

# **MISSOURI**

## **Transportation Funding Initiative**

*Type of Legislation:* Constitutional Amendment

*Legislative Session:* This constitutional amendment was introduced on February 5, 2013.

*Title of Legislation:* “Sales and Use Tax for Transportation”—House Joint Resolution 23 & Senate Joint Resolution 16

### *Sponsors of Legislation*

- House: Representative Dave Hinson (R-District 119)
- Senate: Senator Mike Kehoe (R-Jefferson City) & Senator Ryan McKenna (D- Jefferson County)

### *Summary of Legislation*

This constitutional amendment proposed a temporary 1% increase in the state sales and use tax over a ten-year period. Additionally, the constitutional amendment would ensure that the tax revenues would be allocated for transportation projects. More specifically, 5% of the sales and use tax revenues would be assigned to a “Municipal Aid Transportation Fund” that would be established by the Missouri Treasury to distribute to various jurisdictions throughout the state.<sup>1</sup> In addition, another 5% of the revenues would be designated for a “County Aid Transportation Fund,” and this would benefit counties’ local road and bridge projects. Finally, the remaining 90% of the funds would be placed in a new trust fund, called the “Transportation Sales Tax Fund.”

The new tax was estimated to raise approximately \$8 billion over a ten-year period, and this measure would commit 10% of additional revenue to local transportation projects. The gas tax rate would also be frozen during the time that the higher sales tax was implemented.

The bill initially received support from both chambers of the Missouri General Assembly and passed in both the House and the Senate. Although the bill had previously passed in both entities, the bill still needed to be confirmed by the Senate. If the constitutional amendment were to pass, then it would be placed on the November ballot for voters to ratify.

### *Status of Legislation*

Despite the fact that both chambers had initially supported this tax increase measure, which would require voters to ratify the amendment through a November 2014 ballot measure, three senators ultimately blocked the passage of this constitutional amendment on the final day of the legislative session.

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<sup>1</sup> Abbott, 3/31/13

The supporters of the filibuster included: John Lamping (R-St. Louis County), Ed Emery (R-Lamar) and Rob Schaaf (R-St. Joseph). Other filibuster participants included Dan Brown (R-Rolla) and Paul LeVota (D-Independence), who initially voted in support of the constitutional amendment.<sup>2</sup>

#### Initial House and Senate Vote

	<b>HOUSE</b> (May 14, 2013)	<b>SENATE</b> (March 14, 2013)
<b>YES</b>	100	24
<b>NO</b>	57	10
<b>ABSENT</b>	1	0

#### *Why Did This Bill Fail?*

##### **Partisan Political Climate.**

Although the bill had initially passed in both the House and Senate, the Missouri General Assembly's hyper-partisan environment made it difficult for this bill to pass. Some Senate Democrats opposed the bill because they believed it would disproportionately harm low-income and older Missouri residents. Meanwhile, Senate Republicans also opposed the bill because of a general anti-tax position. Ultimately, this led Senate Republicans to filibuster the bill and block its passage on the final day of the Missouri General Assembly's legislative session.

##### **Lack of a Strong External Coalition.**

Although this legislation had support in both Senate and House, there was still strong and vocal opposition from both Senate Democrats and Senate Republicans. If this bill had passed, the constitutional amendment would have been placed on the November 2013 ballot, where voters could approve the tax measure. The bill sponsors did not organize citizens to show their support and enthusiasm for the measure, and without a broad coalition of supporters, it becomes more challenging to pass this type of legislation.

##### **Minimal Media Attention.**

This legislation did not receive very much media attention until the final days of the legislative session when Republicans threatened to filibuster the bill. Although the filibuster coverage contributed to a heightened awareness about this political theater and to some extent, the substance of the legislation, the media coverage did not ultimately sway legislators or mobilize citizens.

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<sup>2</sup> <http://mobikefed.org/2013/05/missouri-senators-supporting-filibuster-missouri-transportation-funding-plan-sjr-16>

### *Arguments in Support of Constitutional Amendment*

The main arguments in favor of passing this constitutional amendment were to create jobs and to ensure that Missouri continued to receive the maximum amount of matching federal funds to support the state's transportation projects.

- Job Creation
- Improving Missouri's Infrastructure

### *Proponents of Constitutional Amendment*

- Missouri Highway Commission
- Missouri Chamber President and CEO Dan Mehan: Mr. Mehan wrote a letter in support of this constitutional amendment.
- Missouri Transportation Alliance
- Missouri Dump Truckers Association
- AAA Auto Club of Missouri
- Missouri Bicycle and Pedestrian Foundation
- Integrated Planning Services
- Senate President Pro Tem Tom Dempsey, R-St. Charles: "I believe that providing a sound, safe, dependable transportation system is a function of government...(and with) the cost of money and inflation, the best time to make this investment is now."
- Senator Mike Kehoe and several co-sponsors of legislation

### *Opposition*

The main arguments against this constitutional amendment included a general anti-tax sentiment as well as the desire to support more mass transit projects.

#### **Republicans' "No New Taxes" Sentiment.**

Representative Andrew Koenig (R-St. Louis County) argued against the tax increase and said that "the last thing we need to do is raise taxes."<sup>3</sup>

#### **Democrats.**

Some believed that this bill would disproportionately impact the elderly and low-income residents. Representative Rory Ellinger (D-St. Louis County) said that "the state as a whole may prosper, but it should not be on the backs of the poor or elderly."<sup>4</sup>

### *Opponents of Constitutional Amendment:*

- Trailnet
- Alderman, City of St. Louis
- Senate Appropriations Chairman Sen. Kurt Schaefer (R-Columbia)

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<sup>3</sup> Beck, May 15, 2013

<sup>4</sup> <http://stlouis.cbslocal.com/2013/05/15/missouri-sales-tax-increase-for-transportation-stalls-in-senate/>

- Senator John Lamping (R-Ladue): Senator Lamping was one of the members who filibustered the bill. He said, “I think that this bill proposes constructing a road that will lead to bigger government and \$8 billion in higher taxes.”<sup>5</sup>
- Senator Rob Schaaf (R-St. Joseph): “I think people are feeling over-taxed, as it is. ... I think it’s a foregone conclusion they’ll vote no.”
- Representative Mike Cierpiot (R-Lee Summit)
- Representative Eric Burlison (R-Springfield)
- Representative Robert Cornejo (R-St. Peters)
- Representative Elijah Haahr (R-Springfield)
- Representative Shelley Keeney (R-Marble Hill)
- Representative Caleb Jones (R-California)
- Representative Todd Richardson (R-Poplar Bluff)
- House Speaker Tim Jones (R-Eureka)
- Senator Ed Emery (R-Lamar) --Filibuster
- Senator Rob Schaaf (R-St. Joseph)--Filibuster
- Senator Dan Brown (R-Rolla)—Filibuster
- Senator Paul LeVota (D-Independence)—He was part of the filibuster and initially voted in support of the constitutional amendment.

*Proponent Campaign: Missouri Bicycle and Pedestrian Foundation*<sup>6</sup>

#### *Polling Data*

#### **Poll #1: Missouri Transportation Alliance (2013)**<sup>7</sup>

- This survey, according to Senator Kehoe, was conducted by the Missouri Transportation Alliance in spring of 2013.
- 58% of Missourians supported the temporary 1-cent sales tax increase in order to support Missouri’s Department of Transportation.

#### **Poll #2: Normington Petts (2012)**<sup>8,9</sup>

- This poll was conducted by Normington Petts in December 2012, and 800 Missouri voters were polled for this public opinion research.
- Respondents were presented with a proposal that included a one-cent general sales and use tax increase in order to fund transportation projects.
- 52% of respondents supported this one-cent increase.
- Support for this proposal increased to 54% when respondents were shown a list of proposed transportation projects and/or were given the option of freezing the gas tax if the general sales/use tax increase was implemented.

<sup>5</sup> Watson, March 20, 2013

<sup>6</sup> <http://mobikefed.org/2013/05/alert-contact-your-state-rep-about-8-billion-mo-transportation-funding-proposal>

<sup>7</sup> <http://www.thelaketoday.com/news/2013/jun/12/last-minute-filibuster-blocks-modot-sales-tax-bill/>

<sup>8</sup> <http://www.bizjournals.com/stlouis/news/2013/01/24/modot-infrastructure-proposal-could.html?page=all>

<sup>9</sup> <http://modot.mo.gov/documents/PROPOSALforTRANSPORTATIONFUTURE1-18-13.pdf>

- Even though this poll only tested respondents’ opinions about a one-cent tax increase, it still offers significant insight into voter behavior. Potentially, this poll is evidence that voters “could be ready to make the necessary investment in Missouri’s infrastructure to ensure a safe and modern transportation system into the future.”

### *Text of Legislation*

“Submitting to the qualified voters of Missouri an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.”

### *References*

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