, operations, administration, and logistics. The agency notes that the requirements of the bill would represent a significant expansion beyond current state responsibilities. Under existing law, the AGD does not conduct air-interdiction, escort, or air-policing missions, nor does it operate aircraft capable of high-speed intercept or maintain a 24/7 alert posture. The agency currently relies on federal assets for airspace control, air defense, and aircraft direction. The AGD further notes that certain provisions of the bill could be interpreted to be in conflict with federal law, however the estimates provided assume the agency would be legally authorized to perform the functions required by the bill.

The estimates were prepared with the following assumptions: no federal aircraft, personnel, equipment, or funding would be used; Kansas would procure, staff, and operate its own state-funded air-interdiction capability; a 24/7/365 alert posture would be required to meet the bill's implied operation expectations; and all personnel would be State Active Duty with associated salary, benefits, and operating costs. To meet the bill's requirements without federal support, Kansas would need to create a miniature state-funded air defense and interdiction wing. The AGD states no comparable state program exists and cost estimates are derived from U.S. Air Force construction models, commercial and military aircraft procurement data, and standard manning and operations requirements for 24/7 alert missions.

The AGD anticipates a minimum fleet of six jet aircraft would be required to sustain continuous alert operations (two on alert, two in maintenance rotation, two backups). The lowest-cost viable aircraft are advanced jet trainers with limited intercept capability. Estimated procurement costs would range between \$250.0 million and \$300.0 million in the first year. Required facilities would include an alert hangar (2-bay, heated, secure); maintenance hangar and shop space; an alert facility styled after North American Aerospace Defense Command facilities (crew quarters, briefing rooms, secure areas); and state-run operations center with 24/7 command and control capability. The estimated construction cost for these facilities would range between \$80.0 and \$130.0 million in the first year. Personnel costs for the positions described above are estimated at approximately \$17.0 million per year as a 24/7 alert mission would require three full crews plus training and supervisory overhead.

Operations and maintenance would include fuel, spare parts, maintenance, training flight hours, and sortie generation with an annual cost estimated at \$20.0 million to \$35.0 million per year. Startup equipment and infrastructure would include ground support equipment, simulators, communications systems, secure networks, tools, vehicles, and protective equipment. A total of \$40.0 million to \$70.0 million is estimated for the first year startup cost. The agency notes that long-term costs would remain high and stable due to continuous personnel and maintenance requirements, high fuel consumption, recurring simulator and facility sustainment, and periodic aircraft recapitalization or modernization cycles. If the program were to continue indefinitely, Kansas would incur ongoing annual costs of \$45.0 to \$65.0 million, with periodic capital investments of \$50.0 to \$100.0 million for aircraft upgrades or replacement. The AGD notes that no offsetting revenue is created by the bill.

The AGD also notes that local law enforcement agencies would be assigned primary responsibility for implementing the Act. An anticipated fiscal effect for local agencies would include staff time to evaluate potential violations, issuing notices to federal agencies, conducting random radiofrequency testing, managing referrals to the Air National Guard, and potential

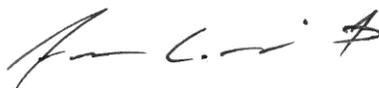
equipment purchases and training. These activities would increase local expenditures, particularly for sheriff's offices and municipal police departments. No offsetting revenue is provided.

The Office of Judicial Administration states enactment of SB 449 could increase the number of cases filed in district courts because it would create a new crime. This could result in more time spent by judicial and nonjudicial personnel processing, researching, and hearing these cases. Since the crime carries a severity level 7 felony penalty, there could also be more supervision of offenders required to be performed by court services officers. The Office estimates enactment of the bill could result in the collection of supervision fees which would be deposited in the Correctional Supervision Fund, as well as docket fees and fines assessed in those cases filed under the bill's provisions, which would be deposited to the State General Fund. The bill would not affect other revenues to the Judicial Branch. However, a total fiscal effect cannot be estimated.

The Kansas Department of Health and Environment cannot estimate a fiscal effect and reports that the bill is not clear as to the role and responsibility of the agency. While violators of the Clean Air Preservation Act would be subject to further penalties of Kansas pollution laws, KDHE does not have authority to regulate aircraft emissions or weather modification processes and current law for assessing administrative fines for unlawful acts would not result in any penalties for air pollution. The Kansas Highway Patrol and the Kansas Bureau of Investigation do not anticipate any fiscal effect as a result of enactment of the bill. Any fiscal effect associated with SB 449 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties reports that enactment of the bill would have a cost to counties to the extent that the law is used to prosecute the prohibited actions, and only to the extent that the actions are taken. A total fiscal effect cannot be estimated. The League of Kansas Municipalities states that the bill would require municipalities and law enforcement officers to develop and implement new procedures. The new duties would require additional time and training for officers and other increased costs, although a total fiscal effect cannot be estimated.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Sherry Macke, Kansas Highway Patrol
Amy Penrod, Department of Health & Environment
Paul Weisgerber, Kansas Bureau of Investigation
Beth Visocky, Office of the Adjutant General
Bruce Chladny, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities