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The Crisis of Missouri's Polity: How Privileged Interest Groups Influenced the Development of Missouri's 2014 Tax Reform Law

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by

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Abstract

Increasing wealth inequality has created a public discourse concerning its societal impact and the government's role in its regulation. Should the government regulate and redistribute wealth through taxes and government programs, or should the market regulate it? To this end, one concern that has not been discussed is to what extent wealthy individuals have manipulated our government institutions to ensure their preference of market regulation of wealth distribution. Scholarly research has been conducted at the national level to determine the networks who are altering our political institutions to enable wealthy, minority interests' access to our legislative process. Due to our federalist style of democracy, similar alterations are occurring at the state-level with little academic focus. This dissertation seeks to answer how strong are Missouri's legislative institutions and to what extent have wealthy individuals gained points of access into Missouri's legislative process to promote a market-based management of wealth distribution through its passage of the 2014 Tax Reform Act, SB 509. This dissertation uses a multi-method research design, while borrowing theories and models utilized at the national level, to illustrate to what degree interest groups representing the wealthy were engaged with SB 509's development and enactment into law. This study finds that Missouri's legislative institution has weakened over the last 40 years, and there is a regional and Republican party-bias favoring Missouri's weakened legislative institution. This study also finds circumstantial evidence that wealthy individuals and interest groups who support a more market-based redistribution of wealth gained access to Missouri's legislative process through campaign donations and lobbying to attempt to influence SB 509's development. This research illustrates a link between weak political institutions and the ability of groups representing wealthy and conservative interests to gain access to these institutions to attempt to influence tax legislation that ensures a market-based management of wealth distribution.

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This dissertation culminates nine years of research, analysis, and writing and represents the shift in my political perspective that began during my 2006-2007 deployment to Iraq. This dissertation has been a struggle at times, while coming to terms with my PTS/TBI and other ailments sustained during my four combat deployments to Iraq and Afghanistan. Thank you to my many therapists and healers who have helped me during this journey.

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Chapter One

Introduction

The increasing divergence between the poor and wealthy became one of the salient points of the 2016 Presidential election. Bernie Sanders progressively transformed the race by continuously highlighting the increasing wealth inequality and its influence on politics. He illustrated the growing problem created by the ability of the top one percent to sustain their increasing wealth by donating large amounts of money to various candidates against redistributive tax policies, thus insulating their financial dynasty for future generations (Sanders, 2016). Donald Trump ran on a similar anti-wealth platform branding himself as the voice of the forgotten middle-class. He campaigned on an economic message that the middle-class was left behind by free-trade policies that transferred their jobs to foreign countries with lower labor costs (Trump, 2016).

During the 2020 presidential election, both the Democratic and Republican presidential candidates pivoted from economic messages to social messages. President Trump focused on a law-and-order message during the final months of his campaign, due in part to violence that occurred during protests to police killings of George Floyd in Minneapolis, MN and Jacob Blake in Kenosha, WI in May and August of 2020, respectively (BBC 2020, Peoples and Miller 2020). President Biden centered on a message of restoring the soul of our nation after clashes between white nationalists and those opposed to racism, protests due to the above police killings, and a pandemic that largely shuttered the country during the campaign. Biden did however mention the deteriorating economy due to the pandemic during the latter months of his campaign (Detrow and Khalid 2020, Peoples and Miller 2020).

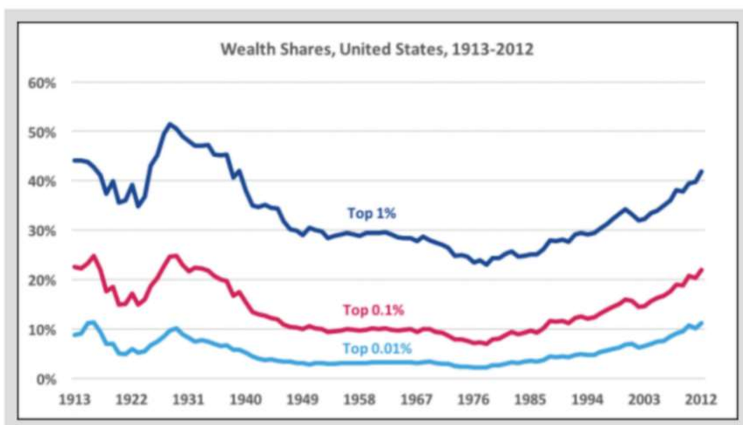
The 2020 campaign for Missouri governor focused largely on economics, the pandemic, and law and order. The Republican incumbent governor, Mike Parson, began his campaign messaging focused on his pandemic response and the Missouri economy, but shifted to law and order during the final months of his campaign in response to the social unrest mentioned above. Nicole Galloway, the Democratic gubernatorial nominee, maintained a consistent message criticizing Governor Parson's pandemic response and stating how differently she would have managed the pandemic (Weinberg 2020).

Even though the 2020 campaign season at both the national and Missouri levels focused on social issues and healthcare, candidates still mentioned the economy although more in terms of jobs and unemployment and less about wealth inequality. This was due largely in part to the coronavirus pandemic that forced governments at every level to restrict social contact, which induced temporary business closings and financial hardships on Americans. Even though wealth inequality was not a salient issue during the 2020 campaign season, poor Americans felt the negative effects of business closings and job cuts much more then wealthy Americans (CBPP 2022).

Wealth inequality can be exacerbated when accumulated wealth, either through inheritance or savings, generates returns that exceed a country's economic growth. Reducing the progressive nature of income tax, reducing taxes on dividends, and reducing or eliminating the inheritance tax can boost the returns on accumulated wealth and elevate it above a country's economic growth. Once this occurs, the wealthy can save a larger portion of their income derived from capital ownership, generating compounding returns that increases wealth divergence (Piketty, 2014, pp. 25-27).

Wealth inequality became a salient political issue during the middle of the last decade because approximately three million US citizens owned over 40 percent of the country's wealth in 2012 (Figure 1). In 2022, three billionaires owned more wealth then 160 million Americans. The top one percent earned 45 percent of all income and CEOs of large corporations make 350 times the earnings of their workers (Sanders 2022). When coupled with stagnant wages, wealth inequality quickly diverges due to a rapid increase at the top and a rapid decrease at the bottom of the wealth spectrum. The decrease at the bottom can be explained by a federal minimum wage increase to $7.25 per hour in 2009 that is not indexed to inflation and structural differences in income and wealth ownership between the top 1 percent, top 9 percent, and the bottom 20 percent.

Figure 1. Share of Wealth in the US from 1913-2012



Source: Wealth Inequality in the United States since 1913: Evidence from Capitalized Income Tax Data, Emmanuel Saez and Gabriel Zucman, Aug 2015

As soon as the minimum wage increased to $7.25 in 2009, its value immediately started eroding since it was a nominal value not indexed to inflation. At three-percent annual inflation, $7.25 per hour would be worth approximately $7.13 per hour in 2010 (Bartels, 2008). This downward pressure on income exacerbates the poor's wealth accumulation when the amount of income derived from labor is compared to the amount of income derived from capital ownership.

The top nine percent of the income bracket generates 80 percent of their income from labor income and 20 percent from realized capital income (dividends, interest, rents, and royalties). The top one percent of the income bracket earns 70 percent of their income from realized capital income and 30 percent from labor income (Piketty and Saez, 2001). Considering the substantial shift in income derived from realized capital income and labor income, between the top one percent and nine percent, the remaining nine percent accumulate less wealth from capital income and more from labor income and the further you travel down the wealth ladder the more income is derived from labor. The bottom 40 percent have seen their share of wealth ownership decrease to 0.2 percent of the total since 1992, mostly derived from labor income (Keister and Moller, 2000). Substantively these two developments demonstrate the poorer you are the more your wealth is derived from income and if you earn the minimum wage, or somewhere near it, inflation constantly erodes your income. Consequently, the poor find it increasingly difficult to get by as their purchasing power is diminished by the increasing costs of goods and services.

Missouri witnessed growing income inequality beginning in the 1980's, during the rise of neo-liberal economic deregulation, and it increased after 2008. Missouri ranked number two behind Nevada in the share of income captured by the top one percent after the post-1980 expansion and the share of income lost by the bottom 99 percent. Missouri's top one percent gained 8.4 percent of income growth prior to the 1980 expansion and 115.7 percent after the 1980 neo-liberal expansion. The bottom 99 percent earned 91.6 percent of income before the 1980 expansion and lost 15.7 percent of income growth post-1980 expansion. Missouri and Nevada ranked as the only two states that witnessed the bottom 99 percent losing income growth after the 1980 expansion (Sommeiller, Price, and Wazeter 2016).

The Great Recession of 2008 and subsequent recovery exacerbated Missouri's already divergent income inequality. Between 2009 and 2013, Missouri qualified as one of 15 states in which the top one percent captured all income growth and one of ten states in which the top one percent observed double-digit income growth, while the bottom 99 percent witnessed falling incomes (Sommeiller, Price, and Wazeter 2016).[1] The top one percent of Missouri residents appear to be succeeding financially with significant financial loss to the bottom 99 percent of Missouri residents. Missouri's increasing income inequality is no anomaly when juxtaposed with income inequality nationally and displays similarities demonstrated by Figure 1 above.

The growing divergence in wealth and income inequality means the top one percent of Missouri's six million residents, or the top 60,000 income earners, find it increasingly easy to succeed financially and the bottom 99 percent, or the other 5,940,000, find it more difficult to financially succeed (Census.gov 2017). Wealthy Missourian's successfully captured a growing percent of income, not by chance, but by orchestrating structural changes to Missouri's political institutions.

Rex Sinquefield exemplifies one of Missouri's wealthy and politically active citizens whose network of political organizations operate to influence Missouri's state and municipal policies. Rex Sinquefield is a self-made multi-millionaire investor who

[1] The top one percent observed 14.8 percent income growth, while the bottom 99 percent observed income decline of 1.8 percent (Sommeiller, Price, and Wazeter 2016).

supports anti-tax, anti-labor, and anti-public education legislation. He funds conservative candidates and organizations who promote free-market principles over government regulation. Sinquefield established a network of political organizations through which some of his contributions are funneled, but at times he has also directly donated large amounts of money to candidates who share his political views. Sinquefield maintains the distinction as Missouri's top political donor contributing $28 million in disclosed donations in various state elections since 2008 (Fischer and Graves 2014).

Sinquefield maintains involvement in Missouri's tax policy and this study will seek to answer to what extent he and other interest groups with which he is allied influenced Missouri's 2014 tax reform act, SB 509. SB 509 was a subsequent compromise version of HB 253, which was vetoed by Democratic Governor Jay Nixon in 2013 and the Republican held legislature failed to obtain enough override votes. SB 509 reduced the individual income tax rate from 6% to 5.5%, for the top income bracket, phased in over five years beginning in 2017 dependent on if the amount of net general revenue collected exceeded $150 million during any of the three previous years. SB 509 also permitted a 25% pass through of business income to be claimed as individual income, allowing the lower rate of 5.5% percent to be collected instead of Missouri's 6.25% corporate income tax rate, once the law is fully phased in. (Griffin and Mannies 2014, Kraus 2014).

Prior to Missouri, Kansas passed a more aggressive tax reform law five years ago. The Kansas state legislature overrode Republican Governor Sam Brownback's veto to restore individual and corporate income tax rates to near their pre-tax reform levels and end the 0% tax rate for business income claimed as individual income for business owners, or “pass-through.” The majority Republican legislature voted to override Governor Brownback’s veto due to a budget shortfall of $889 million over the next two years. Economists estimated that 1.7 percent of the state’s eight percent revenue decrease was the result of tax avoidance by Kansas residents by establishing small businesses to claim their actual income as pass through individual income and claiming the zero percent tax rate (Fernandez-Campbell 2017).

The significance of the comparison of tax policies between Kansas and Missouri can be explained by a review of state and local tax revenue in 2009. Missouri’s per capita state and local tax revenue totaled $3210, the second lowest among surrounding mid-west states, while Kansas totaled $4070, the seventh lowest state. This equates to state and local tax revenue as a percentage of personal income equaling 8.9 percent for Missouri and 10.6 percent for Kansas (Stallman, Wesemann, Valentine 2013). Missouri’s economy was double the size of Kansas in 2009 with a GDP of $250 million and $123 million, respectively (Fred.gov 2017). The 2009 comparison of Missouri and Kansas provides a significant temporal benchmark because it was during the “Great Recession” and Kansas maintained more registered businesses during 2009 than in 2014, two years after the passage of their tax reform (Scott 2014). Missouri appears to be taking a similar tax policy path as Kansas, based on neo-liberal free-market principles promoted by conservative interest groups and wealthy citizens such as Rex Sinquefield. Time will tell what extent these policies helped or hurt Missouri’s economy, but they left Kansas in a significant budget crisis resulting in two consecutive years of downgraded credit ratings (Fernandez-Cambell 2017).

One important legislative structural change in Missouri that increased legislative reliance on lobbyists and interest groups for knowledge was the imposition of legislative term limits. Missouri's 1992 constitutional amendment creating legislative term limits significantly altered this democratic institution and was promoted by Gregory Upchurch, a lawyer from Creve Coeur, Missouri. Term limits nullified the concern of professional legislators by restricting them to eight years in the Missouri House of Representatives and eight years in the Senate. The term limits did not take affect until after the 1994 election, so legislators who had served for years were now barred from running for their seat again in 2002. This led to a large turnover in both legislative chambers: the House of Representatives welcomed 55% freshman legislators in its 2003 session and the Senate witnessed 38% freshmen legislators (Richardson, Jr, Valentine, and Stokes 2005).

75% of Missourians voted for the term limit Amendment in 1992 to remove lobbyist influence that led to legislative corruption, to create a more diverse legislative body, and to introduce new ideas into the legislative process. However, after the 2004 election the legislature is no more diverse than before term limits (Richardson, Jr, Valentine, and Stokes 2005). Term limits have introduced new ideas into the legislative process, but ones that are extreme or unconstitutional and costs the state thousands of dollars in court fees defending the illegitimate laws, such as the law that restricts Missouri from enforcing federal gun laws (St. Louis Post Dispatch Editorial Board 2022).

Term limits actually created an environment where freshman legislators rely more on lobbyists due to the knowledge vacuum created with the retiring of experienced legislators. Before term limits, a Missouri legislator spent on average seven years in the House and nine years in the Senate. After term limits, a Missouri legislator only spends on average two years in both the House and Senate (Richardson, Jr, Valentine, and Stokes 2005). Legislators often immediately begin looking for their next political opportunity immediately after they win their first election (Lieb 2009). Contemporary Missouri legislators now do not have the time to learn the intricacies of how the legislature operates or specialize in a policy area. Lobbyists and interest groups have stepped into that void and provide the requisite legislative knowledge (Young 2012).

Institutional changes like term limits hoped to create a legislature more reflective of its constituents and one that is more beholden to them. Instead, it provided unelected interest groups, lobbyists, and wealthy citizens with a valuable point of access to manipulate legislators into promoting their policy ideas due to inexperience and financial reliance. However, Missourians have become so disillusioned with its 16-year legislative term limit that legislators and political operatives are considering amending them to allow legislators more time to serve and gain experience (Suntrup 2022).

This dissertation will utilize a mixed-methods approach to determine the extent to which Missouri's legislative institutions have been weakened and the process through which wealthy Missourians transformed the state's political institutions to ensure a market-based system of wealth management over a government regulated system.

Qualitative interviews of lobbyists, former legislators, and interest group staffers will offer the extent to which certain individuals and organizations exerted influence over SB 509's development. The interviews will focus on both Democratic and Republican legislators and their supporters to describe more fully the changes to SB 509 during the policy development process.

This dissertation will begin with a literature review that will address how wealthy individuals and their interest groups influence policy development and to what extent their actions succeed in manipulating the policy process for their benefit. The review will discuss the interest group environment and to what extent wealthy business groups, Super PACs, and 501(c)(4)s exert an inordinate amount of influence over the policy process. Specifically, the means through which wealthy interest seek to maintain weak government institutions so they may increase their influence throughout the public policy process. Lastly, the literature review will further develop the idea of weak government institutions by addressing campaign finance as an important mechanism through which the wealthy seek to weaken those institutions by supporting legislators who restructure institutions such as the Department of Revenue, the Missouri Ethics Commission, and the political parties once elected.

Following the literature review, this dissertation will introduce the framework through which it will measure and illustrate the weakness of Missouri's government institutions, brought about by the influence of the wealthy so they may exert increasing levels of influence over Missouri's public policy development. Lastly an operationalized theory will be offered, in conjunction with hypotheses, to provide a construct to guide this research.

Next, this dissertation will develop measurement criteria and juxtapose Missouri's legislative institutions with those of the other 49 states. This juxtaposition will illustrate the strength not only of Missouri's legislative institutions with the other 49 states, but also the other surrounding lower-Midwest states and states who identify as Republican, similar to Missouri, and Democrat.

Then this dissertation will discuss in detail the legislative development of SB 509, compared with HB 253 the year prior and the Kansas bill prior to HB 253. The intent of this discussion is to contrast the similarities between the three bills and the process through which SB 509 was amended and passed. This discussion will also highlight the campaign finance developments of the senator, Will Kraus, who sponsored SB 509 to illustrate the relationship between passage of SB 509 and increased campaign donations to Senator Kraus.

Lastly, this dissertation will conclude by summarizing the significance of Missouri's legislative institutional strength vis-à-vis the influence of interest groups and wealthy individuals who promoted the 2104 tax bill, SB 509. This summary will highlight the extent to which having unelected interest groups and wealthy individuals maintain inordinate influence over the bill writing process, threatens the framework through which legislative business should be conducted in a healthy democracy.

Chapter Two

Literature Review

This literature review summarizes the relevant scholarly work into three general areas: How increasing wealth inequality can affect democratic structures, how the wealthy use interest groups to amplify their political voice, and how Missouri's lack of campaign finance restrictions creates an environment where legislators may be inclined to sponsor or support legislation friendly to wealthy interests. These three main scholarly topics of wealth inequality, interest groups, and campaign finance establish a general framework around which I structure this dissertation. Chapters four and five, which directly address Missouri's legislative institutions and its bill development process, will more specifically incorporate these three lines of study with additional scholarly studies addressing how manipulating political institutions can alter political transaction costs.

Growing Wealth Inequality Induces Structural Problems

Wealthy Americans politically participate in various ways and with more frequency than the poor. Verba and Nie (1972) demonstrate that the higher an individual's socio-economic status (wealth and education) the more they participate; moreover, the more they participate the more responsive legislators are to their request. Even when lower socio-economic status individuals do participate, the overwhelming number of upper socio-economic individuals actively participating in the political process drown out their message. The wealthy activists who tend to shun welfare and redistributive tax policies silence the poor, who favor welfare and redistributive tax policies. The government ignores those most in need due to the substantial participation and influence of the wealthy.

Verba, et al (1987) posit that the US, Japan, and Sweden maintain varying levels of pre-tax and post-tax wealth inequality dependent on societal norms in the case of Japan, redistributive tax policies in Sweden, or the idea of individualism in the US. The US does not pay a high pre-tax wage and the individualistic societal norms of the lawmakers do not believe in transfers of wealth through post-tax transfers. This leads to the US sustaining a much higher post-tax wealth inequality compared to Japan and Sweden.

Gilded Ages, where a few individuals accumulate upwards of 50% of a nation's wealth, do not occur only through technological innovation or changes in unskilled vs. skilled labor, but through political developments that favor owners of capital and entrench their interests at the expense of the poor. During these Gilded Ages, "paper entrepreneurs" such as bankers and financiers are created by policies that benefit their lending interests (Phillips 2002).

The first policy involves rolling back progressive tax rates that restrict the wealthy's further accumulation of wealth. Reduced federal spending marks the second policy that benefits "paper entrepreneurs." Reduced federal spending provides new opportunities for venture capitalists to capitalize on favorable business opportunities. The third monetary policy that favors wealth accumulation is a contraction of the money supply, which deflates the price of goods and increases the purchasing power of the dollar. This magnifies wealth accumulation by instantly increasing one's wealth without additional investment or labor. The fourth, and most harmful policy, involves the easing of consumer lending practices that increases the opportunity of people experiencing stagnating wages to purchase large items such as cars and homes. This never lasts as banks, venture capitalists, and private lenders become over-leveraged, and the economy witnesses a significant correction. During every Gilded Age, including the current one, these four policies aid the accumulation of wealth for the owners of capital and stagnates or depresses the poorest citizen's wealth accumulation (Phillips 2002).

Bartels (2008) finds Republican legislators favor the policy preferences of the affluent much more than the middle class or the poor. Democrat's policies tend to lean a little more towards the middle class, but the poor are generally ignored during the policy development process. The poor and African Americans tend to favor redistributive tax policies, while the middle-class, upper-class, Hispanics, and Whites favor less redistributive tax policies. Bartels addresses one caveat: poor voters who identify as Republicans support less redistributive tax policies and repealing the estate tax due to voter myopia, differential campaign spending by Republican candidates and conservative PACs, and voter's support of the affluent's continued growth of wealth.

Gilens (2012) posits the middle-class and lower-class only see their policies promoted by legislators when they coincide with the policy preferences of the wealthy. When policy preferences diverge, legislators tend to support the preferences of the wealthy, exacerbating wealth inequality since the wealthy reject redistributive tax policies that would benefit the lower class. Additionally, when parties achieve dominant control over the political landscape, they tend to ignore preferences from all income levels and only reward policies that are derived from their activist base.

Missouri's political landscape leading up to the 2016 Presidential election draws similarities to the national political landscape and reflects the ideological and socio-economic conclusions summarized in the literature. Rex Sinquefield is a retired investor that resides in St. Louis, Missouri. He is well known throughout Missouri political circles for using his acquired wealth to influence the state's policies and elections. He largely funded the 2008 campaign to repeal Missouri's campaign finance laws, which abolished limits individuals can donate to political parties and campaigns (Mannies, 2016). During the run-up to the August 2016 primary election in Missouri, Sinquefield donated $11 million mostly to three conservative candidates that support his free-market ideals of low-taxes and Right-to-Work (McDermott, 2016). Even though Sinquefield's candidates didn't win during the August 2016 Missouri primary, his policy preferences are alive and well.

The fact that Sinquefield succeeded in getting the city earnings tax on the April 2016 ballot in Kansas City and St. Louis illustrates the strength of political voice enjoyed by wealthy Missourians (Verba and Nie, 1972; Gilens, 2005; McCarty, Poole, and Rosenthal, 2006; Schlozman, Page, Verba, and Fiorina, 2006; Bartels, 2008; Schlozman, Verba, and Brady, 2012; Gilens, 2012). His significant influence repealing Missouri's campaign finance law in 2008 demonstrates his power over Missouri state policy and his ability to control candidates and campaign messages through sizable campaign donations (Verba and Nie, 1972; Gilens, 2005; McCarty, Poole, and Rosenthal, 2006; Bartels, 2008; Schlozman, Verba, and Brady, 2006; Gilens; 2012). His consistent support of lowering state and local taxes on the wealthy and corporations, who favor free-market solutions to job creation and wage control, echo the wealthy's policy preferences at the national level (Devine, 1983; Verba et al, 1987; Allen and Campbell, 1994; Phillips, 2002; Page, Bartels, and Seawright, 2013). Lastly, Sinquefield's support of Right-to-Work Laws demonstrates consistency with the wealthy's attempt to reduce union effectiveness across the country. The reduction in union membership, and their political power, has diminished an avenue of communication for the working class, has contributed to wage depression, and limit's the political voice of middle and lower-class voters (Allen and Campbell, 1994; Wallerstein, 1999; Schlozman, Page, Verba, and Fiorina, 2006; Schlozman, Verba, and Brady, 2012; Leighley and Nagler, 2014).

Interest Groups Serve as the Mechanism for the Wealthy's Structural Influence

Groups registering as Super PACs and 501(c)(4) organizations have exploded since the 2010 Supreme Court ruling in *Citizen's United v. FEC*. This ruling allowed corporations and wealthy individuals to spend as much as they like on electioneering if it remained independent of a political party or candidate's campaign. The difference between the two groups revolves around their financial reporting. Super PACs form primarily for political activity, so they must disclose their donors and their expenditures providing some level of transparency. 501(c)(4)s are tax-exempt social welfare groups that do not have to disclose their donors and only have to report their expenditures under certain circumstances. For these groups to maintain their tax-exempt social welfare status, they must limit their political expenditures to 49% of their total budget (Open Secrets 2016).

Super PACs and 501(c)(4)s emulate some of the previous research on interest groups, while also diverging from some of the previous findings. They overcome the free rider problem as Olson (1965) theorized due to their narrow base of support, but slightly diverge based on their broad interests. These groups act as depositories for money that wealthy individuals and corporations designate for political investment and dispense it as funding for electioneering or donations to other groups (Schlozman, Verba, and Brady

2012). *Citizen's United* integrated corporations and wealthy individuals under ideologically aligned Super PACs and 501 (c)(4)s, providing them the mechanism through which they can funnel financial resources to favorably influence the political landscape (Smith 200). They do not focus on a narrow issue, but attack or support multiple issues based on their conservative or liberal ideology.

These groups also did not develop due to a societal disturbance (Truman 1951, Grossman 2012), but evolved over time through the actions of entrepreneurs to give wealthy individuals and corporations a method for influencing politics (Salisbury 1969, Walker 1983). Their arrangements do not emulate traditional iron triangles, due to the weakening of the bureaucracy as a government institution. Nor do these new groups represent traditional issue networks, since their political activities transcend policy arenas (Tichenor and Harris 2003). However, consistent with Truman's findings, Super PACs and 501(c)(4)s represent a narrow subset of the population – the wealthy – which creates political instability (Schattschneider 1960; Dahl 1965; Schlozman, Verba, and Brady 2012).

Although these groups primarily maintain wealthy donors as their members, they arguably do not maintain the structure of the political system offered by the elitist theory (Walker 1969). In fact, independent groups are destabilizing it by successfully promoting policies counter to the broad electorate's wishes, creating a divide between the broad electorate and the wealthy (Skocpol and Hertel-Fernandez, 2016). They not only carry out electioneering, but in the case of AFP, they monitor legislator's activities to ensure they are consistent with their conservative agenda (Skocpol and Hertel-Fernandez, 2016). They also seek to influence legislation at the committee level (Hall and Deardorff 2006, Hall and Wayman 1990, Hojnacki and Kimball 1998, Esterling 2007, Strolovitch 2006, Skocpol and Hertel-Fernandez 2016) and elicit policy compromises through "backroom" deals as Lowi (1969) warned against. These groups maintain more policy control during periods of low issue salience, while citizens and broader groups experience more control when an issue's salience increases (Dahl 1974, Baumgartner and Leech 2001, Grossman 2012).

Interest groups, specifically large citizen groups, depend on the financial resources provided by political patrons. Patrons are usually the catalyst behind an interest group forming based on a newly passed policy or exogenous influence. This elitist theory implies that interest group formation and maintenance is determined by its supporting patron's resources and influence. However, Walker illustrates this elitist influence in a positive manner. Patrons instigate the formation of a new group to provide a critical democratic service for an increasingly salient societal group (Walker 1983).

Schlozman, Jones, You, Burch, Verba, and Brady (2015) propose that recent memberless interest group developments raise concerns for supporters of pluralist democracy and increase support for Schattschneider's (1960) upper-class bias. They posit, in 2011, memberless groups comprised 57% of the total number of national interest groups and accounted for 63% of the national interest group expenditures. Their concern resides with who exactly these groups represent, since they consist of stakeholders rather than individuals. Most of these groups consist of business groups, which means the political positions promoted to legislators resemble the wishes of management and stockholders, at the expense of the employees and the communities in which these businesses reside. If business leaders organized and gained political access they could "easily destroy or capture the political machine (Walker 1966, 292)."

Super PACs and 501(c)(4)s appear to operate as nodes for the wealthy and corporate interest in a larger issue network (Heclo 1978, Tichenor and Harris 2003), somewhat affected by the political environment, but ultimately seeking to alter the environment in their favor. The possibility exists that Super PACs and 501(c)(4)s define a new paradigm in which groups no longer compete for the interests of legislators based on their comparative advantage and salience (Hansen 1991), but legislators now compete for Super PACs and 501(c)(4)'s support as these groups confiscate control of the political environment. While the Supreme Court ruled Super PACs and 501(c)(4)'s actions must remain independent of campaigns and political parties, staffers and political elites from campaigns and political party offices now staff the Super PACs and 501(c)(4)s, blurring the line between independent free speech and coordinated electioneering (Skocpol and Hertel-Fernandez 2016).

Evidence exists supporting the idea that strong state interest groups will maintain favorable political avenues of influence, so they can maintain their advantages for future policy considerations (Froman 1966). Nice (1984) argues certain factors account for strong state interest groups. Weak political parties, modest staff assistance due to limited budgets, and an abundance of elected state officials reliant on increasing campaign finance donations create an environment conducive to supporting strong interest groups. He demonstrates that political ideology has no effect on strength since Louisiana, Georgia, and Florida have relatively conservative and powerful interest groups and West

Virginia, Rhode Island, and Massachusetts contained liberal and powerful interest groups.

North (1990) proposes institutions and institutional change influences society's evolution. Institutions constrain or promote change through the transaction costs they impart on proposed changes. Weak institutions that do not offer significant transaction costs promote change and reduce the overall path dependency of previous decisions. These low transaction costs will ultimately induce economic growth by emphasizing individual market-based decisions.

Gourevitch (1986) offers five theories, four of which will be used to help explain the context in which SB 509 was developed. The production profile theory states that societal actors' preferences are shaped by their situation in the international and domestic economy. The intermediate association theory emphasizes the role of political parties and interest groups in connecting societal preferences to state institutions. The state structure theory focuses on how formal institutions, bureaucracies, and rules mediate interests and define the context in which intermediate associations operate. Lastly, the economic ideology theory emphasizes how perceptions, models, and values shape one's understanding of the economic and political situation, which in turns shapes their preferences and behavior.

Mayer (2016) illustrates a three-stage process in which billionaires establish conservative academic research centers to develop libertarian theories and conduct research testing these theories, which represents stage one. The second stage involves the development of conservative think-tanks that transform these academic theories into policies that can be implemented at the national and state levels. Lastly, the third stage encompasses the creation of political arms that can generate public support for these conservative policies, through issue advertising campaigns in the local media. These networks operate at both the national and state levels, with a concerted effort to steer state governments and their policies towards a more conservative agenda.

The Mercatus Center and Institute for Humane Studies were founded at George Mason University, by the Koch brothers, as part of stage one. The research center's primary mission involves the development of libertarian theories and the dissemination of conservative policy recommendations (Mayer 2016, Skocpol and Hertel-Fernandez 2016).

The Cato Institute represents a conservative think-tank that promotes free-market ideas and policies to national and state legislators. The Cato Institute began researching and promoting conservative policies back in the 1980s, as part of the Koch brother's stage two development (Mayer 2016, Skocpol and Hertel-Fernandez 2016).

The American Legislative Exchange Council (ALEC) and the State Policy Network (SPN) are two conservative organizations that operate at the state level to create a free-market oriented economic environment. ALEC's members comprise over 2000 mostly conservative legislators, corporations, and private-sector lobbyists who draft free-market legislation for consideration by state lawmakers (Skocpol and Hertel-Fernandez 2016, Hertel-Fernandez 2016). SPN provides support to conservative think-tanks that operate at the state-level.

These groups exist as two nodes in a very complex web of federal and state based conservative organizations that seek to influence free-market policy development. Americans For Prosperity (AFP) provides an umbrella organization that coordinates the activities of other 501(c)(4)s and Super PACs with the above-mentioned organizations

(Skocpol and Hertel-Fernandez 2016). The Koch brothers founded AFP as part of their stage three plan to develop a political arm that can influence the electorate and officeholders to support their free-market / anti-tax legislation (Mayer 2016, Skocpol and Hertel-Fernandez 2016).

Missouri's political landscape draws similarities with the national political landscape and reflects the ideological and socio-economic conclusions summarized in the literature. Rex Sinquefield established the Show-Me Institute, a Missouri think-tank located in both St. Louis and Kansas City, to study and promote free-market public policy proposals to increase Missouri's economic development (Talent 2016). The Show-Me Institute informally represents the Koch brother's stage one and two organizations that develop conservative theories and policies that are promoted to Missouri businessmen and conservative legislators through ALEC and other Sinquefield organizations. Some of the Sinquefield organizations interact with ALEC, adding to the complexity of the conservative political network that operates at the state level.

Sinquefield's other organizations include Great St. Louis, Grow Missouri, Missourians for Excellence in Government, and Missouri Club for Growth PAC. These organizations represent the political arm of his network and operate in a similar fashion to Koch's AFP, representing stage three. They act as funneling nodes that channel contributions to candidates and 501(c)(4)s that support his anti-tax, anti-labor, and anti-public education policy positions. Sinquefield's networks operated with ease between 2008 and 2016, after Sinquefield helped repeal Missouri's campaign finance laws in 2008. He accomplished the repeal by establishing dozens of organizations that contributed the maximum amount to state-wide candidates. For eight years after the 2008 repeal, Sinquefield's groups could funnel money to various campaigns and organizations with no regard for contribution limits (Mannies 2016). His network must now recalibrate their daily operations to account for changes in contribution limits and disclosure of donors created by Missouri's newly passed Amendment Two, which took effect on Dec 8, 2016, and reinstituted campaign contribution limits (MEC 2016).

The Easing of Campaign Finance Restrictions to Alter Missouri's Governmental Institutions

Proponents of campaign finance regulation claim that strict contribution limits keep the wealthy from corrupting our political parties and candidates by limiting their donations (Ortiz 1998, Rinner 2010, Abraham 2010, LaRaja and Schaffner 2015). The hydraulic theory of campaign finance and events that occurred after the 2002 BCRA passage and the 2010 *Citizen's United* ruling questions the accuracy of this claim (Alexander 1991, Hogan 2005, Abraham 2010, LaRaja and Schaffner 2015). Campaign money will always find an outlet as illustrated by the rise of "soft money" donations in the 1980s and 1990s, which gave way to bundling and 527s in the 2000s, leading to Super PACs and 501(c)(4)s today. The Supreme Court has also increasingly narrowed its definition of constitutionally acceptable means of limiting the flow of money in and out of political organizations. *Buckley v. Valeo, FEC v. Nat'l Conservative Political Action Committee, Austin v. Michigan State Chamber of Commerce, Russell v. Burris, Nixon v. Shrink Missouri Government PAC,* and *FEC v. Colorado Republican Federal Campaign Committee* continually redefined the FEC's ability to regulate incoming contributions based on the possibility of corruption or the public's perception of corruption (Persily and Lammie 2004, Nelson 2000). *Buckley v. Valeo* also struck down restrictions on campaign expenditures in that they violated an individual's right to free speech (Strauss 1994, Nelson 2000, Rinner 2010, Abraham 2010, Kang 2012).

Missouri's campaign finance contribution limits, established by the newly passed Amendment Two, reflect current limits in the US campaign finance framework. Missouri's Amendment 2 established a $2600 cap on individual contributions, $25,000 cap on aggregate contributions, and requires disclosure of campaign contributions above $25 from an individual or $500 from a committee (Kander 2016). The amendment will constrict party and candidate campaign fund raising, while increasing the importance of Super PACs and 501(c)(4)s in the 2018 state races. If the 2012 and 2014 federal elections serve as a guide for future campaign finance developments in Missouri, outside groups will spend more than the candidates and parties during the campaign. Regardless of if the wealthy donate to candidates and the parties or outside groups, they are still buying access to the officeholders they help elect. This political access provides them the ability to mobilize their narrow policy bias through legislative committees on which these officeholders serve (Hall and Wayman 1990).

The opponents of campaign finance regulation argue that campaign finance limits impede an individual's practice of free speech guaranteed by the First Amendment (Ney 2001, Levy 2001, Murphy and Gora, 2001). Groups such as the ACLU, the Cato Institute, and Citizen's United and individuals such as Senator Mitch McConnell and Alabama resident Shaun McCutcheon have challenged FECA amendments that restrict contribution limits (Murphy and Gora 2001, Levy 2001, FEC.gov 2016). Some of these challenges made their way to the Supreme Court, *McConnell v. FEC, Citizen's United v. FEC, and McCutcheon v. FEC,* forcing the Court to redefine legal expressions of campaign free speech that does not contribute to corruption or the appearance of corruption. The Court's 2010 *Citizen's* and 2014 *McCutcheon* decisions redefined campaign finance in a manner that protects free speech, while endangering our democratic legitimacy (Rinner 2010, Abraham 2010, LaRaja and Schaffner 2015).

Former Governor Matt Blunt and Attorney General Candidate Chris Koster advocated for the 2008 repeal of Missouri's campaign finance contribution limits in that they created a framework that individuals could easily bypass. They pushed for the repeal to increase the transparency of campaign contributions, due to practices that emulated money laundering that bypassed campaign finance laws (Lieb 2008, Rosenbaum and Mannies 2015). The hydraulic theory of campaign finance describes their reasoning for the repeal. Campaign contributions will find their way into the system, but by repealing the law a sense of transparency can be restored to Missouri's electoral process.

Missouri state representative Shamed Dogan voiced a similar sentiment in 2015 when talk increased of reinstituting campaign contribution limits. Former state Senator Jason Cromwell opposed limits in 2008 and 2015 because of the framework of PACs and other organizations that led to party bosses controlling the money. Without campaign finance restrictions, people find it easier to donate directly to the candidate, removing the party as a mediating influence (Rosenbaum and Mannies 2015).

If you consider the two side's arguments about campaign finance laws they boil down to a lesser of two evils: Is the campaign finance framework that imposes limits and disclosure requirements to prevent corruption, but decreases the transparency and increases the party influence, more favorable than a limitless campaign finance contribution system that allows wealthy individuals to practice free speech, but also increases the perception of corruption and still does not improve transparency?

The appearance of corruption in both situations is derived from undue influence over the officeholder by the party or the wealthy individual. Scholarly debate continues surrounding the parties' undue influence as an abnormal political occurrence (Briffault 2000). The parties should maintain some degree of influence over their candidates, but Briffault posits they can cross the line and should be included in the campaign finance regulations. No matter where an individual's opinion lies vis-à-vis the existence of a party's undue influence on a candidate, they can still be held accountable on election day (LaRaja and Schaffner 2015).

Wealthy individuals and corporations maintaining direct contact with candidates create a different corruption problem due to their lack of electoral accountability. The candidates themselves remain the only entity accountable to the voters in the instance of undue influence from a wealthy individual. Cycling through elected officeholders will not alleviate the corrupting influence of the wealthy in an age of professional politicians and increasing media costs that require larger donations (Alexander 1991, Thompson and Moncrief 1998). The wealthy donor's primary concern does not reside around votes but gaining access to favorably influence policy development during the committee stage of a bill. "Moneyed interest" influences like-minded legislators, while the same financial offerings created a negligible or negative effect on legislators aligned against their interests. Legislators and their staff often select the groups from which they accept information and often these groups contain similar viewpoints. The vast sums of money these groups commit biases the legislator's preferences, minimizing the influence of groups with fewer resources (Hall and Wayman 1990).

To what extent the frequency of this occurrence has increased since campaign finance shifted to a more candidate-centered model provides concern for the foundation of our democratic system. The Supreme Court's move to protect free speech, while subjecting our democracy's legitimacy to repeated attacks of perceived corruption, should provide a stimulus to review our current state and federal campaign finance laws for constitutional efficacy. Wealthy individuals' unequal participation must be considered as an unintended consequence of recent campaign finance regulatory developments (Strauss 1999).

In the last two decades, Missouri has modulated back and forth trying to answer this conundrum without ever solving the transparency problem. The state's focus continues to be how to solve the problem of corruption when the parties control the campaign money or when the money flows directly from wealthy individuals to candidates. More stringent disclosure laws could improve transparency regardless of the system of contribution control in practice: Party-centered or candidate-centered (Hall and Wayman 1990, Hogan 2005, LaRaja and Schaffner 2015). The reporting requirements required by Amendment Two suffice for contributions to individuals, parties, and PACs. They do not cover 501(c)(4)s in a manner that will impede their corrupting influence, within the legal framework established by the Supreme Court, and these groups are currently active in Missouri politics (Mannies 2015). The Court demonstrated in *Caperton v. A.T. Massey Coal Co.* that campaign finance requirements, while the money resides within the campaign structure, do not infringe on an individual's right to free speech.

Conclusion

This chapter summarized the literature on wealth inequality, interest groups, and campaign finance to establish a general scholarly framework with which I will develop this dissertation. In the next chapter, I will establish my theoretical framework, hypotheses, and methodology for measuring and analyzing the strength of Missouri's legislative institution and the influence maintained by wealthy individuals on Missouri's 2014 tax reform act.

Chapter Three

Theoretical Construct and Research Questions

This dissertation posits that Missourians have altered their legislature into one that identifies as a weak legislative institution. This dissertation does not seek to answer why Missourians favor a weak legislative institution, although some research has uncovered it may be due to instances of corruption from career politicians and a fear of legislators making the public's business their career. One of the public's concerns was that there may be a link between career legislators and lobbyists, which led to public support for "anti-corruption" reforms that may have weakened the institution. Another concern was that incumbent politicians gain legislative power, which aids them when seeking reelection. Incumbent legislators can run on their legislative record and name recognition, providing an election advantage over other candidates (Suntrup 2002). Although legislative records can also sometimes be a hindrance when politicians seek reelection or election to a new office. These lines of reasoning however relate more to the imposition of legislative term limits in Missouri, and this dissertation's measurement of legislative institutions exceeds this single institutional concern.

Another possible impetus for the weakening of Missouri's legislative institution could be that strong interest groups and the wealthy influenced the weakening of these institutions to support their policy aspirations of market-managed wealth distribution. By keeping institutions weak through low budgets and small staff, term limits for legislators, limited time the legislature is in session, and increasing campaign costs, wealthy Missourians created an environment in which their interest groups captured and maintain significant power over Missouri's legislative process. These wealthy Missourians base their policy preferences on the societal context in which they reside, creating an elitist policy environment that exhibits continued control of policy realms through their interest groups. Other public interests can challenge wealthy interests, during policy development, with mixed results. This concept illustrates Madison's definition of pluralism as described in *Federalist No. 10.* Depending on the policy area and the amount of legislative capture by the majority interests, interest groups representing minority interests can alter the bill to reduce benefits to the wealthy, but wealthy interests still prevail in the final version that makes it to the final floor vote. In chapter five, I will apply this theoretical construct to Missouri's 2014 Tax Reform Act, SB 509, to determine the extent of influence by wealthy organized interests.

To better apply this theoretical construct, this dissertation seeks to answer four primary research questions to illustrate the policy influence wealthy Missourians, and interest groups aligned with them, exhibited over the development of SB 509 in 2014. First, to what extent did Missouri's legislative institution become weaker, creating an environment with low transaction costs that aided wealthy interests in developing SB 509? The degree to which Missouri has professional legislators and bill writers will be one of this dissertation's primary focus in answering this question. Factors such as term limits, wages, and years of service will be used to determine the degree of strength or weakness within the above institutions. These factors will illustrate the turnover rate among individuals involved in the drafting of bills at the state level. Missouri's legislative institutional strength will be compared to other lower mid-west states, other Republican majority states, and Democratic majority states as a comparative measure to establish a frame of reference. The intent is to illustrate regional and party similarities in the strength of each state's legislative institution.

Second, to what extent were groups aligned with wealthy individuals involved with the development of SB 509? This question will be operationalized by comparing the groups in favor of SB 509 and those opposed to the bill. An expectation of overlap of groups in support of SB 509 exists between groups aligned with the Koch network, such as ALEC, and groups aligned with the Sinquefield network, Grow Missouri and the Show Me Institute.

Third, how much influence did these groups exert over initial policy development and the subsequent changes during the 2014 legislative session? An examination of HB 253 from the 2013 legislative session will be included with this line of research, due to the evolution of SB 509 from HB 253. The Senate registry on actions will provide a guide as to what changes were recommended, and subsequently removed, and the changes that were recommended and passed.

Lastly, what is the relationship between campaign finance donations to SB 509's sponsor, Senator Will Kraus, and the passage of the tax reform act? The MEC will be heavily leveraged to determine the flow of money from interest groups known to align with wealthy individuals, and the individuals themselves, to Senator Will Kraus.

Hypotheses

This dissertation posits that Missouri's legislative institutions have weakened over the last 40 years, allowing interest groups aligned with conservative and wealthy interests, and wealthy individuals, to influence the initial drafting and subsequent development of Missouri's 2014 Tax Reform Act. Specifically, wealthy political operatives such as Rex Sinquefield influenced SB 509's policy formulation and development through his network of interest groups, which support tax reform that reduces Missouri's annual general revenue.

The lower and middle-class lacked a comparable political voice to the wealthy during the drafting of this bill, thus tilting the policymaking process and reducing the credibility of our political system to provide equitable governance. This study seeks to explain the ramifications of unequal political voice during the policy development stage and will use Missouri's 2014 SB 509 Tax Reform Act to measure to what extent unequal political voice influenced the development of this bill. The results of this study lack generalizability, due to the complex nature of various policy environments and the political structures in which they reside. However, the findings can provide a mechanism through which other policy areas may be measured to determine to what extent the wealthy applied unequal political voice to shape the policy development in their favor.

To provide a framework to guide this research, the following hypotheses are offered:

HYPOTHESIS 1: *Missouri's legislative institutions have become weaker, making them more susceptible to organized interest group influence.*

HYPOTHESIS 2: *Conservative and wealthy interest groups, and wealthy individuals, inordinately influenced the initial drafting and subsequent development of Missouri's 2014 SB 509 Tax Reform Act.*

HYPOTHESIS 3: *Interest Groups aligned with Rex Sinquefield comprised a preponderance of the interest groups who influenced SB 509.*

HYPOTHESIS 4: *The lack of campaign finance restrictions assisted interest groups and wealthy Missourians in gaining the support of key legislators who were directly involved with the drafting of SB 509.*

The ramifications for Missouri tax policy development could be significant, should evidence exist supporting these hypotheses. Regardless of one's political beliefs on the amount of revenue that should be collected through income tax, every citizen should hold an equal voice during its policy development. If wealthy Missourians gained inordinate influence through membership in and representation by prominent interest groups, then an imbalance exists within Missouri's democratic process with respect to tax policy formulation. Should evidence exist countering these hypotheses, then the policy development of SB 509 represented a more balanced democratic process in which individuals from every socio-economic group maintained equal access to Missouri's policy formulation structure. In either case, the theories and methods used to test these hypotheses in Missouri can be applied to other states with politically active and wealthy individuals seeking to influence the legislative process. They can also be used to test the influence of wealthy interests in other Missouri policy realms.

Research Design

This study will consist of a multi-method research design to demonstrate the composition of the interest groups, and their structure, involved with SB 509's development. The quantitative portion of this study will utilize a descriptive statistical analysis to measure the strength of Missouri's legislative institution and juxtapose it with the other 49 states. The qualitative portion of this research will entail a semi-structured interview of key participants, and individuals with knowledge of the participants, during the drafting and development of SB 509. This dissertation will also include a historical institutional analysis of the development of Missouri's polity vis-à-vis income tax policy development.

Quantitative Model

The quantitative portion of this dissertation will be demonstrated in chapter four. It involves the establishment of states who maintain weak and strong legislative institutions.

To measure and quantify states with stronger legislative institutions against those with weaker legislative institutions, I expand measurement criteria offered by Rosenthal (1996) and Squire (2007). The division of legislative professionalism into careerism and institutional professionalism offers a more detailed analysis into underlying tendencies that drive our state legislative processes. However, this division only provides a partial illustration of legislative professionalism. By posing a more specific concern of interest group influence on bill development, and the fact that they have direct input into the bill development process, I observed a need to add legislative writers into careerism and institutional professionalism. Legislative writers maintain admission to a state's bar and function as bill drafters and policy advisors to state legislators (Ganey, *phone conversation*, 2019; Flotron, *interview*, 2018).

Under the category of careerism, I offer the sub-categories of term limits by state, legislator pay by state, mean salary of the lawyers who comprise each state's legislative research division, and their average years of service in that capacity. Every state maintains nuances in how they limit their legislator's terms if they choose to limit them at all. In total, 35 states do not restrict their legislators to a finite number of years in public service drafting and voting on bills, while 15 states limit the number of years their legislators may serve. Furthermore, 11 states with term limits split the number of years a legislator may serve between the House and Senate.

I also examine the length of each state's legislative session to analyze how much time legislators have to enact laws. This part of the analysis provides a view of the time limitations that each state government imposes on itself by limiting the number of days available to hold public hearings on bills, to make and vote on amendments to bills, and the time to perfect and offer a final floor vote on a bill. The assumption being the more time available for this process, the more attention both legislators and bill writers can provide. The less time allotted for this process, the less time both groups must commit to this process. To illustrate the institutional time constraints on state legislatures, I collected data on the length of all 50 state's legislative sessions and the number of legislators each bill writer supports. I juxtaposed term limits by session length and the number of bill writers per legislator to compare where Missouri ranks among all 50 states. I will also compare Missouri to its regional states and to Republican and Democratic states to provide a better illustration of which factors, regional impact, or party influence, might explain similarities in institutional constraints.

The last evaluation I will provide will be a compilation of all categories by state, except for bill writers years of service, into a Z-score. I aggregated three sub-categories in the careerism category and two in the institutional professionalism category for a total of five. A positive Z-score, or a value above the sample mean, indicates a professional legislature who has the experience to mold policy ideas into bills without outside assistance; while a negative Z-score, or a value below the sample mean, indicates an unprofessional legislature that lacks institutional experience and requires policy help from an external source. Chapter four will provide a more detailed discussion of the quantitative modeling used to score each of the 50 state's legislative institutions.

Qualitative Models

The qualitative portion of this research will entail a semi-structured interview of key participants, and individuals with knowledge of the participants, during the initial drafting and development of SB 509. This dissertation will also include a historical institutional analysis of the development of Missouri's polity vis-à-vis income tax policy development. The analysis will center around the history of Missouri's personal and corporate income tax assessments and their development up to the 2017 implementation of SB 509.

The semi-structured interview will be used to determine two concepts: what groups, or individuals, maintained involvement in the development of SB 509 and how did these participants influence the initial formulation and subsequent changes to SB 509. The first part of the interview will contain the more structured questions concerning the communication and money flow, followed by the less-structured, open-ended questions to determine the influence of the participants (Weiss 1994, pp. 66-74; Seidman 2013, pp. 97-89). Appendix A-C contains the qualitative questionnaire that will be used for the research.

My interviewing sample size included four individuals, who were either in the legislative chambers working on other bills during the development of SB 509 or were directly involved in deliberations with SB 509. The four interviewees agreed to be cited during this research, so there was no need to protect the identity of the individuals. The interviewees include: Lindsey Baker, Research Director for the Missouri Budget Project; Terry Ganey, a retired St. Louis Post-Dispatch reporter who covered developments in Missouri's government in the years leading up to the development of SB 509; Franc Flotron, a former Missouri state senator and a principal owner of the lobbying firm Flotron McIntosh; and Jeanette Mott-Oxford, a former Missouri state representative and former President of Empower Missouri, an interest group who opposed SB 509.

Multiple attempts were made to interview individuals directly involved with the development of SB 509 or individuals who served as legislative writers during SB 509's drafting, but I was unable to gain access to them.

Chapter five will offer a historical analysis of SB 509's development during the 2014 legislative session. This historical analysis will illustrate the senators, and their political party affiliation, who offered amendments to SB 509 and will be juxtaposed with Kansas' 2012 Tax Reform Act and Missouri's 2013 HB 253. This juxtaposition will illustrate the similarities between SB 509 and the 2012 Kansas tax bill, as well as Missouri's 2013 HB 253 which more closely resembled the Kansas Tax Reform Act and upon which SB 509 was based. During this analysis, this chapter will also discuss the development of Missouri's income tax structure over the century that preceded SB 509. The purpose of which will be to establish the frequency with which Missouri has altered its personal and corporate income tax. This will establish the income tax landscape in which SB 509 was introduced.

Lastly, Chapter five will contain an historical analysis of campaign finance donations to SB 509's sponsor, Senator Will Kraus. This dissertation will review the number and amount of donations Will Kraus received during his time as a Missouri state senator. Will Kraus did serve as a Missouri state representative prior to his work on SB 509, but that time frame will be omitted due to its lack of relevancy. The intent of this analysis will be to highlight any patterns in the number and amounts of donations received by Senator Kraus prior to and after the passage of SB 509. It will also seek to highlight relevant interest groups and individuals who made sizeable donations to Senator Will Kraus' campaign. Since SB 509's development occurred during a period when Missouri did not maintain restrictions on campaign finance donations, campaign donation information was very easily obtained from the Missouri Ethics Commission.

Chapters four and five will seek to answer the proposed hypotheses which will serve as guides to measure to what extent do Missouri's legislative institutions resemble a professional legislature. This dissertation will offer an operational definition of a professional legislature and measurement criteria to conduct this analysis. The hypotheses will also aid in the analysis of determining to what extent wealthy interests influenced the development and passage of SB 509 in 2014, which began the era of Missouri's personal and business income tax reductions.

Chapter 4

Strength of Missouri's Legislative Institutions

For the last 20 years, there has been a focus on the amount of money interest groups donate to politicians. Senators John McCain and Russ Feingold demonstrated these concerns in 1997 when they co-sponsored the Bipartisan Campaign Reform Act and finally passed it in 2002. Their bill, among other things, sought to reduce the effect of "soft money" donations to political parties, "donations from individuals, unions, or organizations for party building in federal elections" (Strickland, 2002).

Reviewing recent national and state political campaigns, the concern and influence of money in politics still exists. In 2017, President Donald Trump received a record-breaking $107 million dollars for his inaugural festivities (Schleifer, 2017). During the 2018 mid-term election cycle, Democratic candidates for the House: Alexandria Ocasio-Cortez and Connor Lamb and for the Senate: Kirsten Gillibrand, Cory Booker, Kamala Harris, and Sheldon Whitehouse refused campaign donations from corporate political action committees as an expression of unity with individual voters and not corporations (Godfrey 2018).

In the 2017 Missouri special election for state senate, two Republican aligned political action committees spent more than $400,000 in television advertisements, in October, attacking the Democratic candidate (Hancock, 2017). Campaign donations and political advertisements illustrate two methods of political activity used by interest groups. However, interest groups demonstrate numerous other methods of political involvement both at the federal and state levels, often serving their members at both levels simultaneously.

Interest groups operate within the state political sphere through numerous avenues: They lobby legislators on positions specific to their group, they inform their members of relevant bills introduced during the current legislative session, they provide research to legislators, their members often serve as campaign volunteers for legislators who are supportive of their positions, they offer amicus curiae briefs during state supreme court proceedings, and they often rebut or help draft parts or all of legislation (Songer and Kuersten 1995). To compound this interaction, more wealthy individuals tend to participate in interest groups and through other forms of political participation at a higher frequency than poor individuals. In his 1960 seminal work, Schattschneider offered, "The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent. Probably about 90 percent of the people cannot get into the pressure system (Schattschneider 1960)." Who participates in interest groups, and to what end they are operating, illustrates one of the concerns with interest groups and how much power they wield.

Through previous research I conducted using the 2012 American National Election Survey dataset, I discovered that poor Americans tend to politically participate less than wealthy Americans. On average, the poorest respondents were 18 percentage points less likely than the wealthiest respondents to politically participate through any singular act, $p < .01$, and the lack of participation among the poor is consistent across race, gender, and party identification. As you measure how much Americans politically participate through different methods of participation including voting, making phone calls and knocking on doors in support of a candidate, donating money, and displaying campaign material such as yard signs and bumper stickers, the wealthiest respondents were three to five percentage points more likely to participate in multiple methods of participation compared to the poorest respondents, $p < .01$. Again, these findings maintain consistency across race, gender, and party identification (Warren, 2015).

To illustrate this point, Rex Sinquefield is a retired investment manager who co-founded a State Policy Network (SPN) affiliated think tank in Missouri named the Show Me Institute (Hertel-Fernandez, 2018; Sinquefield, 2021). The Show Me Institute supports free-market principles and reduced government involvement to enhance economic development and education. The Show Me Institute interacts with the government by "publishing studies, briefing papers, and other educational materials, which help policymakers, the media, and the general public gain a better understanding of the issues" (Show Me Institute, 2021). Mr. Sinquefield also donates large amounts of money to candidates and various Super Political Action Committees (Super PACs), a form of interest group that loosely supports political candidate's campaign activities without coordinating with the candidates. The total amount of Mr. Sinquefield's donations are hidden within the opaque world of campaign finance's 501c(4)s, also known as dark money groups, but one estimate aggregated his donations in the range of $28 million in Missouri state and local races between 2008-2013 (Fang 2014). One specific example highlighting the size of his donations was an $850,000 donation Mr. Sinquefield provided to the Uniting Missouri PAC that supports Gov. Mike Parson's campaign for re-election (Erickson, 2018).

Two US Supreme Court rulings created an atmosphere with-in our campaign process in which money can flow unabated to Super PACs, 501(c)(4s), and Joint-Fundraising Committees (JFC): The *2010 Citizens United v. Federal Election*

Commission (FEC) and the *2014 McCutcheon v. Federal Election Commission* campaign finance cases. The two cases removed donation barriers between corporations, wealthy individuals, and unions with Super PACs, 501 (c)(4)s, and JFCs. *Citizen's United* allows corporations and unions to make unlimited donations to Super PACs and other groups, if there is no coordination between these interest groups and political campaigns (Open Secrets, 2016; FEC, 2020).

Super PACs evolved from, and are similar to, PACs in that they both exist as a committee that raises or spends more than $1000 to influence the outcome of a federal election during a calendar year. PACs however can accept no more than $5000 per year from an individual and cannot accept union or corporation funds. Super PACs exist within the FEC as an independent expenditure-only political committee and may accept unlimited contributions from an individual and any US based organization, such as a union or corporation. Super PACs are required to disclose their donors, and in most instances their expenditures, and may spend an unlimited amount to influence federal elections. They may not donate to a candidate or campaign and must operate independently from candidate's political committees. The reality however is that former campaign and public office staffers comprise the leadership of Super PACs (Campaign Legal Center, 2021).

501(c)(4)s, commonly referred to as "dark money groups," exist as a social welfare organization and enjoy tax exempt status with the IRS. They do not have to disclose their donors and they can engage in political activities as long as their financial support to these activities total 49 percent of their total expenditures. 501(c)(4)s must also divulge their expenditures if they are for political means or to other outside political groups such as Super PACs. 501(c)(4)s cannot donate directly to a candidate or campaign committee (Open Secrets, 2016; FEC 2020; Campaign Legal Center, 2021).

McCutcheon removed the overall limit on the amount an individual could donate, which increased the importance of Joint Fundraising Committees (JFCs), who can now accept any donation and funnel them to various Super PACs, PACs, campaigns, party committees, and 501(c)(4)s. JFCs exist as unions between political committees for the purpose of accepting unlimited donations and distributing them to candidates, parties, and PACs not to exceed the maximum allowable donation for each group. Both Supreme Court rulings were issued under the idea that unlimited political donations are free speech and must be protected, only if those donations do not go to party committees or campaigns. By isolating party committees and campaigns from unlimited donations, the Supreme Court acknowledged the corrupting influence of money on the political process (Open Secrets, 2016; FEC 2020).

Proponents of campaign finance regulation claim that strict contribution limits keep the wealthy from corrupting our political parties and candidates by limiting their donations (Ortiz 1998, Rinner 2010, Abraham 2010, LaRaja and Schaffner 2015). The hydraulic theory of campaign finance and events that occurred after the 2002 BCRA passage and the 2010 *Citizen's United* ruling question the accuracy of this claim (Alexander 1991, Hogan 2005, Abraham 2010, LaRaja and Schaffner 2015). The hydraulic theory of campaign finance posits that campaign money will always find an outlet as illustrated by the rise of "soft money" donations in the 1980s and 1990s after the passage of the 1972 Federal Election Campaign Act, which gave way to bundling and 527s in the 2000s, leading to Super PACs and 501(c)(4)s today (LaRaja and Schaffner 2015).

Missouri's varying campaign finance environment shifted again in 2016 with the reintroduction of contribution limits. To review, Missouri voters enacted campaign finance limits in 1994. Due to the rising costs of political campaigns in Missouri, Missouri's legislature and governor passed a bill removing those limits in 2008 (Lieb 2008). By 2016, Missouri voters decided to re-establish campaign finance limits and passed the 2016 Amendment 2 ballot measure. This Missouri constitutional amendment reflects the current limits in the US campaign finance framework. Amendment 2 established a $2600 cap on individual contributions, $25,000 cap on aggregate contributions, and requires disclosure of campaign contributions above $25 from an individual or $500 from a committee (Kander 2016). The amendment will also constrict party and candidate campaign fund raising, but this restriction is no longer a concern with the rise of Super PACs and 501(c)4s. Missourians again in 2018 lowered the campaign finance limits to $2500 for senatorial races and $2000 for house races, with the passage of Amendment 1 or the "Clean Missouri" Amendment (Reynolds 2018). If the 2012 and 2014 federal elections serve as a guide for future campaign finance developments in Missouri, outside groups will spend more than the candidates and parties during future campaigns.

The questions that arise out of these developments consists of: has the recent campaign finance Supreme Court rulings and Federal Election Commission (FEC) and Missouri Election Commission (MEC) regulations exacerbated the influence of money in politics, instead of hindering it? If there exists a political landscape in which contributions can flow unconstrained from wealthy individuals and corporations to PACs, 501(c)(4)s and JFCs, that exist outside the direct control of campaigns but still support those campaigns, can these individual and corporate donors gain influence over the legislative process?

Evidence exists that interest groups tend to focus on wealthy individuals' concerns, to the detriment of the less affluent, and they comprise a significant amount of the interest groups (Schlozman, Verba, and Brady, 2012). Policies that wealthy individuals tend to favor include less redistributive tax policies, less business regulation, and a market-driven education system that replaces the publicly funded state managed system (Page, Bartels, and Seawright, 2013). These more recent findings corroborate Schattschneider and Dahl that over 50 percent of interest groups represent business interests (Schattschneider,1960; Dahl, 1961). Very few groups represent the under-educated or financially disadvantaged.

Verba and Nie discovered evidence supporting the same conclusion in the early 1970s, just as wealth divergence was starting to substantially increase (Verba and Nie, 1972). If the wealthy are more likely to participate in multiple methods, then they are more likely to be heard by the legislators and executive public servants they elect. All of this illustrates a trend that wealthy individuals tend to have more of a political voice through donations and increased interest group involvement, while the policies they support reinforce their socio-economic positions.

Considering the evidence supporting the participation of wealthy citizens in the formation and maintenance of interest groups, consideration must be given to alternate forms of wealthy participation in state government functions. If the wealthy tend to participate more in interest group activity, do they also try to ensure those interest groups have access to legislative functions such as policy promotion, bill development, and vote lobbying? If so, how do they ensure they have this constant access? These questions illustrate a point of concern for one mechanism of public representation: the development and promotion of bills favorable to certain interest groups who over-represent higher socio-economic demographics.

For the wealthy to maintain a communication avenue with legislators, in which they may submit policy proposals and bills favorable to their interests, they must create a legislative environment in which elected policy makers require unelected interest group's support due to their lack of policy experience. Wealthy citizens create this inexperience at the state level by limiting legislators to a set number of terms they may serve in both houses.[2] I also characterize weak legislative bodies as ones that only meet for part of a calendar year or every other year, legislative bodies that maintain low salaries for elected legislators that require them to maintain another job, bodies that maintain low salaries for bar-admitted lawyers who write the bills for legislators in both houses, and bodies with limited policy and bill writing knowledge due to limited years of experience. Weak legislative bodies compel legislators to require a constant supply of new and innovative bills in multiple policy areas. Interest groups, funded in large part by wealthy donors, supply this pool of policy knowledge at the state-wide level.

I posit Missouri's weak legislative institutions create a system which has increased the wealthy's influence over the state-wide policy process by reducing the political transaction costs, inherent in a strong legislature, that previously inhibited major policy reform. By weakening Missouri's state legislative institutional knowledge, interest groups

[2] Nebraska is the only state in the US that maintains a unicameral legislative body. All other state legislatures consist of a bicameral legislative body, usually called the House and Senate (nebraskalegislature.gov, 2020).

aligned with conservative wealthy Missourians created an over-reliance on these same interest groups to provide data, policy proposals, and historical context of specific policy environments to the lawmakers who introduced and promoted these favorable policies. Ultimately, these policy proposals favor the wealthiest 1% and illustrate a repeating cycle of electing politicians reliant on campaign donations and institutional knowledge to govern, who in turn introduce bills that are passed into law that favor their wealthy supporters.

Methodology

This chapter uses a mix of qualitative and quantitative sources, including peer-reviewed journals, government websites, and media reports. I primarily collected data from various state government websites, and when those sources were not available, I used multiple open-source websites to validate the data for those states. I also draw on interviews I conducted, multiple books, and peer-reviewed journals such as the *American Political Science Review* and *The Journal of Politics* to provide the theoretical framework in which I demonstrate a connection between the over-involvement of the wealthy in interest groups, and inexperienced legislator's over-reliance on these interest groups for institutional knowledge.

This analysis will begin by reviewing literature on state political institution's strength including an analysis of term limits, legislator pay, length of legislative session, the interaction between the legislature and state executive branch agencies, and the interaction between the legislature and interest groups (Berkman 2001; Mooney 1995; Squire 1993; 2007; 2008; Woods and Baranowski 2006). I will offer a more detailed definition of weak versus strong legislative institutions that influence the bill drafting process, and the benefits of both in relation to the political transaction costs of developing a bill. I will also discuss the theoretical relationship between these institutions and the Missouri residents these institutions strive to represent. This comparison will provide some context to establish the interaction between Missouri's residents and its legislative branch of government, and where Missouri's citizens should place their trust in developing laws: in its elected legislature or unelected interest groups?

I will then discuss the state legislative institutions that contribute to the creation and revision of their bills. In doing so, I will focus on the legislative research division that is staffed with bar-admitted lawyers, who are responsible for transforming policy ideas into legally sound bills. In chapter five, I will juxtapose Missouri's legislators and the legislative research division with interest groups, that solicit points of access to the legislative process, to determine the extent to which interest groups influence the bill development process.

Next, I will introduce my data collection methods for all 50 states, the assumptions used, and areas of concern with mitigating factors to increase the confidence of the data. The purpose of this portion of the chapter is to quantitively compare the strength of all 50 state's legislative institutions. I will discuss my data analysis and illustrate states with strong legislative institutions, states with weak legislative institutions, and summarize the relative strength of Missouri's legislative institutions. I will then contrast Missouri with its neighboring states in the lower mid-west, with Republican-leaning states, and Democratic-leaning states (Walker 1969, Gray 1973, Berry and Berry 1990, Mooney 1995). Lastly, I will summarize the chapter findings of weak versus strong legislative institutions and their relationship with interest groups and the citizens they are created to serve. This summary will include a brief discussion of the influence of wealthy citizens within interest groups and legislative institutions. It will serve as a bridge to the subsequent chapter which will discuss the 2014 Missouri Tax Reform Act and the political institutions involved in the law's development.

Legislative Institutions

Two schools of thought exist, within the 50 states that comprise the United States, concerning the best role for state representatives. Opponents of career legislators argue that they ignore the wishes of their broader constituency base in favor of the requests of special interests and it has led to a diffusion of responsibility (Bell and Price 1987; Jeffe 1987; Opheim 1994). Proponents offer that career legislators, or professional legislatures, have the time to gain legislative experience, control more resources to aid in legislative duties, and create a more stable legislature (Rosenthal 1987, Opheim 1994, Woods and Baranowski 2006). The distinction between the two perspectives resides with how a state's residents wish to view their legislators: as citizen-legislators with other professions, causing them to cede governing power to the executive branch and interest groups; or as professional legislators that control sizeable legislative resources, which rivals in strength with the professional executive branch and interest groups (Carmines 1974, Leloup 1978, Lester 1980).

Elling (1992) and Baranowski (2001) demonstrated that the inverse of this concept can also exist: increased legislative professionalism created a reduction in the perceived influence of legislators relative to other actors. The empirical support of both countervailing arguments brings into question the level of measurement and the applied techniques. Woods and Baranowski (2006) attempt to rectify the measurement error by hypothesizing that increased legislative professionalism, in the form of: "greater institutional resources for bureaucratic oversight enhance legislative influence." However, they also discover that increased political aspirations, or careerism, leads to a reduction in legislative influence. Woods and Baranowski acknowledge their results: "point to the need for greater research at the intersection of term limits, careerism, and legislative influence."

Before we discuss the operational measurement of a professional legislature, we must first acknowledge a comprehensive definition of a professional legislature. The agreed upon definition of legislative professionalism states: professional legislatures "command the full attention of its members, provide them with adequate resources to do their jobs in a manner comparable to other full-time political actors, and set up organizations and procedures that facilitate lawmaking" (Mooney, 1994). This definition highlights two main points that remain widely acknowledged: a professional legislature contains an individual component and institutional components.

The operational measurement of legislative professionalism has consisted of legislator compensation, amount of time the legislature is in session, and the staff to support legislative operations (Bowman and Kearney 1988, Citizens Conference on State Legislatures 1971, Grumm 1971, Squire 1992, King 2000, Woods and Baranowski 2006). Rosenthal (1996) and Squire (2007) argue these three factors should be separated into two categories: institutional professionalism and careerism. Institutional professionalism encompasses time in session and legislative staff, while legislator compensation comprises careerism. I suggest these measures are too broad to provide an adequate measurement and must be further dissected to provide a more accurate measurement tool.

While legislator compensation maintains its strength as a measurement tool of careerism, the amount of legislative turnover due to term-limits must also be included. Studies found that term-limited legislators lose influence relative to the executive branch, interest groups and legislative staff. The primary concern with the influence imbalance of the legislative branch, relative to other actors, resides in the disparity of information and procedural knowledge that arises from the lack of legislative experience created by term limits (Polsby 1991, Cohen and Spitzer 1996, Moncrief and Thompson 2001, Peery and Little 2002, Kousser 2005). Conversely, studies have found that the amount of policy innovation and bargaining strength among legislators, relative to interest groups and legislative staff, remain unaffected by term-limits (Carey, Niemi, Powell, and Moncrief 2006); Carey, et al acknowledged that their finding may be due to measurement error. Kousser (2006) discovered that legislative experience, coupled with a professional legislative staff, accounts for increases in more complex bills containing innovative policies. While term limits reduce legislators' policy and bill writing experience, he posits that this experience may be gained through other public service prior to entering the state legislature.

Through research conducted in the late 1990s and again in the early 2000s, Carey et al found that the negligible effect of interest group influence over legislators may be due to: "…competing pulls that increased the informational advantages of interest group representatives over neophyte legislators but disrupted the relationships between lobbyists and long-term incumbents on which much influence is based." The authors further acknowledge that these results are inconclusive, which expresses a need for further research (Carey et al, 2006, p. 124).

I also argue that staff compensation is too broad of a measurement criterion in that different staff have varying levels of influence over policy development. Also, the number of staff that serve each legislator varies from state to state and from Senate to House, for bicameral legislatures, which means their job functions vary making it difficult to determine their level of influence over the policy development process. This creates a measurement problem when analyzing variations in the levels of staff resources among states.

Through qualitative research I conducted for this analysis, I discovered that one must look at the legislative research division when attempting to determine the amount of influence various groups maintain over state policy proposals. Subjects with whom I spoke stated that in Missouri the Senate and House Legislative Research Divisions draft policies into legally accurate bills, thus they constantly interact with legislators and lobbyists representing various interest groups (Ganey, *phone conversation*, 2019; Flotron, *interview*, 2018). However, staff compensation has been accepted as a valid measurement criterion due to its ease in data collection. I offer, as part of careerism, that the same measurement can be conducted using the salaries and length of service of attorneys who work in each state's legislative research division.

I will measure each state's legislative institutional professionalism using the number of days the legislature is in session and the number of legislators a research division writer must support. These factors accurately illustrate the professional nature of a state's legislative institution by analyzing its bill throughput, or its capacity to write, amend, perfect, and pass laws through both chambers of the legislature during a given period. Thus, the length of time the legislature is in session and the number of bill writers who support a legislature directly affect a legislative body's bill production efficiency (A. Rosenthal 1996, Squire 1992, Thompson 1986, Woods and Baranowski 2006).

The fewer days a legislative body is in session, the less time available to draft, debate, and pass bills through both chambers of the legislature. When considering bill development capacity, you would assume that Nebraska as a unicameral legislative body maintains an advantage over the other 49 states and their bicameral legislatures. In 2019, Nebraska's unicameral legislature passed 309 bills on to the governor, and they only meet for 75 days per year. During the same timeframe, Missouri passed 92 bills during the regular session of its bicameral legislature and it meets for roughly 111 days per year (governor.mo.gov 2021, nebraskalegislature.gov 2021). Nebraska also maintains fewer legislators per bill writer at 6 legislators per writer, while Missouri has almost twice that at 11 legislators per writer. This comparison of bill capacity between Missouri and Nebraska omits other factors, external to the legislative institution, that can impact how many and what type of bills get passed: the relationships and attitudes among legislators towards passing bills, increasing public opinion towards certain policies that motivates a legislative body to act quickly, how easy or difficult it is to draft the type of bills that are passed (Flotron, *interview*, 2018). However, considering Missouri witnessed a bill deficit of 217 compared to Nebraska in 2019, it would be hard to imagine any external factor could motivate the Missouri legislature to make up that large of a deficit.

This more detailed subdivision of the professional legislature into an institutional component and an individual component illustrates an ongoing theoretical discussion concerning the interaction between individuals and government institutions. I posit that determining how to separate the various legislative institutional functions should be based on the level of measurement. By further dissecting staff resources and focusing on the legislative research division to determine policy influence and bill throughput, I uncovered another individual component under Squire's (2006) careerism category. The discussion of individual careerism, juxtaposed with institutional professionalization, illustrates a long-standing area of research: the interaction between individuals, groups, and various levels of government.

One avenue of institutional research, focused on qualitative sociopolitical analysis, viewed the conjoining of individual rationality and institutionalism as incompatible. Theoretically they existed as two separate entities that do not influence one another. March and Olsen (1984) and Steinmo and Thelen (1992) offered a socio-historical neo-institutional perspective that institutions develop their rules and normative behavior based on the logic of appropriateness or the impact of historical contingencies, respectively.

Rational choice theorists believe that an individual maximizes their resources and that this singular influence, which constantly occurs from numerous actors within the institution, defines the institution in which these individuals operate. Ostrom (1991) proposes a rational choice neo-institutional approach that individuals choose and function within institutions based on the institution's rules and the costs and benefits of these rules.

Both contemporary perspectives on institutionalism demonstrate an interaction between individuals within an institution and the normative institutional behaviors. The difference between the two resides in the point of emphasis of the interaction. Rational choice neo-institutionalists believe that individual behavior occurs independent of the institution and does not vary much across institutional settings (Kato, 1996). Social historical neo-institutionalists offer the institutional concept that bureaucracies and state institutional norms focus individual behavior, but this state level action can be interpreted to reinforce the behavior of collective state actors (Skocpol, 1985; Kato, 1996).

A third focus of research uses bounded rationality to develop a compromise between the strength of individual rationality operating within an institution and institutional norms that drive policy decisions (Kato, 1996). Bounded rationality still focuses on the individual as the primary actor, but realizes individuals maintain informational limitations, such as inadequate time to collect and analyze information or inaccurate information from which a decision is made. To adjust for this more pragmatic view of individual behavior, bounded rationality contends that individuals will create a more simplified situational perspective, and this set of heuristics will be shaped by the institutional environment in which it exists (Simon, 1956; Kato, 1996). Bounded rationality addresses the issue of which actor, the individual or the institution, maintains causal influence over the other by removing the causal emphasis and creating a more symbiotic relationship between the individual and the institution. Individual rational behavior is encouraged, but only within the environmental constraints maintained by the institutional normative behavior.

Gourevitch (1986) expanded this analysis and grouped the various theories into "five families of arguments": societal actors (*production profile)*, interest groups and political parties (*intermediate associations)*, bureaucratic institutions and rules (*state structures)*, societal values (*economic ideology*), and international conflict (*international system*) juxtaposed with policy making. Gourevitch inserts his analyses into various timeframes in Sweden, the UK, Germany, France, and the US to demonstrate the variations in interaction among the groups, but all centered around the state and who influences its policies.

North (1990) addresses the interaction between Gourevitch's "five families of arguments" and policy making by analyzing the transaction costs of the interaction among the five groups to institute policy change. North defines political transaction costs as: "information and enforcement," which defines the strength and the roles of organizations. If knowledge and enforcement are easy to achieve, then the usefulness of organizations will be minimal. However, if knowledge is scarce and enforcement difficult, then the role of organizations will be perceived as critical to create a durable societal structure.

Both Gourevitch and North refer to the idea of bounded rationality, in that societies create groups that provide heuristics, such as Gourevitch's "five families of arguments," to aid in decision-making and to help reduce the difficulty in attainment of knowledge and enforcement of rules. I refer to these groups as our democratic polity and the interaction among them can be characterized as amorphous and power-seeking.

The interaction between individuals and state governmental institutions is by no means monolithic. There exist 50 distinct systems, among the 50 states, that enable them to govern their people within their distinct societies. Some research suggests that states in regions tend to borrow policies and structures from each other (Walker 1969, Gray 1973, Berry and Berry 1990, Mooney 1995). In reference to North's (1990) institutional discussion of transaction costs, states find it politically advantageous to adopt policies that have already been implemented by another model state. States find this decision more politically efficient due to the reduced transaction costs created by borrowing another state's policy and modifying it to fit their political climate (Mooney 1995).

Data Collection and Measurement Criteria

I collected data primarily from the National Conference of State Legislatures (NCSL), and state government websites. When data was omitted from these two sources, I used Ballotpedia, but corroborated it with respected news outlets. The data I collected spanned the years 2016 through 2018, due to states providing certain data for one year within that window, but not for others. The years of service for legislative bill writers proved the most difficult to find via electronic sources. I used the data for the states I could find for the analysis for careerism in a limited manner, but this category's data remains incomplete. I do not use this category for the aggregate calculations, but I do use it for comparisons between Missouri and the states for which I collected data. I analyzed the careerism category separately for legislators and bill writers to provide a more detailed comparison of the amount of time both groups spend in their roles; thus, providing an illustration of the experience of the bill writing process gained by both groups.

To measure and quantify states with stronger legislative institutions against those with weaker legislative institutions, I expand measurement criteria offered by Rosenthal (1996) and Squire (2007). The division of legislative professionalism into careerism and institutional professionalism offers a more detailed analysis into underlying tendencies that drive our state legislative processes. However, this division only provides a partial illustration of legislative professionalism. By posing a more specific concern of interest group influence on bill development, and the fact that they have direct input into the bill development process, I observed a need to add legislative writers into careerism and institutional professionalism.

Under the category of careerism, I offer the sub-categories of term limits by state, legislator pay by state, mean salary of the lawyers who comprise each state's legislative research division, and their average years of service in that capacity. Every state maintains nuances in how they limit their legislator's terms if they choose to limit them at all. 35 states do not restrict their legislators to a finite number of years in public service drafting and voting on bills, while 15 states limit the number of years their legislators may serve. 11 states with term limits split the number of years a legislator may serve between the House and Senate (Appendix A).

I also examine the institutional constraints that affect the amount of time legislators and bill writers have to produce bills. This part of the analysis provides a view of the time limitations that each state government imposes on itself by limiting the number of days available to hold public hearings on bills, to make and vote on amendments to bills, and the time to perfect and offer a final floor vote on a bill. The assumption being the more time available for this process, the more attention both legislators and bill writers can provide. The less time allotted for this process, the less time both groups have to commit to this process. To illustrate the institutional time constraints on state legislatures, I collected data on the length of all 50 state's legislative sessions and the number of legislators each bill writer supports. I juxtaposed term limits by session length and the number of bill writers per legislator using R to compare where Missouri ranks among all 50 states. I will also compare Missouri to its regional states and to Republican and Democratic states to provide a better illustration of which factors, regional impact, or party influence, might explain similarities in institutional constraints.

The last evaluation I will provide will be a compilation of all categories by state, except for bill writers years of service, into a Z-score. I aggregated three sub-categories in the careerism category and two in the institutional professionalism category for a total of five. A positive Z-score, or a value above the sample mean, indicates a professional legislature who has the experience to mold policy ideas into bills without outside assistance; while a negative Z-score, or a value below the sample mean, indicates an unprofessional legislature that lacks institutional experience and requires policy help from an external source.

I developed a scoring method for each category based on factors that would either promote a legislator serving in a full-time capacity or in a part-time capacity while pursuing a second career. Under the careerism category, I scored states who maintain any kind of a legislator term limit with zero points and those without a term limit one point.

In the legislator pay sub-category, I gave states who pay their legislators less than the national income for poverty for a family of four, ($25,750) zero points; states who pay their legislators between the national average for poverty for a family of four and the median income for that state one point; and states who pay their legislators above the state median income level two points. I used the national poverty level and state median income levels to award points based on the premise of can a state legislator raise a family on their legislative salary or must they maintain an additional source of income (Hertel-Fernandez 2018).

In the writer pay sub-category, I assigned zero points to any state that pays their bill writers below the national median income for a lawyer ($122,960) and any state who pays their bill writers above the national median income for a lawyer one point. I used the national median income for a lawyer as the standard based on the reasoning that lawyer salaries vary greatly from New York, to California, to Missouri, lawyers can easily move from public service to private practice, and the profession of law has become much more mobile in the last couple of decades. A lawyer who is admitted to a state bar, other than Missouri, can practice law in Missouri based on certain allowances, without passing the Missouri state bar exam (Missouri Board of Law Examiners 2021).

Moving to the institutional professionalism category, I analyze two sub-categories: session length and legislators per writer. In the session length sub-category, I allotted zero points to any state legislature with fewer days in session then the US Congress, which is considered a professional legislature, and one point if a state legislature spends equal or more time in session than Congress (Squire 1992, King 2000). I averaged the number of days Congress was in session for the last 15 years and derived 157 as the standard (US House of Representatives 2021).

In the legislators per writer sub-category, I awarded zero points to states with more than four legislators per writer and one point for states with fewer than four legislators per writer (Hertel-Fernandez 2018). In this sub-category, I used the underlying assumption that the more legislators a bill writer must support, the less amount of time the writer can devote to each bill. I based this construct on Hertel-Fernandez’ finding that the average state provides each of its legislators with four staffers. These staffers, however, are not only engaged with bill writing but also handle constituent communications, communications with other legislators and their staff, scheduling, and policy research. I chose to focus on the bill writing process and used the inverse of Hertel-Fernandez' staffing concept to derive the standard of four legislators per writer as a measurement guide for institutional strength. The assumption being the more legislators a bill writer has to support, the less time they have to perfect the specifics in various bills sponsored by the legislators they support. This weakens the legislative institution and requires it to rely on interest groups to develop policy ideas and bills.

Analysis of the Careerism and Institutional Professionalism Categories

Legislative term-limits remain an important policy area of study when scholars are trying to determine the effect of careerism on legislatures. South Dakota and Missouri split their term limits into eight years total for the House and eight years total for the Senate. This means South Dakota senators may serve for four terms and representatives may also serve for four terms. The South Dakota Constitution describes a term as two years for both the House and Senate (Article III, § 6, South Dakota Constitution). Missouri classifies a term in the senate as four years and a term in the house as two years, so a senator may serve for two terms and a representative may serve for four terms (MO.gov, accessed 2021). Four states, such as Arkansas and Oklahoma, allow a cumulative number of years of service, 16 and 12 respectively, to be used in any number of elected terms in either the House or Senate (NCSL.org, accessed 2021). Nebraska allows eight years of total service by its legislators, but since Nebraska has the only unicameral state legislature those eight years can be considered cumulative (NCSL.org, accessed 2021).

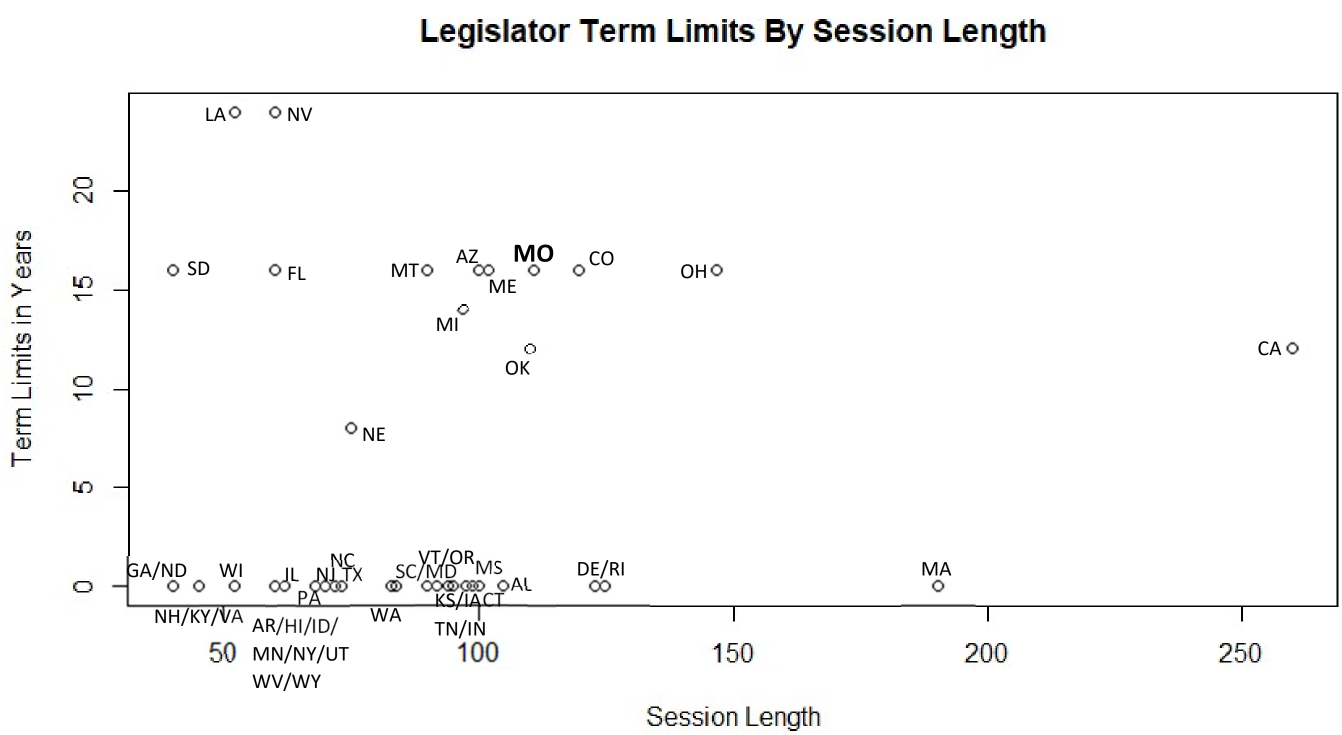
The consideration of term limits becomes starker when you compare them with the amount of time a legislature sits in session annually. If you consider the experience in policy development and the bill writing process, that a legislator learns during their tenure in public office, you can derive those legislators who spend more time per year in session and do not have term-limits gain the most experience. Figure 1 illustrates this concept with Massachusetts, Delaware, and Rhode Island legislators maintaining no term-limits and participating in sessions that last 123 days per year or more. If you measure a professional legislature through these two categories, then you could infer that these three states have the most professional legislatures and do not require the outside assistance of interest groups to develop policy and write bills.

On the other end of the spectrum, states who provide their legislatures few days per year in session and limit their terms might force their legislators to require the assistance of individuals more familiar with the bill writing process or help understanding the intricacies of various distinct policies. States who reside in this category are Nebraska, South Dakota, and Florida (Figure 1). Nebraska has the lowest term limit of eight years, but their legislature is unicameral, which is similar to South Dakota and Florida who allow eight years per chamber in their bicameral legislature. South Dakota's legislature is in session 40 days per year, Florida's legislature is in session 60 days per year, and Nebraska's is in session 75 days per year. With so few days in session per year and term limits on all legislators, these public officials do not have a lot of time to learn the intricacies of various policy areas, nor would they be inclined to learn the details of bill writing; thus, they would need the assistance of individuals such as experienced bill writers and interest group lobbyists.

Missouri resides in the next group with eight-year term limits in each of its bicameral legislature, and over 90 days per year in session (111 for Missouri) in which to pass laws (Figure 1). This provides a little more time than South Dakota, Nebraska, and Florida to complete the bill approval process, but by only one month in the case of Florida.

Comparing Missouri to states in which it shares a border, it displays similarity to Oklahoma and provides a little more time than Nebraska for its legislatures, but separates itself from Iowa, Illinois, Kansas, Arkansas, and Tennessee in that these states do not require their legislators to limit their terms of service. However, Missouri maintains the longest session of any of its neighboring states at 111 days (Figure 1).

Figure 1



Comparing Missouri to states who supported majority Republican and Democratic state legislatures in the 2018 election, one state (California) who voted majority Democrat maintain term-limits, while the other 10 states who have term limits, including Missouri voted majority Republican (Figures 1 and 2). Two states (Maine and Colorado) had split state legislatures, while Nebraska's state legislature is non-partisan, but voters favor the Republican party in federal elections so it will be considered Republican leaning for analysis purposes (NPR 2018). Five of the 14 states (Florida, Louisiana, Montana, Nebraska, and South Dakota) with term limits and sessions of 90 days or shorter voted Republican in 2018 state legislative races, while one (Nevada) voted Democrat. Of the states with term limits and sessions longer than 90 days California is the only state who voted Democrat, while five states (including Missouri) voted Republican, and two (Colorado and Maine) were split.

Comparing the states with term-limits, by length of session, the evidence shows low support for the regional argument in that Missouri only displays similarity to Oklahoma and mildly resembles Nebraska. The other states who share a border with Missouri, including Kansas which will be discussed in the next chapter, do not have term limits, and illustrate more similarities with each other in regard to length of session less than 100 days than they do with Missouri. However, by stratifying the states with term limits by the party who controls the state legislator after the 2018 election, the data provides a little more support for similarities based on party affiliation (Figures 1 and 2). These results maintain consistency with the 2016 and 2020 elections, with the only shifts being Maine and Colorado moving to majority Democrat state legislatures (NCSL 2016 and 2020).

Figure 2

All 50 states maintain legislative research staff that aid in the development of bills into laws. Some states allow their legislative researchers to exist as a stand-alone division, while others, like Missouri, maintain their research division as a part of each chamber's staff. Missouri's House and Senate research divisions each have similar duties which consist of analyzing policies, helping to draft legislation, securing fiscal notes, making changes to previously drafted bills, and draft signed legislation into Missouri statute (Reischman 2015). The staff consists of lawyers admitted to the state bar and non-bar research positions. This analysis will focus on the bar admitted lawyers in both the Missouri House and Senate chambers who help draft and revise the bills before they become statute.

States maintain differences in how they compensate their legislators and the lawyers in their legislative research division for their time conducting the public's business. Some states like Alabama, Alaska, Florida, Georgia, Massachusetts, North Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming pay their legislative writers more than the salary their legislators earn (NCSL 2020). This could be to remain competitive with private-practice lawyer salaries in states like Texas, which pays their legislative writers an annual average salary of $107,000, private-practice salaries can average around $95,000 per year and in Florida, who pays their writers an average annual salary of $95,000, private-practice salaries can average around $85,000 per year (Zip Recruiter.com, Glassdoor.com, PayScale.com, and Salary.com 2021). California, Illinois, and New York pay their legislators $96,000, on average $20,000 more than their legislative writers. The 2019 national median annual salary for a lawyer was $122,960.

Lawyers who work in both the Missouri House and Senate research offices maintain an average tenure of 18 years, which is comparable to the 16 years that a legislator legally can serve if they are elected to a full eight years in both the Missouri House and Senate. Data on tenure of lawyers in the other 49 state's research divisions proved difficult to find, but data from five other states showed the length of lawyer tenure ranged from three years in Georgia to fourteen years in Florida. The mean years of service for these five states are 9.7 years, while the median years of service are 10.5. If you include Missouri in the calculations the mean and median increases slightly to 11 years. Missouri maintains a large disparity of legislative research lawyer tenure compared to the other five states (Arkansas, California, Florida, Georgia, and Texas), for which data was readily available.

The legislative research lawyers also do not have term limits, so as new lawyers join the division or experienced lawyers leave the division, there is overlap with the legislators with whom they serve. There also exists employment overlap within the legislative research division in that not all of the staff resign their positions at the same time, so the office maintains a pool of experienced staff who can guide younger staff and legislators through the bill process (NCSL.org 2021). The concept of job experience overlap, both within the division and between the research division and the legislators, maintains great significance when considered within the context of institutional knowledge of the bill development process.

Since the Missouri legislative research staff serves both the state senate and house during the bill drafting process, the amount of time they devote to each legislator exists as a function of the number of legislative research staff members in relation to the number of legislators. I analyzed all 50 states vis-à-vis their bill writer to legislator ratio to determine the states that have more than four writers per legislator and those with less than four writers per legislator.

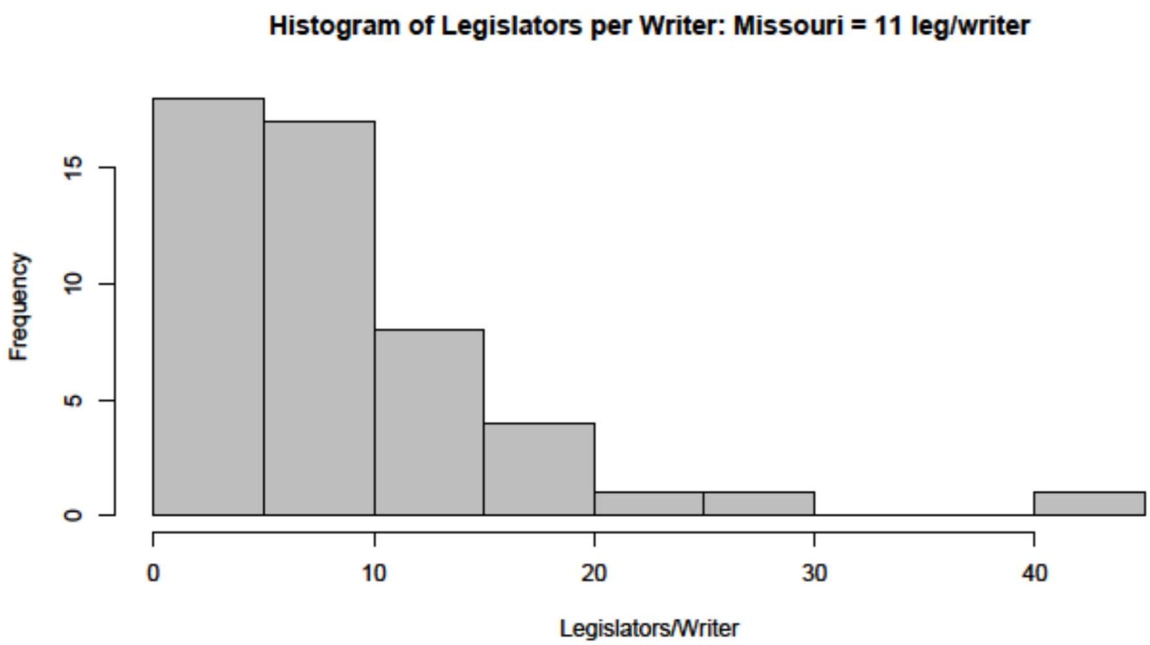
Reviewing the last six legislative sessions from 2016-2021 and spans the years of data collection, the House maintained 163 legislators and they introduced on average 1527 bills, while the Senate maintained 34 members and introduced on average 567 bills (house.mo.gov 2021, senate.mo.gov 2021). Dissecting this further, each representative introduced 9.4 bills and each senator introduced 16.7 bills. Together each legislative writer who supports both the house and senate helped draft on average 26 bills during the 2016-2021 sessions. This does not include bill amendments and revisions that occur during the bill development process or bills amended during special sessions. Ideally one writer would cover one legislator, and California is close to that number with 1.74 legislators per writer, but most states exceed that number by a large margin.

Using the inverse of Hertel-Fernandez' standard for staff per legislator (2018), if we multiply 26 bills by four writers, we get 104 bills per writer per legislative session. However, Missouri maintains a higher ratio of 11 legislators to one writer, so each legislative research writer supported 286 bills per session for introduction to the legislative journal between 2016 and 2021. Again, this does not include amendments, revisions, or any bills amended during a special session.

The state legislatures who maintain a low number of legislators to writer will provide a more professional institutional environment for drafting and amending bills. A state that supports a high number of legislators to writers will offer a less professional legislature that might require external assistance for policy and bill drafting knowledge. Reviewing Figure 3 below, states that reside in the first bin of one to five legislators per writer fall within the established criteria for a professional bill drafting institution. These states include Alaska, Arkansas, California, Colorado, Hawaii, Indiana, Kentucky, Maryland, Nevada, New Jersey, Ohio, Oregon, Rhode Island, Texas, and Utah. Due to rounding in the data, as long as a state maintained fewer than five legislators per writer, they met the criteria for this category. There also exists three states for which data on the number of legislative research lawyers was not readily available electronically and were included in this bin: Massachusetts, Mississippi, and New York.

The next bin covers five to ten legislators per writer, which falls outside of the measurement criteria for a professional bill drafting institution but not by a large margin. The states who reside in this bin include Arizona, Connecticut, Florida, Idaho, Illinois, Iowa, Maine, Minnesota, Nebraska, New Mexico, North Carolina, South Dakota, Tennessee, Vermont, Virginia, Wisconsin, and Wyoming (Figure 3). States that fall in the lower side of the bin (Minnesota, Nebraska, Florida, and South Dakota) are not far off from the professional legislature criteria and can be assumed that their writers are not too overworked during session. The other states maintain a position well-established in this second bin and may illustrate slight tendencies of an overworked and un-professional legislature.

<u>Figure 3</u>



The third bin comprises 10-15 legislators per writer and includes: Alabama, Kansas, Louisiana, Maine, Michigan, Missouri, Montana, Oklahoma, and Washington (Figure 3). Missouri and two of its adjacent states, Oklahoma and Kansas, fall into this category. This bin represents the beginning of concern for legislative institutional strength during the bill drafting process. As the legislators per writer ratio increases, the workload experienced by bill writers increases and they may require some assistance from outside sources for specific bill writing needs. Bill writers may also be more willing to accept pre-drafted bills from well-funded policy think-tanks such as ALEC (Hertel-Fernandez 2018). As the number of legislators per writer increases in subsequent bins, so too does the ability of ideologically focused interest groups to introduce pre-drafted bills in the name of legislators to which they are aligned.

The fourth bin includes states who maintain 15-20 legislators per writer and demonstrate moderate to high unprofessional tendencies, which would require their writers to seek external assistance in the drafting and amending of bills. These states include Delaware, Georgia, North Dakota, and South Carolina (Figure 3).

The last three bins include Pennsylvania in the 20-25 bin, West Virginia in the 26-30 bin, and New Hampshire in the 40-45 bin (Figure 3). All three states reside in highly unprofessional bins based on their legislators to writer ratio. New Hampshire (NH) demonstrates an unusually high ratio due to its 400-member House of Representatives (NCSL 2019, p. 14). The fact that these three states maintain an unusually high legislator to writer ratio may appear extreme, however this does not illustrate the breadth of concern for the workload experienced by these state's bill drafting services without considering the total number of annual bills produced during a session.

In 2017, the New Hampshire legislature introduced 697 bills into its legislative record (General Court of NH 2017). Considering NH maintains 424 legislatures, each legislature introduced 1.6 bills during the 2017 session. However, this does not account for the number of bills drafted but not introduced into record, and the multiple amendments and revisions bills may go through during a session. The number of bill requests has increased in the last decade to three times the number of bills introduced into the legislative record (NCSL 2019, p.15). Bill writers must draft close to 5 bills per legislature per session, and this does not include multiple amendments and revisions that each bill receives during the drafting process. Bills have also increased in their complexity during the previous decade, further increasing bill drafter's workloads (NCSL 2019, p.15). These considerations increase the reliance on external sources, or the willingness to accept already prepared bills from external sources, which weakens the institutional structure of state legislatures.

Analysis of Missouri's Legislative Institutional Strength

As Squire (2007) demonstrated with his time series index spanning the years 1979 to 2003, Missouri began high on his state legislative professionalism index at 13 in 1979. Missouri moved up to 10 in 1986 but began receding in 1996 to 15 and then to 21 in 2003. Due to measurement differences, this dissertation's index cannot be seamlessly compared with Squire's index, but generalizations can be inferred.

To compare Missouri to the rest of the states, I scored each sub-category under careerism and institutional professionalism for each state and converted the sum of each state's score to a Z-score. I chose to aggregate and standardize each state's scores against the sample mean (n=50) to illustrate the combined effects of careerism and institutional professionalism. The formula I used for computing each state's Z-score is:

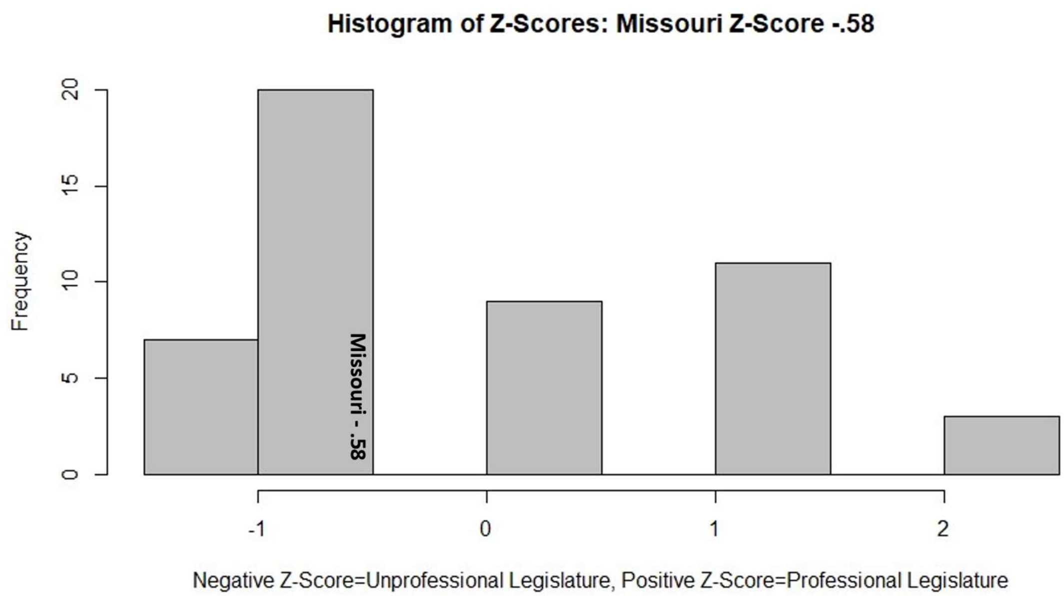
$$Z_{state} = \frac{X_{state} - \bar{X}}{S}$$

The sample mean ($\bar{X}$) is 1.68 and the sample standard deviation (S) is 1.14 (Appendix A and B). A positive Z-score indicates a state has a professional legislature with institutions that function within the realm of normative democratic institutions. These state's public policy development and bills are created with equal input from various interest groups and after critical deliberation by its legislatures. A state with a negative Z-score operates outside of normative democratic processes by only considering the viewpoints of a few narrowly aligned interest groups and with little deliberation. This deviation from established democratic processes results in a partisan bill that was not developed through a deliberative process that elicits compromise.

First, I will contrast Missouri with the other 50 states to introduce the aggregate Z-scores and the distribution of each state's score. When comparing all 50 states, the data points are somewhat dispersed on either side of 0 with 23 states demonstrating a higher aggregate Z-score than Missouri. There is one mode in the bin -.5 to -1, in which Missouri resides. Other states with scores that place them in this bin are Florida, Georgia, Iowa, Kansas, Mississippi, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming (Figure 4). These states may be susceptible to excessive influence from narrowly aligned interest groups during the bill drafting process.

Ten states reside near 0 in the 0-.5 bin: Colorado, Connecticut, Delaware, Idaho, Kentucky, Michigan, Minnesota, Rhode Island, Texas, and Washington (Figure 4). These states have marginally professional legislatures and operate somewhat within the confines of normative democratic legislative processes. They maintain both unprofessional characteristics such as low legislator pay or term limits, but also demonstrate professional characteristics such as long sessions or low legislator to writer ratios. These states may be receptive to narrowly aligned interest group influence, but still maintain institutional filters that may reduce the effects these groups have during the bill development process.

Figure 4



The remaining 40 states, including the 19 mentioned above in the modal bin, either demonstrate numerous characteristics of professional legislatures or demonstrate numerous characteristics of unprofessional legislatures (Figure 4). The fact that 75% of the states are moderately to highly polarized in their belief of legislative professionalism, either positively or negatively, indicates that most states in the US either fully support normative democratic institutions or disregard normative democratic institutions during the bill drafting process. This trend could be another factor in the partisan polarization of the 50 states, but it is unknown if this is a determinant of the polarization or a resultant.

As stated earlier, Missouri's position in this dissertation's index cannot be easily compared to Squire's legislative professionalism index. However, if you consider Missouri placed 21 in Squire's 2003 index and fifteen years later in this dissertation's study it fell into the modal bin with 23 states ahead of them, one can infer that Missouri's legislative professionalism has continued its declining trend which began in 1996.

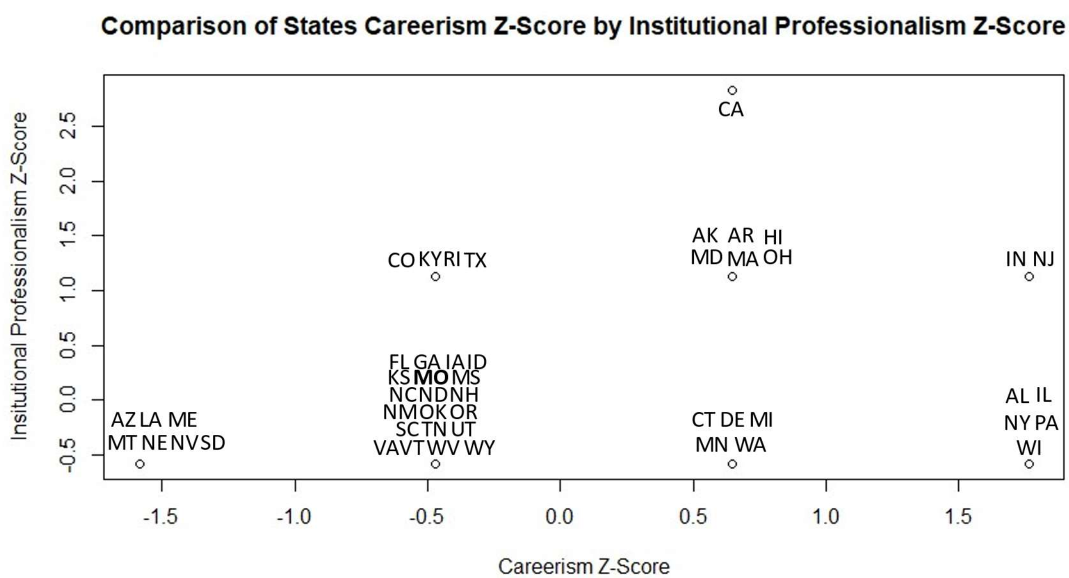
Considering Rosenthal (1996) and Squire (2007) categorized measures of legislative professionalism into institutional professionalism and careerism, one must consider how states consider the two in relation to each other. If states decide careerism is a concern, do they increase the professionalism of their legislative institution to compensate for the increased turnover in legislators, if states decide to reduce the impact of careerism do they also reduce the professionalism of the legislature, or are the two completely unrelated?

To provide a more thorough illustration of the relationship between careerism and institutional professionalism among the US states, I calculated Z-scores for careerism and institutional professionalism for each of the 50 states (Figure 5). The higher and further to the right of the graph a state ends up the more positive the relationship between careerism and institutional professionalism. States in the lower and left portion of the graph also display a positive relationship between the two factors, but in the negative direction. States in the lower right portion and the upper left portion of the graph demonstrate a negative relationship between the two factors, in that one of the two factors can be scored low while the other factor can be scored high (Figure 5).

Four states maintain a moderately positive legislative professionalism score while maintaining a negative careerism score, Colorado, Kentucky, Rhode Island, and Texas, indicating they provide their weak legislators with some degree of institutional support. Five states (Alabama, Illinois, New York, Pennsylvania, and Wisconsin) demonstrate a strong tendency towards promoting careerism in their legislature, while reducing the professionalism of the legislative institution. Two states, Indiana and New Jersey, support legislative careerism while maintaining a moderately professional legislative institution.

Only California supports professional legislative institutions while also moderately supporting legislative careerism. Arizona, Louisiana, Maine, Montana, Nebraska, Nevada, and South Dakota do not support careerism or institutional professionalism within its legislature (Figure 5).

Figure 5



Moreover, 30% of the states maintain one or both categories in the extreme portions of the graph, while 70% of the states maintain one or both categories in the moderately positive or negative areas of the graph. Connecticut, Delaware, Michigan, Minnesota, and Washington support slightly positive careerist tendencies, while they do not support legislative professionalism. Alaska, Arkansas, Hawaii, Maryland, Massachusetts, and Ohio support both moderately positive careerism and legislative professionalism. Colorado, Kentucky, Rhode Island, and Texas maintain moderately professional legislative institutions while they moderately do not support careerism. 20 states maintain moderately unprofessional legislative institutions and they somewhat do not support careerism. These states include Florida, Georgia, Iowa, Idaho, Kansas, Missouri, Mississippi, North Carolina, North Dakota, New Hampshire, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wyoming, and Utah (Figure 5). Considering 54% of the state's support maintaining unprofessional legislatures and do not support careerism, while 46% either support one positive category or two, the evidence moderately demonstrates that as states reduce their institutional professionalism, they also reduce careerism within its legislative institution (Figure 5).

By reducing their institutional professionalism and careerism within their legislature, are states ceding control of their democratic processes to interest groups and lobbyists? As stated earlier, policy knowledge and knowledge of the legislative processes must reside with either the legislative institution or interest groups and lobbyists. States with weak legislative institutions and low careerism by default transfer this knowledge to interest groups and lobbyists. This information asymmetry can create complex bills and policy solutions that specifically favor interest groups and lobbyists aligned with wealthy interests (Drutman 2015). States like Missouri, who have weak legislative institutions, can strengthen their democratic processes and reduce the information asymmetry that favors interest groups and lobbyists by improving the capacity of their legislative research divisions. Next, I will further analyze the data by comparing Missouri to adjacent states in the lower Midwest.

Previous institutional research discovered that states tend to borrow laws and policy ideas from other states in proximity. Historically, the US has been dissected into regions such as the deep-South, the Midwest, the Northeast, the Southwest, and the West

Coast, due to their sociological homogeneity in their beliefs (Walker 1969, Gray 1973, Berry and Berry 1990, Mooney 1995). The deep-South stood against the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act, so much so that the Democratic party's aggressive push for this reform initiated a political party realignment; the southern states left the Democratic Party, of which they belonged dating back to the end of the Civil War, to join the Republican Party whose state-rights based platform more suited the deep-South.

More recent evidence exists illustrating regionally homogenous states adopting policy ideas and laws from adjacent states. Missouri's 2014 Tax Reform Act was a modified version of a 2012 Kansas tax reform law (Gale 2017). Missouri altered Kansas' bill by easing the timeframe through which the tax cuts would be enacted and by limiting the amount of personal income that can be claimed as business income at a lower tax rate (Drenkard 2014). These macro and micro level political examples of a sociological construct demonstrate the possibility that Missouri may resemble its adjacent states in their beliefs of legislative careerism and institutional professionalism.

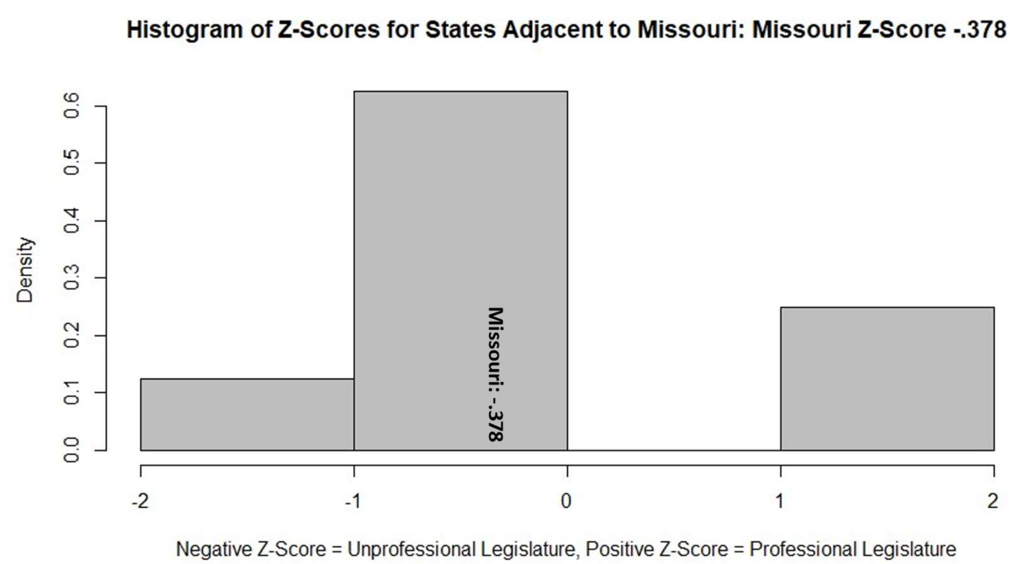
To better compare Missouri with its adjacent states I recalculated each state's Z-score using these eight states as the sample (n=8). I used the formula below to recalculate the Z-score:

$$Z_{state} = \frac{X_{state} - \bar{X}}{S}$$

The only states adjacent to Missouri who have positive Z-scores are Arkansas and Illinois (Figure 5). These same states maintained positive Z-scores against all 50 states in the 1.0-1.5 bin (Figure 6). Illinois and Arkansas demonstrate characteristics of a moderately strong legislative institution, both at the national and regional level in relation to Missouri and the other lower Midwest states. Iowa, Kansas, Missouri, Oklahoma, and Tennessee reside in the 0 to -1 bin exemplifying moderately weak legislative institutions compared to the other states in the lower Midwest (Figures 5 and 6). Nebraska maintains a weak legislative institution with a Z-score of -1.38, compared to the other seven states in the lower Midwest (Figure 5).

Of the eight states in the lower Midwest, whom I compared for homogeneity in the strength of their legislative institutions, six states maintained moderately weak to weak legislative institutions: Missouri, Iowa, Kansas, Oklahoma, Tennessee, and Nebraska. Two states maintain strong legislative institutions, Illinois and Arkansas, and they do not share a border (Figure 6). These findings support the hypothesis that states tend to mirror each other with their policies and governmental structures. Arkansas, however, does appear to counter this hypothesis with its support of a strong legislative institution.

<u>Figure 6</u>



If one considers the states that share a border with Arkansas: Oklahoma, Texas, Louisiana, Mississippi, Tennessee, and Missouri, all but Texas maintains weak legislative institutions. While Texas does not demonstrate a weak legislative institution, I would not classify it as maintaining a strong legislative institution either. Texas exhibits a .28 Z-score, when measured against the other 49 states, which I would classify as a neutral legislative institution. Texas displays almost an equal number of careerism and institutional professionalism categories with positive and negative scores. Based on these findings, evidence still exists supporting the regional hypothesis, but Arkansas' support of a strong legislative institution does suggest that not all states will follow their neighbors when adopting public policies. Interestingly, within these regional findings exist a solid Republican state and a solid Democratic state, Arkansas and Illinois respectively, who maintain support for strong legislative institutions (Figure 2). Again, Arkansas is the outlier here since the middle US states mentioned above, who exhibit weak legislative institutions, identify as solid Republican states (Figure 2). This finding requires further analysis of the data by stratifying the Z-scores by the political party that held a majority in each state's legislature in 2018 (Figure 2).

If you juxtapose Missouri with its adjacent states in the consideration of individual careerism and legislative professionalism Z-scores, you find the same outcome as the aggregate Z-score comparison. Missouri maintains similarity to Kansas, Iowa, Oklahoma, and Tennessee. Nebraska remains on the negative extreme, while Arkansas and Illinois remain on the positive extreme of institutional professionalism and careerism, respectively. Interestingly, Arkansas exists as the only adjacent state that maintains a positive score for institutional professionalism. The other adjacent states to Missouri share its belief in maintaining an unprofessional legislative institution, while only Illinois maintains a careerist legislature (Figure 5).

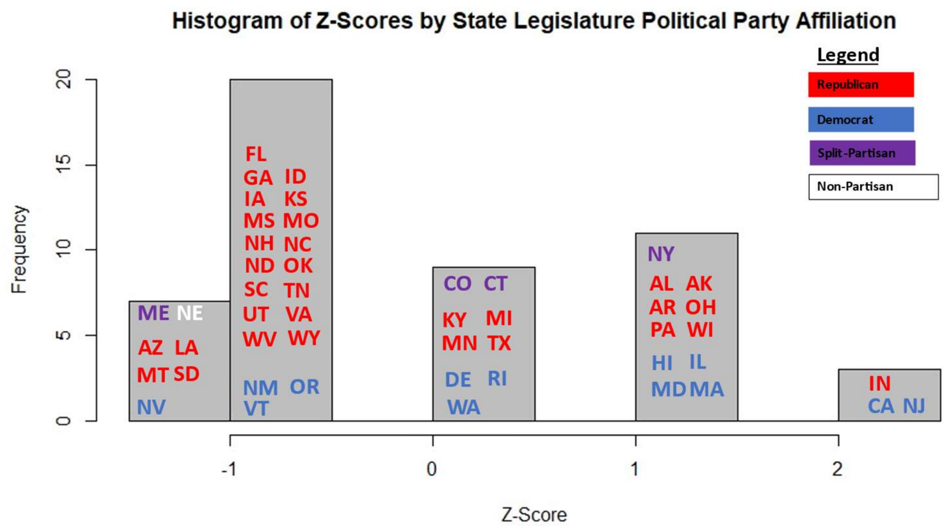
A new phenomenon has been observed in American politics over the last five to ten years; support for the two major political parties has become more ideologically and geographically polarized. Hopkins (2017) posits that the geographic polarization of the political parties has been a major contributing factor to the increasing ideological polarization within the two major political parties. He also states the US federalist framework that forms the basis of the Electoral College choosing each president, and the parity currently demonstrated in the national popular vote for president, has accelerated this geographical and ideological polarization.

Figure 2 and figure 7 illustrate this geographic polarization where the Democratic party has become more entrenched along the Northeast and West Coast, while the Republican party has become more rooted in the South and Midwest. Figure 7 includes the identification of each state legislature by political party. The 13 states whose legislatures identified as Democrat in 2018 are dispersed across all of the bins, but 9 of the 13 states (69%) maintain positive Z-scores while four (31%) retain negative Z-scores. The 32 states whose legislatures identified as Republican in 2018 also exhibit stratification across all bins, but 11 of the 32 (34%) maintain positive Z-scores while 21 (66%) retain negative Z-scores. Four states had legislatures who were split between the political parties in 2018, and three of the four (75%) retained positive Z-scores (Figure 7). One state, Nebraska, constitutionally maintains a non-partisan, unicameral legislature and had a negative Z-score in 2018 (Figure 7). However, since 1980 Nebraska has had only two of eleven Congressional representatives identify as a Democrat, the remaining nine have identified as Republican including their three current representatives (Congress.gov 2021).

Of the nine Democratic states with positive Z-scores, eight are geographically aligned with the Northeast and West Coast, while one (Illinois) resides in the Midwest (Figure 2 and 7). The four Democratic states with negative Z-scores maintain two in the polarized Democratic Northeast and West Coast, Vermont and Oregon, and two in the more Republican west, New Mexico and Nevada (Figure 2 and 7). The 32 states whose legislatures identified as Republican geographically reside within the middle US, except for New Hampshire which resides in the Democratic Northeast (Figure 2). Again, 34% exhibit positive Z-scores, while 66% exhibit negative Z-scores (Figure 7).

Comparing state's support of careerism and institutional professionalism, similarities exist with the broader state comparison, but the comparison illustrates differences with more detail. Five (10%) Democratic states and four (8%) Republican states maintain positive support for both. Three (6%) Democratic states, five (10%) Republican states, and two (4%) states who maintain a party split support legislative careerism, but they do not support legislative institutional professionalism. Two (4%) Republican states, one (2%) Democratic state, and one (2%) split-party state maintain a somewhat professional legislative institution, but do not support careerism. Seventeen (34%) Republican states and three (6%) Democratic states moderately do not support careerism or a professional legislature. Four (8%) Republican states, one (2%) Democratic state, one (2%) split-party state, and one (2%) non-partisan (but identifies as Republican at the Congressional level) strongly do not support careerism or legislative professionalism (Figures 5 and 7).

Figure 7



This geographical and ideological stratification illustrates that more of the geographically polarized Democratic states, 69%, tend to have stronger legislative institutions vis-à-vis the geographically polarized Republican states at 31% (Figure 2 and 7). Inversely, more of the geographically polarized Republican states maintain weaker legislative institutions, 66%, compared to the geographically polarized Democratic states at 31% (Figure 2 and 7). This stratification confirms our hypothesis that there exists an interaction between the regional and ideological hypotheses. More Republican states in the Midwest and South tend to have weak legislative institutions compared to Democratic states in the Northeast, West, and Midwest who tend to have strong legislative institutions.

Conclusion

The realization that interest groups, aligned with certain political ideologies, have gained an inordinate amount of access to numerous state's bill writing process created a need to determine to what extent and through what means this has taken place. Hertel-

Fernandez (2018) conducted extensive research into the Koch network and their affiliated conservative state policy network. He found evidence of nearly identical prewritten bills that were filed in numerous state legislatures. Interest groups submitting and providing input to bills is not unusual and remains a necessary pluralistic function of our democracy. The competing interests of various groups provide a balancing compromise in the final versions of bills. However, concern arises when indistinguishable bills are submitted and passed in numerous state legislatures with little amending incorporating various viewpoints.

This chapter seeks to answer through what means can ideologically aligned policy development groups obtain access to the bill drafting process. Can a weak framework of legislative institutions not only provide multiple points of easy access for these policy groups but create an environment that relies on these groups to provide the necessary policy background and legally sound bills to alter a state's public policy landscape in a specific ideological direction. These state-legislative actions, if unchecked, could move the US away from the pluralistic democracy envisioned by Madison towards an autocratic system in which all opposing viewpoints are ignored in favor of the dominant viewpoint held by a majority of the legislators.

I parsed data from all 50 states into five categories to define and measure what exemplifies a strong legislative institution and a weak legislative institution. In conducting this study, I chose to designate Missouri as the focal point to anchor the analysis with a frame of reference. This allowed a more detailed examination which included geographic and ideological comparisons. My intent was to classify states into strong and weak legislative institutions and highlight patterns across the 50 states.

By stratifying the data I collected on careerism and institutional professionalism across all 50 states, across the seven lower-Midwest states that share a border with Missouri, and across Republican and Democratic states, I discovered evidence to support a regional influence as well a political party alignment influence. These results also remain stable when compared between specific careerism and institutional professionalism categories and at a more aggregate level using Z-scores. There appears to be some correlation between the geographic and ideological comparison, but to what extent we do not ascertain in this study.

To further illustrate how, and to what extent, the state policy networks influence bills during the state legislative process, a more detailed analysis must be conducted using specific state level data on proposed bills. To accomplish this, the next chapter will again highlight Missouri as the focal point and will center on the 2014 Tax Reform Act passed by Missouri. A different version of the bill, very similar to the same law enacted in Kansas in 2012, was filed in the Missouri House in 2013 (Gale 2017). A much more subtle version of this bill was introduced in the Missouri Senate in 2014 and eventually passed over the veto of then Democratic Governor Jay Nixon (Drenkard 2014).

Chapter Five

Interest Group Involvement in Missouri's 2014 Tax Reform Act

In the Fall of 2021, the Missouri state auditor released a report highlighting that Missouri ranked second to last of 50 states with its state funding of public K-12 education. Missouri state revenue funded almost 31 percent of the public K-12 budget in 2020, while the national average for state education funding was closer to 60 percent (Bernhard 2021). Missouri's underfunding of its public K-12 education system forced local governments to carry the increased burden through property tax assessments. In doing so, Missouri increased the disparity between school districts in wealthy areas and districts in impoverished areas.

By juxtaposing Sumner High School in north St. Louis city with the more affluent Ladue High School in St. Louis County, significant differences emerge based on the disparities in property values, which generates revenue to fund public schools. In 2022, Ladue's median home listing price was $1.2 million, while the median home value near Sumner High School in north St. Louis city is less than $150,000 (Realtor.com 2022). Sumner High School, in the St. Louis City Public School system, serves an area of St. Louis where 60 percent of children live in poverty. Sumner has two guidance counselors to service 260 students, in a city which is one of the four jurisdictions in Missouri with the highest rates of firearm related murders (Bernhard 2021, Lodhi 2021). Ladue witnessed no gun related crimes in 2021 and only one homicide in the last decade. Ladue High School operates with one guidance counselor per grade, a 24/7 cyber bullying hotline and a monthly counselor newsletter (Lodhi 2021). The disparity between the number of guidance counselors per student in Ladue High School and Sumner High

School can be directly attributed to the revenue both high schools receive from both the state allotment and local property taxes.

Missouri's annual K-12 public education funding has endured significant vacillations in the definition of its State Adequacy Target (SAT) during the last 15 years. The SAT defines the amount the state should budget to fully fund public K-12 education. After the 2007-2008 recession, Missouri removed the five percent growth cap on operating expenditures, which significantly raised the SAT in 2009. In 2013, the Missouri state legislature began a five-year period in which they underfunded state K-12 public schools. In 2018, Missouri changed the definition of the SAT again by reinstating the five percent cap, which lowered the total amount required to fully fund the SAT. Missouri fully funded its K-12 public education system from 2018-2020 by lowering the target, not through increased revenue from economic growth or higher taxes (Missouri Budget Project 2019).

Missouri public K-12 expenditures represented 22 percent of the Missouri Budget in 2019 at $6.16 billion. Missouri derives 56 percent of the $6.16 billion public education expenditure from the state general fund, which generates its revenue from various taxes remitted on income and consumed goods in Missouri (Missouri Budget Project 2019). Missouri derives the remaining 44 percent of the $6.16 billion public education expenditure from the State Classroom Trust Fund, which consists of revenue generated from gaming and lottery proceeds (Tramel and Lehmen 2017).

From 2000 to 2014, Missouri's state funding of its K-12 public schools decreased by seven percent and in 2020 state funding of public education accounted for 32 percent of per-student funding, placing Missouri 49th in state funding of public K-12 education

(Fitzpatrick 2021, Missouri Budget Project 2019). Missouri's public K-12 school districts received 60 percent of their funding from local revenue sources and the remaining eight percent was derived from the federal government (Fitzpatrick 2021). Missouri's state funding of its K-12 public education highlights an area of concern, considering public schools are legally required to serve all students regardless of the presence of physical, learning, or emotional disabilities.

Comparing Missouri with adjacent Midwestern states, one can observe similar trends in education funding. In 2021, Missouri's state and local funding of public K-12 education was 3.60 percent of total state and local taxpayer income, placing it at 33rd out of 50 states. Kansas, who maintains a similar tax structure to Missouri and was ranked just ahead of Missouri, funded its public K-12 system at 3.94 percent of total state and local taxpayer income. To illustrate the divergence in public education spending, New York ranked first out of 50 states in public K-12 spending, funding its schools at 4.92 percent of total state and local taxpayer income (Hanson 2021). Missouri's public education spending ranking resembles its 2019 overall public education ranking at 30th out of 50 states (US News 2022).

Missouri's recent decrease in state public K-12 funding, and subsequent shifting of the funding burden to local sources, coincided with the 2014 passage of SB 509, the Missouri Tax Reform Act. Based on state revenue targets stipulated in the Tax Reform Act, Missouri began its income tax reduction in 2017, one year after the SAT was amended and one year before Missouri fully funded its public K-12 for the first time in over a decade (Missouri Budget Project 2019). I do not intend to develop causality between the redefined SAT and the 2014 Tax Reform Act, but to demonstrate a desire by elected Missouri leaders to reduce public reliance on state financial assistance, and thereby reduce the amount of tax revenue derived from corporate and personal income tax.

Since 2000, Missouri has witnessed a stagnant per capita combined state and local tax burden and has ranked well below the national average. The tax remittances considered for this combined tax burden include property tax, general sales tax, excise taxes, license taxes, individual and corporate income tax, estate tax, severance tax, transfer tax, special assessments for property improvements, and miscellaneous taxes. In 2000, Missouri's per capita state and local tax burden was 9.3 percent and increased to 9.5 percent in 2010, before dropping to 9.1 percent in 2015 and 2016. Missouri's tax burden increased to 9.2 percent in 2017, the first year SB 509's tax cuts began phasing in and remained at 9.2 percent in 2018 and 2019. Missouri's 2017 tax burden placed it in the fourth quartile at 37 out of 50 states, and its 2018 and 2019 burdens placed it barely in the third quartile at 35 out of 50 states (York and Walczak 2022).

You can also find similarities by comparing Missouri's declining tax burden with the total revenue of Missouri's General Fund. Missouri's General Fund increased from $8.2 billion in 2000 to $10 billion in 2010. This jump maintains consistency with the increase in the tax burden from 2000 to 2010. From 2010 to 2015 the General Fund increased by $1.8 billion to $11.8 billion, even though the tax burden decreased from 9.5 percent to 9.1 percent. One explanation for this inverse relationship can be attributed to Missouri's three percent population increase from 2010 to 2020 (US Census Bureau 2023). If more people moved to Missouri in the first half of the last decade and are paying taxes, then revenue will increase while the amount of taxes paid per capita decreases. From 2015 to 2019, the General Fund revenue largely stagnated only increasing by $700 million to $12.5 billion, maintaining consistency with the stagnated tax burden at 9.2 percent (MDOR 2019 and UM-Columbia 2021). This last stagnation of both tax revenue and tax burden per capita are significant because this illustrates the effect of SB 509 reducing the personal income tax rate and pass-through rate for business income, beginning in 2017.

A declining tax burden indicates reduced tax payments per capita to state and local governments, which means less revenue to fund government services such as road maintenance and reduced funds for public education. A state's tax burden is calculated by dividing per capita taxes paid to the state of residence and to other states by the state's share of the national product or the state's gross state product (Walczac and York, 2021). Based on this calculation, states will observe a declining tax burden if they reduce their tax rate, while maintaining a similar or increasing economic output. States will see an increase in their tax burden per capita if they raise their tax rate and maintain a similar or declining economic output. If states witness a change in their economic output, without adjusting their tax rate, then the dollars per capita paid by each resident will adjust comparably with the change in economic output, thus the state and local tax burden as a per capita percentage, will remain the same. However, a 5-percent income tax rate is a much higher burden on an individual earning $30,000 per year versus an individual earning $50,000 per year. For this reason, Missouri utilizes a progressive tax rate in its personal income tax structure, while also incorporating a flat tax rate for all Missouri businesses.

Missouri has made few adjustments to its personal and corporate income tax rates since 1917. It established a flat personal and corporate income tax rate of .5% in 1917, adjusted both up to 1.5% in 1919, and then adjusted both back down to 1% in 1921. In 1931, Missouri created a progressive personal income tax structure with seven brackets and adjusted up the flat corporate income tax rate to 2%, to ease the regressive burden of a flat tax on lower income families affected by the Great Depression. Missouri expanded its personal income tax brackets to 10 in 1971 and increased the flat corporate tax rate to 5%. Next, it introduced standard deductions on personal income tax in 1989 to align with the 1986 change in federal tax policy. In 1990, Missouri introduced a progressive corporate income tax structure, and then reverted to a flat 5% corporate income tax in 1992. Missouri increased its corporate income tax to 6.25% in 1993, where it remained until it altered both its personal and corporate income tax structure in 2014 with the passage of SB 509 (UM-Columbia 2022).

Beginning in 2017, SB 509 decreased Missouri's personal income tax rate by 10 basis points per year; not to exceed a total reduction of 50 basis points, or a total personal income tax rate reduction from 6 percent to 5.5 percent. This annual personal income tax rate reduction can only occur each year if Missouri's net general revenue for the preceding year increased by $150 million over the highest net general revenue for any of the three preceding years, a revenue target Missouri has had no problem achieving every year (Kraus 2014).

SB 509 also allowed a corporate income tax pass-through rate beginning in 2017 at five percent and increasing by five percent annually up to a maximum of 25 percent, dependent on the same state revenue target previously mentioned. This pass-through rate allows business owners and shareholders to pass through a percentage of their business income, which is taxed at 6.25 percent, to their personal income, which was taxed at a lower rate of 5.9 percent in 2017, which was then lowered to 5.4 percent by the 2018 HB 2540 bill (MO DOR 2023).

I argued, in the previous chapter, that Missouri has a weak legislative institution and requires some assistance from outside sources who maintain institutional knowledge of Missouri's legislative practices and specific policy knowledge. In this chapter, I examine the development and passage of the SB 509 tax reform bill in 2014. I will test whether certain Missouri interest groups and wealthy residents, who favor a low personal and corporate income tax rate, had an outsized influence on the Missouri legislative process responsible for the passage of SB 509, the 2014 tax reform bill. In this chapter, I chose to review the legislative and private involvement in SB 509 due to its foundational financial relationship with the provision of public services and its similarity to Kansas' tax bill that was passed two-years prior.

Methodology

This chapter uses qualitative sources, including peer-reviewed journals, government websites, interview data, and media reports. I primarily collected qualitative data from various state government websites, and when those sources were not available, I used multiple open-source websites to corroborate the data. I also used interviews I conducted with individuals who represented interested parties in the SB 509 legislative process, multiple books, and peer-reviewed journals such as the *American Political Science Review* and *The Journal of Politics* to create a theory-based illustration of the connection between wealthy interests and inexperienced legislator's over-reliance on these private groups and individuals for institutional knowledge.

This analysis will begin by reviewing literature on wealthy interests, expressed through interest groups, to capture the legislative process. Secondly, I will briefly discuss the 2012 Kansas tax reform bill, to which the Missouri bill was modeled. Then, I will examine the 2013 Missouri tax reform act, that originated in the House, and its similarities to the 2012 Kansas bill. Next, I will discuss the 2014 Senate tax reform bill and its divergence from the previous Missouri house bill and Kansas' bill. Lastly, I will offer an analysis of the groups and individuals who were actively involved in this legislative process.

Literature Review

David Truman (1951) proposed the "disturbance theory" of interest group formation which illustrates the stabilizing effect organized interests impart on democratic governments. As more groups organize on various sides of an issue, they will neutralize the effects of the other groups providing a neutral resolution to the issue. Truman warns, however, that interest group members must maintain overlapping memberships across other groups and interest groups must maintain overlapping memberships across social strata to maintain their pluralistic quality. Groups that align within social strata, such as race or income, risk serving a narrow group and corrupting the pluralistic effect. This class-based narrow interest could create political instability leading to the erosion of the democratic process.

Allen and Campbell's (1994) study provide a significant understanding of a major redistributive wealth policy in the US. They demonstrate the effects of several factors on tax progressivity, but I will highlight the two factors relevant to this chapter. First, labor organizations have a strong positive effect on tax progressivity, while business organizations have a strong effect on tax regressivity. Secondly, party control provides more difficulty in analyzing its effects on tax progressivity. Statistically significant support switches between positive and negative for tax progressivity depending on the years analyzed. This could imply that politicians openly support progressive policies, but then acquiesce to the wealthy and support regressive policies once in office or the varying signs could be a factor of policy shifts within the parties. These findings support the hypothesis that the wealthy favor regressive income taxes, while the poor favor progressive income taxes.

McCarty, Poole, and Rosenthal propose in their book *Polarized America* (2006), political polarization is occurring as wealth inequality is increasing. The structure of the US political system is partly responsible for the polarization, but the shift in the electorate is based on income principles and not social issues. At the highest margins of wealth accumulation, economic policy preferences are much more polarized, as either libertarian pure market-based ideals or socialistic redistributive policies. To promote these policies the top one percent has increased their donations to campaigns, PACs, and Super PACs enjoying significant influence over the message being conveyed to policy developers and the public. This capture of the messaging by the wealthiest Americans influences the electorate to vote based on income principles and not social issues.

In *The Unheavenly Chorus* (2012), Schlozman, Verba, and Brady demonstrate similar conclusions to the findings by Jacobs and Skocpol, et al (2006) and Verba and Nie (1972) that the wealthy participate more than the poor and consequently gain more political voice. However, they present two additional findings that are salient to this study of wealth inequality. First, and similar to wealth attainment, parents who obtain advanced degrees tend to bequeath this increased knowledge to their children, which provides them with a more favorable education that will aid in the attainment and consolidation of wealth. Second, the median voter still applies but that is not to whom politicians respond during campaigns, due to their lack of organization and incoherent message. Political activists and the wealthy, which tend to be more conservative in their policy proposals, maintain an inordinate amount of influence over politicians both during their campaign and their time in office.

Bonica, McCarty, Poole, and Rosenthal (2013) posit the "partially self-correcting" nature of wealth inequality is rooted in economic theory, but political theory and policy goals must be considered otherwise the expectations become distorted. They highlight government policies that could have ameliorated wealth inequality have been restricted by increased polarization, lack of lower-income voter participation, vigorous political participation by "high-income campaign contributors," and political institutions that must over-come increasingly more conservative "pivots" or key members that must be conscripted for legislation to pass.

Franko, Kelly, and Witko (2016) argue that Downs's median voter does not exist but has shifted towards the wealthy due to more conservative redistribution policies. They demonstrate that the median voter shift occurred due to the disenfranchisement of the poor voter. Also, when more electoral class bias exists governmental policies will be more conservative and favor the wealthy. The increased class bias favors the political elites who try to influence those who vote, which is consistent with oligarchic theory.

Wood and Bohte (2004) posit that politicians attempt to manipulate public administrative functions to affect political transaction costs for future coalitions. Depending on the extent of perceived obstruction by bureaucratic organization, politicians will try to change the political transaction costs to improve the expected benefits. However, the extent to which politicians can alter political transaction costs depends on their ability to build a coalition during the policy enactment. This process requires them to compromise with the established administrative functions, and to some extent, will illustrate the transaction costs. Wood and Bohte also offer a functional definition regarding political transaction costs in that they are associated with monitoring and maintaining the principle-agent contract within the bureaucracy. These costs specifically include obtaining information about agency activities, the complexities of intruding into agency processes, and the inherent difficulties of altering agency policies.

Huber and Shipan (2000) offer many transaction costs have to do with the necessary policy information to develop and implement new laws. Executive agency bureaucrats tend to maintain a higher level of policy knowledge then legislatures, and this informational asymmetry can lead to policy uncertainties when legislators try to micromanage bureaucrats when developing and writing bills. These policy uncertainties may lead to unintended consequences once the bill is passed into law and implemented.

Froman (1966) discovered that the strength of a state's interest groups predicts the ability to amend its constitution and whether it will have more elected or appointed officials and judges. States who maintain strong interest groups tend to observe less difficulty in amending the state constitution, more amendments adopted, and a longer constitution. These states also witnessed a larger number of elected over appointed officials and judges.

Moore and Giovinazzo (2012) demonstrate interest group capture of state governments can distort outcomes preferred by a majority of the public and can require policy making at the federal level to maximize the public welfare. They also illustrate that interest groups can distort outcomes at the federal level when they capture a majority of state governments, thus capturing their votes at the federal level, or if a large majority of the public is ambivalent to the policy under question.

Nice (1984) provides insight into favorable institutional environments that aid interest groups in achieving their public policy goals at the state level. State-wide politics and institutional processes operate with minimal levels of public scrutiny, especially when political party competition is weak. When legislators have modest staff assistance, limited work time, are new to the processes of a legislature, and seek reelection for state offices in a campaign finance-starved environment, interest groups find fertile ground through which they can provide necessary resources sought by elected state office holders.

To summarize the chapter five literature review so that it directly addresses the 2014 passage of SB 509, interest group membership among the wealthy has become more focused on conservative, limited government principles. This concentration has created a disturbance within our state legislative system where wealthy interests that favor limited government have captured legislative bodies through lobbying, PAC activity and campaign donations. The counterbalance of competing interest groups lacks a stabilizing effect due to the imbalance in political resources favoring wealthy interests. These wealthy interests also maintain a high-level of policy knowledge that exacts a high political transaction cost from legislators who are new to the business of drafting laws. Through their preponderance of policy and legislative knowledge, and large campaign donations, wealthy interests maintain an inordinate influence over the Missouri legislative process, creating bills that reflect their interests.

Missouri's Failed 2013 Tax Reform Act Vis A Vis Kansas 2012 Law

In 2012, Kansas passed an aggressive tax reform act that sought to reduce individual Kansan's and Kansas business owner's state tax burden. This supply-side economics approach sought to increase economic growth by reducing individual and corporate state income tax remittances; thereby, increasing individual and corporate cash on hand in anticipation of economically stimulating reinvestment of those funds (CBPP 2017, Gale 2017).

The 2012 Kansas Act collapsed the tax brackets from three rates of 3.5, 6.25, and 6.45 percent to two rates of 3.0 and 4.9 percent. Kansas also reduced the income tax rate on pass-through businesses including sole proprietorships, S corps, partnerships, and LLCs to 0 percent. This change in pass-through business tax rates created a significant disruption in Kansas' annual tax revenue due to the amount allowed to pass through to the business rate of 0 percent. Normally a certain amount of business income passes through the business and gets taxed at the personal income tax rate of the owners, while the rest of it gets taxed at the income tax rate for the business. The reduction in the pass-through rate to 0 percent created a massive tax avoidance mechanism where Kansas business owners could reclassify their personal income as business income to take advantage of the 0-percent pass-through business income tax rate (Thornton and Hendricks 2017).

The disruption of Kansas' tax revenue, following the implementation of the 2012 tax act, led to sluggish economic growth, lower revenues, and major cuts to expenditures for critical Kansas government programs. The reclassification of personal income to business income created a significant tax shelter for Kansas business owners, which created a large reduction in state tax revenue, and was ultimately undone by the Republican controlled state legislature over the veto of the bill champion Governor Brownback (Gale 2017).

Missouri proposed a similar, but not quite as aggressive, tax reduction measure in its House of Representatives in 2013. HB 253 proposed a review of revenue received by Missouri for the prior year, and if this revenue was equal to or greater than a $100 million increase over the previous year's revenue receipt then the state would reduce the corporate income tax rate from 6.25 percent to 5.625 percent the subsequent year. This process would continue until the corporate income rate decreased to the final floor of 3.125 percent, not the zero percent that Kansas implemented. Once the corporate rate was reduced it could not be raised back to a previous level, regardless of tax revenues received by Missouri (Berry 2013). HB 253 also allowed a 10 percent per year personal income tax deduction on business income and capped it at 50 percent pass-through deduction once it was fully phased in over a five-year period. Lastly, HB 253 created a .5 percent reduction in the personal income tax rate over 10-years, which would establish a 5.5 percent personal income tax rate once the income tax reduction was fully phased in.

HB 253 passed both chambers of the Missouri legislature but was vetoed by Missouri's Democratic Governor Jay Nixon (MO House of Representatives 2013). The Missouri House could not muster enough votes to override the veto due to some member's objections to the removal of a prescription drug and school textbook tax exemption, while others showed concern over the size of the tax cuts (Mannies and Rosenbaum 2013). However, the Missouri Senate used HB 253 as a blueprint to create SB 509, a less aggressive tax reduction bill passed in 2014 (Krauss 2014).

Missouri's Successful Passage of SB 509 in 2014

The same year as HB 253's defeat, Republican Senator Will Kraus introduced SB 509 as a softer tax cut bill. SB 509 was pre-filed on Dec 1, 2013, and first read on January 8, 2014. The bill went through a six-week amendment period on the Senate floor where it had two amendments ultimately adopted that created a more gradual tax reduction than the one that was originally proposed by HB 253 (Missouri Senate 2014).

The Senate Ways and Means Committee, of which Senator Kraus was the chair, conducted its hearing on SB 509 on Jan 16, 2014. The Ways and Means Committee passed the bill and sent it to the Senate floor with only one amendment, combining it with Senator Eslinger's SB 496 which defined business income for a pass-through tax option, on Jan 28, 2014 (MO Senate SB 509 Actions 2014, MO Senate SB 496 2014). SB 509's short time in committee and lack of amendments might be explained by the simple nature of tax legislation (Flotron, *interview,* 2018).

From February 11, 2014, to March 26, 2014, five senators, one Democrat and 4 Republicans, offered nine amendments to SB 509 on the Senate floor and the Missouri legislature only adopted one of those amendments. These amendments came in the form of alternate bills offered on the Senate floor during debate of the bill by the full Senate. The amendments that were proposed by the four Republicans addressed the year the tax reductions would begin, and the amount of revenue required during the previous tax years for the activation of the next tax reduction.

Senator Eric Schmitt proposed an amendment that would have commenced the tax reduction in 2015, instead of 2017, which was written into the final version. This amendment was ultimately vetoed and removed in favor of the 2017 phase-in date (Missouri Senate 2014).

Senator Ryan Silvey offered an amendment which would have lowered the trigger revenue in the previous three tax years to $100 million and included a requirement for the legislature to fully fund public K-12 education based on the previously agreed formula. This amendment was ruled out of order and the trigger amount of revenue was left at $150 million with no additional requirement of fully funding public education (Missouri Senate 2014).

The final amendment by a Republican, which was accepted as part of SB 509 by the full Senate, was to index the tax brackets to the CPI to avoid bracket creep due to inflation. Senator Kraus proposed amendments to all these amendments apparently to ensure his intent of the bill remained intact (Missouri Senate 2014).

Senator LeVota proposed the one amendment from a Democrat on February 11, 2014. This amendment was structurally different than the Republican amendments, which had to do with when and how the tax cuts would begin. Senator LeVota offered an amendment that included an Earned Income Tax Credit (EITC) which would give low-income Missourians a tax credit to offset their taxable income. Individual Missourians would have received a $500 deduction for themselves and another $500 deduction for a spouse if their Missouri adjusted gross income was less than $20,000. Low-income Missourians would have qualified for this tax credit if they were authorized to take a similar EITC at the federal level. If the tax credit exceeded their taxable income, then these low-income Missourians would have received a refund from the state of Missouri. Senator LeVota eventually withdrew this amendment on March 11, 2014, for unknown reasons (Missouri Senate 2014).

The final version of SB 509 increased the amount of revenue to trigger the tax cuts to $150 million, it maintained the annual decrease in personal income tax to .1 percent with a floor set at a 5.5 percent personal income tax rate, and it reduced the pass-through amount to 25 percent of business income once fully phased in. SB 509 also indexed the income tax brackets to CPI to prevent bracket creep and it did not mention removing the tax exemption for prescription drugs and school textbooks (Krauss 2014).

SB 509 passed both chambers of the Missouri legislature on April 16, 2014, and similar to HB 253, was vetoed by Democratic Governor Nixon. Both chambers of the legislature overrode Governor Nixon's veto passing SB 509 into law on May 6th, 2014, just prior to the end of the regular session (Drenkard 2014).

HB 253 and SB 509 illustrated a two-year effort by Republicans to overhaul the Missouri personal and corporate income tax rates, which had not been adjusted since 1993 when the corporate income tax rate was adjusted up to 6.25 percent from 5 percent. The personal income tax schedule was revised to include 10 income tax brackets in 1971 and had not been modified until SB 509 in 2014 (UM-Columbia 2009). The intriguing nature of SB 509 lies not in how it corrected concerns in HB 253, but the organized interests that worked for the passage of the bill and which groups tried to amend or defeat SB 509.

Interest Groups Engaged in the Policy Fight over SB 509

State legislators do not gain the same visibility and receive the same campaign donations as US Congressional legislators. Therefore, state legislators can be perceived as being more reliant on interest groups and wealthy individual's donations due to the scarcity of campaign resources (Nice 1984). State legislators, especially, those who operate in weak legislative institutions such as Missouri, require greater assistance from interest groups who maintain control over most of the elements that comprise the legislative transaction costs (Wood and Bohte 2004).

The policy process knowledge that resides within strong legislative institutions such as California and New York, do not atrophy in weak legislative institutions such as Missouri, but transfer to other political actors including interest groups and registered lobbyists hired by these interest groups. These legislative transaction costs include information on how to expedite certain bills through the legislative process, knowledge of inherently complex policy areas, and the difficulties of altering the legislative procedures to create a more efficient bill approval process for the controlling party. The bill writers and policy analysts who support legislators during the bill writing and amending process still retain some degree of knowledge in the policy areas that are addressed every legislative session. However, these individuals who comprise part of the legislative institution compete with bill writers and policy analysts employed by policy think-tanks who operate with interest groups as part of a policy network created by wealthy individuals (Hertel-Fernandez 2019).

Republicans began actively pushing for a reform to Missouri's personal and corporate income tax rate in 2013, after they won a supermajority in the 2012 state legislative elections and in response to earlier federal tax cuts that Republicans pushed through Congress (Crowley 2018). Tim Jones, the Missouri Speaker of the House from 2012-2015 pushed for tax reform in Missouri and ALEC credited Speaker Jones for having "shepherded…. the first income tax cut in 100 years…," through the Missouri House of Representatives in 2014 (Griffin 2012, ALEC 2023).

Rex Sinquefield, one of Missouri's wealthy and conservative policy supporters, has been a proponent of tax reforms in both Kansas and Missouri. In Kansas, Mr. Sinquefield helped fund a PAC, Kansans for No Income Tax, which promoted Kansas' failed 2012 tax reform. He also unsuccessfully spent $2.4 million in Missouri in 2013 pressuring legislators to override Gov Nixon's veto of HB 253, Missouri's first attempt to alter the state income tax structure. Mr. Sinquefield helped achieve a more modest tax-cut in 2014 with the passage of SB 509 (Fang 2014).

Sinquefield helped achieve Missouri's tax reforms by aiding the establishment of a conservative public policy institute, the Show Me Institute, which focuses on developing conservative policies for use by the media and at the municipal, county, and state levels of government (Show Me Institute 2021). As he did in Kansas, Sinquefield also funded four PACs in Missouri so they could funnel campaign donations: Grow Missouri, Missouri Club for Growth, Missourians for Excellence in Government, and Great St. Louis (Zimpfer 2016). Mr. Sinquefield and two of these PACs, Grow Missouri and Missouri Club for Growth, were very active in campaign donations to SB 509's sponsor, Senator Will Kraus, months after the bill's passage.

During HB 253 and SB 509's development, Missouri identified as one of six states who maintained no campaign finance restrictions. Missouri created campaign finance restrictions in 2017 after the passage of Amendment 2 during the 2016 November election and have been altered due to campaign finance activities by wealthy individuals such as Rex Sinquefield (Mannies 2017).

In 2014, Rex Sinquefield donated a total of $8,203,000 to various individuals and PACs, some of which were involved with SB509's passage and some who were not involved, but equally supported Missouri's policy shift towards limited government. Grow Missouri and Missouri Club for Growth PAC received the highest amount in donations in 2014 at $4,250,000 and $2,173,000 respectively. Individuals who received the highest amounts were Katherine Hanaway, who served as Missouri's first female speaker of the House and ran an unsuccessful bid for the Republican nomination for Missouri Governor in 2016, at $890,000 (Zimpfer 2016), Eric Schmitt at $250,000, Kurt Schaeffer at $250,000, Will Kraus at 100,000 and Rick Stream at $100,000 (Table 1). Interestingly, Sinquefield also donated $100,000 to Tim Jones on Oct 8, 2012, after his first term as Speaker of the House (AccessMO.org 2023).

Table 1: Sinquefield Donations in 2014*

Donation Date	Amt Donated	Recipient
3/27/2014	$973,000	Missouri Club For Growth PAC
3/31/2014	$50,000	Hanaway for Governor
4/25/2014	$25,000	Chrismer For Good Government
5/13/2014	$1,500,000	Grow Missouri
6/6/2014	$25,000	Ashcroft for Missouri
7/2/2014	$250,000	Schmitt for Missouri
7/18/2014	$250,000	Grow Missouri
7/24/2014	$50,000	Dooley For St. Louis County
7/25/2014	$100,000	Friend of Rick Stream
7/31/2014	$50,000	Dooley For St. Louis County
9/11/2014	$2,500,000	Grow Missouri
9/12/2014	$1,200,000	Missouri Club For Growth PAC
10/14/2014	$25,000	Friends For Jennifer Florida
10/15/2014	$100,000	Citizens for Will Kraus
10/15/2014	$750,000	Hanaway for Governor
10/15/2014	$250,000	Citizens to Elect Kurt Schaefer Att Gen
10/20/2014	$10,000	Hanaway for Governor
10/27/2014	$10,000	Hanaway for Governor
10/30/2014	$15,000	Friends For Jennifer Florida
11/12/2014	$70,000	Hanaway for Governor (7 donations of 10K)
	$8,203,000	

*Courtesy of AccessMissouri.org 2023

Kraus served in the Missouri House of Representatives for three terms from 2005 through 2010 and then served one and a half terms in the Missouri Senate from 2011 to 2017. Will Kraus successfully ran for reelection to the Senate in 2014 and unsuccessfully ran for the Republican nomination for Secretary of State in 2016 (MEC 2022). During the 2014 session in which SB 509 was passed, Senator Krauss was Chairman of the Senate Ways and Means Committee, Chairman of the Senate Interim Committee on Tax Administration Practices, and a member of the Joint Committee on Tax Policy, and (MO Senate 2014). As one of the more experienced legislators in tax policy, he resigned his senate seat in 2017 to join the Missouri Tax Commission after being appointed by Gov. Eric Greitens. Senator Kraus' legislative tenure would have ended nonetheless with the 2018 session due to Missouri's term limit of eight years in the senate, serving as an illustration of how term limits can weaken a legislative institution (MEC 2022, Hauswirth 2017).

Will Kraus was a relatively experienced legislator when he introduced SB 509 in December 2013, having served in both the House of Representatives and the Senate. The eight total years of legislative experience, and three-years of Senate experience, gained by Kraus somewhat reduced the political transaction costs for him to usher SB 509 through the 2014 legislative process. Senator Kraus' chairmanship of the Senate Ways and Means Committee and the Senate Interim Committee on Tax Administration, and his membership on the Joint Committee on Tax Policy reduced transaction costs by gaining tax and budgetary policy knowledge and learning how to move bills through the legislative process. Senator Kraus' tax policy knowledge and his chairmanship of two powerful committees that dealt with the budget and taxation made him a viable candidate for wealthy individuals to target to achieve their goal of individual and corporate tax reduction.

To further this line of research, I reviewed Missouri Ethics Commission filings for Will Kraus from 2011 through 2016. I conducted my search beginning three years before the passage of SB 509, which coincides with Kraus' first term in the Missouri Senate, but only reviewed his filings through 2016 because that coincides with his unsuccessful run for Missouri Secretary of State and his end in elected public service. Kraus' MEC campaign finance reports contain an interesting development which occurred a few months after the Missouri legislature overrode Gov. Nixon's veto of SB 509 (Missouri Senate 2022).

Will Kraus' campaign donations remained consistent from Jan 2011 through late winter 2013. His 2011 campaign donations totaled $23,465 comprising entirely of $2000 donations and below. Kraus' 2012 and 2013 campaign donations increased to $45,119 and $45,675, respectively, and were comprised of more donations but still at the $2500 threshold and below (Access Missouri 2022).

Kraus' 2014 campaign donations increased to $316,653, due to two very different donation trends. His 2014 quarterly donations totaled $65,251 on January 10, $7025 on April 15, and $3020 on July 14 with an addendum filed on July 28 totaling $21,700. These numbers appear to indicate a more aggressive fundraising ground game as Senator Kraus entered the election year. However, his October 15 filing declared a donation total of $81,586 with an addendum filed on October 27 totaling $124,515. His December 4th donations received amount totaled $13,556.

Beginning on Aug 29, 2014, Kraus received two $10,000 donations from Grow Missouri, and two $10,000 donations from Missouri Club for Growth, both Sinquefield funded groups. Kraus' largest single donation came from Rex Sinquefield on October 15 in the amount of $100,000. These donations came after SB 509's passage in May and illustrate the access Rex Sinquefield maintained with conservative Missouri politicians as one of their largest donors (Access Missouri 2022, Missouri Ethics Commission 2022, Table 2).

Table 2: Kraus Rcpts. by Filing Period 2011-2016
Source: Access MO 2023

Filing Date	Amt Rec	# of Donations	Filing Date	Amt Rec	# of Donations
4/15/2011	$7,600	7	1/10/2014	$65,251	122
7/7/2011	$2,350	1	4/15/2014	$7,025	6
10/13/2011	$13,515	17	7/14/2014	$3,020	5
Total	$23,465	25	7/28/2014	$21,700	21
			9/4/2014	$55,560	88
1/3/2012	$6,075	6	10/15/2014	$81,586	52
4/12/2012	$16,550	29	10/27/2014	$124,515	22
7/6/2012	$2,034	4	12/4/2014	$13,556	19
7/29/2012	$1,550	2	Total	$372,213	335
10/12/2012	$7,325	16			
10/27/2012	$11,585	12	4/15/2015	$64,930	64
Total	$45,119	69	7/15/2015	$62,872	62
			10/14/2015	$121,658	139
1/11/2013	$3,600	5	Total	$249,460	265
4/12/2013	$11,940	36			
7/7/2013	$10,110	26	1/15/2016	$68,716	86
10/8/2013	$23,625	43	4/15/2016	$77,927	104
Total	$45,675	110	7/15/2016	$128,426	114
			7/25/2016	$126,842	130
			9/1/2016	$29,910	48
			10/12/2016	$11,750	15
			Total	$443,571	497

Senator Kraus also received donations and other help from both groups internal and external to Missouri. On August 10, 2014, Senator Kraus received a $28 "Defender of Prosperity" gift from American's For Prosperity (AFP), a Koch funded Super PAC. In 2015 and 2016, Businessman and 2012 Republican gubernatorial candidate Dave Spence and his Lewis and Clark Leadership Forum PAC donated $20,000 to Senator Kraus' campaign (Lieb 2012, Wagman 2012, MEC 2022). Axiom Strategies, a right-wing political and public affairs consulting firm, donated $40,840 to Senator Kraus' campaign fund in 2016 (Access MO 2023).

The various campaign donations by conservatives who support reduced government revenue through decreased corporate and personal income tax collections demonstrates important political forces that sought to influence the drafting of HB 253 in 2013 and SB 509 in 2014, but it does not answer where the specific policies contained within HB 253 and SB 509 originated. Kansas' 2012 tax cuts, which served as a blueprint for Missouri's HB 253 and SB 509, originated with the American Legislative Exchange Council (ALEC) (Blouin 2018). ALEC serves as a conservative policy institute within the Koch network and produces "model legislation" for conservative legislators to submit as bills in their state legislatures (Hertel-Fernandez 2019, Weingarten 2014). The Show-Me Institute, started by Rex Sinquefield in 2005, also supported HB 253 and SB 509 through policy ideas and public communications that expressed support for their personal and business income tax cuts (Fang 2014, Ishmael 2014).

Interest groups who supported SB 509 consist of groups who support free-market and libertarian business ideas in public policy (Table 3). All of the groups listed below are Missouri based, except for ALEC, which is a Koch funded group that operates at the federal and state levels. These groups lobbied law makers and funneled campaign donations to lawmakers who supported SB 509.

Table 3: Interest groups involved with SB 509

Interest Groups Supporting SB 509	Interest Groups Against SB 509
American Legislative Exchange Conference	Empower Missouri
MO Chamber of Commerce	MO Budget Project
Show-Me Institute*	MO School Board Association
MO Club for Growth*	MO National Education Assoc.
Grow Missouri*	
Axiom Strategies**	

*Rex Sinquefield funded organizations
**Donated $40,840 to Senator Kraus immediately after SB 509's passage

Some of the above interest groups, businesses, and wealthy individuals donated thousands of dollars to Senator Kraus' campaign fund after SB 509. Rex Sinquefield donated $100,000 to Kraus' campaign fund on October 15, 2014. Missouri Club for Growth and Grow Missouri, both Sinquefield funded groups, donated $20,000 each to Kraus' campaign fund in September and October of 2014. Grow Missouri, Lewis and Clark Leadership Forum, and August Busch III also donated $10,000 each to Kraus' campaign fund in 2015 (Table 4).

Table 4: Donations Above $2000 to Sen. Kraus After Passage of SB 509
Source: Access Missouri 2023

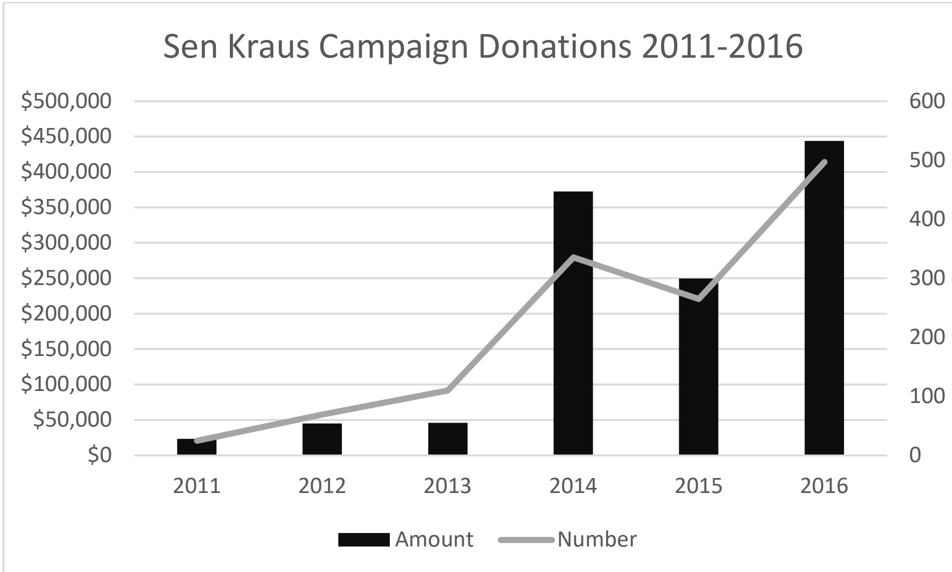
Rex Sinquefield 10/15/14 - $100,000	Grow MO 9/14/15 - $5000
Axiom Strategies 7/5/16 - $25,000	Grow MO 9/30/15 - $5000
MO Club Growth 10/2014 - $20,000	Group MVT LLC 11/10/15 - $5000
Grow MO 9/2014 - $20,000	David Steward 2/13/16 - $5000
Axiom Strategies 7/12/16 - 15,840	Dave Spence 6/8/16 - $5000
Lewis and Clark Leadership Forum 1/31/15 - $10,000	Ameren MO PAC 6/28/16 - $5000
August Busch III 9/17/15 - $10,000	Ameren UE PAC 6/30/16 - $5000
OCM Lease Corporation 3/30/16 - $10,000	Faultless Cleaners 6/30/16 - $5000
William Kapp 5/7/16 - $10,000	Centene Mgmt. Co. 9/30/15 - $3000
Bennet Packaging 7/6/16 - $5785	MO Majority Pac 3/23/16 - $3000
Bennett packaging 3/28/15 - $5000	MO Majority Pac 6/8/16 - $3000
Dave and Suzanne Spence 3/29/15 - $5000	Stand Up MO 1/6/16 - $2000
David Furnell 6/12/15 - $5000	Stand Up MO 1/7/16 - $2000
Menlo Smith 6/23/15 - $5000	

Causality between support for SB 509 and campaign donations to Senator Kraus is difficult to establish based on the amount and number of campaign donations. One could expect as legislators become more experienced and develop a legislative history, their campaign donations will increase too. However, the amount and number of campaign donations received by Senator Kraus' illustrates an intriguing comparison.

The amount and number of Senator Kraus' quarterly campaign donations increased to $65,251 and 122, respectively, after SB 509 was pre-filed in December 2013. His next highest amount and number of quarterly campaign donations were $23,625 and 43 in the fourth quarter of 2013. In just one quarter, after SB 509 was filed, Senator Kraus witnessed a 275-percentage point increase in the amount of his donations and a 283-percentage point increase in the number of his donations (Figure 1).

In 2014, the 34 sitting Missouri senators raised an average of $343,687.50, while Senator Kraus outraised the average by $28,525.50 with $372,213 (Klahr 2015). During Senator Kraus' first three years in the Missouri Senate, he averaged $38,086 annually and 68 campaign donations. His final three years in the Missouri Senate, post-SB 509, Senator Kraus averaged $355,081 annually and 365 campaign donations, a 932-percentage point increase in the amount and a 537-percentage point increase in the number of annual campaign donations (Figure 1 and Table 2).

Figure 1



Senator Kraus did participate in two elections after SB 509, his second election to the Missouri Senate in 2014 and an unsuccessful bid for the Republican nomination to be Missouri Secretary of State in 2016, which can account for some of the increase in the amount and number of campaign donations. However, when you juxtapose the post-SB 509 increase in the amount and number of Senator Kraus' campaign donations with individuals and groups who publicly supported the tax-policy ideas contained in SB 509, Rex Sinquefield and his groups being a significant contributor, a weak correlation seems to emerge.

Senator Kraus proposed 16 pieces of legislation in 2014, but most of them were minor bills that further clarified wording for property owners, restricted who can claim certain tax credits, and reduced the training for conceal carry permit holders. The one other major piece of legislation Senator Kraus proposed in 2014, that might explain his increase in campaign donations received, was SJR 31 a constitutional amendment to require Missourians to provide a government issue photo ID to vote in Missouri elections.

This bill was part of a multiyear battle by Missouri Republicans to require photo identification to vote. After multiple legal battles the bill passed the Missouri legislature on May 12, 2022 and the requirement went into effect on Oct 16, 2022, after being signed by Governor Parson (Kraus 2014, Graham 2016, Lippmann and Kellogg 2022). The fact that this bill became law five years after Senator Kraus resigned his senate seat, and eight years after he proposed the constitutional amendment, indicates that its passage did not play a significant role in Senator Kraus' increase in 2014 campaign donations. However, his proposal and support of photo ID voting requirements in 2014 could have contributed to his increased campaign donations.

There were only four groups who publicly campaigned against SB 509 (Table 3). Empower Missouri, led by former Missouri House member Jeanette Mott-Oxford, classified SB 509 as a bill that would cause Missouri "death by 1000 cuts" (Mott-Oxford, *phone interview,* 2017). Empower Missouri opposed SB 509 due to the cuts to public services that would follow a large tax-cut bill such as this bill. Empower Missouri largely ceded the fight against SB 509 to the Missouri Budget Project (MBP), who was the lead in opposition to SB 509 (Mott-Oxford, *phone interview,* 2017). The MBP opposed SB 509 for the same reasons as Empower Missouri but highlighted the reduction in public education funding from reduced tax revenues as its main argument against the bill. MBP estimated that the $720 million price tag for SB 509 would be the equivalent of cutting one fifth of the state funding for public schools in FY 2018 alone (Blouin 2018).

MBP has also publicly lobbied for years for Missouri to pass a statewide earned income tax credit and could have urged Senator LaVota to propose his EITC amendment when SB 509 was in committee (Blouin 2018, Baker 2017). Amy Blouin, the president of

MBP spent $50 in 2013 on Ron Berry, a staff member of Senator LeVota, and $47 on Sen. LeVota. All expenditures to both Mr. Berry and Senator LeVota, except for one $3 expenditure on Mr. Berry, were made on the same days and were characterized as meals, food, and beverage (MEC 2013). In 2014, Ms. Blouin spent $20 total on Senator LeVota and $26 total on Mr. Berry (MEC 2014). These expenditures illustrate contact between Ms. Blouin and Senator LeVota during the time HB 253 and SB 509 were moving through the bill process, but the contents of the discussions remain unknown. However, considering evidence that MBP has publicly promoted a state EITC, and that Senator LeVota proposed an amendment containing an EITC to SB 509, there is a strong possibility this topic was discussed during these meetings (Blouin 2018).

The Missouri School Board Association (MSBA) and the Missouri National Education Association (MNEA) were the third and fourth groups to publicly lobby against SB 509. Both groups are interest groups who represent Missourians in the realm of public education. As did the MBP, the MSBA and the MNEA publicly expressed concern with the subsequent cuts to public spending that would follow a tax reduction bill like SB 509. Specifically, they voiced concern that public education would receive a smaller allotment from the state budget, shifting the financial burden on to local school districts and property taxes (St. Louis American 2014, Yokley 2014).

Conclusion

Missouri's declining tax revenue and reduced public education funding over the last decade illustrate conservative public policy that dictates Missouri politics. These developments occurred through constant lobbying by wealthy individuals and interest groups conjoined by conservative economic policies. One of these economic policies, supply-side economics, promotes low taxes on wealthy individuals and businesses to stimulate economic growth, job creation, and tax-revenue.

Missouri's SB 509, passed in 2014, exemplified this conservative economic policy idea and maintained overwhelming support from individuals such as Rex Sinquefield and policy groups such as the American Legislative Exchange Council and the Show Me Institute. Rex Sinquefield not only backed this bill with significant financial donations to Senator Kraus, who was responsible for introducing and shepherding SB 509 through the bill development process in the Missouri Senate, he also financially supported groups who lobbied for a similar bill in Kansas passed in 2012. Rex Sinquefield also donated a sizeable amount to Tim Jones in the fall of 2012, the Speaker of the Missouri House of Representatives who was credited by ALEC for shepherding the first tax reduction in 100 years through the Missouri House of Representatives. ALEC contributed to the Kansas bill, and by default HB 253 which more closely resembled the Kansas bill, and SB 509 since it was based on HB 253. The Show Me Institute, created and funded by Rex Sinquefield, also lent support to SB 509 during its 2014 bill development process. Other groups such as the Missouri Chamber of Commerce, Axiom Strategies, Grow Missouri, and Missouri Club for Growth significantly influenced SB 509 through lobbying, public statements, and campaign donations to Senator Kraus.

Missouri Budget Project, the Missouri NEA, the Missouri School Board Association, and Empower Missouri offered public statements and lobbying against SB 509, and a withdrawn amendment that included an EITC, but no campaign donations to relevant legislators. The efforts these groups made against SB 509 did not create any changes or inhibit in any way the passage of SB 509. There may be some evidence that they created enough concern over the aggressiveness of HB 253 in 2013, as some Republican representatives refused to override Missouri Governor Nixon's veto. However, they could not affect SB 509 the following year due to its subtleness in installing the tax cuts and the rates at which the corporate and personal income taxes were reduced.

The interests of a few wealthy individuals and interest groups allied with them may have influenced SB 509 and its bill drafting process. To what extent these groups influenced SB 509 remains difficult to determine. Missouri maintains a majority Republican legislature and governor, and tax cuts remain popular with conservatives at both the state and federal level. It is possible that SB 509 would have passed without the influence of Rex Sinquefield and conservative interest groups. However, based on the circumstantial evidence provided, they gained access to the legislators who enabled the passage of SB 509 with little amending and may have helped forestall opposition from groups who may have defeated a more aggressive bill the year prior.

The fact that HB 253 met with defeat in 2013 illustrates the point that specific policies contained within bills can influence the pluralistic effect of interest groups competing for legislative capture. However, the 2014 passage of SB 509 illustrates the more important point that policy ideas favored by political parties who have captured the legislative branch of a state government with a veto-proof majority, can create a landscape where a few individuals and interest groups capture the legislative process for inordinate periods of time (Drutman 2015). This example of legislative capture may question the pluralistic balance offered by Madison in Federalist No. 10.

Chapter Six

Conclusion

Since the 2014 passage of SB509 and its 2017 phase-in, the Republican led legislature and governor have modified the Missouri tax structure three additional times. Missouri Speaker of the House, Elijah Haahr-R, sponsored HB 2540 which reduced the Missouri personal income tax-rate from 5.8 percent to 5.4 percent effective in 2019. The bill also introduced additional triggers with associated personal income tax-rate decreases down to 5.1 percent. HB 2540 also reduced the total amount pass-through business owners could deduct from their personal income taxes from 25% to 20% of their business income. Governor Mike Parson signed the bill into law on July 12, 2018 (Haahr 2018, Peters 2018).

In 2018, Senator Andrew Koenig-R sponsored SB 884 which reduced the corporate income tax rate from 6.25 percentage points to 4 percentage points beginning on Jan 1, 2020. This bill was signed into law on June 1, 2018 (Koenig 2018, MBP 2022). In 2021, Sen. Koenig introduced SB 153 which will reduce the Missouri personal income tax rate down to 4.8 percentage points in 2024. Governor Parson signed this bill into law on June 30, 2021(Koenig 2021, MBP 2022). Missouri's 2022 personal income tax rate of 5.3 percentage points placed it 29th and is lower than its neighbors Arkansas, Iowa, and Kansas. This last reduction to the personal income tax rate to 4.8 percentage points is expected to reduce Missouri's general revenue by $669 million annually (MBP 2022).

As evidenced by the three additional income tax reductions since the enactment of SB 509, conservatives in Missouri have continued the same income tax alterations they began in 2013 and with greater effect. Annual budget surplus from additional revenue streams like extending the sales tax nexus to remote sellers and increasing the gas tax by .025 percentage points per year over a five-year period have motivated Republican lawmakers to further reduce state income tax collection (MDOR 2021, Walczak 2022). As mentioned in chapter five, the reductions in state income tax revenue forced municipalities and counties to offset the difference with increased local sales tax. Figure 1 illustrates how these tax changes by Missouri's Republican led legislature and governor have created a regressive tax structure where the lowest 20 percent of income earners pay 9.9 percentage points of their income in taxes, and the highest 1 percent of income earners pay 6.2 percentage points of their income in taxes (MBP 2022).

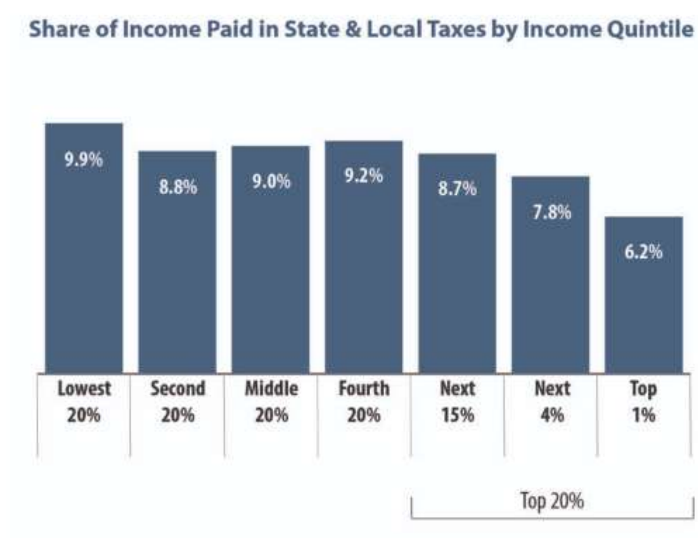


Figure 1 courtesy of the Missouri Budget Project 2022

Did the interest-group friendly legislative landscape, referenced in chapter four, aid the passage of SB 509 and subsequent income tax reduction bills, and force local government's increased reliance on usage tax bills? This conclusion will address this question by summarizing this dissertation's findings and analyze the implications for future legislation in Missouri. To aid the summary, this chapter will analyze each proposed hypothesis from chapter three considering evidence to test their validity in chapters four and five. I will also propose future avenues of research to determine to what extent states have weakened their legislative institutions and thus offered easier access for those with the resources to influence our democracy.

HYPOTHESIS 1: *Missouri's legislative institutions have become weaker, making them more susceptible to organized interest group influence.*

This dissertation's first hypothesis posits that Missouri's legislative institutions have become weaker, which makes it more susceptible to policy capture by wealthy interests. Chapter four established that professional legislatures provide their members with adequate resources to consistently conduct the people's business commensurate with other full-time political actors. To aid its members in accomplishing this task, professional legislatures establish "organizations and procedures that facilitate lawmaking" (Mooney, 1994). This definition of a professional legislature illustrates an individual component and an institutional component. This dissertation chose to analyze the relationship between the individual and the legislative institutional component through the theoretical lens of bounded rationality. One doesn't influence the other or operate independent of each other, but instead they maintain a symbiotic relationship to one another.

To operationalize the definition of a professional legislature, considered within the theoretical construct of bounded rationality, this dissertation further dissected the individual aspect of careerism and the institutional aspect of the legislature. This dissertation scored term limits, legislator pay, and mean legislative writer pay under the careerism category, and length of the annual legislative session and the number of legislators per writer under the institutional professionalism category. These scores were then converted to a z-score to compare each state's legislative professionalism within the categories of careerism and institutional professionalism. This dissertation classified states who maintained an overall positive z-score as having a strong legislative institution, and those with an overall negative z-score as maintaining a weak legislative institution.

Missouri identified as one of 27 states who maintain both a negative z-score for careerism and institutional professionalism. Missouri's overall z-score of -.58 demonstrates that it maintains a moderately weak legislative institution (Chapter 4, Figure 4). However, Missouri did not score as one of the seven worst states (Arizona, Louisiana, Maine, Montana, Nebraska, Nevada, and South Dakota), due to it maintaining a slightly more professional legislature within the careerism category (Chapter 4, and Figure 5). Missouri's legislators are term limited which qualifies as a negative trait. Missouri's legislator pay is low but not below the poverty level, so this identifies as a positive trait. However, Missouri's mean writer pay is well below the national average for an attorney illustrating another negative trait (Appendix A). Missouri's legislative institutions did exhibit the same low score as the above seven lowest states (Chapter 4, Figure 5). Missouri's legislature only meets on average 111 days per year, which is well below the Congressional benchmark of 157 days in session for a professional legislature. Their legislator per writer ratio also exceeds the benchmark of four at almost 11 legislators per writer. Missouri has witnessed its legislative professionalism ranking among the 50 states fall over the past 40 years, suggesting its legislative institution today is weaker than it has been in decades.

This dissertation also compared Missouri to the eight states with which it shares a border, based on previous research that illustrated states tend to align themselves with other regional states, who maintain homogeneity in their sociological beliefs, and share policy ideas with one another (Walker 1969, Gray 1973, Berry and Berry 1990, Mooney 1995). Missouri identified as maintaining a moderately weak legislative institution along with Iowa, Kansas, Oklahoma, Tennessee, and Nebraska. Of the eight states with whom Missouri shares a border, only Illinois and Arkansas maintain strong legislative institutions (Chapter four, Figure 6). This confirms there is a moderate level of regional homogeneity within the lower mid-west when it comes to maintaining moderately weak to weak legislative institutions.

This dissertation also compared Missouri to other states whose state legislatures maintain a similar partisan affiliation in 2018. Missouri is one of 32 states whose state legislatures identify as Republican, 14 state legislatures identify as Democrat, four maintain a split party affiliation, and one state (Nebraska) maintains a nonpartisan state legislature (Chapter 4, Figure 2). Missouri was one of 21 Republican states who exhibited negative z-scores and, thus, a weak legislative institution. Eleven of the 32 states who maintained Republican legislatures in 2018 had positive z-scores or a strong legislature. On the Democratic side, nine of 13 states maintained positive z-scores or strong legislative institutions. Considering in 2018, 66 percent of states with Republican legislatures, including Missouri, exhibited negative z-scores, and 69 percent of states with Democratic state legislatures exhibited positive z-scores, there exists evidence that there is a partisan strategy to alter the strength of state legislative institutions (Chapter 4, Figure 7). Missouri and other Republican states tend to favor weak legislative institutions while Democratic states tend to favor strong legislative institutions.

This dissertation has provided evidence supporting the first part of hypothesis one, that Missouri maintains a moderately weak legislative institution. It also demonstrated that Missouri adheres to the regional tendency among the lower mid-west states to maintain a moderately weak legislative institution. Missouri also follows the other 66 percent of states whose legislatures identify as Republican by maintaining a weak legislative institution. This dissertation has not only demonstrated that Missouri as a singular state maintains a weak legislative institution, but there exists a regional and partisan component to this trait as well. The second part of hypothesis one will be discussed with the subsequent discussion of hypothesis two and three.

HYPOTHESIS 2: *Conservative and wealthy interest groups, and wealthy individuals, inordinately influenced the initial drafting and subsequent development of Missouri's 2014 SB 509 Tax Reform Act.*

Chapters four and five demonstrate that Missouri's weak legislative institution possibly opened themselves up to some influence by wealthy individuals such as Rex Sinquefield in the realm of tax policy. While chapter four demonstrated that Missouri has a weak legislative institution, chapter five suggests that Rex Sinquefield and conservative interest groups gained access to key legislators behind SB 509's passage through campaign donations. To what extent these wealthy individuals and interest groups captured Missouri's tax policy remains difficult to determine.

Hypothesis two addresses the amount of tax policy capture by wealthy interests during the initial bill drafting and amendment process of SB 509. If you consider that Kansas derived their 2012 income reduction law from an ALEC model bill, Missouri legislators borrowed many parts of Kansas' bill when it developed HB 253 in 2013, and SB 509 was a softer version of HB 253, then this provides some evidence that Kansas and Missouri derived their tax policy from wealthy, conservative interest groups. To what extent these groups influenced Missouri's tax policy development in 2013 and 2014 remains difficult to determine because Missouri's super-majority Republican legislature supports a low-tax environment.

Chapter five also demonstrated that Rex Sinquefield funded a group in Kansas that promoted their tax reduction act, and he funded three groups in Missouri: Show Me Institute, Grow Missouri, and Missouri Club for Growth PAC that promoted income tax reduction policies or offered campaign donations to legislators and candidates who promoted those policies. Rex Sinquefield individually donated $100,000 each to key legislators, Senator Will Kraus and Speaker Tim Jones, who shepherded HB 253 and SB 509 through the Missouri legislative process.

Lastly, four Republican senators and one Democratic senator proposed nine total amendments to SB 509 and all but two of the amendments were dropped. The two that were accepted, one in committee and one on the floor, were proposed by Republicans and altered the definition of business income for a pass-through option and indexed the brackets to the CPI to avoid inflationary bracket creep.

Chapter five suggests that groups aligned with wealthy interests may have influenced the initial drafting of SB 509 and may have influenced the amendments that were included as part of the signed bill. Evidence does not exist that illustrates wealthy individuals, such as Rex Sinquefield, inordinately influenced SB 509's drafting and passage. Influence by individuals and groups remains difficult to determine. The bill drafting process remains unpredictable due to the number of legislators, lobbyists, interest groups, and varying amounts of public pressure involved in the legislative process.

Interestingly, the same wealthy and conservative interests that may have influenced SB 509 in 2014, could not pass HB 253 the year prior due to its aggressive nature of reducing personal and corporate income taxes. There may have been some moderating forces that blocked the override of Democratic Governor Jay Nixon's veto of HB 253 in 2012, but that is beyond the scope of this dissertation.

HYPOTHESIS 3: *Interest Groups aligned with Rex Sinquefield comprised a preponderance of the interest groups who influenced SB 509.*

This dissertation discovered that six main interest groups openly lobbied for SB 509 or donated money to legislators involved with its passage. Of those six groups, only three of them were affiliated with Rex Sinquefield: Show-Me Institute, MO Club for Growth PAC, and Grow Missouri comprise the three Sinquefield aligned groups who lobbied for SB 509's passage.

MO Club for Growth PAC and Grow Missouri operate as traditional interest groups who lobby legislators on conservative policies and donate money to the campaigns of legislators with whom they align. The Show-Me Institute does not operate as a traditional interest group, but instead operates as a conservative policy think tank similar to ALEC. The difference between ALEC and the Show-Me Institute resides in how they approach the conservative policy arena. ALEC educates state and federal conservative lawmakers on new policy developments and provides them with generic model bills to introduce during their sessions. The Show-Me Institute focuses on Missouri and offers conservative policy ideas specific to Missouri. The Show-Me Institute, MO Club for Growth and Grow Missouri were all active in providing campaign donations and policy support during SB 509’s development process.

The other three interest groups involved with SB 509’s passage were not Sinquefield aligned groups, but they supported the same conservative policy ideas. ALEC provided the model legislation to Kansas for their 2012 tax reform act, of which Missouri largely based its first attempt at tax reform in its 2013 HB 253. Conservative policy experts developed SB 509 as a softer version of HB 253, so it would garner enough Republican votes in both chambers to override Democratic Governor Jay Nixon’s veto. Axiom Strategies donated $40,840 to Senator Kraus’ campaign immediately after SB 509’s passage and the Missouri Chamber of Commerce served as the voice of Missouri’s business owners, who favored SB 509’s option to allow them to pass through up to 25 percent of their business income to be taxed at the lower personal income tax rate of 5.5 percent once SB 509 was fully phased in.

Four interest groups were aligned against SB 509: Empower Missouri, Missouri Budget Project, Missouri School Board Association, and Missouri National Education Association. Evidence exists that the Missouri Budget Project, the lead group in the fight against SB 509, lobbied for the inclusion of the earned income tax credit amendment into

SB 509. However, this amendment was withdrawn, and no other evidence exists that these four groups aligned against SB 509 were able to affect the bill in any way.

Six interest groups made significant donations or offered policy guidance and lobbying, which helped pass SB 509 in 2014. Three of these groups were aligned with Rex Sinquefield and three were not, although they all supported the same outcome. While Sinquefield aligned groups formed a plurality of the groups in support of SB 509, this evidence disproves hypothesis three: that predominantly groups aligned with Rex Sinquefield influenced SB 509. These findings illustrate that the interest group environment at the state level is numerous and diverse, and even though one wealthy individual can act as a major contributor in certain policy realms, these individuals cannot control every interest group in support of, or against a policy, within a policy realm. These findings also show they do not have to control every group when powerful groups align in support of a policy.

HYPOTHESIS 4: *The lack of campaign finance restrictions assisted interest groups and wealthy Missourians in gaining the support of key legislators who were directly involved with the drafting of SB 509.*

As chapter five stated, SB 509's development occurred during years when Missouri did not maintain campaign finance restrictions. The lack of campaign finance restrictions created an environment where individuals and groups could donate endless amounts to political candidates. Rex Sinquefield took advantage of the lack of campaign finance laws, and the requirement for a candidate to raise money to get elected, by donating sizable amounts to incumbent politicians who furthered bills that promoted his policy preferences.

Rex Sinquefield donated $100,000 to Speaker Tim Jones, in the fall of 2012 after Jones' first term as Speaker of the Missouri House of Representatives. ALEC credited Speaker Jones with having "shepherded…the first income tax cut in 100 years…," through the Missouri House of Representatives.

Sinquefield also donated $4,250,000 to Grow Missouri and $2,173,000 to Missouri Club for Growth PAC in 2014, and in turn those groups each donated $20,000 to the sponsor of SB 509, and leading tax expert in the Missouri Senate, Senator Will Kraus' campaign fund after SB 509's passage. Rex Sinquefield also donated $100,000 to Senator Kraus' campaign fund around the same time as Grow Missouri's and Missouri Club for Growth PAC's donations to Senator Kraus.

In addition to Sinquefield's and other supporting interest group's donations to legislators who guided SB 509 through the legislative process, Senator Will Kraus' donations increased after his pre-filing of SB 509 on Dec 1, 2013. Senator Kraus observed a 275-percentage point increase in his amount of campaign donations and a 283-percentage point increase in the number of campaign donations. Senator Kraus received $23,625 over 43 donations in Q4 of 2013 and $65,251 over 122 donations in Q1 of 2014, after SB 509 was pre-filed. The large donations received by Senator Will Kraus in 2014, from groups who supported SB 509, enabled him to raise more than the average state senator. During Senator Kraus' first three years in the Missouri Senate, he averaged $38,086 from 68 donations, while in his last three years, after SB 509, he averaged $355,081 from 365 donations (Chapter 5, Figure 1).

Based on the amount and number of donations provided by Rex Sinquefield, interests groups aligned with Sinquefield, and others who support his policies to Speaker

Jones and Senator Kraus before and after the passage of SB 509, evidence exists supporting the fact that campaign donations helped these wealthy individuals and groups gain access to key legislators involved with SB 509's passage. This evidence does not illustrate that these donations gained the support of these individuals as *Hypothesis 4* states. Speaker Jones and Senator Kraus may have already supported the tax reduction policies contained in SB 509 and HB 253 prior to their filing. These findings do support the idea that Missouri's lack of campaign finance restrictions enabled the direct financial support of key legislators in SB 509's passage by individuals and groups who sought to capture the personal and corporate income tax policy process.

This dissertation has provided evidence that Missouri has weak legislative institutions which leaves the state's legislative process susceptible to policy capture by wealthy interests. SB 509's development and passage in 2014 illustrated this possible policy capture led by Rex Sinquefield. While this dissertation demonstrated that Sinquefield and other wealthy, conservative aligned groups gained access through campaign donations to key legislators involved with the passage of SB 509, and sought to influence the drafting, amending, and passage of SB 509, it also demonstrated that Sinquefield and his aligned groups did not make up a preponderance of the groups who affected SB 509.

Even though there exists evidence that wealthy, conservative groups gained access to influential legislators and sought to influence the drafting of SB 509, it is possible that SB 509 would have been introduced and passed without the lobbying and campaign donations from Rex Sinquefield and other conservative interest groups. A low-tax environment has long been a priority for Republicans. President Reagan and economist who worked in his administration, such as Arthur Laffer, expanded the supply-side economic theory into public policy in the 1980s (ALEC 2023). Kansas Republicans passed a similar tax cut bill in 2012, and this bill was provided by ALEC as one of their model bills. Considering conservative ideas that promote a low-tax environment have pervaded the US public policy realm for decades, SB 509 may have passed without the afore mentioned influence.

The Missouri state interest group environment is not only diverse across the policy spectrum of corporate and personal income tax, but even among groups who agree on the same policy outcome there exists diversity. Sinquefield aligned groups did not comprise a preponderance of the groups supporting SB 509, but did comprise a plurality of the groups, demonstrating he sought to influence SB 509. Lastly, this dissertation revealed that the lack of a campaign finance regulatory environment, in a state with weak legislative institutions, provided points of access for wealthy individuals and their aligned interest groups who sought to capture SB 509's legislative process. These findings demonstrate that dangerous plutocratic forces are distorting our democracy at the state level, which does not bode well for our democratic process.

Recommendations

This dissertation advanced the scholarship in the realm of political science by expanding on previous legislative institutional research (Citizens Conference on State Legislatures 1971, Grumm 1971, Bowman and Kearney 1988, Squire 1992, Rosenthal 1996, King 2000, Woods and Baranowski 2006 and Squire 2007. It expanded the measurement of careerism and institutional professionalism by including the legislative research division of each state into the measurement of both careerism and institutional professionalism. By doing so, this dissertation provided a more in-depth analysis of the strength of each state's legislative institution. During this process, this dissertation also discovered that Missouri maintains a weak legislative research division, which limits its ability to conduct independent policy research.

This dissertation expanded its legislative institutional measurement to not only include all 50 states, but also to include the lower Midwest states to determine to what extent a regional influence exists on maintaining strong or weak legislative institutions. This dissertation also expanded the measurement to include the partisan leanings of each of the 50 states to determine if there is an ideological influence on maintaining strong or weak legislative institutions. In both areas, this dissertation found evidence to support there are regional and ideological influences to maintaining strong or weak legislative institutions.

This dissertation then took the analysis of Missouri's legislative institutional strength and applied it to Missouri's successful 2014 reform of its personal and corporate income tax code to determine the impact to public policy of maintaining a weak legislative institution. It also offered to the academic community that in the realm of tax reform, weak legislative institutions remain susceptible to unelected plutocratic forces.

Missourians do not favor career politicians as evidenced by Missouri enacting term limits for their legislators and governor. Improving Missouri's democratic processes to regain some policy control by removing term limits and enacting a year-round legislative session is not realistic. Missouri could strengthen its legislative research division which would decrease the number of legislators per writer to something closer to four. This change would be significant considering only four states maintain a moderate institutional professionalism score to compensate for a weak careerism score (Ch. 4, Figure 5). This would allow the division more time to focus on the policies and language going into the bills, instead of relying on model bills and policy knowledge coming from lobbyists and interest groups aligned with the wealthy.

As Drutman (2015) illustrated at the Congressional level, when lobbyists who are working for corporations and the wealthy gain an unequal political voice during the bill drafting process, the bills tend to become very complex and specific to their needs. States, such as Missouri, who maintain weak legislative institutions open themselves up to policy capture by lobbyists supporting corporations and wealthy interests. Increasing the size of legislative research divisions, to serve as a counter to lobbyist' and interest group's policy and bill drafting knowledge, can raise the transaction costs of lobbyists aligned with the wealthy trying to capture certain policy realms. By improving their internal legislative research capacity, states like Missouri with weak legislative institutions can reclaim some of their democratic responsibility and serve their entire constituency, instead of the wealthy few.

Areas of further research that could expand this line of scholarship include expanding the analysis of weak legislative institutions and susceptibility to access by wealthy individuals who sought to capture other realms of public policy and in other states. Is the threat of policy capture confined to traditional policies realms of which wealthy and conservative interests have fought to change, or can public opinion influence policy capture by wealthy, conservative interests? Observations exist that both of these policy stimuli may be occurring in Republican led states in education policy and women's health. Expanding this analysis to other policy realms might illustrate a more complete ideological representation of how policy capture in weak state legislative institutions may be affecting the governance of the state.

Conducting the same legislative measurement on all 50 states, to include the regional and ideological influence, every five years could provide a more thorough time-series study to highlight which state's legislative institutions are growing weaker or stronger. This five-year study could also determine to what extent the regional or ideological identification of each state influences its legislative institutional strength. The time-series study would provide needed temporal context as sociological and partisan forces, on both a regional and national scale, alter a state's polity over time.

Another research consideration would be to expand the focus on the partisan trends this study illustrated. Why do Republicans favor weak state legislative institutions and Democrats favor strong state legislative institutions? Since the strength of a state's governing institutions influences its relationship with interest groups and lobbyists, why does there appear to be a partisan tinge?

Another future line of research would be to determine to what extent state campaign finance regulations impact the ability of wealthy interests to gain access to legislators who operate in states with weak legislative institutions. After SB 509, Missouri enacted campaign finance regulations. How have these regulations impacted Rex Sinquefield and other wealthy Missourian's ability to gain access to Missouri's legislators? Has Rex Sinquefield established hundreds of groups similar to Grow Missouri and Missouri Club for Growth PAC to funnel max donations to legislators in both chambers of the legislature? Will wealthy individuals now funnel their money to Super PACs and 501c(4)s who will campaign independently for legislators who maintain support for wealthy, conservative policy proposals? Observations exist at both the national and state level that this hydraulic theory of money principle may be occurring and requires further research to determine to what extent these new developments may be affecting state policy and legislator capture by wealthy interests (Alexander 1991, Hogan 2005, Abraham 2010, LaRaja and Schaffner 2015).

The last avenue of future research involves applying the policy analyses mentioned above to states with liberal-leaning legislative institutions and wealthy, liberal interests. While the policy areas in these liberal states may be different then policy areas reviewed in conservative states, an analysis to determine the impact of weak and strong legislative institutions vis a vis wealthy, liberal interest would expand our understanding of legislative capture. By combining this ideological policy review with a time-series study, one may also be able to determine to what extent states that shift from liberal to conservative, or vice versa, experience wealthy interests capturing legislative bodies to undue past policies enacted by the opposing party.

This dissertation has illustrated that an intersection exists between wealthy public policy interests and the strength of legislative institutions at the state level. Wealthy conservatives favor a weak legislative institution and use campaign donations to promote their policy interests with state Republican legislators. This derivative of our legislative process tends to distort our democracy, especially when it is paired with electoral occurrences such as gerrymandering, single-issue voting, and strict photo identification requirements. Conservative, wealthy interests can create a policy process that does not respond to pluralistic forces as Madison proposed in Federalist No. 10, but instead operates with the freedom to implement its public policy with impunity from democratic oversight. These actions represent a plutocratic process where the wealthiest Americans dictate public policy at the state level. To what extent does this process damage political efficacy, the fabric of our democracy? That is a concern for every American who values our pluralistic polity.

Appendix A

In-Person Informed Consent Form

Dear Participant:

My name is William Warren and I am a graduate student at UMSL. You are invited to participate in an academic research study that will attempt to understand who influenced the development of Missouri's 2014 Tax Reform Law. You can decide not to participate. The following information will help you decide if you would like to participate. If you have any questions, please do not hesitate to contact me at wkwvy3@mail.umsl.edu.

Purpose of the study: This study represents a portion of research that supports a dissertation seeking to answer who influences policy development at the state level. Specifically, the dissertation focuses on the initial drafting and policy changes of Missouri's 2014 Tax Reform Law, SB 509 and its 2013 predecessor HB 253, to measure the influence. It theorizes that Missouri's weak institutions favor strong interest groups and some interest groups maintain more influence than others. The evidence on this subject is sparse at best, so this interview seeks to illustrate who influenced the development of HB 253 in 2013 and the 2014 Missouri Tax Reform Act, SB 509.

Procedures: This interview will take approximately 45 minutes to complete. You will be asked a series of questions that asks your knowledge on who participated in the initial drafting and changes to HB 253 in 2013 and the 2014 Missouri Tax Reform Act, SB 509.

Risks and/or discomforts: You will be asked a series of questions concerning who influenced the development of Missouri legislation. If you would like to stop the interview at any time, please do not hesitate to let me know.

Confidentiality: You may voluntarily decide to have your name included in the research, in which case your name will be published as a contributing source in the dissertation. Otherwise, your answers and information will be kept confidential should you choose not to go on the record. If you decide to keep your responses confidential you will be assigned a participant identification number, which will enable me to input and code your answers anonymously.

Benefits: The information gained from this study will help scholars, policymakers, and practitioners better understand policy development at the state level. Your responses will help determine the policy relationship among governmental institutions and interest groups. Your participation is invaluable to this effort. Your answers will provide real-life data that is missing in existing studies.

Signature: ____ Date:__________________

Printed full name:

____

Appendix B

Telephone Informed Consent Form

Dear Participant:

My name is William Warren and I am a graduate student at UMSL. I am asking you to participate in a telephone interview as part of an academic research study that will attempt to understand who influenced the development of Missouri's 2014 Tax Reform Law. You can decide not to participate. The following information will help you decide if you would like to participate. If you have any questions, please do not hesitate to contact me at wkwvy3@mail.umsl.edu.

Purpose of the study: This study represents a portion of research that supports a dissertation seeking to answer who influences policy development at the state level. Specifically, the dissertation focuses on the initial drafting and policy changes of Missouri's 2014 Tax Reform Law, SB 509 and its 2013 predecessor HB 253, to measure the influence. It theorizes that Missouri's weak institutions favor strong interest groups and some interest groups maintain more influence than others. The evidence on this subject is sparse at best, so this interview seeks to illustrate who influenced the development of HB 253 in 2013 and the 2014 Missouri Tax Reform Act, SB 509.

Procedures: This interview will take approximately 45 minutes to complete. You will be asked a series of questions that asks your knowledge on who participated in the initial drafting and changes to HB 253 in 2013 and the 2014 Missouri Tax Reform Act, SB 509.

Risks and/or discomforts: You will be asked a series of questions concerning who influenced the development of Missouri legislation. If you would like to stop the interview at any time, please do not hesitate to let me know.

Confidentiality: You may voluntarily decide to have your name included in the research, in which case your name will be published as a contributing source in the dissertation. Otherwise, your answers and information will be kept confidential should you choose not to go on the record. If you decide to keep your responses confidential you will be assigned a participant identification number, which will enable me to input and code your answers anonymously.

Benefits: The information gained from this study will help scholars, policymakers, and practitioners better understand policy development at the state level. Your responses will help determine the policy relationship among governmental institutions and interest groups. Your participation is invaluable to this effort. Your answers will provide real-life data that is missing in existing studies.

Do you agree to participate in the study?	[ ] Yes	[ ] No
Do you agree to go on the record?	[ ] Yes	[ ] No

Telephone/Oral Consent Study Documentation

ORAL CONSENT DOCUMENTATION FOR PARTICIPATION

Study ID#________________________

Subject: *Buying Access: How the Wealthy Influenced the Development of Missouri's 2014 Tax Reform Law*

This consent serves as documentation that the required elements of informed consent have been presented orally to the participant or the participant's legally authorized representative.

Verbal consent to participate in this interview has been obtained by the participant's willingness to continue with this survey by providing answers to a series of questions related to HB 253 and SB 509.

____

Surveyor's Name (Printed)

____

Surveyor's Signature

____

Date

Appendix C

Interview Protocol

Date __________________ **Participant ID _________________**

Introduction:

- Introduce myself
- Discuss the purpose of the study
- Provide informed consent form
- Note structure of the interview (audio recording, taking notes, confidentiality, time)
- Ask if they have questions
- Test recording equipment

Part 1: Network Connections

1. With whom did you communicate about SB 509 in 2014 and how frequently did you communicate?

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2. With whom did you communicate about HB 253 in 2013 and how frequently did you communicate?

Part 2: 2013 HB 253 and 2014 SB 509 Policy Development

1. Did you participate in the initial drafting and/or development of SB 509 and/or HB 253?

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2. If so, on what part(s) of the bills did you participate and do you feel you were successful?

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3. What other individuals or groups participated in SB 509's initial drafting and/or development?

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4. What other individuals or groups participated in HB 253's initial drafting and/or development?

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5. In your opinion, what individuals had more influence over SB 509's initial drafting and/or development?

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6. In your opinion, what groups had more influence over SB 509's initial drafting and/or development?

Part 3: Conclusion

1. Is there anything you would like to add or share besides what we discussed?

Appendix D – Careerism Scores

State	Term limits	legislator pay	Mean writer pay	Mean pay / days in session	Writer's avg yrs of service	Score(Career)	Z-Score(career)
Alabama	0	$ 48,123	$ 84,445	$ 804	No data	3	1.816216544
Alaska	0	$ 50,400	$ 98,400	$ 1,093	No data	2	0.69509522
Arizona	16	$ 24,000	$ 88,393	$ 884	No data	0	-1.547147426
Arkansas	16	$ 40,188	$ 55,847	$ 931	9.00	2	0.69509522
California	12	$ 110,459	$ 84,728	$ 326	10.50	2	0.69509522
Colorado	16	$ 40,242	$ 74,515	$ 621	No data	1	-0.426026103
Connecticut	0	$ 28,000	$ 103,409	$ 1,034	No data	2	0.69509522
Delaware	0	$ 45,291	$ 114,617	$ 917	No data	2	0.69509522
Florida	16	$ 29,697	$ 107,751	$ 1,796	14.40	1	-0.426026103
Georgia	0	$ 17,342	$ 103,630	$ 2,591	3.00	1	-0.426026103
Hawaii	0	$ 62,604	$ 81,395	$ 1,357	No data	2	0.69509522
Idaho	0	$ 17,358	$ 79,264	$ 1,299	No data	1	-0.426026103
Illinois	0	$ 67,836	$ 61,471	$ 1,025	No data	3	1.816216544
Indiana	0	$ 28,791	$ 87,594	$ 973	No data	3	1.816216544
Iowa	0	$ 25,000	$ 86,065	$ 906	No data	1	-0.426026103
Kansas	0	$ 8,136	$ 64,002	$ 697	No data	1	-0.426026103
Kentucky	0	$ 8,470	$ 61,871	$ 1,375	No data	1	-0.426026103
Louisiana	24	$ 22,800	$ 56,000	$ 1,077	No data	0	-1.547147426
Maine	16	$ 10,131	$ 82,823	$ 812	No data	0	-1.547147426
Maryland	0	$ 50,330	$ 78,992	$ 878	No data	2	0.69509522
Massachuse	0	$ 62,548	$ 101,197	$ 531	No data	2	0.69509522
Michigan	14	$ 71,685	$ 79,718	$ 822	No data	2	0.69509522
Minnesota	0	$ 45,000	$ 92,697	$ 1,545	No data	2	0.69509522
Mississippi	0	$ 23,575	$ 69,454	$ 702	No data	1	-0.426026103
Missouri	**16**	**$ 35,915**	**$ 53,999**	**$ 486**	**18.00**	**1**	**-0.426026103**
Montana**	16	$ 4,161	$ 95,816	$ 1,065	No data	0	-1.547147426
Nebraska	8	$ 12,000	$ 66,309	$ 884	No data	0	-1.547147426
Nevada	24	$ 4,521	$ 79,442	$ 1,324	No data	0	-1.547147426
New Hampsl	0	$ 100	$ 90,002	$ 2,000	No data	1	-0.426026103
New Jersey	0	$ 49,000	$ 100,126	$ 1,391	No data	3	1.816216544
New Mexico	0	$ 161	$ 85,010	$ 1,889	No data	1	-0.426026103
New York	0	$ 110,000	$ 82,532	$ 1,376	No data	3	1.816216544
North Caroli	0	$ 13,951	$ 76,408	$ 1,047	No data	1	-0.426026103
North Dakot	0	$ 177	$ 92,254	$ 2,306	No data	1	-0.426026103
Ohio	16	$ 60,584	$ 79,733	$ 542	No data	2	0.69509522
Oklahoma	12	$ 35,021	$ 90,561	$ 823	No data	1	-0.426026103
Oregon	0	$ 24,216	$ 99,438	$ 1,020	No data	1	-0.426026103
Pennsylvani	0	$ 87,180	$ 102,066	$ 1,501	No data	3	1.816216544
Rhode Islanc	0	$ 15,959	$ 75,121	$ 611	No data	1	-0.426026103
South Caroli	0	$ 10,400	$ 75,955	$ 904	No data	1	-0.426026103
South Dakot	16	$ 11,379	$ 69,231	$ 1,731	No data	0	-1.547147426
Tennessee	0	$ 22,667	$ 87,030	$ 967	No data	1	-0.426026103
Texas	0	$ 7,200	$ 107,167	$ 1,531	11.60	1	-0.426026103
Utah	0	$ 273	$ 89,998	$ 1,500	No data	1	-0.426026103
Vermont**	0	$ 723	$ 88,026	$ 936	No data	1	-0.426026103
Virginia	0	$ 18,000	$ 86,856	$ 1,930	No data	1	-0.426026103
Washington	0	$ 48,731	$ 99,160	$ 1,195	No data	2	0.69509522
West Virgina	0	$ 20,000	$ 72,160	$ 1,203	No data	1	-0.426026103
Wisconsin	0	$ 52,999	$ 114,057	$ 2,193	No data	3	1.816216544
Wyoming	0	$ 150	$ 89,100	$ 1,485	No data	1	-0.426026103

Appendix D References

Term limit column
National Conference for State Legislatures. Accessed May 2023 at:
https://www.ncsl.org/about-state-legislatures/the-term-limited-states

Legislator pay column
National Conference for State Legislatures. Accessed May 2023 at:
https://www.ncsl.org/about-state-legislatures/2022-legislator-compensation#indiana

Mean pay column
Derived from Paysa.com, Ziprecruiter.com, or job postings for the state position (Please request the data from William Warren

Appendix E – Institutional Professionalism Scores

State	Session length	legislators/writer	Score(Inst. Prof)	Z-Score(Inst. Prof)	Score(total)	Z-Score(total)	Z Score Reg
Alabama	105	11.67	0	-0.569651921	3	1.173273883	
Alaska	90	2.14	1	1.464819226	3	1.173273883	
Arizona	100	7.50	0	-0.569651921	0	-1.45345869	
Arkansas	60	2.55	1	1.464819226	3	1.173273883	1.63784605
California	260	1.74	2	3.499290373	4	2.048851407	
Colorado	120	2.86	1	1.464819226	2	0.297696358	
Connecticut	100	8.13	0	-0.569651921	2	0.297696358	
Delaware	125	15.50	0	-0.569651921	2	0.297696358	
Florida	60	6.15	0	-0.569651921	1	-0.577881166	
Georgia	40	16.86	0	-0.569651921	1	-0.577881166	
Hawaii	60	4.00	1	1.464819226	3	1.173273883	
Idaho	61	7.50	0	-0.569651921	1	-0.577881166	
Illinois	60	7.38	0	-0.569651921	3	1.173273883	1.63784605
Indiana	90	3.75	1	1.464819226	4	2.048851407	
Iowa	95	6.82	0	-0.569651921	1	-0.577881166	-0.3779645
Kansas	91.76	12.69	0	-0.569651921	1	-0.577881166	-0.3779645
Kentucky	45	3.83	1	1.464819226	2	0.297696358	
Louisiana	52	10.29	0	-0.569651921	0	-1.45345869	
Maine	102	8.09	0	-0.569651921	0	-1.45345869	
Maryland	90	3.55	1	1.464819226	3	1.173273883	
Massachusetts	190.5	0	1	1.464819226	3	1.173273883	
Michigan	97	10.57	0	-0.569651921	2	0.297696358	
Minnesota	60	5.15	0	-0.569651921	2	0.297696358	
Mississippi	99	0	0	-0.569651921	1	-0.577881166	
Missouri	**111**	**10.94**	**0**	**-0.569651921**	1	**-0.577881166**	-0.3779645
Montana**	90	15.00	0	-0.569651921	0	-1.45345869	
Nebraska	75	6.13	0	-0.569651921	0	-1.45345869	-1.3858697
Nevada	60	4.50	0	-0.569651921	0	-1.45345869	
New Hampshire**	45	42.40	0	-0.569651921	1	-0.577881166	
New Jersey	72	2.55	1	1.464819226	4	2.048851407	
New Mexico**	45	9.33	0	-0.569651921	1	-0.577881166	
New York	60	0	0	-0.569651921	3	1.173273883	
North Carolina	73	8.50	0	-0.569651921	1	-0.577881166	
North Dakota	40	15.67	0	-0.569651921	1	-0.577881166	
Ohio	147	4.26	1	1.464819226	3	1.173273883	
Oklahoma	110	10.64	0	-0.569651921	1	-0.577881166	-0.3779645
Oregon	97.5	4.74	0	-0.569651921	1	-0.577881166	
Pennsylvania	68	23.00	0	-0.569651921	3	1.173273883	
Rhode Island	123	2.35	1	1.464819226	2	0.297696358	
South Carolina	84	15.45	0	-0.569651921	1	-0.577881166	
South Dakota	40	6.18	0	-0.569651921	0	-1.45345869	
Tennessee	90	6.60	0	-0.569651921	1	-0.577881166	-0.3779645
Texas	70	3.62	1	1.464819226	2	0.297696358	
Utah	60	4.73	0	-0.569651921	1	-0.577881166	
Vermont**	94	10.00	0	-0.569651921	1	-0.577881166	
Virginia	45	7.00	0	-0.569651921	1	-0.577881166	
Washington	83	14.70	0	-0.569651921	2	0.297696358	
West Virgina	60	26.80	0	-0.569651921	1	-0.577881166	
Wisconsin	52	7.76	0	-0.569651921	3	1.173273883	
Wyoming	60	10.00	0	-0.569651921	1	-0.577881166	

Appendix E References

Session length column
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Legislators per Writer Column
Number of state legislators derived from:
National Conference of State Legislatures. Accessed May 2023 at: https://www.ncsl.org/resources/details/number-of-legislators-and-length-of-terms-in-years
Number of legislative writers derived from each state's website (Please see William Warren for data)

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