

The Influence and Impact of the American Legislative Exchange Council (ALEC)

by Brittany Lauren Mabry

B.A in Political Science, May 2015, California State University of Fullerton

A Thesis submitted to

The Faculty of  
College of Professional Studies  
of The George Washington University  
in partial fulfillment of the requirements  
for the degree of Master of Professional Studies

September 27, 2016

Thesis directed by

Steven Billet, Associate Professor of Legislative Affairs

## Acknowledgements

I want express my gratitude to those who provided encouragement and advice throughout the writing process. Thank you to Scott Martin, Nikki Cannon, and Karolina Gartner for taking the time to edit and improve the content of my research. I am grateful for the guidance that I have received from Professor Steve Billet. His suggestions on literature references, helped strengthen the content of my research.

## Table of Contents

Acknowledgments .....	ii
List of Tables.....	iv
Thesis Statement.....	1
Chapter 1: The American Legislative Exchange Council (ALEC).....	6
Chapter 2: The Environment, Energy, and Agriculture Task Force.....	18
Chapter 3: Koch Industries, Inc. and ALEC.....	23
Chapter 4: ALEC: Fracking Legislation, The Railroad Commission of Texas, and The Texas Public Policy Foundation .....	31
Chapter 5: ALEC: Low-Carbon Fuel Standards (LCSF) and The Keystone Pipeline.....	53
Conclusion .....	71
Bibliography .....	73

List of Tables

Texas State Legislature Donations Received from Oil and Gas Companies (2008-2012).....35

Energy and Natural Resources Committee Leadership Positions in the Texas State Legislature (2011).....36

Railroad Commission of Texas Donations Received from Oil and Gas Companies (2010-2014) ..... 40

Texas State Legislature Donations from Oil and Gas Companies, Tom Craddick (2002-2010) ..... 44

Texas State Legislature Donations Received from Oil and Gas Companies (2012-2015) .....45

Energy and Natural Resources Committee Leadership Positions in the Texas State Legislature (2013) .....46

Resolutions in Support of Keystone XL Pipeline (ALEC Bills).....59

Missouri State Legislature Donations Received from Oil and Gas Companies (2012-2014).....62

Ohio State Legislature Donations Received by Primary Sponsors of SCR 7 (2012-2014).....64

State Legislature Donations Received from Oil and Gas Companies (2010-2012) .....68

## Thesis Statement

Oil and gas companies influence legislative outcomes in state legislatures across the United States. There is a correlation between campaign contributions and legislative outcomes.<sup>1</sup> Financial contributions are used as a source to strengthen political influence. Oil and gas companies through campaign contributions acquire political leverage and personal access to politicians. Politicians can prioritize sponsoring and passing narrowly tailored legislation that benefits oil and gas companies. Oil and gas companies expect the relationship between campaign contributions and roll call votes to be reciprocal.<sup>2</sup> The legislative interests of the mass public and interest groups have become marginalized. Campaign contributions by oil and gas companies are eroding the democracy of the United States.

Martin Gilens of Princeton University and Benjamin Page of Northwestern University concluded the upper class in America has a significant impact on the policy decisions made by political representatives.<sup>3</sup> Gilens and Page refrain from using the term, "oligarchy" to describe their findings.<sup>4</sup> "Economic Elite Domination," is the selected phrase used in the statistical findings of the study. The study suggests the economic elite and interest groups have greater policy influence than the average citizen.

---

<sup>1</sup> John Cassidy, "Is America an Oligarchy?" *The New Yorker*. Available at <http://www.newyorker.com/news/john-cassidy/is-america-an-oligarchy> (accessed March 4, 2016).

<sup>2</sup> Lynda W. Powell, "The Influence of Campaign Contributions on Legislative Policy." *University of Rochester Academic Journal*. 2013 October.

<sup>3</sup> Gilens, Martin and Benjamin Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Princeton University Press*. 2014.).

<sup>4</sup> Omar S. Bashire, "Testing Inferences about American Politics: A Review of the 'Oligarchy' Result," Available at <http://rap.sagepub.com/content/2/4/2053168015608896> (accessed April 13, 2016).

The theory of Economic Elite Domination reinforces the notion of biased pluralism.<sup>5</sup> In the context of the Economic Elite Domination theory, biased pluralism supports the notion that financial contributions shape legislative decisions made by political representatives. The financial interests of the economic elite are enhanced by narrowly tailored legislation.<sup>6</sup> Therefore, legislation enacted is biased. Coalitions are formed by members of the economic elite to influence the policy-making process. The coalitions seek to protect financial assets and avoid financial consequences that could result from newly enacted legislation. There is a bilateral relationship between coalitions and political representatives. The relationship has created an equilibrium of attainable economic and political influence.

The study by Gilens and Page infers policy outcomes in the United States reflect the preferences of the wealthy.<sup>7</sup> Economic classes in the middle and lower percentile range are marginalized by the economic elite in the United States. Gilens and Page concluded that powerful corporations in the United States influence the policy-making process and legislative outcomes. The ideals of democracy in state legislatures are threatened by the economic elite. Giles and Page concluded that the policy-making process and legislative outcomes are altered to reflect the preferences of the economic elite. Legislation is no longer a reflection of the “will of the people.”

---

<sup>5</sup> Warren Mass, “Princeton/Northwestern Study Seems to Conclude U.S an Oligarchy,” New American. Available at

<http://www.thenewamerican.com/usnews/constitution/item/18120-princeton-northwestern-study-seems-to-conclude-u-s-an-oligarchy> (accessed April 13, 2016).

<sup>6</sup> Larry Bartles, “Rich People Rule!” Washington Post. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2014/04/08/rich-people-rule/> (accessed April 14, 2016).

<sup>7</sup> Omar S. Bashire, “Testing Inferences about American Politics: A Review of the ‘Oligarchy’ Result,” Sage Journals. Available at <http://rap.sagepub.com/content/2/4/2053168015608896> (accessed April 13, 2016).

The findings of Gilens and Page reinforce the theory of the “Power Elite.” *The Power Elite* was written by political theorist C. Wright Mills in 1956.<sup>8</sup> His theory concluded that an elite class influence the policy-making process.<sup>9</sup> Mills addresses the problematic nature of social stratification. Through social stratification, individuals with money can obtain power and authority. He states the power elite is comprised of a small group of men in politics, corporations, and the military. The coalition of the power elite creates a mutually beneficial relationship that has a profound effect on American society.

Mills notes in the economic sphere, large corporations have a tremendous amount of influence and leverage with political representatives. He considered political representatives in the United States to be at the disposal of the power elite. As a result of the power elite, democracy is fragmented, thus creating a social stratification of influence within society. He argues a stratification of influence is a threat to society. Mills suggests that men of similar social background will centralize the decision-making process.

According to Mills, interest groups are unable to influence members of state legislatures. Broad membership is considered a hindrance on the ability of interest groups to effectively influence political representatives. Political representatives are more likely to consider the power elite than interest groups when proceeding with legislative decisions. As a result, Mills infers that the mass population is virtually powerless.<sup>10</sup> The

---

<sup>8</sup> C. Wright Mills, “The Power Elite,” *Oxford University Press*. New York, NY. 1956.

<sup>9</sup> Frank W. Elwell, "C. Wright Mills on the Power Elite," RSU. Available at <http://www.faculty.rsu.edu/users/f/felwell/www/Theorists/Essays/Mills2.htm> (accessed March 4, 2016).

<sup>10</sup> Frank W. Elwell, “C. Wright Mills on the Power Elite,” RSU. Available at <http://www.faculty.rsu.edu/users/f/felwell/www/Theorists/Essays/Mills2.htm> (accessed April 12, 2016).

masses are politically exploited because of the relationship between the power elite and politicians. The distribution of power thus becomes unequal.

The theory of state autonomy suggests that political authority is centralized by the government and free of influence. States in America are able to enact legislation that does not require the consent of the federal government.<sup>11</sup> The state legislature reinforces state autonomy through enacting legislation that is reflective of state interests. Representatives in the state legislature are responsible for drafting and introducing legislation. Various state legislatures throughout the United States do not have equal access to legislative and financial resources. Oil and gas companies can have a greater influence when political representatives have limited resources.

Oil and gas companies influence public policy through the use of nonprofit organizations.<sup>12</sup> Nonprofit organizations are used by corporations as means for lobbying efforts. The nonprofit organizations hire policy experts that are responsible for creating narrowly tailored legislation. The legislation aligns with the ideals of oil and gas companies. Oil and gas companies are able to disseminate “model language” for policy proposals that enhance their corporate interests. The board of directors for policy-driven nonprofit organizations are often affiliated with corporations. Nonprofit organizations are an outlet for oil and gas companies to mask their partisan lobbying efforts.

To the contrary, according to economist Jeffrey Miylo, academic research proves that financial contributions are a less important factor for politicians during the policy-making process. Academic studies of legislative behavior indicate that the determinants

---

<sup>11</sup> G. William Domoff, "Alternative Theoretical Views," UCSC. Available at [http://www2.ucsc.edu/whorulesamerica/theory/alternative\\_theories.html](http://www2.ucsc.edu/whorulesamerica/theory/alternative_theories.html) (accessed March 7, 2016).

<sup>12</sup> G. William Domoff, "Alternative Theoretical Views," UCSC. 2.



of an incumbent's voting record are constituent interests, party beliefs, and personal ideology.<sup>13</sup> Regulations established by the government ensure that the policy-making process remains fair and unbiased. Campaign finance laws established the Federal Election Commission (FEC) limit the amount of financial contributions a politician can receive. The policy-making process is a collective activity that requires the cooperation of individuals. The collaborative process among individual politicians lowers the risk of legislation passing that does not serve the greater good of society.

The following research exemplifies that oil and gas companies have a substantial influence on the policy-making process, legislation enacted, and the autonomy of states.<sup>14</sup> State autonomist theorists believe the state is controlled by elected officials and the policy-making process is reflective of their political ideology. Economic elite theorists argue political representatives are controlled by a group of the 'power elite'. State autonomist theorists emphasize that the government is a central, independent force. Oil and gas companies have the ability to influence elected officials through financial means and the policy-making process reflects the interests of oil and gas companies.

---

<sup>13</sup> Jeffrey Milyo, "Campaign Finance," The Library of Economics and Liberty. Available at <http://www.econlib.org/library/Enc/CampaignFinance.html> (accessed July 10, 2016).

<sup>14</sup> G. William Domoff, "Alternative Theoretical Views." UCSC. 2.

## Chapter 1: The American Legislative Exchange Council (ALEC)

The American Legislative Exchange Council (ALEC) is the largest nonpartisan organization that produces model legislation for state legislatures in the United States. The organization was founded upon the principles of limited government, free markets, and federalism.<sup>15</sup> ALEC is a membership-based organization that partners corporations with state legislatures to pass model legislation.<sup>16</sup> ALEC has three membership categories: legislative, private sector, and the American City County Exchange (ACCE). Each category of membership offers a selective incentive. ALEC headquarters, a 501 (c)(3) nonprofit organization, is located in Arlington, Virginia.<sup>17</sup>

Henry Hyde, Lou Barnett, and Paul Weyrich are the founders of ALEC.<sup>18</sup> ALEC was established in 1973. The founders intended ALEC to be utilized as a source, to provide solutions for electoral setbacks.<sup>19</sup> Members in state legislatures offer strategic knowledge and advice during the developing stages of ALEC.<sup>20</sup> A partnership between ALEC and members of state legislatures was established. The intent of the partnership was to serve as a mutually beneficial relationship. Weyrich recruited a large network of

---

<sup>15</sup> ALEC. "About ALEC," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).

<sup>16</sup> Right Wing Watch, "American Legislative Exchange Council. Available at <http://www.rightwingwatch.org/content/american-legislative-exchange> (accessed January 19, 2016).

<sup>17</sup> Sara Jerving, "Hundreds Converge on ALEC Headquarters Demanding Justice for Trayvon Martin." The Center for Median and Democracy's PR Watch. Available at <http://www.prwatch.org/news/2012/03/11400/hundreds-converge-alec-headquarters-demanding-justice-trayvon-martin> (accessed April 25, 2016).

<sup>18</sup> Right Wing Watch, "American Legislative Exchange Council. 2.

<sup>19</sup> John Nichols, "ALEC Exposed," The Nation. Available at <http://www.thenation.com/article/alec-exposed/> (accessed January 28, 2016).

<sup>20</sup> Background about ALEC," The American Legislative Exchange Council. Available at <http://web.archive.org/web/20060601223522/http://www.alec.org/about/background.html> (accessed January 28, 2016).

state legislators to successfully pass narrowly tailored model legislation. The draft model legislation reflected the organizations principles of preserving limited government, free markets, and federalism.

According to *The Brookings Institution*, the top five areas of model legislation most frequently introduced by members of the state legislature who are affiliated with ALEC include: immigration, environment, energy, and agriculture; health, pharmaceuticals, and safety net programs.<sup>21</sup> This strategy has contributed to the success of ALEC. ALEC has passed an unmatched amount of model legislation in state legislatures throughout the country.

Leadership and direction for ALEC is provided by a Board of Executives, a Private Enterprise Advisory Council, a Board of Scholars, and a Board of Directors.<sup>22</sup> Politicians are allowed to serve on the Board of Directors of ALEC. The Board of Executives is responsible for supervising daily staff operations. The Private Enterprise Advisory Council advises the Board of Directors and corporate members of ALEC. Policy experts that serve on the Board of Scholars generate model legislation for each task force. The purpose of the Board of Directors is to promote and provide resources for the ideals of limited government, free markets, and federalism.

ALEC provides an opportunity for corporate members to protect and maximize their profits through model legislation. ALEC utilizes model legislation as a means for corporate members to receive economic benefits and security. Corporate membership in

---

<sup>21</sup> Molly Jackman, "ALEC's Influence over Lawmaking in State Legislatures," Brookings. Available at <http://www.brookings.edu/research/articles/2013/12/06-american-legislative-exchange-council-jackman> (accessed January 28, 2016).

<sup>22</sup> "Leadership," American Legislative Exchange Council. Available at <http://www.alec.org/about/leadership/> (accessed January 28, 2015).

ALEC is determined by the amount of financial contributions, and the internal hierarchy structure is based on these contributions.<sup>23</sup> ALEC has three levels for private sector membership:

*Washington Circle*-\$7,000

*Madison Circle*-\$12,000

*Jefferson Circle*-\$25,0000

Many corporate members of ALEC are recognized as Fortune 500 companies, including; Ameritech, AT&T, Bayer, Bell Atlantic, Bell South, DuPont, Merck & Co., Sprint, Pfizer, Ameritech, Exxon Mobil, Chevron and several corporate foundations, including the Proctor and Gamble Fund, Exxon Educational Foundation, Bell Atlantic Foundation, and Ford Motor Company Fund.<sup>24</sup> ALEC stated that the nonprofit organization gives corporate members "*an unparalleled opportunity* to have its voice heard, and its perspective appreciated" in relation to legislation. Approved legislation is voted on by corporations that are affiliated with ALEC, prior to being given to the member of the state legislature.<sup>25</sup>

Financial and political incentives influence members of the state legislature to sponsor model legislation from ALEC. Politicians that are members of ALEC primarily sponsor and lobby for model legislation. The model legislation is typically drafted by an

---

<sup>23</sup> C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956), 112.

<sup>24</sup> Randal Sheldon, "The American Legislative Exchange Council (ALEC)," Center on Juvenile and Criminal Justice. Available at [http://www.cjcj.org/uploads/cjcj/documents/The\\_American\\_Legislative\\_Exchange\\_Council.pdf](http://www.cjcj.org/uploads/cjcj/documents/The_American_Legislative_Exchange_Council.pdf) (accessed June 16,2016).

<sup>25</sup> Lisa Graves, "A Comparison of ALEC and NCSL," PR Watch. Available at <http://www.prwatch.org/news/2011/07/10882/comparison-alec-and-nctl> (accessed June 17, 2016).

ALEC task force. In a free market economy, profit and financial gains can emerge as a main source of motivation to influence government actors.

Lawmaking is a tedious process and resources available to members of the state legislature vary. Members of the state legislature have time constraints on legislative work and a limited staff available for assistance. Less-experienced members of the state legislature are more likely to rely on model legislation.<sup>26</sup> States with minimal resources for members of the state legislature are more likely to pass ALEC model legislation.

In 2016, ALEC published, *Rich States, Poor States*. The publication explores the fiscal and economic policies of states. Arthur Laffer served as the lead author for the report. Laffer is an influential economist for ALEC. His economic policies align with, "supply side" economics. This encourages cutting taxes and government spending to create economic growth. The Reagan and Bush administrations embraced supply side economics and created a large fiscal deficit.<sup>27</sup> Financial analyst, Joe Weisenthal, dismissed any credibility of the report, "Obviously ALEC is ranking states based on each state's level of deregulation and awarding the most deregulated states, but the outcomes seem to have very little bearing in where companies actually want to launch and do business".

---

<sup>26</sup> Alexander Hertel-Fernandez, "ALEC has tremendous influence in state legislatures. Here's why," Washington Post. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2013/12/09/alec-has-tremendous-influence-in-state-legislatures-heres-why/> (accessed February 1, 2016).

<sup>27</sup> Arn Pearson, "ALEC's 'Right States, Poor States' Paints a Happy Face on Failing State Policies," PR Watch. Available at <http://www.prwatch.org/news/2015/11/12982/alecs-rich-states-poor-states-paints-happy-face-failing-state-policies> (accessed January 29, 2016).

ALEC holds an annual conference that creates an open forum for members of state legislatures, heads of corporations, and policy experts.<sup>28</sup> Members of ALEC discuss policy initiatives that align with the principles of the organization. Private sector and legislative members of ALEC are able to participate in training sessions, attend task force workshops, and listen to keynote speakers.<sup>29</sup> The conference runs for three days and membership is required to gain access to the event. The event and content discussed is closed to the general public.

The annual conference has received criticism for persuading members of the state legislature. Legislative members have an open forum at the conference to share stories of success and failure, in regards to model legislation from ALEC being passed. Members of the state legislature are able to meet and discuss pressing legislative priorities with corporate lobbyists. Corporate members of ALEC are able to finance all of the travel expenses for members of state legislatures to attend the conference. Since ALEC is a nonprofit organization, corporations that financed the trip for members of the state legislature to attend, receive a tax-write off.

The 2015 States and National Policy Summit took place in Scottsdale, Arizona. Policy areas for corporate and legislative members of ALEC were prioritized.<sup>30</sup> Model legislation that was created five years ago was reviewed and reevaluated at the Summit

---

<sup>28</sup> Bill Raden, "ALEC Confidential: Inside the Secretive Group's Annual Conference," Huffington Post. Available at [http://www.huffingtonpost.com/entry/alec-conference\\_us\\_55b1611de4b0a13f9d17ebfa](http://www.huffingtonpost.com/entry/alec-conference_us_55b1611de4b0a13f9d17ebfa) (accessed April 25, 2016).

<sup>29</sup> ALEC. "American Legislative Exchange Council to host 43rd Annual Meeting in Indianapolis," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).

<sup>30</sup> ALEC, "American Legislative Exchange Council Members to meet in Scottsdale for three-day policy summit," The American Legislative Exchange Council. Available at <https://www.alec.org/press-release/american-legislative-exchange-council-members-to-meet-in-scottsdale-for-three-day-policy-summit/> (accessed April 24, 2016).

by the Board of Directors of ALEC. Presentations focused on; energy technology and policy-making, state and federal subsidies for electric vehicles, ozone national ambient air quality standards (NAAQS), and state authority for the support of electric power restoration.<sup>31</sup> The topics prioritized at the Summit reflect the legislative ideals of the Energy, Environment, Natural Resources & Agriculture ALEC task force.

Since ALEC is a registered 501(c)(3), the organization was established to receive financial donations from individuals, philanthropic foundations, corporations, companies, and other associations.<sup>32</sup> Corporations are eligible to receive a charitable tax write-off for financial donations. ALEC has refuted claims that suggest to the nonprofit organization violates IRS policies. In a press release, ALEC stated that lobbying efforts are not made in any state on behalf of the organization.<sup>33</sup>

ALEC has received criticism for declaring the organization is a nonprofit, bipartisan organization. Critics have complained about the nonprofit organization pursuing private interests rather than public interests. Opponents believe that the lack of policy has created a “loop hole” for subsidized special interest lobbying groups to emerge. The IRS states that if a 501(c)(3) nonprofit organization participates in a substantial amount of lobbying efforts (25%), the organization can lose its tax-exempt status.

---

<sup>31</sup> "ALEC Energy, Environment, and Agriculture Task Force," Source Watch. Available at [http://www.sourcewatch.org/index.php/ALEC\\_Energy,\\_Environment\\_and\\_Agriculture\\_Task\\_Force#2013\\_ALEC\\_Annual\\_Meeting\\_Substantive\\_Agenda](http://www.sourcewatch.org/index.php/ALEC_Energy,_Environment_and_Agriculture_Task_Force#2013_ALEC_Annual_Meeting_Substantive_Agenda) (accessed February 1, 2016).

<sup>32</sup> "Make a Contribution to ALEC," American Legislative Exchange Council. Available at <http://web.archive.org/web/20060601221223/http://www.alec.org/contributions> (accessed January 28, 2016).

<sup>33</sup> "ALEC Tries to Silence Critics Threatens Legal Action Against Common Cause," Common Cause. Available at <http://www.commoncause.org/press/press-releases/alec-tries-to-silence-critics.html?referrer=https://www.google.com/> (accessed April 25, 2016).

The IRS measures lobbying activity using the expenditure test:

“Under the expenditure test, the extent of an organization’s lobbying activity will not jeopardize its tax-exempt status, provided its expenditures, related to such activity, do not normally exceed an amount specified.”<sup>34</sup>

In 2015, *Common Cause* submitted documents to the IRS as proof that ALEC violated the nonprofit status by engaging in lobbying. Bob Edgar who is the President of *Common Cause* stated ALEC, "Tells the IRS in its tax returns that it does no lobbying, yet it exists to pass profit-driven legislation in state houses all over the country that benefit its corporate members".<sup>35</sup>

Charles and David Koch are considered influential members of ALEC and serve on the Board of Directors. The Koch brothers have donated large sums of money to ALEC over the past decade. In 1994, ALEC awarded the Koch brothers with the Adam Smith Free Enterprise Award.<sup>36</sup> ALEC's model legislation reflects the corporate interests of Koch Industries, Inc. and the political ideology of the Koch brothers. Organizations and subsidiary companies associated with the Koch brothers have also financially contributed toward ALEC, for which each entity receives a tax write-off for eligible donations. The Koch brothers use financial means as a way to influence the legislative

---

<sup>34</sup> "Measuring Lobbying Activity: Expenditure Test," Internal Revenue Service. Available at <https://www.irs.gov/Charities-&-Non-Profits/Measuring-Lobbying-Activity:-Expenditure-Test> (accessed January 28, 2016).

<sup>35</sup> Andy Kroll, "Progressives: Yank ALEC's Nonprofit Status!," Mother Jones. Available at <http://www.motherjones.com/mojo/2012/04/alec-tax-lawsuit-common-cause> (accessed January 28, 2016).

<sup>36</sup> Lisa Graves, "ALEC Exposed: The Koch Connection," The Nation. Available at <http://www.thenation.com/article/alec-exposed-koch-connection/> (accessed January 27, 2016).



agenda of ALEC.<sup>37</sup> Nonprofit organizations such as Americans for Prosperity, Freedom Partners, 60 Plus, Cato Institute, Generation Opportunity, and The Mercatus Center are financed and used for political leverage by the Koch brothers.<sup>38</sup>

DonorsTrust is a 501(c)(3) nonprofit that was established in 1999 to ensure that information from charitable donors is not disclosed.<sup>39</sup> The nonprofit organization often partners with Koch Industries, Inc. The board of DonorsTrust includes officials who are involved with the Heritage Foundation, a Koch Industries affiliated nonprofit.<sup>40</sup>

According to DonorsTrust, "to date, DonorsTrust has received over \$850 million...DonorsTrust has granted over \$740 million to over 1,500 liberty-minded charities." DonorsTrust is dedicated to the, "ideals of limited government, personal responsibility, and free enterprise." The nonprofit models the structure and political ideals of ALEC.

In 2015, the *National Conference of State Legislatures* (NCSL) reported that the Republican Party had control of both chambers in 30 state legislatures.<sup>41</sup> The Democratic Party only had control of both chambers in 11 states. Compared to federal level races, state level races are regulated to encourage a lower amount of financial contributions. ALEC has made financial contributions toward individuals running for a position in the

---

<sup>37</sup> Brendan Fisher, "ALEC Turns 40, But Who's Behind It?" *The Real News*. Available at [http://therealnews.com/t2/index.php?option=com\\_content&task=view&id=31&Itemid=74&jumival=10536](http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=10536) (accessed January 28, 2016).

<sup>38</sup> "Koch Exposed," *PR Watch*. Available at <http://www.prwatch.org/topics/koch-exposed> (accessed January 28, 2015).

<sup>39</sup> "Mission & Principles-DonorsTrust," *DonorsTrust*. Available at <http://www.donorstrust.org/who-we-are/mission-principles/> (accessed February 16, 2016).

<sup>40</sup> Jane Mayer, *Dark Money*, 207.

<sup>41</sup> "Legislative News, Studies, and Analysis," *National Conference of State Legislatures*. Available at <http://www.ncsl.org> (accessed March 7, 2016).

state legislature, who are not and are affiliated with ALEC. A majority of legislative members of ALEC are associated with the Republican National Committee. Ed Gillespie, former chairman of the Republican National Committee, is affiliated with ALEC.

Gillespie served as an influential figure that helped steer the legislative interest of ALEC toward state legislatures. He advocated for the Koch brothers to invest in state legislature races. Gillespie proposed a plan called the Redistricting Majority Project or “REDMAP”. Gillespie took over the Republican State Leadership Committee (RSLC) to implement REDMAP. By 2010, REDMAP had received a total of \$30 million dollars. The sole purpose of REDMAP was to increase the number of Republican candidates elected to state legislatures. State legislatures would then be able to introduce model legislation with Republican political ideals. Gillespie believed that this method of targeting members of state legislatures would allow more accessibility and political actors willing to sponsor narrowly tailored legislation.

The Koch brothers have a network of think-tanks throughout the country that serve affiliated organizations. According to *Sourcewatch*, there are twice as many conservative think-tanks as liberal think-tanks, and conservative think-tanks generally have more money than their liberal counterparts.<sup>42</sup> ALEC works closely with the State Policy Network (SPN), which is a nonprofit with a mission “dedicated solely to improving the practical effectiveness of independent, nonprofit, market-oriented, state-

---

<sup>42</sup> “Think Tanks,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Think\\_tanks](http://www.sourcewatch.org/index.php/Think_tanks) (accessed June 16, 2016).

focused think-tanks". The State Policy Network (SPN) operates in all 50 states, and has sponsored ALEC's annual meetings and conferences.<sup>43</sup>

ALEC uses SPN as an informative source, in which information provided by SPN is frequently introduced during private ALEC Board meetings. Members may then use this information within the model legislation to reflect their state demographics.<sup>44</sup> *The Center for Media and Democracy* (CMD) has accused SPN of using "dark money." According to the IRS, in 2011 SPN received \$83 million in donations. A large amount of the donations came from DonorsTrust and Donors Capital Fund. These organizations have strong ties to the Koch brothers and other conservative groups. SPN also works with ALEC and other Koch related organizations, including; Americans for Prosperity Foundation, Freedom Works, the Cato Institute, and The Heritage Foundation.<sup>45</sup>

Democrats have a mirror organization of ALEC called State Innovation Exchange (SIX).<sup>46</sup> SIX is a culmination of three previous nonprofit organizations that focused on creating progressive model legislation for members of the state legislature: the Progressive States Network (PSN), the American Legislative and Issue Campaign Exchange (ALICE), and the Center for State Innovation (CSI). This 501(c)(3) serves as a resource center for state legislatures to advance progressive policies across the nation. The organization aims to empower state legislatures with research, training, policy

---

<sup>43</sup> Paul Blumenthal, "Meet the Little-Known Network Pushing Ideas for Kochs, ALEC," *Huffington Post*. Available at [http://www.huffingtonpost.com/2013/11/14/state-policy-network-kochs\\_n\\_4275899.html](http://www.huffingtonpost.com/2013/11/14/state-policy-network-kochs_n_4275899.html) (accessed February 6, 2016).

<sup>44</sup> Paul Blumenthal, "Meet the Little-Known Network Pushing Ideas for Kochs, ALEC," 2.

<sup>45</sup> Tal Kopan, "Report:Think tanks tied to Kochs," *Politico*. Available at <http://www.politico.com/story/2013/11/koch-brothers-think-tank-report-099791> (accessed February 6, 2016).

<sup>46</sup> "About the State Innovation Exchange," *State Innovation*. Available at <https://stateinnovation.org/about/> (accessed March 7, 2016).

expertise, communications support, political strategy, and a space to form ideas for legislation. The website offers a “library of legislation” which is open to the public and contains model legislation created by SIX.

SIX claims the model legislation created is reflective of the interest of the greater good, not corporate interest. The model legislation created by SIX focuses on equal pay, earned leave for working families, voter registration modernization, and criminal justice reform.<sup>47</sup> According to economist Dean Baker, “conservatives do not necessarily desire less regulation, nor do liberals necessarily desire more. Conservatives support regulatory structures that cause income to flow upward, while liberals support regulatory structures that promote equality”.<sup>48</sup>

Nick Rathod serves as the executive director of SIX. Rathod previously served as a liaison between the Obama administration and state legislatures in the United States.<sup>49</sup> He has previously stated that SIX does not have to disclose its donors, but wants the organization to remain transparent. ALEC has not released a formal list of donors. The funding of SIX is provided by grassroots supporters. Grassroot supporters allow the organization the opportunity to spread progressive model legislation to members of the state legislatures throughout the country.

Donors have the option of financially contributing \$25 to \$1,000 toward SIX. SIX does not have a hierarchy of membership for donors based on financial

---

<sup>47</sup> "Multi-State Issue Campaigns," State Innovation. Available at <https://stateinnovation.org/campaigns> (accessed March 7, 2016).

<sup>48</sup> Dean Baker, “Free Market Myth,” Boston Review, January/February. <http://bostonreview.net/BR34.1/baker.php>

<sup>49</sup> Katie Valentine, "Progressive Launching State-Focused Group to Combat ALEC," Think Progress. Available at <http://thinkprogress.org/climate/2014/11/10/3590671/progressives-create-own-alec/> (accessed March 7, 2016).

contributions, as ALEC does.<sup>50</sup> Categories for membership are non-existent and any person is eligible to become a member of SIX. SIX is internally comprised of a Board of Directors, an Advisory Board, and staff. Democrats are searching for a source to increase the rate of legislation reflecting Democratic political values within state legislatures.

ALEC reflects the structure of lobbying organizations and has proven to be more effective with influencing members of the state legislature on policy issues. The nonprofit organization is able to have influence and direct communication with members of the state legislature that are affiliated with ALEC. ALEC has remained a dominate force in influencing members of the state legislatures. The amount of corporate funding ALEC has received has remained unmatched. ALEC has been successful in passing model legislation in the state legislature. Nationwide one in four members of state legislatures are members of ALEC.<sup>51</sup>

---

<sup>50</sup> "Donate," State Innovation. Available at <https://stateinnovation.org/donate/> (accessed March 7, 2016).

<sup>51</sup> Chris Weignat, "SIX Could Be the Answer to ALEC," HuffingtonPost. Available at [http://www.huffingtonpost.com/chris-weignat/six-could-be-the-answer-t\\_b\\_6136694.html](http://www.huffingtonpost.com/chris-weignat/six-could-be-the-answer-t_b_6136694.html) (accessed March 7, 2016).

## Chapter 2: The Environment, Energy, and Agriculture Task Force

A year after ALEC was established in 1973, Weyrich founded The Heritage Foundation. The first task force reflected the policy ideals of The Heritage Foundation.<sup>52</sup> The first task force in ALEC was established in 1981. Policy experts from The Heritage Foundation were recruited to create model legislation during the Reagan Administration for ALEC. Over the decades, the number of policy experts and task forces has expanded. Each task force has a policy expert that is responsible for creating model legislation that state legislators can present.

President Ronald Reagan formed the first task force, which focused on Federalism in 1981.<sup>53</sup> ALEC established seven task forces, which were originally referred to as Cabinet task forces. The intent of task forces was to focus on policy development issues during the Reagan administration. That same year ALEC published and distributed 10,000 copies of a report called *Reagan and the States*.<sup>54</sup> The report discussed methods for decentralizing the government from the federal to the state level, which became the foundation for the “privatization movement”.

Additional task forces were added to ALEC beginning in 1986. The additional task forces were established to focus on specific policies to present before members of state legislatures that reflect a culmination of Jeffersonian principles. The following year,

---

<sup>52</sup> Background about ALEC," The American Legislative Exchange Council. Available at <http://web.archive.org/web/20060601223522/http://www.alec.org/about/background.html> (accessed January 28, 2016).

<sup>53</sup> Randal Sheldon, “The American Legislative Exchange Council (ALEC),” Center on Juvenile and Criminal Justice. Available at [http://www.cjcj.org/uploads/cjcj/documents/The\\_American\\_Legislative\\_Exchange\\_Council.pdf](http://www.cjcj.org/uploads/cjcj/documents/The_American_Legislative_Exchange_Council.pdf) (accessed June 16,2016).

<sup>54</sup> Randal Sheldon, “The American Legislative Exchange Council (ALEC),” Center on Juvenile and Criminal Justice. 2.

new task forces were formed that were responsible for specific areas of legislation. This shift was intended to be a more effective and efficient measure when creating narrowly tailored legislation.

When the Reagan Administration came to an end, the task forces began to focus on policy in relation to corporate interest. ALEC emerged as a nonprofit organization that consisted of “freestanding think-tanks and model bill movers”.<sup>55</sup> Corporations began to give the policy advisors of ALEC more input regarding model legislation when developing policies. ALEC considered task forces responsible for “hundreds of model bills on a wide range of issues, model legislation that will frame the debate today and far into the future”.<sup>56</sup> Each year, close to 1,000 bills, based at least in part on ALEC model legislation, are introduced in the states, and about 20% become law.<sup>57</sup>

ALEC currently has nine task forces that specialize in researching and producing model legislation: Commerce & Economic Development; Criminal Justice; Energy, Environment, Natural Resources & Agriculture; Tax & Fiscal Policy; Trade & Transportation; Health & Human Services; Education; Telecommunications & Information Technology; and Federalism.<sup>58</sup> The model legislation introduced by state legislators incorporates similar model language. The organization claims that all model is

---

<sup>55</sup> Randal Sheldon, “The American Legislative Exchange Council (ALEC),” Center on Juvenile and Criminal Justice. 3.

<sup>56</sup> Brian Powell, "How State Media Turned A Blind Eye to ALEC's influence on the Voter ID Debate," Media Matters. Available at <http://mediamatters.org/research/2012/03/20/how-state-media-turned-a-blind-eye-to-alecs-inf/185753> (accessed June 16, 2016).

<sup>57</sup> Randal Sheldon, “The American Legislative Exchange Council (ALEC),” Center on Juvenile and Criminal Justice. 4.

<sup>58</sup> ALEC. "Task Forces," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).

available online and is open to the public. Corporate membership fees are used to provide funding for each task force.

ALEC describes the Energy, Environment, and Agriculture task force as an operation devoted to "the principles of free-market environmentalism".<sup>59</sup> Model policy developed by the Energy, Environment, and Agriculture task force encompasses a wide variety of issues; energy, public lands, chemical regulation, agriculture technology, regulatory reform, air and water quality, federal-state relations, environmental health, waste management, rural development, and property rights.

John Eick serves as the current Director of the Energy, Environment, and Agriculture task force. Eick is responsible for working with members of state legislatures, experts in environmental policy, and corporate leaders. Representative David B. Reis (R-IL) serves as the Public Chair for the task force and works with state chairs on issues that involve energy, environment, and agriculture.<sup>60</sup>

ALEC created model legislation to criminalize environmental activism. The *Environmental Corrupt Organizations-Preventative Legislation and Neutralization (ECO-PLAN) Act*, was intended to allow the state government to stop "eco-terrorist" activities. The model legislation does not give a specified definition to what would be considered acts of "animal and ecological terrorism". They believe that environmental activities are a financial threat to oil and gas companies. The model legislation is intended to act as a preventative measure against environmental activists.

---

<sup>59</sup> "Energy, Environment, and Agriculture," American Legislative Exchange Council. Available at <https://www.alec.org/task-force/energy-environment-and-agriculture/> (accessed February 1, 2016).

<sup>60</sup> "Energy, Environment, and Agriculture," American Legislative Exchange Council. Available at <https://www.alec.org/task-force/energy-environment-and-agriculture/> (accessed February 1, 2016).



The Environmental, Energy, and Agriculture task force also created model legislation that opposes public health safeguards. For example, the *Voluntary Childhood Lead Exposure Control Act* safeguards corporations from victims of lead poisoning that would face legal ramifications. The *Environmental Priorities Act*, also drafted by ALEC, advocates for state environmental protections to be approved by a corporate-backed panel. This bill would not allow representation from a third party, including environmentalists.<sup>61</sup>

ALEC also created model legislation that protects the states' ability to repeal pollution protections. The *Climate Accountability Act* was intended to make high cost assessments for state agencies that are responsible for regulating carbon gases. Gas and oil corporations benefit by this bill because they would not be required to pay for any of the newly established assessments. This legislation counters state priorities that emphasize using methods of renewable energy sources to promote cleaner energy development. The *Electricity Freedom Act* required states to pay a company's percentage of renewable energy sources.<sup>62</sup> The model legislation created by the Environmental, Energy, and Agriculture task force is reflective of corporate interest, rather than state interest.

The Environmental, Energy, and Agriculture task force has created model legislation to codify a states' right to block conservation efforts in order to preserve ecological areas. The *Eminent Domain Authority for Federal Lands Act* allows state governments to protect open areas for oil, gas, and coal exploration. This is a direct

---

<sup>61</sup> "ALEC's Polluter Agenda," The Center for Media and Democracy. Available at [http://www.alecexposed.org/w/images/c/c9/ALEC\\_on\\_the\\_Environment\\_Final\\_PDF.pdf](http://www.alecexposed.org/w/images/c/c9/ALEC_on_the_Environment_Final_PDF.pdf) (accessed February 6, 2016).

<sup>62</sup> "ALEC's Polluter Agenda," The Center for Media and Democracy. 2.

challenge to *Kleppe v. New Mexico* (1976), which established the legal precedence that Congress has ultimate authority when managing federal lands rather than the state legislature.

In 1989, the United States Senate conducted an investigation regarding an oil company that stole millions of dollars' worth of oil wells from Native American tribal land. Charles Koch was called for a deposition in Wichita, Kansas. During the deposition he stated that \$31 million dollars' worth of crude oil had been taken over a three-year period in Oklahoma City, Oklahoma. The Senate Select Committee on Indian Affairs released the report of Koch Industries, Inc. that was damaging to the company's image.<sup>63</sup> Koch Industries, Inc. has interest in preserving and obtaining sources for oil. There is a disregard for legislation enacted and have no interest in how their actions will effect the average citizen.

---

<sup>63</sup> Jane Mayer, *Dark Money*, 132-133.

### Chapter 3: Koch Industries, Inc. and ALEC

Fred Koch founded the Koch Engineering Company in 1945.<sup>64</sup> He is credited with improving the method of converting heavy oil into gasoline. The Koch Engineering Company expanded through acquiring subsidiaries and eventually, the conglomerate was renamed Koch Industries, Inc. Fred Koch has four sons, which he had intended to inherit the Koch empire; Charles, David, William, and Freddie. In 1983, Charles and David bought their brothers share of Koch Industries for nearly one billion dollars.<sup>65</sup> Charles Koch became the chairmen and chief executive of Koch Industries. David Koch began serving as the Executive Vice President and a board member.

According to *Forbes*, Koch Industries is the second largest private company in the country with revenue of \$115 billion.<sup>66</sup> The Koch brothers are responsible for Koch Industries, Inc. and other subsidiaries that include; refining and chemicals, pollution control equipment, minerals, fertilizers, fibers and polymers, financial trading, forest and consumer products, ranching, and business development. Business operations are in nearly 60 countries and 100,000 people are employed globally.<sup>67</sup>

In 2011, Koch Industries was inducted into the Corporate Accountability International's Corporate Hall of Shame for "spending over \$50 million to fund climate change denial and influence the Supreme Court's decision to allow unlimited corporate

---

<sup>64</sup> "Koch Industries, Inc. History Timeline," Koch. Available at [http://www.kochind.com/About\\_Koch/History\\_Timeline.aspx](http://www.kochind.com/About_Koch/History_Timeline.aspx) (accessed January 27, 2016).

<sup>65</sup> Jane Mayer, "Covert Operations," *The New Yorker*. Available at <http://www.newyorker.com/magazine/2010/08/30/covert-operations#ixzz1sDsv7KlZ> (accessed January 28, 2016).

<sup>66</sup> "America's Largest Private Companies," *Forbes*. Available at <http://www.forbes.com/companies/koch-industries/> (accessed January 27, 2016).

<sup>67</sup> "Koch Industries," *Polluter Watch*. Available at <http://polluterwatch.com/koch-industries> (accessed February 2, 2016).

dollars to flow into federal elections". In 2012, the EPA claimed that Koch Industries produced 950 million pounds of toxic waste and making the company one of the top producers of toxic waste in the country.<sup>68</sup>

Koch Industries has been the target of the Environmental Protection Agency (EPA). The Koch brothers have used ALEC as a source to undermine EPA regulations on oil, gas, and energy. David Uhlmann, the former prosecutor of the environmental crimes section of the Justice Department, stated that "Environmental crimes are almost always motivated by economics and arrogance, and in the Koch case there was a healthy dose of both".<sup>69</sup>

Koch Industries and subsidiaries have violated EPA regulations. In 2013, the American Petroleum Institute, a U.S oil and gas lobbying organization, awarded the Koch Pipeline Company with the "Environmental Performance Award".<sup>70</sup> In the following months 17,000 gallons of oil were spilled in Austin, Texas. The livestock ponds became contaminated and a road had to be constructed to gain access to the spill. In response, ALEC prioritized creating model legislation that creates hurdles and dismantles EPA state regulations. Policy experts of ALEC also created model legislation to dramatically cut the EPA budget by 75% and delegate authority to state agency employees.<sup>71</sup>

---

<sup>68</sup> Jane Mayer, *Dark Money*, 138.

<sup>69</sup> Jane Mayer, *Dark Money* (New York: Double Day, 2016), 125.

<sup>70</sup> "Koch Industries Pollution," Greenpeace. Available at <http://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/koch-industries-pollution/> (accessed January 30, 2016).

<sup>71</sup> Suzanne Goldenberg, "ALEC (not Baldwin) is trying to destroy the environment," Grist. Available at <http://grist.org/politics/alec-not-baldwin-is-trying-to-destroy-the-environment/> (accessed February 1, 2016).

According to *Greenpeace*, since 1997 the Koch brothers have invested \$79,048,951 to groups that refute climate change.<sup>72</sup> Robert Bruelle, a professor of sociology and environmental science at Drexel University, stated that the Koch brothers invested over a half a billion dollars between 2003 and 2010 to “campaign to manipulate and mislead the public about the threat posed by climate change”.<sup>73</sup> Bruelle concluded that over the course of seven years nonprofit foundations affiliated with Koch Industries, Inc. contributed an estimated \$558 million dollars to deny climate change and dismantle EPA provisions.

These funds have primarily funded advocacy groups, conservative think-tanks, and academic programs. The director of research at *Greenpeace*, Kert Davies, believes that Koch Industries, Inc. has outspent Exxon Mobil by three times in challenging EPA regulations and provisions.<sup>74</sup> ALEC has tailored model legislation that weakens the regulations of the Environmental Protection Agency (EPA).

The Koch brothers own the Georgia-Pacific facility in Crossett, Arkansas. The Public Employees for Environmental Responsibility (PEER) and Ouchita Riverkeeper filed a complaint to the EPA in 2011.<sup>75</sup> The complaint alleged that the plant was "discharging 45 million gallons per day of paper-mill waste, including ammonia and chloride, and metals such as zinc, copper, and mercury". The complaint was dismissed by the EPA. PEER and Ouachita Riverkeeper blamed the State of Arkansas for issuing a

---

<sup>72</sup> "Koch Industries: Secretly Funding the Climate Denial Machine," *Greenpeace*. Available at <http://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/> (accessed January 30, 2016).

<sup>73</sup> Jane Mayer, *Dark Money*, 205.

<sup>74</sup> Jane Mayer, *Dark Money*, 204.

<sup>75</sup> "Koch Industries Pollution," *Greenpeace*. Available at <http://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/koch-industries-pollution/> (accessed January 30, 2016).

permit to the facility that removed the standards of clean water for the creek. According to private investigator Richard Elroy, EPA samples were at toxic levels. The research lab even refused to mail back the samples, and hazmat suits were required for disposal.<sup>76</sup>

Through financial means the Koch brothers are able to manipulate legislation, politicians, and the system of democracy. The Koch brothers have utilized the Energy, Environment, Natural Resources & Agriculture task force to create beneficial model legislation for Koch Industries. Koch Industries operates gathering systems and pipelines that run throughout North America. According to Think Progress the carbon footprint of Koch Industries is 300 million tons of carbon dioxide emissions.<sup>77</sup> In fact, Flint Hills Resources, a subsidiary of Koch Industries, contributes to 5% of all carbon emissions in the United States.<sup>78</sup>

The headquarters of Koch Industries are located in Wichita, Kansas, where the state legislature passed a statistically significant amount of model legislation created by ALEC task forces. Governor Sam Brownback (R-KS) began serving his first term in 2011.<sup>79</sup> During the 2010 election cycle, Governor Brownback received financial contributions from oil and gas corporations that amounted \$140,000.<sup>80</sup> In the 2014

---

<sup>76</sup> Jane Mayer, *Dark Money* (New York: Double Day, 2016), 126.

<sup>77</sup> Denise Robbins, "Myths and Facts About the Koch Brothers," *Media Matters*. Available at <http://mediamatters.org/research/2014/08/27/myths-and-facts-about-the-koch-brothers/200570> (accessed January 28, 2016).

<sup>78</sup> Denise Robbins, "Myths and Facts About the Koch Brothers," *Media Matters*. Available at <http://mediamatters.org/research/2014/08/27/myths-and-facts-about-the-koch-brothers/200570> (accessed January 28, 2016).

<sup>79</sup> "Sam Brownback," *Ballotpedia*. Available at [https://ballotpedia.org/Sam\\_Brownback](https://ballotpedia.org/Sam_Brownback) (accessed April 22, 2016).

<sup>80</sup> "Lawyer and Lobbyist Contributions to Brownback, Sam," *Follow the Money*. Available at <http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=98#l1gro=y> (accessed March 8, 2016).

election cycle, he received \$105,500 from oil and gas corporations.<sup>81</sup> The total amount of campaign contributions Governor Brownback has received from oil and gas corporations during two elections cycle's amounts to \$245,500.<sup>82</sup>

ALEC has a substantial amount of influence in the Kansas state legislature. During 2014 election cycle, more than 98% of members in Chair positions in the Senate and House were affiliated with ALEC.<sup>83</sup> For example, the Speaker of the House Ray Merrick (R-KS) and Senate President Susan Wagle (R-KS) serve on the board of directors of ALEC. According to JoCo MoveOn, 30% of members in the Kansas state legislature are affiliated with ALEC.<sup>84</sup>

Since Governor Brownback has entered his term in office, corporations in Kansas have received an estimated \$276.7 million tax break.<sup>85</sup> Governor Brownback passed a new tax program in 2012.<sup>86</sup> According to The Institute on Taxation and Economic Policy, the bottom 20% of Kansas' population pays 11.1 % of their income in state taxes,

---

<sup>81</sup> "Oil and Gas Contributions to Brownback, Sam," Follow the Money. Available at <http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=33#l1gro=y> (accessed March 8, 2016).

<sup>82</sup> "Lawyers and Lobbyist Contributions to Brownback, Sam," Follow the Money. <http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=98> (accessed April 22, 2016).

<sup>83</sup> "The American Legislative Exchange Council (ALEC) Dominates the Kansas Legislature-It's Time to Dran the Swamp of these ALEC-gators," JoCo MoveOn. Available at <http://www.jocomoveon.org/Kansas-Shadow-Legislature.html> (accessed July 13, 2016).

<sup>84</sup> "The American Legislative Exchange Council (ALEC) Dominates the Kansas Legislature-It's Time to Dran the Swamp of these ALEC-gators," JoCo MoveOn. 2.

<sup>85</sup> Molly Jackman, "ALEC's Influence over Lawmaking in State Legislatures," Brookings. Available at <http://www.brookings.edu/research/articles/2013/12/06-american-legislative-exchange-council-jackman> (accessed January 28, 2016).

<sup>86</sup> Arn Pearson, "ALEC's 'Right States, Poor States' Paints a Happy Face on Failing State Policies," PR Watch. Available at <http://www.prwatch.org/news/2015/11/12982/alecs-rich-states-poor-states-paints-happy-face-failing-state-policies> (accessed January 29, 2016).

whereas the top 1% pays 3%. The model legislation passed has reinforced an elitist agenda that marginalizes the economically disadvantaged. Governor Brownback has been accused of being a member of ALEC and pushing model legislation from the organization. Kansas is expected to have a projected budget deficit of \$190 million dollars in 2016.<sup>87</sup>

The Bipartisan Campaign Reform Act of 2002 (BCRA), known as the McCain-Feingold Act, amended the Federal Election Campaign Act of 1971. The McCain-Feingold Act was named after its U.S. Senate sponsors, Senator John McCain (R-AZ) and Senator Russell Feingold (D-WI).<sup>88</sup> The McCain-Feingold Act was passed in 2002, and attempted to restore the public's trust in campaign finance. The Act stated that donations from wealthy individuals and corporations could not be given to political parties; however the legislation did not restrict independent groups from receiving financial contributions.<sup>89</sup> The BCRA narrowly tailored what corporations and labor unions could legally financially contribute toward political campaigns. Under the BCRA, individuals, unincorporated groups, and PACs received broader contribution limits.

Koch Industries has surpassed Exxon Mobil and Chevron in financial contributions that are intended to go toward political campaigns. The Center for Responsive Politics stated that Koch Industries are the top donor for oil and gas industries

---

<sup>87</sup> Arn Pearson, "ALEC's 'Rich States, Poor States' Paints a Happy Face on Failing State Policies," PR Watch. Available at <http://www.prwatch.org/news/2015/11/12982/alecs-rich-states-poor-states-paints-happy-face-failing-state-policies> (accessed February 6, 2016).

<sup>88</sup> Gill, Kathy. "McCain-Feingold - Campaign Finance Reform Law." Web. 5 Aug. 2015.

<sup>89</sup> Gill, Kathy. "McCain-Feingold - Campaign Finance Reform Law." Web. 5 Aug. 2015.



that donate to PACs.<sup>90</sup> Contributions from oil, gas, and coal companies have been primarily toward Republican candidates. According to The Center for Responsive Politics, Republican candidates that are affiliated with ALEC receive a majority of financial contributions from oil and gas companies.<sup>91</sup> What's more, the vast majority of legislative members in ALEC are Republican.

The First Amendment protects jurisprudence in previous rulings that deal with campaign finance laws.<sup>92</sup> The Supreme Court extended First Amendment rights to individuals, groups, corporations, unions, and nonprofit organizations in the realm of campaign finance laws.<sup>93</sup> Corporations primarily utilized three methods to leverage campaign finance: PACs or "separate segregate funds," financial contributions to trade organizations or associations, and hiring lobbyists to advocate on their behalf.<sup>94</sup> In *Citizens United v. FEC* (2010), the Supreme Court established legal precedence that independent expenditures do not catalyze political corruption.

The Koch brothers have a significant amount of influence over model legislation that is adopted by ALEC. The model legislation introduced to state legislatures reflects

---

<sup>90</sup> Denise Robbins, "Myths and Facts About the Koch Brothers," Media Matters. Available at <http://mediamatters.org/research/2014/08/27/myths-and-facts-about-the-koch-brothers/200570> (accessed January 28, 2016).

<sup>91</sup> Jane Mayer, *Dark Money*, 211.

<sup>92</sup> Gora, Joel. "In Defense of Super PACs and the First Amendment, The Changing Landscape of Election Law." Section Hall Law Review. Web. 12 Aug. 2015.

<sup>93</sup> Gora, Joel. "In Defense of Super PACs and the First Amendment, The Changing Landscape of Election Law."2.

<sup>94</sup> Bakken, Tim. "Constitutional Rights and Political Power of Corporations after Citizens United: Decline of Citizens and Rise of Foreign Corporations and Super PACS." *Cardoza Public Law* 12: 23-41. Print.

the corporate interests of Koch Industries, Inc.<sup>95</sup> Corporate members of ALEC are motivated to pass legislation based on corporate interest, rather than for public good. ALEC gives Koch Industries, Inc. and subsidiary companies the opportunity to leverage their membership to pass legislation. The financial contributions the Koch brothers have made toward ALEC provide ideal business returns that are legally binding. Model legislation that has been narrowly tailored to benefit gas and oil companies contain provisions that allow energy companies to avoid fines for polluting and prevent states from regulating the rogue behavior of financial institutions.<sup>96</sup>

---

<sup>95</sup> "Koch Brothers Exposed: Why We Must Act-And How," Campaign for America's Future. Available at [https://ourfuture.org/fact\\_sheet/koch-brothers-exposed-why-we-must-act-and-how](https://ourfuture.org/fact_sheet/koch-brothers-exposed-why-we-must-act-and-how) (accessed June 16, 2016).

<sup>96</sup> "Koch Brothers Exposed: Why We Must Act-And How," Campaign for America's Future. 2.

Chapter 4: ALEC: Fracking Legislation, The Railroad Commission of Texas, and The  
Texas Public Policy Foundation

Hydraulic fracturing, also known as “fracking” is the process of drilling and injecting fluid into the ground at a high pressure to fracture shale rocks. According to the Energy Information Administration, fracking accounts for more than half of all oil output in the United States.<sup>97</sup> The process of hydraulic fracking produces an estimated 300,000 barrels of natural gas per day in the United States. Fracking fluid contains up to 600 chemicals that are classified as carcinogens and toxins such as: lead, uranium, mercury, ethylene glycol, radium, methanol, hydrochloric acid, and formaldehyde. Once shale rocks have been fractured the natural gas inside is released.<sup>98</sup> To complete the process 1-8 million gallons of water is required. When the fluid from fracking sites evaporates volatile organic compounds (VOCs) are released into the air. VOCs contaminate the atmosphere, catalyze acid rain, and destroy layers of the ozone.

During the process of fracking methane gas and toxic chemicals escape and contaminate nearby groundwater. Water wells located near fracking sites reportedly have a 17 times higher methane concentration.<sup>99</sup> There are a reported 500,000 active wells in the United States for fracking.<sup>100</sup> Researchers at the University of Texas in Arlington found high levels of arsenic, selenium, strontium, and metals in groundwater near gas

---

<sup>97</sup> Matt Egan, "Oil Milestone: Fracking fuels half of U.S output," CNN Money. Available at <http://money.cnn.com/2016/03/24/investing/fracking-shale-oil-boom/> (accessed July 13, 2016).

<sup>98</sup> "What Goes In & Out of Hydraulic Fracking," Gasland the Movie. Available at <http://www.dangersoffracking.com/> (accessed June 11, 2016).

<sup>99</sup> "What Goes In & Out of Hydraulic Fracking," 2.

<sup>100</sup> Marc Lanllanilla, "Facts about Fracking," Live Science. Available at <http://www.livescience.com/34464-what-is-fracking.html> (accessed on June 12, 2016).

fracking sites in the Texas Barnett Shale.<sup>101</sup> The levels were well above the EPA's containment limit for drinking water. The EPA reported that inhabitants living in communities near fracking wells have experienced symptoms of sensory, respiratory, and neurological damage upon drinking the contaminated water.

The *Disclosure of Hydraulic Fracturing Fluid Composition Act* was finalized by sitting Board members of ALEC on January 17, 2016.<sup>102</sup> The Energy, Environment, and Agriculture task force was responsible for drafting the model language in the Act.<sup>103</sup> The model language requires the operator of fracking sites to publically report the total amount of water and list the chemical additives to be disclosed on an online registry called, FracFocus.<sup>104</sup> Exxon Mobil and Koch Industries, Inc. are credited with providing the primary funds toward the research and the development the model language cites regarding fracking.<sup>105</sup> ALEC boasts that 20 states have enacted this legislation and utilize

---

<sup>101</sup> Traci Peterson, "Potential Well Water Contaminants Highest Near Natural Gas Drilling UT Arlington," UTA. Available at <http://www.uta.edu/news/releases/2013/07/Schug-water-well-contaminants-study.php> (accessed June 12, 2016).

<sup>102</sup> Mike McIntire, "Conservative Nonprofit Acts as a Stealth Business Lobbyist," New York Times. Available at [http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?\\_r=0](http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?_r=0) (accessed June 12, 2016).

<sup>103</sup> "The Disclosure of Hydraulic Fracturing Fluid Composition Act," The American Legislative Exchange Council. Available at <https://www.alec.org/model-policy/the-disclosure-of-hydraulic-fracturing-fluid-composition-act/> (accessed June 11, 2016).

<sup>104</sup> "Frac Focus, Chemical Disclosure Registry," Frac Focus. Available at <http://fracfocus.org/> (accessed June 12, 2016).

<sup>105</sup> Alison Fitzgerald, "Koch, ExxonMobil Among Corporation Helping Write State Laws," Bloomberg Technology. Available at <http://www.bloomberg.com/news/articles/2011-07-21/koch-exxon-mobil-among-corporations-helping-write-state-laws> (accessed June 12, 2016).

the website.<sup>106</sup> According to ALEC, the bill serves as a preemptive measure for states.<sup>107</sup>

Section 6 of the *Disclosure of the Hydraulic Fracturing Fluid Composition Act* states:

“(6) require, in the event of a trade secret challenge, that the (relevant state agency) promptly notify the service company performing the hydraulic fracturing treatment on the relevant well, the supplier of the additive or chemical ingredient for which the trade secret claim is made, or any other owner of the trade secret being challenged and provide the owner an opportunity to substantiate its trade secret claim.”

HB 3328 was signed by the Governor Rick Perry (R-TX) on June 17, 2011.<sup>108</sup> The bill resembles the model language used in the *Disclosure of Hydraulic Fracturing Fluid Composition Act*. HB 3328 addresses the “disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments”.<sup>109</sup> The sponsors of HB 3328 included members of the House and Senate in the Texas Legislature: Representative Lon Burnam (D-90), Senator Jane Nelson (R-12), Senator Troy Fraser (R-24), Representative Marc Veasey (D-95), Representative Tan Parker (R-63), Representative James “Jim,” Keffer (R-60), Representative Phil King (R-61), Representative Dawna Dukes (D-46), Representative Myra Crowover (R-64), and Representative Stefani Carter (R-102). The primary author of HB 3328 was Representative Keffer, who was a member of ALEC until 2012.<sup>110</sup> Section 6 of HB 3328 states:

---

<sup>106</sup> John Eick, "Sunshine Week: Disclosure of Hydraulic Fracturing Fluid Composition Act," The American Legislative Exchange Council. 2016. Available at <https://www.alec.org/article/page/5/> (accessed June 2, 2016).

<sup>107</sup> Brendan Fisher, "Corporate Interests Take Aim at Local Democracy," PR Watch. Available at <http://www.prwatch.org/news/2016/02/13029/2016-ALEC-local-control> (accessed June 2, 2016).

<sup>108</sup> Thanh Tan, “2011 Veto Watch: Perry Kills 24 Bills in One Day,” The Texas Tribune Available at <https://www.texastribune.org/2011/06/17/2011-veto-watch-perry-kills-24-bills-in-one-day-/> (accessed June 12, 2016).

<sup>109</sup> "Texas HB3328 | 2011-2012 | 82nd Legislature," Available at <https://legiscan.com/TX/bill/SB1125/2011>(accessed June 2, 2016).

<sup>110</sup> "Texas Legislature Online," Texas Legislature Online. Available at <http://www.capitol.state.tx.us/Search/BillSearch.aspx> (accessed June 8, 2016).

“(6) require, in the event of a trade secret challenge, that the commission promptly notify the service company performing the hydraulic fracturing treatment on the relevant well, the supplier of the additive or chemical ingredient for which the trade secret claim is made, or any other owner of the trade secret being challenged and provide the owner an opportunity to substantiate its trade secret claim.”<sup>111</sup>

The influence of ALEC has expanded from the Texas Legislature to the Railroad Commission of Texas. The Railroad Commission of Texas is a state agency that is accountable for regulating oil and gas in the state of Texas.<sup>112</sup> The Railroad Commission of Texas implemented the *Hydraulic Fracturing Disclosure Rule* (Statewide Rule 29, Texas Administrative Code, Title 16, Part 1, §3.29), on February 12, 2012.<sup>113</sup> Parts B and C in section 6 mirror the model language in section 6 in HB 3328 and the *Disclosure of Hydraulic Fracturing Fluid Composition Act*:

“B) notify the operator of the subject well and the owner of the claimed trade secret information of the submission of the request to the Office of the Attorney General and of the requirement that the owner of the claimed trade secret information submit directly to the Office of Attorney General, Open Records Division, the claimed trade secret information, clearly marked "confidential," submitted under seal; and

(C) inform the owner of the claimed trade secret information of the opportunity to substantiate to the Office of the Attorney General, Open Records Division, its claim of entitlement of trade secret protection, in accordance with Texas Government Code, Chapter 552.”

ALEC does not publically state that the level of disclosure varies among the 20 states that implemented the model legislation. Of the 20 states, 11 states have enacted the

---

<sup>111</sup> "82(R) HB 3328 -Bill Text," Legis State. Available at <http://www.legis.state.tx.us/tlodocs/82R/billtext/html/HB03328F.HTM> (accessed June 2, 2016).

<sup>112</sup> Barnett, Marissa, "Craddick: Railroad Commission Will Continue Permitting in Denton, Not Ruling out Action against Ban," Trail Blazers Blog. Available at <http://trailblazersblog.dallasnews.com/2014/11/craddick-railroad-commission-will-continue-permitting-in-denton-not-ruling-out-action-against-ban.html/> (accessed June 11, 2016).

<sup>113</sup> "Hydraulic Fracturing," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/resource-center/faqs/oil-gas-faqs/faq-hydraulic-fracturing/> (accessed June 8, 2016).

model legislation with partial disclosure requirements.<sup>114</sup> The version of the model legislation passed by the Railroad Commission of Texas requires only high levels of concentrations with hazardous chemicals to be reported on FracFocus. State legislators have justified establishing minimal requirements to respect the trade secrets of companies that operate fracking sites.<sup>115</sup> Nearly one-quarter of the members in the Texas Legislature own mineral rights or stock in oil industries.<sup>116</sup>

According to *Follow the Money*, an organization that researches federal and state contribution documents and makes this data transparent on its website, between the 2008-2012 election cycles the following sponsors and authors received the following donations from oil and gas companies:

Texas State Legislature Donations Received from Oil and Gas Companies (2008 - 2012)					
Sponsor / Author	2008	2010	2012	Total	% of Total
Senator Troy Fraser (R-24)	\$37,250	\$0	\$110,250	\$147,500	20.9%
Representative James "Jim" Keffer (R-60)	25,375	41,800	51,000	118,175	16.7%
Rep. Stefani Carter (R-102)	0	56,750	59,275	116,025	16.4%
Sen. Jane Nelson (R-12)	0	56,750	59,275	116,025	16.4%
Rep. Myra Crowover (R-64)	27,507	40,021	27,874	95,402	13.5%
Rep. Phil King (R-61)	45,700	9,250	18,500	73,450	10.4%
Rep. Tan Parker (R-63)	3,600	10,693	4,500	18,793	2.7%
Rep. Marc Veasey (D-95)	6,250	8,250		14,500	2.1%
Rep. Lon Bumam (D-90)	1,000	4,000	1,000	6,000	0.9%
Rep. Dawna Dukes (D-46)	0	0	0	0	0.0%
<b>Total</b>	<b>\$146,682</b>	<b>\$227,514</b>	<b>\$331,674</b>	<b>\$705,870</b>	<b>100.0%</b>

More than half of the sponsors and authors of HB 3328 were members of ALEC. The following sponsors and authors were members of ALEC when HB 3328 was passed: Senator Nelson (member of the ALEC Communications and Technology task force), Senator Fraser, Representative Keffer, Representative King (2015 ALEC National

<sup>114</sup> Cora Currier, "How ALEC Helps Companies Keep Fracking Ingredients Secret," Mother Jones. Available at <http://www.motherjones.com/environment/2012/04/alec-secret-fracking-ingredients> (accessed June 11, 2016).

<sup>115</sup> "How ALEC Helps Companies Keep Fracking Ingredients Secret," 2.

<sup>116</sup> Amanda Starburck, "Debunking the Texas Miracle," Center For Effective Government. Available at <http://www.foreffectivegov.org/blog/debunking-texas-miracle/> (accessed June 2, 2016).

Chairman and member of the ALEC Tax and Fiscal Policy task force), Representative Dukes (member of the ALEC Tax and Fiscal Policy task force), and Representative Crownover.<sup>117</sup> The sponsors and authors that were not affiliated with ALEC, Representative Burnam and Representative Veasey, received a significantly smaller amount of contributions from oil and gas companies during these election cycles.

Representative Dukes’ financial donations were not disclosed on the website, *Follow the Money*. In April 2016, a criminal investigation began against Representative Dukes. The Travis County district attorney received complaints from former staffers in her legislative office.<sup>118</sup> Former staffers allege that Representative Dukes forced them to raise money at a nonprofit event in her district. The auditor’s office partnered with the Travis County’s Public Integrity Unit on the matter.

In 2011, the following sponsors and authors of HB 3328 were serving in leadership positions on the following committees, relating to the content of HB 3328:

Energy and Natural Resources Committee Leadership Positions in Texas State Legislature (2011)	
Sponsor / Author	Committee Leadership Position
Senator Troy Fraser (R-24)	Chair of Natural Resources Committee
Representative James "Jim" Keffer (R-60)	Chair of Energy Resources Committee and Member of Natural Resources Committee
Rep. Stefani Carter (R-102)	
Sen. Jane Nelson (R-12)	
Rep. Myra Crownover (R-64)	Vice Chair of Energy Resources Committee
Rep. Phil King (R-61)	
Rep. Tan Parker (R-63)	
Rep. Marc Veasey (D-95)	
Rep. Lon Bumam (D-90)	
Rep. Dawna Dukes (D-46)	

<sup>117</sup> “Texas ALEC Politicians,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Texas_ALEC_Politicians) (accessed June 12, 2016).

<sup>118</sup> Sean Collins Walsh, “Sources: Prosecutors Investigating State Rep. Dawna Dukes,” My Statesman. Available at <http://www.mystatesman.com/news/news/state-regional-govt-politics/sources-prosecutors-investigating-state-rep-dawna/nq6Qm/> (accessed June 23, 2016).



The members serving in the above leadership positions in the Texas Legislature were also members of ALEC. The primary author of HB 3328 is Representative Keffer. Representative Keffer has claimed HB 3328 was a “landmark piece of legislation” that would “establish a clear model for other states to follow”.<sup>119</sup> While Representative Keffer served as the primary author for HB 3328, he was Chair for the Energy Resources Committee and a member of ALEC. On May 2011, Representative Keffer told the *Texas Observer* that he was motivated to write HB 3328 because he wanted to achieve a “balanced approach” between environmentalists and fracking.<sup>120</sup>

In 2005, Congress passed the Safe Drinking Water Act and Energy Policy Act.<sup>121</sup> The Safe Drinking Water Act exempted companies from disclosing what substances are being injected during the process of fracking. Therefore, the Environmental Protection Agency (EPA) has no legal authority on what chemicals should be disclosed during the fracking process. The Energy Policy Act addressed energy production in the United States.<sup>122</sup> This bill contained a sub-section known as the “Halliburton Loophole”.<sup>123</sup> The loophole frees oil and gas companies from having any legal obligation to disclose chemicals used during the fracking process. The sub-section is referred to as such

---

<sup>119</sup> Kate Galbraith, “Texas Could Require Disclosure of Drilling Chemicals,” *Texas Tribune*. Available at <https://www.texastribune.org/2011/03/25/texas-require-disclosure-of-drilling-chemicals/> (accessed June 12, 2016).

<sup>120</sup> Forrest Wilder, “ALEC is a Big Fan of Texas’ Fracking Disclosure Laws,” *Texas Observer*. Available at <https://www.texasobserver.org/alec-is-a-big-fan-of-texas-fracking-disclosure-law/> (accessed June 12, 2016).

<sup>121</sup> “How ALEC Helps Companies Keep Fracking Ingredients Secret,” 3.

<sup>122</sup> “Summary of the Energy Policy Act,” EPA-Environmental Protection Agency. Available at <https://www.epa.gov/laws-regulations/summary-energy-policy-act> (accessed June 11, 2016).

<sup>123</sup> Steve Horn, “ALEC’s Fracking Chemical Disclosure Bill Moving Through Florida Legislature,” *DeSmogBlog*. Available at <http://www.desmogblog.com/2014/02/19/alec-exxonmobil-proposed-fracking-fluid-disclosure-bill-moving-through-fl-legislature> (accessed June 4, 2016).

because it was written by former Vice President Dick Cheney, who previously served as the CEO of Halliburton. Halliburton is an oil and fracking services company located in the state of Texas.<sup>124</sup>

The city of Denton contains 300 fracking wells and two gas well pad sites.<sup>125</sup> On November 4, 2014, the citizens of Denton approved a ballot measure that would ban fracking.<sup>126</sup> The following day two lawsuits were filed to overturn the city-ban on fracking. Todd Staples, President of the Texas Oil and Gas Association, claimed the city-ban violated the constitutional rights of families and mineral owners. Residents of Denton complained about the damage of air quality, water quality, and misinformation that was given by oil and gas companies regarding the environmental impact of fracking.<sup>127</sup> Although the city-ban on fracking was never enforced, the Denton City Council repealed the initiative on June 17, 2015. The city of Denton is located north of the metropolitan city of Forth Worth in Texas. The area contains more than 12,000 sites that have been fracked throughout the decade.<sup>128</sup> In 2014, the city of Denton passed a moratorium on fracking.

---

<sup>124</sup> "Oilfield Services | Halliburton – Halliburton," Halliburton. Available at <http://www.halliburton.com/en-US/default.page> (accessed June 6, 2016).

<sup>125</sup> Mose Buchele, "After HB 40, What's Next for Local Drilling Rules in Texas?" State Impact. Available at <https://stateimpact.npr.org/texas/2015/07/02/after-hb-40-whats-next-for-local-drilling-bans-in-texas/>(accessed June 11, 2016).

<sup>126</sup> "City of Denton Fracking Ban Initiative (November 2014)," Ballotpedia. Available at [https://ballotpedia.org/City\\_of\\_Denton\\_Fracking\\_Ban\\_Initiative\\_\(November\\_2014\)](https://ballotpedia.org/City_of_Denton_Fracking_Ban_Initiative_(November_2014)) (accessed June 11, 2016).

<sup>127</sup> Jim Malewitz, "Dissecting Denton: How a Texas City Banned Fracking," The Texas Tribune. Available at <https://www.texastribune.org/2014/12/15/dissecting-denton-how-texas-city-baned-fracking/> (accessed June 12, 2016).

<sup>128</sup> "Denton Fracking Facts," Frack Free Denton. Available at <http://frackfreedenton.com/fracking-facts/> (accessed June 12, 2016).

The state of Texas is the largest producer of crude oil in the United States, the 14<sup>th</sup> largest producer of oil in the world, and generates 30% of the oil used in the United States.<sup>129</sup> Governor Greg Abbott of Texas (R-TX) signed HB 40 into law on May 18, 2015.<sup>130</sup> HB 40 limits the authority of local governments to regulate oil and gas drilling. The law was signed after a conflict arose between state and local levels of government dealing with fracking.<sup>131</sup>

The elected officials of the Railroad Texas Commission are responsible for ensuring the efficient production and safe transportation of the state's energy resources, while minimizing environmental effects.<sup>132</sup> According to the Center for Effective Government, of the 550 drinking water wells near Texas fracking sites 69% were contaminated with toxic chemicals.<sup>133</sup> Commissioner Craddick has been an advocate for funding and researching fracking technology. In 2013, the 40<sup>th</sup> annual ALEC meeting was held in Chicago, Illinois. Commissioner Craddick served as a guest speaker and spoke about the importance of fracking technology.<sup>134</sup>

---

<sup>129</sup> "Railroad Commissioner Christi Craddick Tells ALEC "Hydraulic Fracturing Responsible for Unleashing American Energy Colossus," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/news/080913/> (accessed June 8, 2016).

<sup>130</sup> "HB 40," Texas State Legislature Online. Available at <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB40> (accessed June 12, 2016).

<sup>131</sup> "Texas and Fracking," Earthjustice. 2011. Available at <http://earthjustice.org/features/texas-and-fracking#> (accessed June 8, 2016).

<sup>132</sup> "Finding Common Ground About What's Underground by Chairman Christi Craddick," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/> (accessed June 11, 2016).

<sup>133</sup> Amanda Starburk, "Debunking the Texas Miracle," Center For Effective Government. Available at <http://www.foreffectivegov.org/blog/debunking-texas-miracle/> (accessed June 8, 2016).

<sup>134</sup> "Railroad Commissioner Christi Craddick Tells ALEC, '*Hydraulic Fracturing Responsible for Unleashing American Energy Colossus*,'" Railroad Commission of

The current Chairman of the Railroad Commission of Texas is David Porter. The current Commissioners of the Railroad Texas Commission are Christi Craddick and Ryan Sitton. Chairman Porter began service as Chairman of the Railroad Commission of Texas in 2010. According to *Follow the Money*, oil and gas companies financially contributed \$228,000 toward his campaign.<sup>135</sup> The primary source of his campaign funding was from oil and gas companies. Commissioner Sitton received \$1,068,626 from oil and gas companies to finance his 2014 campaign.<sup>136</sup> He received almost 4 times the amount Chairman Porter received from oil and gas companies. Chairman Porter publically announced in 2015 that he will not be seeking reelection in 2016.<sup>137</sup>

<b>Railroad Commission of Texas Donations Received from Oil and Gas Companies (2010 - 2014)</b>					
<b>Sponsor / Author</b>	<b>2008</b>	<b>2010</b>	<b>2012</b>	<b>Total</b>	<b>% of Total</b>
David Porter (Chairman)	\$228,000	\$0	\$0	\$228,000	5.5%
Ryan Sitton (Commissioner)	0	0	1,068,626	1,068,626	25.8%
Christi Craddick (Commissioner)	0	2,850,158	0	2,850,158	68.7%
<b>Total</b>	<b>\$228,000</b>	<b>\$2,850,158</b>	<b>\$1,068,626</b>	<b>\$4,146,784</b>	<b>100.0%</b>

Christi Craddick was elected to serve as the Commissioner of the Railroad Commission of Texas in 2012. Commissioner Craddick publically opposed the city-ban Denton placed on fracking. According to Commissioner Craddick, “Hydraulic fracking has never contributed to a single instance of groundwater contamination in Texas-never.”<sup>138</sup> Commissioner Craddick encourages the process of fracking to increase energy

---

Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/news/080913/> (accessed June 8, 2016).

<sup>135</sup> “Porter, David,” *Follow The Money*. Available at <http://www.followthemoney.org/entity-details?eid=13010749> (accessed June 10, 2016).

<sup>136</sup> “Porter, David,” *Follow The Money*. Available at <http://www.followthemoney.org/entity-details?eid=13010749> (accessed June 10, 2016).

<sup>137</sup> “Chairman David J. Porter,” *Railroad Commission of Texas*. Available at <http://www.rrc.state.tx.us/about-us/commissioners/porter/> (accessed June 8, 2016).

<sup>138</sup> “Finding Common Ground About What's Underground by Chairman Christi Craddick,” *Railroad Commission of Texas*. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/news/111214b/> (accessed June 11, 2016).

production and community growth within the state of Texas. The Texas Oil and Gas Association was the first company to file a lawsuit against the city-ban on fracking in Denton. In 2012, the Texas Oil and Gas Association contributed \$25,000 toward Commissioner Craddick's campaign.

In Texas, there is no limit to the amount individuals can financially donate toward a candidate's campaign for a position on the Railroad Commission of Texas.<sup>139</sup> During the 2012 election, Commissioner Craddick received 3 times the amount of financial contributions compared to other candidates running for office. According to *Follow the Money*, Commissioner Craddick received \$2,850,158 in campaign donations.<sup>140</sup> The primary sources of Commissioner Craddick's financial contributions were from her father, oil and gas companies, and individual donations.<sup>141</sup> Tom Craddick, her father, financially contributed \$596,061 toward her campaign. A majority of the funds came from oil and gas companies that have business interests in the state of Texas.

Commissioner Craddick received \$5,000 from Chevron, ConocoPhillips, Devon Energy, Exxon, Occidental Petroleum, and Koch Industries; and \$25,000 from the Texas Oil and Gas Association (TOGA).<sup>142</sup>

---

<sup>139</sup>Terrence Henry, "How Oil and Gas Dollars Fueled the Railroad Commission Race," State Impact. Available at <https://stateimpact.npr.org/texas/2012/07/31/railroad-commission-run-off-today-with-lots-of-help-from-the-oil-and-gas-industry/> (accessed June 11, 2016).

<sup>140</sup>"Craddick, Christi," National Institute on Money in State Politics. Available at <http://classic.followthemoney.org/database/StateGlance/candidate.phtml?c=144540> (accessed June 4, 2016).

<sup>141</sup>"Christi Craddick | Railroad Commissioner," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/> (accessed June 11, 2016).

<sup>142</sup>"Denton, TX Becomes Fracking Resistance Flashpoint," Dear President Obama Film. Available at <http://www.dearpresidentobama.com/news/> (accessed June 11, 2016).

The general election took place on November 6, 2012. The following candidates ran for the position of Commissioner 2 for the Railroad Commission of Texas: Christi Craddick (R), Dale Henry (D), Vivekananda Wall (L), and Chris Kennedy (G).<sup>143</sup> According to *Follow the Money*, Commissioner Craddick received \$822, 328 in campaign contributions from oil and gas companies toward the election.<sup>144</sup> Her fellow candidates did not receive any campaign contributions from oil and gas companies.

Commissioner Craddick has been connected to oil and gas companies in Texas through her father, Tom Craddick, for decades. Tom Craddick is currently in office and has been an incumbent for 47 years in the Texas House of Representatives (R-82).<sup>145</sup> In 2003, Representative Craddick became the Speaker in the House of Representatives. Representative Craddick was credited with helping the Republican Party gain the majority in the House of Representatives. He also had personal business investments dealing with insurance and served as a sales representative for Horizon Mud Company. Horizon Mud Company is a full-service drilling company in Texas and other states in the country. Commissioner Craddick has credited her father with her knowledge of gas and oil in the state of Texas.<sup>146</sup>

---

<sup>143</sup> "Texas state executive official elections, 2012," Ballotpedia. Available at [https://ballotpedia.org/Texas\\_state\\_executive\\_official\\_elections,\\_2012](https://ballotpedia.org/Texas_state_executive_official_elections,_2012) (accessed June 12, 2016).

<sup>144</sup> "Craddick, Christi," Follow The Money. Available at <http://www.followthemoney.org/show-me?c-t-eid=10238705&d-cci=33> (accessed June 12, 2016).

<sup>145</sup> "Find Your Representative By Address," Texas House of Representatives. Available at <http://www.house.state.tx.us/members/find-your-representative/> (accessed June 11, 2016).

<sup>146</sup> "Christi Craddick | Railroad Commissioner," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/> (accessed June 11, 2016).

Representative Craddick has been a long-time member of ALEC. He has served in the position of Vice Chairman and National Secretary of the Executive Board of Directors. He was selected in 2004 to become a member of the Executive Board of Directors, after serving as Speaker in the Texas House of Representatives for one year. Representative Craddick is credited with increasing the number of legislators who are a part of ALEC that serve on the Texas state legislature. Since then, Texas has become one of ALEC's states with the highest amount of legislative membership. Representative Craddick received the ALEC William J. Raggio Excellence in Leadership and Outstanding Service Award in 2008. This award recognizes a member who demonstrates a long-term commitment to serving others and Jeffersonian principles. In 2010, Representative Craddick was selected to serve as the 2010 National Chairman of the ALEC Board of Directors.<sup>147</sup>

Since beginning his political career in 1969, Representative Craddick has received \$9,711,579 in campaign donations.<sup>148</sup> During the 2002 and 2008 election cycle, which aligns with the years Craddick served in the position as Speaker in the House of Representatives. He received \$9,192,066, which is the majority of campaign contributions he received throughout the span of his political career. The following chart identifies the amount of financial donations Representative Craddick received from gas and oil companies during the 2002, 2006, 2008, and 2010 election cycles:

---

<sup>147</sup> "Rep. Craddick, Tom," Texas House of Representatives. Available at <http://www.house.state.tx.us/news/member/press-releases/?id=2829> (accessed June 11, 2016).

<sup>148</sup> "Craddick, Tom," National Institute on Money in State Politics. Available at <http://classic.followthemoney.org/database/StateGlance/contributor.phtml?d=1895375771> (accessed June 11, 2016).

Texas State Legislature Donations Received from Oil and Gas Companies (2002 - 2010)					
Sponsor / Author	2002	2006	2008	2010	Total
Rep. Tom Craddick (R-82)	\$66,450	\$109,250	\$309,165	\$4,000	\$488,865

While he was serving as Speaker, the Texas Oil and Gas Association contributed \$42,500 toward his election cycles in the House of Representatives. During the same period Representative Craddick received \$35,000 from Valeo Energy, \$31,000 from Occidental Petroleum, \$30,000 from Koch Industries, \$20,500 from ConocoPhillips, and \$26,750 from Exxon Mobil in campaign contributions. Many of the same oil and gas companies that Representative Craddick received financial contributions from also contributed toward his daughter’s campaign in 2012 for Texas Railroad Commission. The following oil and gas companies are referred to as corporate members of ALEC.

HB 40 was introduced by Senator Troy Fraser (R-24) on March 10, 2015. The primary author of the bill was Representative Drew Darby (R-72). The joint authors of HB 40 were Representative Jim Keffer (R-60), Representative Phil King (R-61), Representative Senfronia Thompson (D-141), and Representative Rene Oliveira (D-37).<sup>149</sup> Governor Abbott signed HB 40 into law on May 18, 2015. HB 40 gives exclusive jurisdiction to the state of Texas to regulate oil and gas operations. The bill prohibits city-bans on drilling and fracking, unless the reason is “commercially reasonable”.<sup>150</sup> Prior to HB 40 being approved, the Texas Oil and Gas Association and the Texas General Land

<sup>149</sup> David Hasemyer, “Saturated with oil money, Texas legislature saved industry from pollution rule,” The Center for Public Integrity. Available at <https://www.publicintegrity.org/2014/02/18/14240/saturated-oil-money-texas-legislature-saved-industry-pollution-rule> (accessed June 10, 2016).

<sup>150</sup> Mose Buchele, “After HB 40, What’s Next for Local Drilling Rules in Texas?” State Impact. Available at <https://stateimpact.npr.org/texas/2015/07/02/after-hb-40-whats-next-for-local-drilling-bans-in-texas/> (accessed June 11, 2016).



Office filed lawsuits against the city of Denton within two days of the ban on city-fracking being approved by 60% of Denton residents.<sup>151</sup>

The following contributions were made from oil and gas companies during the election cycles in 2012 and 2015:

<b>Texas State Legislature Donations Received from Oil and Gas Companies (2012 - 2015)</b>				
<b>Sponsor / Author</b>	<b>2012</b>	<b>2015</b>	<b>Total</b>	<b>% of Total</b>
Representative James "Jim" Keffer (R-60)	\$0	\$133,751	\$133,751	41.4%
Senator Troy Fraser (R-24)	110,250	0	110,250	34.1%
Rep. Drew Darby (R-72)	0	43,751	43,751	13.5%
Rep. Phil King (R-61)	0	25,001	25,001	7.7%
Rep. Sefronia Thompson (D-141)	0	8,251	8,251	2.6%
Rep. Rene Oliveira (D-37)	0	2,000	2,000	0.6%
<b>Total</b>	<b>\$110,250</b>	<b>\$212,754</b>	<b>\$323,004</b>	<b>100.0%</b>

Representative Keffer received the highest amount of financial contributions during the 2015 election cycle from oil and gas companies. He claims that he is no longer affiliated with ALEC, yet many of the oil and gas companies that have financially contributed toward his campaign are corporate members of ALEC. Representative Keffer and Representative King served as joint authors of HB 40 and both Representatives have ties to ALEC. Senator Fraser introduced HB 40 and is a member of ALEC. In 2012, he received \$110,250 from oil and gas companies. Besides Representative Keffer, Senator Fraser has received the highest amount of financial contributions from oil and gas companies. The following sponsors and authors served in leadership positions that related to the content included in HB 40:

<sup>151</sup> Tara Linn Hunter, "Fracking Protests Continue in Texas as New ALEC-Backed Law Bars Towns from Banning Drilling," Democracy Now. Available at [http://www.democracynow.org/2015/6/3/fracking\\_protests\\_continue\\_in\\_texas\\_as](http://www.democracynow.org/2015/6/3/fracking_protests_continue_in_texas_as) (accessed June 12, 2016).

Energy and Natural Resources Committee Leadership Positions in Texas State Legislature (2015)	
Sponsor / Author	Committee Leadership Position
Representative James "Jim" Keffer (R-60)	Chair of Natural Resources Committee
Senator Troy Fraser (R-24)	Chair of Natural Resources and Economic Development Committees
Rep. Drew Darby (R-72)	Chair of Natural Resources Committee
Rep. Phil King (R-61)	
Rep. Seffronia Thompson (D-141)	
Rep. Rene Oliveira (D-37)	

Senator Fraser and Representative Keffer are publically affiliated with ALEC; Senator Fraser (2006 ALEC State Legislature of the Year) and Representative Keffer (former member). Representative Keffer was the primary author of HB 3328 and Senator Fraser was the sponsor of HB 3328. Both members of the Texas state legislature have received significantly large contributions from oil and gas companies, while serving in leadership positions on committees that deal with environmental legislation.

Senator Fraser served as a member of the Texas Legislature for 20 years. Since entering office, Senator Fraser has received \$209,600 in financial contributions from oil and gas companies during his years in office.<sup>152</sup> During the 2015 legislative session, Senator Fraser served on the following committees: Natural Resources and Economic Development (Chair), Nominations, State Affairs, and Transportation. Senator Fraser served as Chair of the Natural Resources and Economic Development committee when he introduced HB 40.<sup>153</sup> In 2006, Senator Fraser received the ALEC State Legislator of the Year award.<sup>154</sup> During the 2008 election cycle Senator Fraser received \$37,250 in

<sup>152</sup> "Fraser, Troy," Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=13013639> (accessed June 10, 2016).

<sup>153</sup> "Troy Fraser," Ballotpedia. Available at [https://ballotpedia.org/Troy\\_Fraser](https://ballotpedia.org/Troy_Fraser) (accessed June 4, 2016).

<sup>154</sup> "ALEC AwardWinners," SourceWatch. Available at [http://www.sourcewatch.org/index.php/ALEC\\_Award\\_Winners](http://www.sourcewatch.org/index.php/ALEC_Award_Winners), accessed June 11, 2016.

financial contributions from gas and oil companies. In the 2012 election cycle he received \$110,250, which is almost three times the amount he previously received.<sup>155</sup>

Since beginning his term in 1997, Representative Keffer has received \$330,930 from oil and gas companies in financial donations.<sup>156</sup> During the 2015 legislative session Representative Keffer served on the following committees: Natural Resources (Chair), Energy Resources, and Redistricting. His leadership position on the Natural Resources committee would make him Senator Fraser's counterpart.<sup>157</sup> Although Representative Keffer has not been a member of ALEC since 2012, he has received a majority of his campaign contributions from oil and gas companies. In 2014, Representative Keffer received \$133,751 from oil and gas companies.<sup>158</sup> The oil and gas companies that contributed toward his campaign have been recognized as corporate members of ALEC.<sup>159</sup>

Representative Darby is an incumbent who began his first term in 2007.<sup>160</sup> According to *Follow the Money*, since 2007 Representative Darby has received financial contributions from oil and gas companies that amount to \$160,116. During the 2015 election cycle, Representative Darby served as Chair on the Energy Resources committee

---

<sup>155</sup> "Fraser, Troy," *Follow the Money*, 2.

<sup>156</sup> "Keffer, James L," *Follow The Money*. Available at <http://www.followthemoney.org/entity-details?eid=13006937> (accessed June 8, 2016).

<sup>157</sup> "Jim Keffer," *Ballotpedia*. Available at [https://ballotpedia.org/Jim\\_Keffer](https://ballotpedia.org/Jim_Keffer) (accessed June 11, 2016).

<sup>158</sup> "Keffer, James," *Follow The Money*. Available at <http://www.followthemoney.org/show-me?c-t-eid=13006937&d-cci=33#{1|gro=y> (accessed June 12, 2016).

<sup>159</sup> "Texas ALEC Politicians," *SourceWatch*. Available at [http://www.sourcewatch.org/index.php/Texas\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Texas_ALEC_Politicians) (accessed June 11, 2016).

<sup>160</sup> "Darby, Drew," *Follow The Money*. Available at <http://followthemoney.org/entity-details?eid=13006958> (accessed June 8, 2016).

and was a member of the Ways and Means committee.<sup>161</sup> Representative Darby served as the primary author of HB 40. Financial donations made by oil and gas companies could have been used as way to leverage with the Chair of the Energy Resources committee. There is no information on the current membership status of Representative Darby.

Representative King has received \$132,711 in financial donations from oil and gas companies.<sup>162</sup> He first began serving office in 1998. During the 2015 legislative session, Representative King served on the Energy Resources and Environmental Regulation committees.<sup>163</sup> He served as a joint author of HB 40. Representative King was appointed as the 2015 ALEC National Chair and has served on the Tax and Fiscal Policy task force.<sup>164</sup> In 2016, ALEC announced that Representative King will begin serving as the new Chairman of the ALEC Center for Innovation and Technology.<sup>165</sup>

ALEC has donated “scholarship” money to politicians in the Texas Legislature. Corporations and companies that are members of ALEC are able to provide the financial funding for state lawmakers to have exclusive time with top lobbyists and discuss policy issue areas. The financial contribution toward a state lawmakers’ expenses to attend these

---

<sup>161</sup> "Drew Darby," Ballotpedia. Available at [https://ballotpedia.org/Drew\\_Darby](https://ballotpedia.org/Drew_Darby) , accessed June 4, 2016.

<sup>162</sup> "King, Phil," Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=6583091> (accessed June 10, 2016).

<sup>163</sup> "Phil King," Ballotpedia. Available at [https://ballotpedia.org/Phil\\_King](https://ballotpedia.org/Phil_King) (accessed June 11, 2016).

<sup>164</sup> "Texas ALEC Politicians," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Texas_ALEC_Politicians) (accessed June 11, 2016).

<sup>165</sup> "Texas State Representative Phil King Named Chairman of (ALEC) Center for Innovation and Technology," American Legislative Exchange Council. Available at <https://www.alec.org/press-release/texas-state-representative-phil-king-named-chairman-of-american-legislative-exchange-council-alec-center-for-innovation-and-technology/> (accessed June 9, 2016).

meetings is considered a “scholarship”.<sup>166</sup> Representative Tom Craddick (R-82), Representative Lynda Harper Brown (R-105), Representative John Otto (R-18), Representative Phil King (R-61), and Senator Larry Taylor (R-24) have received “scholarships” from ALEC.

Representative Thompson has been in office since 1973. Throughout the span of his political career he has received \$52,901 in campaign contributions from oil and gas companies.<sup>167</sup> During the 2015 legislative session, Representative Thompson served on the following committees: Judiciary and Civil Jurisprudence, Licensing and Administrative Procedures, Local and Consent Calendars (Chair), and Redistricting.<sup>168</sup> Representative Oliveira first took office in 1980. Representative Oliveira has received \$26,750 in campaign contributions from oil and gas companies since being elected to office.<sup>169</sup>

During the 2015 legislative session Oliveira served on the following committees: Business and Industry (Chair), Redistricting, and State Affairs.<sup>170</sup> Representative Thompson and Oliveira received the lowest amount of financial contributions from oil and gas companies. The Representatives also served on committee assignments that were

---

<sup>166</sup> Jay Riestenberg, "ALEC Picked Up Tab for Texas Lawmakers' Junkets," Common Cause. Available at <http://www.commoncause.org/democracy-wire/alec-picked-up-tab-for-texas-lawmakers-trips.html?referrer=https://www.google.com/> (accessed June 11, 2016).

<sup>167</sup> “Thompson, Senfronia,” Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=6387063&default=candidate> (accessed June 11, 2016).

<sup>168</sup> “Senfronia Thompson,” Ballotpedia. Available at [https://ballotpedia.org/Senfronia\\_Thompson](https://ballotpedia.org/Senfronia_Thompson) (accessed June 11, 2016).

<sup>169</sup> “Oliveira, Rene,” Follow The Money. Available at <http://classic.followthemoney.org/database/StateGlance/candidate.phtml?c=52269> (accessed June 11, 2016).

<sup>170</sup> “Rene Oliveira,” Ballotpedia. Available at [https://ballotpedia.org/Rene\\_Oliveira](https://ballotpedia.org/Rene_Oliveira) (accessed June 11, 2016).

not as relevant compared to other authors, joint authors, and sponsors and had no affiliation with ALEC.

The Texas Public Policy Foundation (TPPF) is a conservative think-tank and a member of the State Policy Network (SPN). SPN receives a majority of funding from Koch Industries. The TPPF is a 501 (c)(3) nonprofit and is not required to disclose a list of financial donors, which resembles the structure of ALEC.<sup>171</sup> According to The Center for Media and Democracy, since 2013 the TPPF has received financial contributions that amount to \$3,314,591 from the Koch brothers.<sup>172</sup> Donations have been made on behalf of subsidiaries of Koch Industries; Koch Family Foundations, Donors Trust, and Donors Capitol Fund. Many of the same oil and gas companies that have donated money to ALEC, have also donated to TPPF; including, Exxon Mobil, Chevron, and ConocoPhillips.

Kathleen Harnett White is the Director of Natural Resources for the TPPF. Director White previously served for six years as Chairman of the Texas Commission on Environmental Quality, which is the second largest environmental regulatory agency in the world.<sup>173</sup> In 2011, she attended the ALEC Annual Meeting. The meeting was hosted by the Energy, Environment, and Agriculture task force of ALEC. Topics at the meeting

---

<sup>171</sup> “Revealed: The Corporations and Billionaires That Fund the Texas Public Policy Foundation,” The Texas Observer. Available at <https://www.texasobserver.org/revealed-the-corporations-and-billionaires-that-fund-the-texas-public-policy-foundation/> (accessed June 11, 2016).

<sup>172</sup> “Texas Public Policy Foundation,” SourceWatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_Public\\_Policy\\_Foundation](http://www.sourcewatch.org/index.php/Texas_Public_Policy_Foundation) (accessed June 11, 2016).

<sup>173</sup> “Kathleen Harnett White, Distinguished Senior Fellow-in-Residence and Director, Armstrong Center for Energy and the Environment,” Texas Public Policy Foundation. Available at <http://www.texaspolicy.com/experts/detail/kathleen-hartnett-white> (accessed June 12, 2016).

included model legislation, climate science, chemical bans, and barriers for gas and oil companies.<sup>174</sup>

The same year, Director White was a contributor for *The National Review*. Her article was titled, *The Fracas about Fracking*.<sup>175</sup> Director White explores the limited implications on the environment that arose from fracking. She states, “Highly audible critics of fracking have attributed all of the environmental risks noted above to natural-gas production in the Barnett shale area around Dallas–Fort Worth, now the most productive fracking effort in the country”. The area that Director White is referring to is near the city of Denton.<sup>176</sup>

Many employees at TPPF also collaborate with and are members of ALEC. The Executive Director of TPPF is Arlene Wohlgemuth. She is also a member of the Health and Human Services task force at ALEC. The Director of the Center for Tenth Amendment Studies for the TPPF is Mario Loyola. Mario Loyola is a member of the ALEC Energy, Environment, and Agriculture task force. The Energy, Environment, and Agriculture task force is the primary author of HB 3328 which was approved by members of the Texas Legislature in 2011.

On March 4, 2015, the TPPF released a research paper examining hydraulic fracking. The research paper was titled, *Fracking Facts: The Science, Economics, and Legal Realities*. The paper was written by policy-analyst Leigh Thompson for the

---

<sup>174</sup> “ALEC Energy, Environment and Agriculture Task Force,” SourceWatch. Available at [http://www.sourcewatch.org/index.php/ALEC\\_Energy,\\_Environment\\_and\\_Agriculture\\_Task\\_Force](http://www.sourcewatch.org/index.php/ALEC_Energy,_Environment_and_Agriculture_Task_Force) (accessed June 11, 2016).

<sup>175</sup> Kathleen Harnett White, “The Fracas about Fracking,” National Review. Available at <http://www.nationalreview.com/article/270893/fracas-about-fracking-kathleen-hartnett-white> (accessed June 12, 2016).

<sup>176</sup> Kathleen Harnett White, “The Fracas about Fracking,” National Review. 2.

Armstrong Center for Energy and the Environment. Thompson discusses economic and legal facts surround fracking bans. The conclusion of the research paper states, “Emotional appeals and fuzzy facts masquerading as science confound these debates about local fracking bans. The economics, science, and law do not favor proponents of these local bans”. HB 40 was introduced to the Texas Legislature on March 10, 2015.<sup>177</sup> The research paper published by the TPPF reinforces the points made in HB 40.

In conclusion, members of the Texas state legislature that sponsored ALEC model legislation served in leadership positions in committees that related to the content of the proposed bill. Sponsors and authors that received financial contributions from oil and gas companies were likely to receive a higher amount, if they were serving committee related to the content and members of ALEC. The majority of sponsors and authors of model legislation that dealt with environmental issues were affiliated with HB 3328 and HB 40.

Sponsors and authors that received a higher amount of donations were classified as members of the Republican Party. The sponsors and authors that were classified as members of the Democratic Party received significantly less money in campaign contributions from oil and gas companies. The research suggests that campaign contributions that were given toward a member of the state legislature in a leadership position could be a more effective way for companies to lobby on behalf of a policy area.

---

<sup>177</sup> “Texas House Bill 40 (2015),” Ballotpedia. Available at [https://ballotpedia.org/Texas\\_House\\_Bill\\_40\\_\(2015\)](https://ballotpedia.org/Texas_House_Bill_40_(2015)) (accessed June 11, 2016).



## Chapter 5: ALEC: Low-Carbon Fuel Standards (LCSF) and the Keystone Pipeline XL

Koch Industries is one of the largest oil companies to export Canadian oil to the United States. Approximately 16 million barrels of oil are consumed every day in the United States.<sup>178</sup> According to ALEC, the tar sands in Alberta, Canada are the third largest reserve of crude oil in the world. The Cenovus oil sands facility in Christina Lake, Alberta, produces approximately 140,000 barrels of oil per day, making Canada the largest provider of oil to the United States.<sup>179</sup> Pine Bend Refinery is a subsidiary of Koch Industries, Inc. The Refinery produces 20% of exported oil sands crude from Canada.<sup>180</sup>

Pine Bend Refinery is located in Minnesota and primarily handles tar sands imports from Canada. The Koch brothers have generated massive profits from the Pine Bend refinery.<sup>181</sup> According to *Inside Climate News* in 2015 “This single Koch refinery is now responsible for an estimated 25% of the 1.2 million barrels of oil the U.S imports each day from Canada’s tar sands territories”.<sup>182</sup>

Tar sands are processed to generate the production of oil. Extracting oil from tar sands includes the separation of bitumen from clay, sand, and water.<sup>183</sup> Bitumen is

---

<sup>178</sup> “ALEC Oil Sands Trip Educates Legislators on Environmentally Conscious Energy Production,” American Legislative Exchange Council. Available at <https://www.alec.org/article/alec-oil-sands-trip-educates-legislators-on-environmentally-conscious-energy-production/> (accessed June 14, 2016).

<sup>179</sup> “ALEC Oil Sands Trip Educates Legislators on Environmentally Conscious Energy Production,” American Legislative Exchange Council. 2.

<sup>180</sup> Elizabeth Douglas, *InsideClimate News*, “Koch Brothers Cashing in 220,000 Acres of Tar Sands Holdings. Available at <http://kochcash.org/koch-brothers-cashing-in-220000-acres-of-tar-sands-holdings/> (accessed February 27, 2016).

<sup>181</sup> Bruce Livesey, “How Canada made the Koch brothers rich,” *National Observer*. Available at <http://www.nationalobserver.com/2015/05/04/news/how-canada-made-koch-brothers-rich> (accessed February 27, 2015).

<sup>182</sup> Jane Mayer, *Dark Money*, 50-51.

<sup>183</sup> “About Tar Sands,” 2012 Oil Shale and Tar Sands Programmatic EIS. Available at <http://ostseis.anl.gov/guide/tarsands/> (accessed June 14, 2016).

known as heavy, black viscous oil that is more acidic, thick, and sulfuric than conventional crude oil.<sup>184</sup> Prior to extracting bitumen from tar sands, the tar sands must be mined and transported to an extraction plant.

At the extraction plant, hot water is utilized to separate the bitumen from sand, water, and minerals.<sup>185</sup> The combination of hot water and agitation releases bitumen from the tar sands. This catalyzes tiny air bubbles to adhere on bitumen droplets. When the bitumen droplets reach the top, they are skimmed off.<sup>186</sup> The bitumen is then transported and becomes synthetic crude oil. The process of extracting crude oil from tar sands releases greenhouse gases at a higher rate, compared to oil drilling.<sup>187</sup>

The Environment, Energy, and Agriculture task force of ALEC has created model legislation that would limit the ability of states to negotiation regional Low-Carbon Fuel Standards (LCFS).<sup>188</sup> The ALEC Board of Directors approved the model legislation for the Restrictions on Participation in Low-Carbon Fuel Standards Programs Act on January 28, 2013.<sup>189</sup> According to the model legislation, states are prohibited from enacting any LCFS standards, quotas, caps or fuels without legislative approval. Luke Tonachel of the Natural Resources Defense Council (NRDC) stated, "Tar sands are fueling climate

---

<sup>184</sup> "What is the Keystone XL Pipeline," NPR State Impact. Available at <https://stateimpact.npr.org/texas/tag/keystone-xl-pipeline/> (accessed March 3, 2016).

<sup>185</sup> "About Tar Sands," 2012 Oil Shale and Tar Sands Programmatic EIS.2.

<sup>186</sup> "About Tar Sands," 2012 Oil Shale and Tar Sands Programmatic EIS. 3.

<sup>187</sup> "About Tar Sands," 2012 Oil Shale and Tar Sands Programmatic EIS. 4.

<sup>188</sup> Nick Surgey, "ALEC Tours Tar Sands, Works with Industry Groups to Block Low-Carbon Fuel Standards," PR Watch. Available at <http://www.prwatch.org/news/2013/06/12133/alec-tours-tar-sands-works-industry-groups-block-low-carbon-fuel-standards> (accessed February 9, 2016).

<sup>189</sup> "Restrictions on Participation in Low-Carbon Programs," ALEC. Available at <https://www.alec.org/model-policy/restrictions-on-participation-in-low-carbon-fuel-standards-programs/> (accessed March 2, 2016).

change no matter where it is used because its extraction and processing causes more carbon pollution".

LCFS is considered a real threat to the tar sands industry. State legislators that approve LCSF legislation restrict the use of fuels that derive from tar sands and have a significant impact on the United States market for fuels imported from tar sands in Canada. NASA scientist James Hansen stated "oil from tar sands makes sense only for a small number of people who are making a lot of money from that product. It doesn't make sense for the rest of the people on the planet".<sup>190</sup>

At the 2012 ALEC Conference in Washington, D.C, top lobbyist Steve Higley interacted with members of state legislatures and gave a presentation on the 'threat' of enacting legislation dealing with LCFS.<sup>191</sup> Higley is a lobbyist for the American Fuel and Petrochemical Manufactures (AFPM). Representatives from Koch Industries, Inc. and Exxon Mobil attended the conference. Both companies are active corporate members of ALEC and make annual donations to the nonprofit organization.<sup>192</sup>

California has been the only state to enact legislation regarding LCFS, AB 32, The Global Warming Solutions Act of 2006.<sup>193</sup> In 2010, the National Petrochemicals and Refiners Association (NPRA) released a study regarding the impact LCFS legislation

---

<sup>190</sup> Connor Gibson, "TransCanada legally bribes ALEC lawmakers to support Keystone KL pipeline," Greenpeace. Available at <http://www.greenpeace.org/usa/transcanada-legally-bribes-alec-lawmakers-to-support-keystone-xl-pipeline/> (accessed February 16, 2016).

<sup>191</sup> "Through ALEC, Global Corporations are Scheming to Rewrite your Rights and Boost their Revenue," The Center for Media and Democracy. Available at [http://www.alecexposed.org/wiki/ALEC\\_Exposed](http://www.alecexposed.org/wiki/ALEC_Exposed) (accessed June 14, 2016).

<sup>192</sup> "Through ALEC, Global Corporations are Scheming to Rewrite your Rights and Boost Their Revenue," The Center for Media and Democracy. 2.

<sup>193</sup> "Assembly Bill 32 Overview," California Environmental Protection Air Resources Board. Available at <http://www.arb.ca.gov/cc/ab32/ab32.htm> (accessed June 15, 2016).

would have on the environment and economy. The study stated that LCFS legislation would be a window for oil consumption to shift from Canada to “non-North American sources”.<sup>194</sup> One of the sponsors of the study was the AFPM. In 2012, AFPM partnered with ALEC to raise awareness about the economic risks of LCFS legislation.

On June 12, 2012, the New Hampshire Legislature passed, HB 1487.<sup>195</sup> The text of HB 1487 restricts the state of New Hampshire’s ability to participate in a LCFS program. The bill was sponsored by Representative William O’Brien (R-5), who is affiliated with ALEC.<sup>196</sup> Section I of HB 1487 states:<sup>197</sup>

“I. The state of New Hampshire shall not join, implement, or participate in any state, regional, or national low carbon fuel standards program or any similar program that requires quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating without seeking and receiving prior legislative approval.”

The ALEC Board of Directors approved the model legislation for Restrictions on Participation in Low-Carbon Fuel Standards Programs on January 28, 2013.<sup>198</sup> There is high chance that the Environmental, Energy, and Agriculture task force of ALEC was influenced by HB 1487, the NPRE study, and AFPM when creating the model language of Section I:

---

<sup>194</sup> “Nationwide Low-Carbon Fuel Standard Would Increase Global Greenhouse Gas Emission, Study Finds,” American Fuel and Petrochemical Manufacturers. Available at <https://www.afpm.org/news-release.aspx?id=1857> (accessed June 15, 2016).

<sup>195</sup> “HB 1487 (2012) -2012-06-12 revision (3<sup>rd</sup> New title) relative to low carbon fuel standards program,” New Hampshire Alliance. Available at <http://www.nhliberty.org/bills/view/2012/HB1487/2012-06-12> (accessed June 15, 2016).

<sup>196</sup> “New Hampshire ALEC Politicians,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/New\\_Hampshire\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/New_Hampshire_ALEC_Politicians) (accessed June 15, 2016)

<sup>197</sup> “HB 1487 (2012) -2012-06-12 revision (3<sup>rd</sup> New title) relative to low carbon fuel standards program,” New Hampshire Alliance. 2.

<sup>198</sup> “Restrictions on Participation in Low-Carbon Programs,” ALEC. Available at <https://www.alec.org/model-policy/restrictions-on-participation-in-low-carbon-fuel-standards-programs/> (accessed March 2, 2016).

“ I. The State of {insert state} shall not join, implement, or participate in any state, regional, or national low-carbon **fuel** standards (LCFS) program or any similar program that requires quotas, caps, or mandates on any **fuels** used for transportation, industrial purposes, or home heating without seeking and receiving prior legislative approval.”

Advocates for the Keystone XL pipeline argue that tar sands would have been extracted regardless of state laws to produce oil.<sup>199</sup> On January 1, 2012, the Resolution in Support of the Keystone XL Pipeline was amended by the ALEC Board of members. The model legislation states:

"Canadian oil reserves contain an estimated 173 billion barrels of recoverable oil; and Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase that rate."

The Keystone XL pipeline was intended to go through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.<sup>200</sup> The following year, seven states introduced the model legislation that would approve the Keystone XL pipeline from Canada to Texas. Environmentalists estimate that if the Keystone XL Pipeline was approved this project would “create the equivalent climate pollution of the exhaust of nearly 6 million cars each year”.<sup>201</sup>

Flint Hills Resources Canada LP is refinery and subsidiary of Koch Industries, Inc.<sup>202</sup> According to Flint Hills Resources, ‘Flint Hills Resources’ Pine Bend Refinery

---

<sup>199</sup> Terrence Henry, "Keystone XL Will Impact Climate, But Isn't Make or Break, State Dept. Says," Texas NPR. 2.

<sup>200</sup> “Keystone XL Pipeline,” Friends of the Earth. Available at <http://www.foe.org/projects/climate-and-energy/tar-sands/keystone-xl-pipeline> (accessed June 15, 2016).

<sup>201</sup> Terrence Henry, "Keystone XL Will Impact Climate, But Isn't Make or Break, State Dept. Says," Texas NPR. 3.

<sup>202</sup> “Koch Subsidiary Told Regulators it has ‘Direct and Substantial Interest’ in Keystone XL,” Inside Climate News. Available at <http://insideclimatenews.org/news/20111004/koch-brothers-koch-industries-flint-hills-financial-interest-canada-energy-board-keystone-xl-pipeline> (accessed June 15, 2016).

near St. Paul, Minn. Pine Bend is capable of refining about 339,000 barrels per day of predominantly Canadian crude oil.”<sup>203</sup> Koch Industries, Inc. exports an estimated 1.2 million barrels of oil from Alberta, Canada to the United States per year.<sup>204</sup> The exporting process of extracting bitumen primarily occurs at the Pine Bend refinery. Pipelines in Minnesota and Wisconsin are owned by the Koch brothers that are specifically used to import crude oil from western Canadian their refineries.

On September 19, 2008, TransCanada filed an application to receive a Presidential permit with the United States Department of State.<sup>205</sup> TransCanada has attempted to receive a permit for the Keystone XL Pipeline for the last decade.<sup>206</sup> A Presidential Permit is required through the State Department. The Keystone XL Pipeline requires Congressional approval. TransCanada was seeking to enhance corporate interests at a state level regarding the Keystone XL Pipeline. State legislatures that passed legislation could be used as a means of leveraging members of Congress to approve the Keystone XL Pipeline

---

<sup>203</sup> “Canada,” Flint Hills Resources. Available at <http://www.fhr.com/refining/canada.aspx?AspxAutoDetectCookieSupport=1> (accessed June 15, 2016).

<sup>204</sup> “Koch Subsidiary Told Regulators it has ‘Direct and Substantial Interest’ in Keystone XL,” Inside Climate News. 2.

<sup>205</sup> “Report to Congress Concerning the Presidential Permit Application of the Proposed Keystone XL Pipeline,” U.S Department of State. Available at <http://www.state.gov/e/eb/esc/iec/permit/keystonexl/182277.htm> (accessed June 15, 2016).

<sup>206</sup> “TransCanada Applies for Keystone XL Presidential Permit,” TransCanada. Available at <http://www.transcanada.com/announcements-article.html?id=1585036> (accessed June 15, 2016).

TransCanada, Koch Industries, Inc., and Shell Oil are oil and gas companies that were invested in the construction of the Keystone XL Pipeline.<sup>207</sup> The Keystone XL Pipeline was intended to ship crude oil from Canadian tar sands to the Gulf Coast of Texas. The existing Keystone pipeline runs from the oil sands fields in Alberta, Canada and ends in Cushing, Oklahoma. The Keystone XL pipeline would extend from Cushing, Oklahoma to the Gulf Coast of Texas. In 2009, TransCanada, an Alberta based oil-company, conducted a market analysis. The document analyzed the financial incentives that building the Keystone XL Pipeline would have. The study projected that revenues would increase from 2 billion to 3.9 billion per year.<sup>208</sup>

The Resolution in Support of Keystone XL Pipeline was introduced before 16 chambers of state legislatures throughout the United States. The model legislation passed in the following states:

Resolutions in Support of the Keystone XL Pipeline (ALEC Bills)		
State	Bill	Passed
Kentucky	SCR 273	X
Kentucky	HR 122	X
Michigan	SCR 6	X
Mississippi	SR 3	X
Missouri	HCR 19	X
Ohio	SCR 7	X
South Dakota	HCR 1006	X
Indiana	SCR 38	
Indiana	SR 41	
Kansas	HCR 5014	
Louisiana	SCR 115	
Louisiana	SCR 122	
Minnesota	SF 479	
Minnesota	HF 987	
Mississippi	SCR 543	
Ohio	HCR 9	

209

<sup>207</sup> Bruce Livesey, “How Canada made the Koch brothers rich,” National Observer. Available at <http://www.nationalobserver.com/2015/05/04/news/how-canada-made-koch-brothers-rich> (accessed June 15, 2016).

<sup>208</sup> “Koch Subsidiary Told Regulators it has ‘Direct and Substantial Interest’ in Keystone XL,” Inside Climate News. 3.

<sup>209</sup> “ALEC at 40, Turning Back the Clock on Prosperity and Progress,” Sourcewatch. Available at [http://www.sourcewatch.org/images/8/88/ALEC\\_report\\_2013.pdf](http://www.sourcewatch.org/images/8/88/ALEC_report_2013.pdf) (accessed June 22, 2016).

During the 2013 legislative session the Missouri state legislature passed HCR 19. HCR 19 was introduced by Representative Caleb Rowden (R-44) on February 12, 2013.<sup>210</sup> The bill, "strongly urges the continued increase development and delivery of North American oil to United States refineries and the approval of the Keystone XL Pipeline".<sup>211</sup> The bill was sponsored by the following Representatives; Caleb Jones (R-50), Sheila Solon (R-31), Dave Muntzel (R-48), Chrissy Sommer (R-106), Mike Cierpiot (R-30), Todd Richardson (R-152), Steve Lynch (R-122), Nate Walker (R-3), Jim Hansen (R-40), and Casey Guernsey (R-2).<sup>212</sup> The bill states that:

"WHEREAS, in order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

WHEREAS, the Keystone XL Pipeline project will create approximately 9,000 construction jobs. The Gulf Coast Expansion project is a \$2.3 billion project that has created approximately 4,000 construction jobs. Combined, these projects support yet another 7,000 manufacturing jobs. 75% of the pipe used to build the Keystone XL Pipeline in the United States will come from North American mills, including half made by United States workers. Goods for the pipeline valued at approximately \$800 million have already been sourced from United States manufacturers."<sup>213</sup>

The ALEC model legislation states:

"WHEREAS, In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources.

WHEREAS, construction of the project will create 120,000 jobs nationwide including 20,000 in construction and manufacturing, create \$20 billion in economic growth and generate millions of dollars' worth of government receipts."<sup>214</sup>

---

<sup>210</sup>"HCR 19," Open States. Available at <http://openstates.org/mo/bills/2013/HCR19/> (accessed June 22, 2016).

<sup>211</sup> "HCR 19," Open States. 2.

<sup>212</sup> "HCR 19," Open States. 3.

<sup>213</sup> "House Concurrent Resolution No. 19," Missouri House of Representatives. Available at <http://www.house.mo.gov/billtracking/bills131/biltxt/intro/HCR0019I.htm> (accessed June 22, 2016).

<sup>214</sup> "Resolution in Support of the Keystone XL Pipeline," The American Legislative Exchange Council. 2.



HCR 19 and the model legislation published by ALEC incorporate similar policy language. When Representative Rowden introduced HCR 19, he had been in office for less than two months. This has been a method legislative members of ALEC use to hide their connections to the organization. During the 2012-2014 legislative session, Representative Rowden served on the following committees: Budget, Economic, Higher Education, and Joint Committee on Life Sciences.<sup>215</sup> After Representative Rowden sponsored and introduced the model legislation for ALEC he received his first contribution from oil and gas companies. In 2014, Representative Rowden received a financial contribution of \$3,551.<sup>216</sup>

New members of the state legislator do not have a voting record, which can lead to inferring that they are members of the organization. Sean Nicolson, Executive Director of ProgressMO stated, “we don’t even always know their membership because even though they are lobbyists, they don’t behave like lobbyists”.<sup>217</sup> The following Representatives that cosponsored the legislation in the Missouri state legislature are affiliated with ALEC: Caleb Jones (R-50), Caleb Rowden (R-44), Chrissy Sommer (R-106), Mike Cierpiot (R-30), Casey Guernsey (R-2), and Todd Richardson (R-152).<sup>218</sup>

---

<sup>215</sup> "Rowden, Caleb," Followthemoney. Available at [http://www.followthemoney.org/show-me?c-t-eid=11029515&d-cci=98#\[{1|gro=y](http://www.followthemoney.org/show-me?c-t-eid=11029515&d-cci=98#[{1|gro=y) (accessed March 8, 2016).

<sup>216</sup> "Rowden, Caleb," Followthemoney. Available at <http://www.followthemoney.org/show-me?c-t-eid=11029515&d-cci=33> (accessed March 8, 2016).

<sup>217</sup> Collin Reischman, "ProgressMO Looks to Pressure ALEC Members," The Missouri Times. Available at <http://themissouritimes.com/7855/progressmo-looks-pressure-alec-members/> (accessed March 3, 2016).

<sup>218</sup> "Missouri ALEC Politicians," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Missouri\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Missouri_ALEC_Politicians) (accessed June 22, 2016).

<b>Missouri State Legislature Donations Received from Oil and Gas Companies (2012 - 2014)</b>				
<b>Sponsor / Author</b>	<b>2012</b>	<b>2014</b>	<b>Total</b>	<b>% of Total</b>
Representative Todd Richardson (R-152)	\$1,950	\$7,201	\$9,151	39.1%
Rep. Caleb Jones (R-50)	3,650	2,501	6,151	26.3%
Rep. Caleb Rowden (R-44)	0	3,551	3,551	15.2%
Rep. Jim Hansen (R-40)	200	1,000	1,200	5.1%
Rep. Mike Cierpiot (R-30)	0	950	950	4.1%
Rep. Casey Guernsey (R-2)	750	0	750	3.2%
Rep. Sheila Solon (R-31)	250	500	750	3.2%
Rep. Tim Remole (R-6)	200	500	700	3.0%
Rep. Nate Walker (R-3)	0	200	200	0.9%
Rep. Chrissy Sommer (R-106)	0	0	0	0.0%
Rep. Dave Muntzel (R-48)	0	0	0	0.0%
Rep. Steve Lynch (R-122)	0	0	0	0.0%
<b>Total</b>	<b>\$7,000</b>	<b>\$16,403</b>	<b>\$23,403</b>	<b>100.0%</b>

The members of the state legislature that received a majority of the contributions from oil and gas companies were affiliated with ALEC.<sup>219</sup> Oil and gas companies donated to 66% of the members of the state legislature that were affiliated with ALEC. The following representatives received the highest amount of financial contributions; Representative Jones, Representative Rowden, and Representative Richardson. All of the members that received the highest amount of contributions from oil and gas companies are affiliated with ALEC.

On March 5, 2013, SCR 7 was introduced before the Ohio Legislature.<sup>220</sup> The content of the bill urged the United States Department of State to approve the Presidential Permit application for the construction of the Keystone XL Pipeline. SCR 7 states:

“WHEREAS, The United States will remain dependent on imported energy for decades regardless of new technology, oil discoveries, alternative fuels, and conservation efforts;

“WHEREAS, The growing production of conflict free oil from the Canadian oil sands and the Bakken formation in Saskatchewan, Montana, and North Dakota can replace crude oil imported from countries that do not share American values and therefore additional pipeline capacity to refineries in the United States Midwest and Gulf Coast region is required.”

The ALEC model legislation states:

<sup>219</sup> “Follow the Money,” Follow the Money. Available at <http://followthemoney.org/> (accessed June 22, 2016).

<sup>220</sup> “Ohio Senate Concurrent Resolution 7,” Legiscan. Available at <https://legiscan.com/OH/text/SCR7/id/823108> (accessed June 22, 2016).

“WHEREAS, The United States currently depends on foreign imports for more than half of its petroleum usage, and is the largest consumer of petroleum in the world, U.S. dependence on overseas oil has created difficult geopolitical relationships with potentially damaging consequences for our national security; and

WHEREAS, oil deposits in the Bakken Reserves of Montana, North Dakota, and South Dakota are an increasingly important crude oil resource; and an estimated 11 billion barrels of recoverable crude oil, and there is not enough pipeline capacity for crude oil supplies from Montana, North Dakota, South Dakota, Oklahoma and Texas to American refineries.”<sup>221</sup>

The content of each bill resembles the latter. The bill was primarily sponsored by Senator Cliff Hite (R-1) and the following Senators served as cosponsors for SCR 7: Bill Beagle (R-5), Bill Coley (R-4), Bill Seitz (R-8), Chris Widener (R-10), Dave Burke (R-26), Frank LaRose (R-27), Gayle Manning (R-13), Jim Hughes (R-16), Joe Uecker (R-14), John Eklund (R-18), Keith Faber (R-12), Kevin Bacon (R-3), Peggy Lehner (R-6), Randy Gardner (R-2), Scott Oelslager (R-29), Shannon Jones (R-7), Tim Schaffer (R-77), Tom Patton (R-24), Troy Balderson (R-20).<sup>222</sup>

Of the following Senators that cosponsored the SCR 7, 53% were affiliated with ALEC. The following Senators are affiliated with ALEC: Bill Coley (R-4), Bill Seitz (R-8), Dave Burke (R-26), Frank LaRose (R-27), Joe Uecker (R-14), John Eklund (R-18), and Randy Gardner (R-2).<sup>223</sup>

---

<sup>221</sup> “Resolution in Support of the Keystone XL Pipeline,” The American Legislative Exchange Council. 3.

<sup>222</sup> “OH-SCR 7,” Track Bill. Available at <https://trackbill.com/bill/oh-scr7-transcanada-keystone-xl-pipeline-build/407135/> (accessed June 22, 2016).

<sup>223</sup> “Ohio ALEC State Politicians,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed June 22, 2016).

<b>Ohio State Legislature Donations Received by Primary Sponsors of SCR 7 (2012 - 2014)</b>				
<b>Sponsor / Author</b>	<b>2012</b>	<b>2014</b>	<b>Total</b>	<b>% of Total</b>
Senator Cliff Hite (R-1)	\$15,695	\$8,750	\$24,445	20.3%
Sen. Keith Faber (R-12)	15,250	0	15,250	12.7%
Sen. Troy Balderson (R-20)	13,250	0	13,250	11.0%
Sen. Scott Oelslager (R-29)	0	12,250	12,250	10.2%
Sen. Chris Widener (R-10)	10,850	0	10,850	9.0%
Sen. Kevin Bacon (R-3)	0	9,775	9,775	8.1%
Sen. Shannon Jones (R-7)	0	8,090	8,090	6.7%
Sen. Bill Beagle (R-5)	0	7,275	7,275	6.1%
Sen. Jim Hughes (R-16)	5,350	0	5,350	4.5%
Sen. Frank LaRose (R-27)	4,850	0	4,850	4.0%
Sen. Gayle Manning (R-13)	0	4,800	4,800	4.0%
Sen. Tim Schaffer (R-77)	0	1,500	1,500	1.2%
Sen. Peggy Lehner (R-6)	1,000	0	1,000	0.8%
Sen. Bill Coley (R-4)	500	0	500	0.4%
Sen. Dave Burke (R-26)	500	0	500	0.4%
Sen. John Eklund (R-18)	500	0	500	0.4%
Sen. Bill Seitz (R-8)	0	0	0	0.0%
Sen. Joe Uecker (R-14)	0	0	0	0.0%
Sen. Randy Gardner (R-2)	0	0	0	0.0%
Sen. Tom Patton (R-24)	0	0	0	0.0%
<b>Total</b>	<b>\$67,745</b>	<b>\$52,440</b>	<b>\$120,185</b>	<b>100.0%</b>

October 16, 2012 through October 18, 2012, ALEC Academy orchestrated a trip for members of state legislatures to visit the tar sands in Alberta, Canada and learn about the Keystone XL Pipeline.<sup>224</sup> The trip was titled "ALEC Academy," and required a sponsorship fee of \$80,000 for members of the state legislature to attend.<sup>225</sup> TransCanada provided the funding for the travel expenses for members of state legislatures. The trip provided an opportunity for members of the state legislature to meet with influential lobbyists that deal with environmental issues.<sup>226</sup> Representative John Piscopo (R-CT),

<sup>224</sup> Nick Surgey, "ALEC Tours Tar Sands, Works with Industry Groups to Block Low-Carbon Fuel Standards," PR Watch. 2.

<sup>225</sup> Jesse Coleman, "The Keystone XL Cover up: The State Departments attempt to hide oil industry connections," Polluterwatch. Available at <http://www.polluterwatch.com/category/freetagging/transcanada> (accessed June 15, 2016).

<sup>226</sup> "State Chairs," American Legislative Exchange Council. Available at <https://www.alec.org/about/state-chairs/> (accessed June 14, 2016).

Senator Jim Smith (R-NE), Representative John Adams (R-OH), and Representative Cliff Rossenberger (R-OH) were known members of ALEC who attended the trip.<sup>227</sup>

Representative John E. Piscopo (R-76) is a member of the Connecticut House of Representatives.<sup>228</sup> During the 2011 through 2012 legislative session he served on the following committees: Environment, Executive and Legislative Nominations (ranking member), Finance, Revenue, and Bonding, and Legislative Management.<sup>229</sup> In 2013, Representative Piscopo served as the National Chairman of the Board of Directors for ALEC.<sup>230</sup> Representative Piscopo previously served on the Energy, Environment, and Agriculture task force and International Relations task force of ALEC. According to *Follow the Money*, Representative Piscopo has not received any financial contributions from oil and gas companies throughout his entire political career.<sup>231</sup> Representative Piscopo did not sponsor or introduce any bill before the Connecticut state legislature that related to the Keystone XL Pipeline.

Senator Jim Smith (R-14) is a member of the Nebraska state legislature.<sup>232</sup> He has served as the Nebraska state chairman for ALEC.<sup>233</sup> Senator Smith served on the following committees during the 2012 legislative session: Business and Labor, Natural

---

<sup>227</sup> Jesse Coleman, "The Keystone XL Cover up: The State Departments attempt to hide oil industry connections," Polluterwatch. 2.

<sup>228</sup> "John E. Piscopo," Ballotpedia. Available at [https://ballotpedia.org/John\\_Piscopo](https://ballotpedia.org/John_Piscopo) (accessed March 2, 2016).

<sup>229</sup> "John Piscopo," Ballotpedia. 2.

<sup>230</sup> "John Piscopo," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/John\\_Piscopo](http://www.sourcewatch.org/index.php/John_Piscopo) (accessed March 3, 2016).

<sup>231</sup> "Piscopo, John," Follow The Money. Available at <http://followthemoney.org/entity-details?eid=6608846&default=candidate> (accessed June 15, 2016).

<sup>232</sup> "Jim Smith," Ballotpedia. Available at [https://ballotpedia.org/Jim\\_Smith\\_\(Nebraska\)](https://ballotpedia.org/Jim_Smith_(Nebraska)) (accessed March 2, 2016).

<sup>233</sup> "Jim Smith," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Nebraska\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Nebraska_ALEC_Politicians) (accessed March 3, 2016).

Resources, and Urban Affairs. During the 2010 election year Senator Smith received a donation of \$200.00 from oil and gas corporations. Senator Smith attended the sponsored ALEC Academy trip and introduced model legislation that was derived by the Resolution in Support of the Keystone XL Pipeline in 2012. During the 2014 election cycle he received a total of \$6,000 from oil and gas companies.<sup>234</sup>

Senator Smith introduced LB 1161 on January 19, 2012.<sup>235</sup> LB 1161 authorizes land study in the state of Nebraska for the Keystone XL Pipeline route. On January 23, 2013, LB 1161 was referred to the Natural Resources committee, where Senator Smith served. Governor Dave Heineman (R-NE) signed LB 1161 into law on April 17, 2012.<sup>236</sup> The Center for Media and Democracy (CMD) filed a complaint with the Nebraska Accountability and Disclosure Commission regarding Senator Smith. CMD alleges that Senator Smith did not disclose the expenses of the trip. Senator Smith told the commission that flights within Canada were "incidental" and are not required to be reported.<sup>237</sup>

Representative John Adams (OH-12) is a former member of the Ohio House of Representatives.<sup>238</sup> He previously served as the Assistant Majority Floor and Majority

---

<sup>234</sup> "Smith, Jim," Followthemoney. Available at <http://www.followthemoney.org/show-me?c-t-eid=13012797&d-cci=33#l1gro=y> (accessed March 8, 2016).

<sup>235</sup> "LB 1161-Authorizes Land Study in Nebraska for Keystone Pipeline Route-Key Vote," Votesmart. Available at <http://votesmart.org/bill/15033/39468#.VtdZxM4a9UQ> (accessed March 2, 2016).

<sup>236</sup> "Dave Heineman," Ballotpedia. Available at [https://ballotpedia.org/Dave\\_Heineman](https://ballotpedia.org/Dave_Heineman) (accessed June 15, 2016).

<sup>237</sup> Paul Hammel, "Papillion State Sen. Jim Smith faces ethics complaint over trip to Canada." Available at [http://www.omaha.com/news/papillion-state-sen-jim-smith-faces-ethics-complaint-over-trip/article\\_5feeb42f-883c-5e3e-aac6-9f583de6fcdf.html](http://www.omaha.com/news/papillion-state-sen-jim-smith-faces-ethics-complaint-over-trip/article_5feeb42f-883c-5e3e-aac6-9f583de6fcdf.html) (accessed March 2, 2016).

<sup>238</sup> "John Adams," Ballotpedia. Available at [https://ballotpedia.org/John\\_Adams\\_\(Ohio\)](https://ballotpedia.org/John_Adams_(Ohio)) (accessed June 15, 2015).

Whip in the House of Representatives. During the 2011 through 2012 legislative session he served on the following committees: Commerce and Labor, Insurance, Rules and Reference, and State Government and Elections.<sup>239</sup> The committees that Representative Adams served on when he attended ALEC Academy did not correlate any environment issues.

During the 2010 election cycle, Representative Adams received \$6,700 from oil and gas companies.<sup>240</sup> In 2010, Representative Adams received ALEC's prestigious "Legislator of the Year" award.<sup>241</sup> Representative Adams has served as the State Chairman and on the Tax and Fiscal Policy task force of ALEC.<sup>242</sup> During the 2012 election year Representative Adams received \$11,100 from oil and gas companies, which was the same year he attended ALEC Academy. Though he was not serving on any committees that dealt with the environment or natural resources, he did introduce HCR 9, legislation that opened state lands and parks to oil and gas drilling.<sup>243</sup> The Center for Media and Democracy reported that Representative Adams sent thank you letters to the corporate lobbyists that helped finance the ALEC scholarship fund and ALEC conference.

---

<sup>239</sup> "John Adams," Ballotpedia. 2.

<sup>240</sup> "Adams, John," Followthemoney. Available at <http://www.followthemoney.org/show-me?c-t-eid=6559736&d-cci=33#{1}lgr=y> (accessed March 8, 2016).

<sup>241</sup> "ALEC in Ohio: The Corporate Special Interests That Help Write Ohio's Laws," People For the American Way. Available at <http://www.pfaw.org/ALEC-in-Ohio> (accessed March 3, 2016).

<sup>242</sup> "Ohio ALEC Politicians," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed March 3, 2016).

<sup>243</sup> Connor Gibson, "TransCanada legally bribes ALEC lawmakers to support Keystone KL pipeline," Greenpeace. Available at <http://www.greenpeace.org/usa/transcanada-legally-bribes-alec-lawmakers-to-support-keystone-xl-pipeline/> (accessed February 16, 2016).

Representative Cliff Rosenberger (R-91) is a member of the Ohio Legislature. He is also affiliated with ALEC and is a member of the Communication and Technology task force.<sup>244</sup> Representative Rosenberger entered office in 2011. During the 2011 through 2012 legislative session he served on the following committees: Economic and Small Business Development, Public Utilities, Transportation, Public Safety and Homeland Security, and Veterans Affairs.<sup>245</sup> Representative Rosenberger was not serving on any committees dealing with the environment or natural resources when he attended ALEC Academy. In the 2011 election cycle, Rosenberger received \$750 from oil and gas companies.<sup>246</sup> Representative Rosenberger is the current Speaker in the House of Representatives. In 2014 election cycle, Representative Rosenberger received \$34,000 from oil and gas companies.<sup>247</sup>

State Legislature Donations Received from Oil and Gas Companies (2010 - 2014)					
Name	2010	2011	2012	2013	2014
Representative Cliff Rosenberger (R-OH)	\$0	\$750	\$0	\$0	\$34,000
Rep. John Adams (R-OH)	6,700	0	11,100	0	0
Senator Jim Smith (R-NE)	200	0	0	0	6,000
Rep. John Piscopo	0	0	0	0	0
<b>Total</b>	<b>\$6,900</b>	<b>\$750</b>	<b>\$11,100</b>	<b>\$0</b>	<b>\$40,000</b>

Representative Piscopo, Senator Smith, Representative John Adams, and Representative Cliff Rosenberger attended ALEC Academy in 2012. Representative Adams and Representative Piscopo hold influential positions in ALEC, but did not sponsor or serve as an author for the Keystone XL Pipeline model legislation. Senator

<sup>244</sup> "Ohio Legislatures with ALEC Ties," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed June 15, 2016).

<sup>245</sup> "Clifford Rosenberger," Ballotpedia. Available at [https://ballotpedia.org/Cliff\\_Rosenberger](https://ballotpedia.org/Cliff_Rosenberger) (accessed June 15, 2016).

<sup>246</sup> "Rosenberger, Clifford," Followthemoney. 2.

<sup>247</sup> "Rosenberger, Clifford," Followthemoney. 3.



Smith introduced the model legislation after attending ALEC Academy. He received an increase in financial contributions of \$5,800 from oil and gas companies the following election cycle. He is the only member of the state legislature that introduced the model legislation regarding the Keystone XL Pipeline.

The data from Representative Rosenberger suggests that ALEC Academy is merely a trip to lobby influential members of the state legislature and there is no expectation for them to propose the model legislation. Representative Rosenberger had the highest significant increase in financial contributions from oil and gas companies after attending ALEC Academy. In 2014, Representative Rosenberger received \$34,000, as compared to in 2011 when he received \$750. The amount of the financial donations he received is an outlier in the data, compared other members who attended the trip. In 2014, Representative Rosenberger became Speaker in the House of Representatives. This could be the main reason for the increase in financial contributions.

Based on the data, ALEC Academy is utilized as a means for lobbying members of the state legislature. Members of the state legislature are able to receive an all-expenses paid trip to expand their knowledge on a specific subject matter. While it appears that members who attend are not influenced to introduce specific model legislation, they are able to receive information from experts in their respected field. Members are then able to return and share what they learned from ALEC Academy with fellow members in the state legislature. ALEC claims to be a nonprofit organization, yet ALEC Academy disregards the IRS' definition of lobbying efforts for nonprofit organizations.

“An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for

the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.<sup>248</sup>

---

<sup>248</sup> Lobbying, IRS. 2.

## Conclusion

The policy-making process is eroding because of corporate power. Members of the state legislature who are affiliated with ALEC should be accountable for making independent decisions, which disregard the needs of their constituents. ALEC has increased the amount of legislation being passed in state legislatures that reflect corporate interest, rather than public interest. Corporations have a disproportionate amount of power in the policy-making process as compared to the average citizen. Members of the state legislature that receive financial contributions from oil and gas companies, and then proceed to introduce model legislation, corrupt the policy-making process by marginalizing the needs of the average citizen

Funding for ALEC is primarily provided by corporate donations. The inception of model legislation from the Environment, Energy, and Agriculture task force is based off voids in legislation, which corporate members of ALEC seek to influence. Financial contributions to members of the state legislature increase the possibility of narrowly tailored model legislation being passed. This creates a mutually beneficial relationship between corporations and members of the state legislature.

Financial contributions are leveraged between members of the state legislature and oil and gas companies. Based on the data compiled members of the state legislature that were affiliated with ALEC, received a significant increase in financial contributions from oil and gas companies within the following or previous election cycle of when the model legislation was introduced. Members of the state legislature in environmental related committees that received financial contributions from oil and gas companies were more likely to introduce/sponsor model legislation, as compared to members who

received a lower amount of financial contributions. The majority of members in the state legislature that served in leadership positions on environmental related committees that introduced/sponsored model legislation were affiliated with ALEC. The members serving in leadership positions were likely to have a larger financial contribution, as compared to members serving in the environmental related committee.

ALEC has pioneered 'new wave' lobbying. Traditional lobbying efforts are obsolete compared to the means of influencing ALEC provides corporate members. Top executives of oil and gas companies are able to meet with elected officials to discuss legislation, which diminishes the need for integrating advocacy and lobbying strategies. ALEC serves as a platform for companies to legally influence the policy-making process and create legislation that has corporate incentives. New wave lobbying is unethical and less transparent compared to traditional methods of lobbying. ALEC provides corporations the ability to influence legislation in a way that is unmatched by lobbying efforts. A direct connection for corporations to influence and narrowly tailor legislation throughout the United States has emerged as a result from the establishment of ALEC.

## Bibliography

- "82(R) HB 3328 -Bill Text," Legis State. Available at <http://www.legis.state.tx.us/tlodocs/82R/billtext/html/HB03328F.HTM> (accessed June 2, 2016).
- "About ALEC," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).
- "About Tar Sands," 2012 Oil Shale and Tar Sands Programmatic EIS. Available at <http://ostseis.anl.gov/guide/tarsands/> (accessed June 14, 2016).
- "About the State Innovation Exchange," State Innovation. Available at <https://stateinnovation.org/about/> (accessed March 7, 2016).
- "Adams, John," Followthemoney. Available at [http://www.followthemoney.org/show-me?c-t-eid=6559736&d-cci=33#\[{1}gro=y](http://www.followthemoney.org/show-me?c-t-eid=6559736&d-cci=33#[{1}gro=y) (accessed March 8, 2016).
- "ALEC at 40, Turning Back the Clock on Prosperity and Progress," Sourcewatch. Available at [http://www.sourcewatch.org/images/8/88/ALEC\\_report\\_2013.pdf](http://www.sourcewatch.org/images/8/88/ALEC_report_2013.pdf) (accessed June 22, 2016).
- "ALEC Award Winners," SourceWatch. Available at [http://www.sourcewatch.org/index.php/ALEC\\_Award\\_Winners](http://www.sourcewatch.org/index.php/ALEC_Award_Winners), accessed June 11, 2016.
- "ALEC Energy, Environment and Agriculture Task Force," SourceWatch. Available at [http://www.sourcewatch.org/index.php/ALEC\\_Energy,\\_Environment\\_and\\_Agriculture\\_Task\\_Force](http://www.sourcewatch.org/index.php/ALEC_Energy,_Environment_and_Agriculture_Task_Force) (accessed June 11, 2016).
- "ALEC in Ohio: The Corporate Special Interests That Help Write Ohio's Laws," People For the American Way. Available at <http://www.pfaw.org/ALEC-in-Ohio> (accessed March 3, 2016).
- "ALEC Oil Sands Trip Educates Legislators on Environmentally Conscious Energy Production," American Legislative Exchange Council. Available at <https://www.alec.org/article/alec-oil-sands-trip-educates-legislators-on-environmentally-conscious-energy-production/> (accessed June 14, 2016).
- "ALEC's Polluter Agenda," The Center for Media and Democracy. Available at [http://www.alecexposed.org/w/images/c/c9/ALEC\\_on\\_the\\_Environment\\_Final\\_PDF.pdf](http://www.alecexposed.org/w/images/c/c9/ALEC_on_the_Environment_Final_PDF.pdf) (accessed February 6, 2016).
- "ALEC Task Forces," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).
- "ALEC Tries to Silence Critics Threatens Legal Action Against Common Cause," Common Cause. Available at <http://www.commoncause.org/press/press-releases/alec-tries-to-silence-critics.html?referrer=https://www.google.com/> (accessed April 25, 2016).
- "America's Largest Private Companies," Forbes. Available at <http://www.forbes.com/companies/koch-industries/> (accessed January 27, 2016).
- "American Legislative Exchange Council Members to meet in Scottsdale for three-day policy summit," The American Legislative Exchange Council. Available at <https://www.alec.org/press-release/american-legislative-exchange-council-members-to-meet-in-scottsdale-for-three-day-policy-summit/> (accessed April 24, 2016).

- "American Legislative Exchange Council to host 43rd Annual Meeting in Indianapolis," The American Legislative Exchange Council. Available at <http://www.alec.org/about/> (accessed January 19, 2016).
- Alexander Hertel-Fernandez, "ALEC has tremendous influence in state legislatures. Here's why," Washington Post. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2013/12/09/alec-has-tremendous-influence-in-state-legislatures-heres-why/> (accessed February 1, 2016).
- Alison Fitzgerald, "Koch, ExxonMobil Among Corporation Helping Write State Laws," Bloomberg Technology. Available at <http://www.bloomberg.com/news/articles/2011-07-21/koch-exxon-mobil-among-corporations-helping-write-state-laws> (accessed June 12, 2016).
- Amanda Starburck, "Debunking the Texas Miracle," Center For Effective Government. Available at <http://www.foreffectivegov.org/blog/debunking-texas-miracle/> (accessed June 2, 2016).
- Andy Kroll, "Progressives: Yank ALEC's Nonprofit Status!," Mother Jones. Available at <http://www.motherjones.com/mojo/2012/04/alec-tax-lawsuit-common-cause> (accessed January 28, 2016).
- Arn Pearson, "ALEC's 'Right States, Poor States' Paints a Happy Face on Failing State Policies," PR Watch. Available at <http://www.prwatch.org/news/2015/11/12982/alecs-rich-states-poor-states-paints-happy-face-failing-state-policies> (accessed January 29, 2016).
- "Assembly Bill 32 Overview," California Environmental Protection Air Resources Board. Available at <http://www.arb.ca.gov/cc/ab32/ab32.htm> (accessed June 15, 2016).
- Background about ALEC," The American Legislative Exchange Council. Available at <http://web.archive.org/web/20060601223522/http://www.alec.org/about/background.html> (accessed January 28, 2016).
- Bakken, Tim. "Constitutional Rights and Political Power of Corporations after Citizens United: Decline of Citizens and Rise of Foreign Corporations and Super PACS." *Cardoza Public Law* 12: 23-41. Print.
- Barnett, Marissa, "Craddick: Railroad Commission Will Continue Permitting in Denton, Not Ruling out Action against Ban," Trail Blazers Blog. Available at <http://trailblazersblog.dallasnews.com/2014/11/craddick-railroad-commission-will-continue-permitting-in-denton-not-ruling-out-action-against-ban.html/> (accessed June 11, 2016).
- Bill Raden, "ALEC Confidential: Inside the Secretive Group's Annual Conference," Huffington Post. Available at [http://www.huffingtonpost.com/entry/alec-conference\\_us\\_55b1611de4b0a13f9d17ebfa](http://www.huffingtonpost.com/entry/alec-conference_us_55b1611de4b0a13f9d17ebfa) (accessed April 25, 2016).
- Brendan Fisher, "ALEC Turns 40, But Who's Behind It?" The Real News. Available at [http://therealnews.com/t2/index.php?option=com\\_content&task=view&id=31&Itemid=74&jumival=10536](http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=10536) (accessed January 28, 2016).
- Brendan Fisher, "Corporate Interests Take Aim at Local Democracy," PR Watch. Available at <http://www.prwatch.org/news/2016/02/13029/2016-ALEC-local-control> (accessed June 2, 2016).

- Brian Powell, "How State Media Turned A Blind Eye to ALEC's influence on the Voter ID Debate," Media Matters. Available at <http://mediamatters.org/research/2012/03/20/how-state-media-turned-a-blind-eye-to-alecs-inf/185753> (accessed June 16, 2016).
- Bruce Livesey, "How Canada made the Koch brothers rich," National Observer. Available at <http://www.nationalobserver.com/2015/05/04/news/how-canada-made-koch-brothers-rich> (accessed February 27, 2015).
- "Canada," Flint Hills Resources. Available at <http://www.fhr.com/refining/canada.aspx?AspxAutoDetectCookieSupport=1> (accessed June 15, 2016).
- "Chairman David J. Porter," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/porter/> (accessed June 8, 2016).
- Chris Weignat, "SIX Could Be the Answer to ALEC," HuffingtonPost. Available at [http://www.huffingtonpost.com/chris-weigant/six-could-be-the-answer-t\\_b\\_6136694.html](http://www.huffingtonpost.com/chris-weigant/six-could-be-the-answer-t_b_6136694.html) (accessed March 7, 2016).
- "Christi Craddick | Railroad Commissioner," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick> (accessed June 11, 2016).
- "City of Denton Fracking Ban Initiative (November 2014)," Ballotpedia. Available at [https://ballotpedia.org/City\\_of\\_Denton\\_Fracking\\_Ban\\_Initiative\\_\(November\\_2014\)](https://ballotpedia.org/City_of_Denton_Fracking_Ban_Initiative_(November_2014)) (accessed June 11, 2016).
- "Clifford Rosenberger," Ballotpedia. Available at [https://ballotpedia.org/Cliff\\_Rosenberger](https://ballotpedia.org/Cliff_Rosenberger) (accessed June 15, 2016).
- Collin Reischman, "ProgressMO Looks to Pressure ALEC Members," The Missouri Times. Available at <http://themissouritimes.com/7855/progressmo-looks-pressure-alec-members/> (accessed March 3, 2016).
- Connor Gibson, "TransCanada legally bribes ALEC lawmakers to support Keystone XL pipeline," Greenpeace. Available at <http://www.greenpeace.org/usa/transcanada-legally-bribes-alec-lawmakers-to-support-keystone-xl-pipeline/> (accessed February 16, 2016).
- Cora Currier, "How ALEC Helps Companies Keep Fracking Ingredients Secret," Mother Jones. Available at <http://www.motherjones.com/environment/2012/04/alec-secret-fracking-ingredients> (accessed June 11, 2016).
- "Craddick, Christi," Follow The Money. Available at <http://www.followthemoney.org/show-me?c-t-eid=10238705&d-cci=33> (accessed June 12, 2016).
- "Craddick, Christi," National Institute on Money in State Politics. Available at <http://classic.followthemoney.org/database/StateGlance/candidate.phtml?c=144540> (accessed June 4, 2016).
- "Craddick, Tom," National Institute on Money in State Politics. Available at <http://classic.followthemoney.org/database/StateGlance/contributor.phtml?d=1895375771> (accessed June 11, 2016).
- C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956), 112.

- "Darby, Drew," Follow The Money. Available at <http://followthemoney.org/entity/details?eid=13006958> (accessed June 8, 2016).
- David Hasemyer, "Saturated with oil money, Texas legislature saved industry from pollution rule," The Center for Public Integrity. Available at <https://www.publicintegrity.org/2014/02/18/14240/saturated-oil-money-texas-legislature-saved-industry-pollution-rule> (accessed June 10, 2016).
- Dean Baker, "Free Market Myth," Boston Review. Available at <http://bostonreview.net/BR34.1/baker.php>.
- Denise Robbins, "Myths and Facts About the Koch Brothers," Media Matters. Available at <http://mediamatters.org/research/2014/08/27/myths-and-facts-about-the-koch-brothers/200570> (accessed January 28, 2016).
- "Denton, TX Becomes Fracking Resistance Flashpoint," Dear President Obama Film. Available at <http://www.dearpresidentobama.com/news/> (accessed June 11, 2016).
- "Donate," State Innovation. Available at <https://stateinnovation.org/donate/> (accessed March 7, 2016).
- "Drew Darby," Ballotpedia. Available at [https://ballotpedia.org/Drew\\_Darby](https://ballotpedia.org/Drew_Darby), (accessed June 4, 2016).
- "Eight Tips for Deducting Charitable Contributions," IRS. Available at <https://www.irs.gov/uac/Eight-Tips-for-Deducting-Charitable-Contributions> (accessed on April 25, 2016).
- Elizabeth Douglas, InsideClimate News, "Koch Brothers Cashing in 220,000 Acres of Tar Sands Holdings. Available at <http://kochcash.org/koch-brothers-cashing-in-220000-acres-of-tar-sands-holdings/> (accessed February 27, 2016).
- "Energy, Environment, and Agriculture," American Legislative Exchange Council. Available at <https://www.alec.org/task-force/energy-environment-and-agriculture/> (accessed February 1, 2016).
- "Find Your Representative By Address," Texas House of Representatives. Available at <http://www.house.state.tx.us/members/find-your-representative/> (accessed June 11, 2016).
- "Finding Common Ground About What's Underground by Chairman Christi Craddick," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/> (accessed June 11, 2016).
- "Finding Common Ground About What's Underground by Chairman Christi Craddick," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/news/111214b/> (accessed June 11, 2016).
- "Follow the Money," Follow the Money. Available at <http://followthemoney.org/> (accessed June 22, 2016).
- Forrest Wilder, "ALEC is a Big Fan of Texas' Fracking Disclosure Laws," Texas Observer. Available at <https://www.texasobserver.org/alec-is-a-big-fan-of-texas-fracking-disclosure-law/> (accessed June 12, 2016).
- "Frac Focus, Chemical Disclosure Registry," Frac Focus. Available at <http://fracfocus.org/> (accessed June 12, 2016).
- "Fracking," Earthjustice. 2011. Available at <http://earthjustice.org/features/texas-and-fracking#> (accessed June 8, 2016).



- Frank W. Elwell, "C. Wright Mills on the Power Elite," RSU. Available at <http://www.faculty.rsu.edu/users/f/felwell/www/Theorists/Essays/Mills2.htm> (accessed March 4, 2016).
- "Fraser, Troy," Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=13013639> (accessed June 10, 2016).
- G. William Domoff, "Alternative Theoretical Views," UCSC. Available at [http://www2.ucsc.edu/whorulesamerica/theory/alternative\\_theories.html](http://www2.ucsc.edu/whorulesamerica/theory/alternative_theories.html) (accessed April 11, 2016).
- Gilens, Martin and Benjamin Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Princeton University Press*. 2014.).
- Gora, Joel. "In Defense of Super PACs and the First Amendment, The Changing Landscape of Election Law." *Section Hall Law Review*. Web. 12 Aug. 2015. <http://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/koch-industries-pollution/> (accessed January 30, 2016).
- "HB 1487 (2012) -2012-06-12 revision (3rd New title) relative to low carbon fuel standards program," New Hampshire Alliance. Available at <http://www.nhliberty.org/bills/view/2012/HB1487/2012-06-12> (accessed June 15, 2016).
- "HB 1487 (2012) -2012-06-12 revision (3rd New title) relative to low carbon fuel standards program," New Hampshire Alliance. 2.
- "HB 40," Texas State Legislature Online. Available at <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB40> (accessed June 12, 2016).
- "HCR 19," Open States. Available at <http://openstates.org/mo/bills/2013/HCR19/> (accessed June 22, 2016).
- "House Concurrent Resolution No. 19," Missouri House of Representatives. Available at <http://www.house.mo.gov/billtracking/bills131/biltxt/intro/HCR0019I.htm> (accessed June 22, 2016).
- "Hydraulic Fracturing," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/resource-center/faqs/oil-gas-faqs/faq-hydraulic-fracturing/> (accessed June 8, 2016).
- Jane Mayer, "Covert Operations," *The New Yorker*. Available at <http://www.newyorker.com/magazine/2010/08/30/covert-operations#ixzz1sDsv7Klz> (accessed January 28, 2016).
- Jay Riestenberg, "ALEC Picked Up Tab for Texas Lawmakers' Junkets," *Common Cause*. Available at <http://www.commoncause.org/democracy-wire/alec-picked-up-tab-for-texas-lawmakers-trips.html?referrer=https://www.google.com/> (accessed June 11, 2016).
- Jeffrey Milyo, "Campaign Finance," *The Library of Economics and Liberty*. Available at <http://www.econlib.org/library/Enc/CampaignFinance.html> (accessed July 10, 2016).
- Jesse Coleman, "The Keystone XL Cover up: The State Departments attempt to hide oil industry connections," *Polluterwatch*. Available at <http://www.polluterwatch.com/category/freetagging/transcanada> (accessed June 15, 2016).

- Jim Malewitz, "Dissecting Denton: How a Texas City Banned Fracking," *The Texas Tribune*. Available at <https://www.texastribune.org/2014/12/15/dissecting-denton-how-texas-city-baned-fracking/> (accessed June 12, 2016).
- John Cassidy, "Is America an Oligarchy?" *The New Yorker*. Available at <http://www.newyorker.com/news/john-cassidy/is-america-an-oligarchy> (accessed March 4, 2016).
- John Eick, "Sunshine Week: Disclosure of Hydraulic Fracturing Fluid Composition Act," *The American Legislative Exchange Council*. 2016. Available at <https://www.alec.org/article/page/5/> (accessed June 2, 2016).
- John Nichols, "ALEC Exposed," *The Nation*. Available at <http://www.thenation.com/article/alec-exposed/> (accessed January 28, 2016).
- "Jim Keffer," *Ballotpedia*. Available at [https://ballotpedia.org/Jim\\_Keffer](https://ballotpedia.org/Jim_Keffer) (accessed June 11, 2016).
- "Jim Smith," *Ballotpedia*. Available at [https://ballotpedia.org/Jim\\_Smith\\_\(Nebraska\)](https://ballotpedia.org/Jim_Smith_(Nebraska)) (accessed March 2, 2016).
- "Jim Smith," *SourceWatch*. Available at [http://www.sourcewatch.org/index.php/Nebraska\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Nebraska_ALEC_Politicians) (accessed March 3, 2016).
- "John Adams," *Ballotpedia*. Available at [https://ballotpedia.org/John\\_Adams\\_\(Ohio\)](https://ballotpedia.org/John_Adams_(Ohio)) (accessed June 15, 2015).
- "John E. Piscopo," *Ballotpedia*. Available at [https://ballotpedia.org/John\\_Piscopo](https://ballotpedia.org/John_Piscopo) (accessed March 2, 2016).
- "John Piscopo," *Sourcewatch*. Available at [http://www.sourcewatch.org/index.php/John\\_Piscopo](http://www.sourcewatch.org/index.php/John_Piscopo) (accessed March 3, 2016).
- Kate Galbraith, "Texas Could Require Disclosure of Drilling Chemicals," *Texas Tribune*. Available at <https://www.texastribune.org/2011/03/25/texas-require-disclosure-of-drilling-chemicals/> (accessed June 12, 2016).
- hartnett-white (accessed June 12, 2016).
- "Kathleen Harnett White, "Distinguished Senior Fellow-in-Residence and Director, Armstrong Center for Energy and the Environment," *Texas Public Policy Foundation*. Available at <http://www.texaspolicy.com/experts/detail/kathleen-hartnett-white> (accessed June 12, 2016).
- Kathleen Harnett White, "The Fracas about Fracking," *National Review*. Available at <http://www.nationalreview.com/article/270893/fracas-about-fracking-kathleen>
- Katie Valentine, "Progressive Launching State-Focused Group to Combat ALEC," *Think Progress*. Available at <http://thinkprogress.org/climate/2014/11/10/3590671/progressives-create-own-alec/> (accessed March 7, 2016).
- "Keffer, James L.," *Follow The Money*. Available at <http://www.followthemoney.org/entity-details?eid=13006937> (accessed June 8, 2016).
- "Keystone XL Pipeline," *Friends of the Earth*. Available at <http://www.foe.org/projects/climate-and-energy/tar-sands/keystone-xl-pipeline> (accessed June 15, 2016).
- "King, Phil," *Follow The Money*. Available at <http://www.followthemoney.org/entity-details?eid=6583091> (accessed June 10, 2016).

- "Koch Brothers Exposed: Why We Must Act-And How," Campaign for America's Future. Available at [https://ourfuture.org/fact\\_sheet/koch-brothers-exposed-why-we-must-act-and-how](https://ourfuture.org/fact_sheet/koch-brothers-exposed-why-we-must-act-and-how) (accessed June 16, 2016).
- "Koch Exposed," PR Watch. Available at <http://www.prwatch.org/topics/koch-exposed> (accessed January 28, 2015).
- "Koch Industries, Inc. History Timeline," Koch. Available at [http://www.kochind.com/About\\_Koch/History\\_Timeline.aspx](http://www.kochind.com/About_Koch/History_Timeline.aspx) (accessed January 27, 2016).
- "Koch Industries," Polluter Watch. Available at <http://polluterwatch.com/koch-industries> (accessed February 2, 2016).
- "Koch Industries: Secretly Funding the Climate Denial Machine," Greenpeace. Available at <http://www.greenpeace.org/usa/global-warming/climate-deniers/koch-industries/> (accessed January 30, 2016).
- "Koch Subsidiary Told Regulators it has 'Direct and Substantial Interest' in Keystone XL," Inside Climate News. Available at <http://insideclimatenews.org/news/20111004/koch-brothers-koch-industries-flint-hills-financial-interest-canada-energy-board-keystone-xl-pipeline> (accessed June 15, 2016).
- Larry Bartles, "Rich People Rule!" Washington Post. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2014/04/08/rich-people-rule/> (accessed April 14, 2016).
- "Lawyer and Lobbyist Contributions to Brownback, Sam," Follow the Money. Available at [http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=98#l{gro=y`](http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=98#l{gro=y) (accessed March 8, 2016).
- "LB 1161-Authorizes Land Study in Nebraska for Keystone Pipeline Route-Key Vote," Votesmart. Available at <http://votesmart.org/bill/15033/39468#.VtdZxM4a9UQ> (accessed March 2, 2016).
- "Leadership," American Legislative Exchange Council. Available at <http://www.alec.org/about/leadership/> (accessed January 28, 2015).
- "Legislative News, Studies, and Analysis," National Conference of State Legislatures. Available at <http://www.ncsl.org> (accessed March 7, 2016).
- Lisa Graves, "A Comparison of ALEC and NCSL," PR Watch. Available at <http://www.prwatch.org/news/2011/07/10882/comparison-alec-and-ncsl> (accessed June 17, 2016).
- Lisa Graves, "ALEC Exposed: The Koch Connection," The Nation. Available at <http://www.thenation.com/article/alec-exposed-koch-connection/> (accessed January 27, 2016).
- Lynda W. Powell, "The Influence of Campaign Contributions on Legislative Policy." *University of Rochester Academic Journal*. 2013 October.
- "Make a Contribution to ALEC," American Legislative Exchange Council. Available at <http://web.archive.org/web/20060601221223/http://www.alec.org/contributions> (accessed January 28, 2016).
- Marc Lanllanilla, "Facts about Fracking," Live Science. Available at <http://www.livescience.com/34464-what-is-fracking.html> (accessed on June 12, 2016).

- Matt Egan, "Oil Milestone: Fracking fuels half of U.S output," CNN Money. Available at <http://money.cnn.com/2016/03/24/investing/fracking-shale-oil-boom/> (accessed July 13, 2016).
- "Measuring Lobbying Activity: Expenditure Test," Internal Revenue Service. Available at <https://www.irs.gov/Charities-&-Non-Profits/Measuring-Lobbying-Activity:-Expenditure-Test> (accessed January 28, 2016).
- Mike McIntire, "Conservative Nonprofit Acts as a Stealth Business Lobbyist," New York Times. Available at [http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?\\_r=0](http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?_r=0) (accessed June 12, 2016).
- "Mission & Principles-DonorsTrust," DonorsTrust. Available at <http://www.donorstrust.org/who-we-are/mission-principles/> (accessed February 16, 2016).
- "Missouri ALEC Politicians," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Missouri\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Missouri_ALEC_Politicians) (accessed June 22, 2016).
- Molly Jackman, "ALEC's Influence over Lawmaking in State Legislatures," Brookings. Available at <http://www.brookings.edu/research/articles/2013/12/06-american-legislative-exchange-council-jackman> (accessed January 28, 2016).
- Mose Buchele, "After HB 40, What's Next for Local Drilling Rules in Texas?" State Impact. Available at <https://stateimpact.npr.org/texas/2015/07/02/after-hb-40-whats-next-for-local-drilling-bans-in-texas/> (accessed June 11, 2016).
- "Multi-State Issue Campaigns," State Innovation. Available at <https://stateinnovation.org/campaigns> (accessed March 7, 2016).
- "Nationwide Low-Carbon Fuel Standard Would Increase Global Greenhouse Gas Emission, Study Finds," American Fuel and Petrochemical Manufactures. Available at <https://www.afpm.org/news-release.aspx?id=1857> (accessed June 15, 2016).
- "New Hampshire ALEC Politicians," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/New\\_Hampshire\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/New_Hampshire_ALEC_Politicians) (accessed June 15, 2016).
- Nick Surgey, "ALEC Tours Tar Sands, Works with Industry Groups to Block Low-Carbon Fuel Standards," PR Watch. Available at <http://www.prwatch.org/news/2013/06/12133/alec-tours-tar-sands-works-industry->
- Omar S. Bashire, "Testing Inferences about American Politics: A Review of the 'Oligarchy' Result," Sage Journals. Available at <http://rap.sagepub.com/content/2/4/2053168015608896> (accessed April 13, 2016).
- Paul Blumenthal, "Meet the Little-Known Network Pushing Ideas for Kochs, ALEC," Huffington Post. Available at [http://www.huffingtonpost.com/2013/11/14/state-policy-network-kochs\\_n\\_4275899.html](http://www.huffingtonpost.com/2013/11/14/state-policy-network-kochs_n_4275899.html) (accessed February 6, 2016).
- Paul Hammel, "Papillion State Sen. Jim Smith faces ethics complaint over trip to Canada." Available at [http://www.omaha.com/news/papillion-state-sen-jim-smith-faces-ethics-complaint-over-trip/article\\_5feeb42f-883c-5e3e-aac6-9f583de6fcdf.html](http://www.omaha.com/news/papillion-state-sen-jim-smith-faces-ethics-complaint-over-trip/article_5feeb42f-883c-5e3e-aac6-9f583de6fcdf.html) (accessed March 2, 2016).
- Phil King," Ballotpedia. Available at [https://ballotpedia.org/Phil\\_King](https://ballotpedia.org/Phil_King) (accessed June 11, 2016).

- “OH-SCR 7,” Track Bill. Available at <https://trackbill.com/bill/oh-scr7-transcanada-keystone-xl-pipeline-build/407135/> (accessed June 22, 2016).
- "Ohio ALEC Politicians," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed March 3, 2016).
- “Ohio ALEC State Politicians,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed June 22, 2016).
- “Ohio Legislatures with ALEC Ties,” Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Ohio\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Ohio_ALEC_Politicians) (accessed June 15, 2016).
- “Ohio Senate Concurrent Resolution 7,” Legiscan. Available at <https://legiscan.com/OH/text/SCR7/id/823108> (accessed June 22, 2016).
- "Oil and Gas Contributions to Brownback, Sam," Follow the Money. Available at <http://www.followthemoney.org/show-me?c-t-eid=6681039&d-cci=33#l1lgro=y> (accessed March 8, 2016).
- "Oilfield Services | Halliburton – Halliburton," Halliburton. Available at <http://www.halliburton.com/en-US/default.page> (accessed June 6, 2016).
- “Oliveira, Rene,” Follow The Money. Available at <http://classic.followthemoney.org/database/StateGlance/candidate.phtml?c=52269> (accessed June 11, 2016).
- “Piscopo, John,” Follow The Money. Available at <http://followthemoney.org/entity-details?eid=6608846&default=candidate> (accessed June 15, 2016).
- “Porter, David,” Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=13010749> (accessed June 10, 2016).
- "Railroad Commissioner Christi Craddick Tells ALEC "Hydraulic Fracturing Responsible for Unleashing American Energy Colossus," Railroad Commission of Texas. Available at <http://www.rrc.state.tx.us/about-us/commissioners/craddick/news/080913/> (accessed June 8, 2016).
- Randal Sheldon, “The American Legislative Exchange Council (ALEC),” Center on Juvenile and Criminal Justice. Available at [http://www.cjcj.org/uploads/cjcj/documents/The\\_American\\_Legislative\\_Exchange\\_Council.pdf](http://www.cjcj.org/uploads/cjcj/documents/The_American_Legislative_Exchange_Council.pdf) (accessed June 16, 2016).
- “Rene Oliveira,” Ballotpedia. Available at [https://ballotpedia.org/Rene\\_Oliveira](https://ballotpedia.org/Rene_Oliveira) (accessed June 11, 2016).
- "Rep. Craddick, Tom," Texas House of Representatives. Available at <http://www.house.state.tx.us/news/member/press-releases/?id=2829> (accessed June 11, 2016).
- “Report to Congress Concerning the Presidential Permit Application of the Proposed Keystone XL Pipeline,” U.S Department of State. Available at <http://www.state.gov/e/eb/esc/iec/permit/keystonexl/182277.htm> (accessed June 15, 2016).

- "Restrictions on Participation in Low-Carbon Programs," ALEC. Available at <https://www.alec.org/model-policy/restrictions-on-participation-in-low-carbon-fuel-standards-programs/> (accessed March 2, 2016).
- "Revealed: The Corporations and Billionaires That Fund the Texas Public Policy Foundation," The Texas Observer. Available at <https://www.texasobserver.org/revealed-the-corporations-and-billionaires-that-fund-the-texas-public-policy-foundation/> (accessed June 11, 2016).
- Right Wing Watch, "American Legislative Exchange Council. Available at <http://www.rightwingwatch.org/content/american-legislative-exchange> (accessed January 19, 2016).
- Robert Lenzer. "The Theory of Economic Elite Domination," *Forbes*. 2014, August 1.
- "Rowden, Caleb," Followthemoney. Available at <http://www.followthemoney.org/show-me?c-t-eid=11029515&d-cci=33> (accessed March 8, 2016).
- Sara Jerving, "Hundreds Converge on ALEC Headquarters Demanding Justice for Trayvon Martin." The Center for Median and Democracy's PR Watch. Available at <http://www.prwatch.org/news/2012/03/11400/hundreds-converge-alec-headquarters-demanding-justice-trayvon-martin> (accessed April 25, 2016).
- "Sam Brownback," Ballotpedia. Available at [https://ballotpedia.org/Sam\\_Brownback](https://ballotpedia.org/Sam_Brownback) (accessed April 22, 2016).
- Sean Collins Walsh, "Sources: Prosecutors Investigating State Rep. Dawna Dukes," My Statesman. Available at <http://www.mystatesman.com/news/news/state-regional-govt-politics/sources-prosecutors-investigating-state-rep-dawna/nq6Qm/> (accessed June 23, 2016).
- "Senfronia Thompson," Ballotpedia. Available at [https://ballotpedia.org/Senfronia\\_Thompson](https://ballotpedia.org/Senfronia_Thompson) (accessed June 11, 2016).
- "Smith, Jim," Followthemoney. Available at <http://www.followthemoney.org/show-me?c-t-eid=13012797&d-cci=33#lgr=y> (accessed March 8, 2016).
- "State Chairs," American Legislative Exchange Council. Available at <https://www.alec.org/about/state-chairs/> (accessed June 14, 2016).
- Steve Horn, "ALEC's Fracking Chemical Disclosure Bill Moving Through Florida Legislature," DeSmogBlog. Available at <http://www.desmogblog.com/2014/02/19/alec-exxonmobil-proposed-fracking-fluid-disclosure-bill-moving-through-fl-legislature> (accessed June 4, 2016).
- "Summary of the Energy Policy Act," EPA-Environmental Protection Agency. Available at <https://www.epa.gov/laws-regulations/summary-energy-policy-act> (accessed June 11, 2016).
- Suzanne Goldenberg, "ALEC (not Baldwin) is trying to destroy the environment," Grist. Available at <http://grist.org/politics/alec-not-baldwin-is-trying-to-destroy-the-environment/> (accessed February 1, 2016).
- Tal Kopan, "Report: Think tanks tied to Kochs," Politico. Available at <http://www.politico.com/story/2013/11/koch-brothers-think-tank-report-099791> (accessed February 6, 2016).
- Tara Linn Hunter, "Fracking Protests Continue in Texas as New ALEC-Backed Law Bars Towns from Banning Drilling," Democracy Now. Available at [http://www.democracynow.org/2015/6/3/fracking\\_protests\\_continue\\_in\\_texas\\_as](http://www.democracynow.org/2015/6/3/fracking_protests_continue_in_texas_as) (accessed June 12, 2016).

- Terrence Henry, "How Oil and Gas Dollars Fueled the Railroad Commission Race," State Impact. Available at <https://stateimpact.npr.org/texas/2012/07/31/railroad-commission-run-off-today-with-lots-of-help-from-the-oil-and-gas-industry/> (accessed June 11, 2016).
- "Texas ALEC Politicians," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Texas_ALEC_Politicians) (accessed June 12, 2016).
- "Texas ALEC Politicians," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Texas_ALEC_Politicians) (accessed June 11, 2016).
- "Texas HB3328 | 2011-2012 | 82nd Legislature," Available at <https://legiscan.com/TX/bill/SB1125/2011>(accessed June 2, 2016).
- "Texas House Bill 40 (2015)," Ballotpedia. Available at [https://ballotpedia.org/Texas\\_House\\_Bill\\_40\\_\(2015\)](https://ballotpedia.org/Texas_House_Bill_40_(2015)) (accessed June 11, 2016).
- "Texas Legislature Online," Texas Legislature Online. Available at <http://www.capitol.state.tx.us/Search/BillSearch.aspx> (accessed June 8, 2016).
- "Texas Public Policy Foundation," SourceWatch. Available at [http://www.sourcewatch.org/index.php/Texas\\_Public\\_Policy\\_Foundation](http://www.sourcewatch.org/index.php/Texas_Public_Policy_Foundation) (accessed June 11, 2016).
- "Texas state executive official elections, 2012," Ballotpedia. Available at [https://ballotpedia.org/Texas\\_state\\_executive\\_official\\_elections,\\_2012](https://ballotpedia.org/Texas_state_executive_official_elections,_2012) (accessed June 12, 2016).
- "Texas State Representative Phil King Named Chairman of (ALEC) Center for Innovation and Technology," American Legislative Exchange Council. Available at <https://www.alec.org/press-release/texas-state-representative-phil-king-named-chairman-of-american-legislative-exchange-council-alec-center-for-innovation-and-technology/>
- Thanh Tan, "2011 Veto Watch: Perry Kills 24 Bills in One Day," The Texas Tribune Available at <https://www.texastribune.org/2011/06/17/2011-veto-watch-perry-kills-24-bills-in-one-day-/> (accessed June 12, 2016).
- "The American Legislative Exchange Council (ALEC) Dominates the Kansas Legislature-It's Time to Dran the Swamp of these ALEC-gators," JoCo MoveOn. Available at <http://www.jocomoveon.org/Kansas-Shadow-Legislature.html> (accessed July 13, 2016).
- "Think Tanks," Sourcewatch. Available at [http://www.sourcewatch.org/index.php/Think\\_tanks](http://www.sourcewatch.org/index.php/Think_tanks) (accessed June 16, 2016).
- "Thompson, Senfronia," Follow The Money. Available at <http://www.followthemoney.org/entity-details?eid=6387063&default=candidate> (accessed June 11, 2016).
- "Through ALEC, Global Corporations are Scheming to Rewrite your Rights and Boost their Revenue," The Center for Media and Democracy. Available at [http://www.alecexposed.org/wiki/ALEC\\_Exposed](http://www.alecexposed.org/wiki/ALEC_Exposed) (accessed June 14, 2016).
- "The Disclosure of Hydraulic Fracturing Fluid Composition Act," The American Legislative Exchange Council. Available at <https://www.alec.org/model-policy/the-disclosure-of-hydraulic-fracturing-fluid-composition-act/> (accessed June 11, 2016).

- Traci Peterson, "Potential Well Water Contaminants Highest Near Natural Gas Drilling UT Arlington," UTA. Available at <http://www.uta.edu/news/releases/2013/07/Schug-water-well-contaminants-study.php> (accessed June 12, 2016).
- "TransCanada Applies for Keystone XL Presidential Permit," TransCanada. Available at <http://www.transcanada.com/announcements-article.html?id=1585036> (accessed June 15, 2016).
- "Troy Fraser," Ballotpedia. Available at [https://ballotpedia.org/Troy\\_Fraser](https://ballotpedia.org/Troy_Fraser) (accessed June 4, 2016).
- Warren Mass, "Princeton/Northwestern Study Seems to Conclude U.S an Oligarchy," New American. Available at <http://www.thenewamerican.com/usnews/constitution/item/18120-princeton-northwestern-study-seems-to-conclude-u-s-an-oligarchy> (accessed April 13, 2016).
- "What Goes In & Out of Hydraulic Fracking," Gasland the Movie. Available at <http://www.dangersoffracking.com/> (accessed June 11, 2016).
- "What is the Keystone XL Pipeline," NPR State Impact. Available at <https://stateimpact.npr.org/texas/tag/keystone-xl-pipeline/> (accessed March 3, 2016).