Wisconsin Transportation Fund Amendment (2014) Case Study

Title of Ballot Measure: Question 1: Creation of a Transportation Fund

Type: Senate Joint Resolution 23/Assembly Joint Resolution 2

Election Cycle: November 4, 2014

Status of Amendment: Passed

| NOV 4 2014 ELECTION RESULTS  |  
|-----------------------------|-------------------|
| Wisconsin Question 1        |                   |
| FOR                         | 80%               |
| AGAINST                     | 20%               |

Summary of Legislation

The Wisconsin Transportation Fund Amendment was put on the November 4, 2014 ballot to ensure that revenue generated from transportation-related fees and taxes would be protected from diversion to non-transportation programs outside of the Wisconsin Department of Transportation’s jurisdiction.

Wisconsin requires statewide ballot measures be approved by both houses in two consecutive Legislative sessions in order to be put before voters. A constitutionally-protected transportation fund was first presented as Senate Joint Resolution 23 by 36 bipartisan sponsors, and was voted upon on by both houses on May 17, 2011. It passed the Senate May 17, 2011 by a vote of 26-6, and was subsequently approved the Assembly the same day with a vote of 82-11.
The proposed amendment was next presented as Assembly Joint Resolution 23 in 2013 by 41 sponsors. It was voted upon by the Assembly on February 14, 2013, passing 82-13 before being sent to the Senate, where it was passed on February 20 25-8.

For a breakdown of votes on Senate Joint Resolution 23 (2011) and Assembly Joint Resolution 2 (2013), go to page 9.

Background

Created as a statutory state agency in 1945, the Wisconsin Transportation Fund collected revenue from highway fees such as “state and federal gas taxes, vehicle registration fees, driver license fees and motor carrier fees; aviation taxes and fees such as aircraft registration fees, general aviation fuel taxes and the property tax on air carriers; and railroad taxes such as the tax on rail property”. The account funded all transportation modes within the state, including “highways, air, rail, transit, harbors, bicycle and pedestrian facilities, as well as the Division of Motor Vehicles and the Division of State Patrol”.

While segregated from the General Fund, approximately $1.4 billion was diverted from the Transportation Fund in order to balance the General Fund between 2003-2011. In his February 2005 budget address, Governor Jim Doyle (D) stated: “My budget transfers $250 million from the transportation fund to support our investment in schools and other key priorities. With such a large transportation budget, and so many pressing needs in our state, it’s the only responsible thing to do.”

In 2009 a coalition of more than 40 organizations from across the state—including local governments, private businesses, organized labor, transportation associations, regional planning interests, and housing organizations—joined together to form “Finding Forward” with the intention of creating a constitutional amendment that would protect Wisconsin’s transportation funds. Once placed on the ballot, “Finding Forward” updated their name to the pro-transportation fund campaign “Vote Yes for Transportation”.

The 2010 Advisory Referendum

In order to gauge interest in a statewide ballot question, “Finding Forward” campaigned counties around the state to place an advisory referendum on the ballot. 54 counties agreed (53 for the
November 2, 2010 general election ballot, and one for the September 14, 2010 statewide primary election). Additionally, nine counties approved resolutions requesting that raids on the Transportation Fund be eliminated. All 54 counties approved the question, with an average of 70.5% of voters in favor and 28.6% opposed.

Craig Thompson, executive director of the Transportation Development Association of Wisconsin and partner of “Finding Forward”, stated in a press release: “We are not surprised by these results. They reflect what we have been hearing from people in every corner of the state for a long time. Fifty-four county boards simply gave the people the opportunity to be heard on this issue, and they are sending a clear directive to the state legislature. They want transportation money to be used for transportation purposes and they believe amending the constitution is the best way to accomplish that.”

Advisory Referendum Language: Should the Wisconsin Constitution be amended to prohibit any further transfers or lapses from the segregated transportation fund?

Ballot Language

Question 1: Creation of a Transportation Fund.

Shall section 9 (2) of article IV and section 11 of article VIII of the constitution be created to require that revenues generated by use of the state transportation system be deposited into a transportation fund administered by a department of transportation for the exclusive purpose of funding Wisconsin's transportation systems and to prohibit any transfers or lapses from this fund?

Proposed Amendment Language

SECTION 1. Section 9 of article IV of the constitution is renumbered section 9 (1) of article IV.

SECTION 2. Section 9 (2) of article IV of the constitution is created to read:

[Article IV] Section 9 (2) The legislature shall provide by law for the establishment of a department of transportation and a transportation fund.

SECTION 3. Section 11 of article VIII of the constitution is created to read:

[Article VIII] Section 11. All funds collected by the state from any taxes or fees levied or imposed for the licensing of motor vehicle operators, for the titling, licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of roadways, highways, or bridges, and from taxes and fees levied or imposed for aircraft, airline property, or aviation fuel or for railroads or railroad property shall be deposited only
into the transportation fund or with a trustee for the benefit of the department of transportation or the holders of transportation-related revenue bonds, except for collections from taxes or fees in existence on December 31, 2010, that were not being deposited in the transportation fund on that date. None of the funds collected or received by the state from any source and deposited into the transportation fund shall be lapsed, further transferred, or appropriated to any program that is not directly administered by the department of transportation in furtherance of the department’s responsibility for the planning, promotion, and protection of all transportation systems in the state except for programs for which there was an appropriation from the transportation fund on December 31, 2010. In this section, the term “motor vehicle” does not include any all-terrain vehicles, snowmobiles, or watercraft.

Support

Supporter’s Arguments

- Proponents of a constitutionally-protected transportation fund argued it was common sense for revenue generated from transportation taxes and fees to be used for transportation purposes.

- State laws did not provide sufficient protection for the funds, as evidenced by the approximately $1.4 billion taken out over a decade, and the state’s transportation network would not be able to grow without those funds generated from gas taxes and fees.

- Most states already have constitutional language protecting transportation funds.

- Measure has wide support in the government and at the grassroots level. SJR 23 passed both the Senate and House with over 80 percent of the vote, and Governor Walker was vocal about his espousal of the measure. Furthermore, the “Vote Yes for Transportation” coalition of diversified groups was evidence of the ground support for a constitutionally-protected transportation fund.

Key Players

Governor Scott Walker (R)

Governor Walker was vocal in his support of a protected transportation fund for Wisconsin. During his campaign for reelection he asserted his intent to pass the constitutional amendment banning diversions from transportation revenue, stating in an interview with WTMJ Radio Milwaukee:

“As governor, I'm going to stop doing what Jim Doyle has done in the past, that's raiding the transportation fund. We're going to take it a step further and actually supporter a Constitutional amendment and guarantee that no future governor is able to do what Jim Doyle did.”
Vote Yes for Transportation

“Vote Yes for Transportation”, a bipartisan coalition of 50 diverse organizations—including local chambers of commerce, businesses, organized labor, and transportation associations—was formed in 2009, originally under the name “Finding Forward”. The group utilized a grassroots campaign to advocate for inclusion of a transportation fund advisory question in 2010, and later for the passage of SJR 23 and voter approval of the ballot measure.

Vote Yes for Transportation Campaign Contact: Craig Thompson
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Amendment Supporters (from “Vote Yes for Transportation”):

- 3M
- AAA – Wisconsin
- Aggregate Producers of Wisconsin
- American Council of Engineering Companies of Wisconsin
- American Petroleum Institute
- Associated Builders and Contractors Of Wisconsin
- Case Construction Equipment
- Associated Builders and Contractors Of Wisconsin
- Case Construction Equipment
- Centergy, Inc.
- Construction Business Group
- Dairy Business Association
- Discover Mediaworks
- East Central Wisconsin Regional Planning Commission
- Fond Du Lac Area Association Of Commerce
- Forward Janesville, Inc.
- Great Lakes Timber Professionals Association
- Greater Brookfield Chamber Of Commerce
- Greater Madison Chamber of Commerce
- Green Bay Area Chamber of Commerce
- International Union of Operating Engineers, Local 139
- Marathon Petroleum Corporation
- Metropolitan Milwaukee Association of Commerce
- Midwest Food Processors Association
- National Federation of Independent Business
- Oshkosh Chamber Of Commerce
- Racine Area Manufacturers and Commerce
- Transportation Development Association of Wisconsin
- Transportation Investment Coalition
- Waukesha County Business Alliance
- Wisconsin Agri-Business Association
- Wisconsin Airport Management Association
- Wisconsin Asphalt Pavement Association
- Wisconsin Association of Convention & Visitors Bureaus
- Wisconsin Automobile & Truck Dealers Association
- Wisconsin Automotive Aftermarket Association

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- Wisconsin Commercial Ports Association
- Wisconsin Concrete Pavement Association
- Wisconsin Concrete Pipe Association
- Wisconsin Counties Association
- Wisconsin County Highway Association
- Wisconsin Earth Movers Association
- Wisconsin Economic Development Association
- Wisconsin Grocers Association
- Wisconsin Housing Alliance
- Wisconsin Independent Businesses
- Wisconsin Laborers' District Council
- Wisconsin Manufacturers & Commerce
- Wisconsin Motor Carriers Association
- Wisconsin Petroleum Council
- Wisconsin Petroleum Marketers & Convenience Store Association
- Wisconsin Restaurant Association
- Wisconsin Retail Council
- Wisconsin State Council of Carpenters
- Wisconsin Towns Association
- Wisconsin Transportation Builders Association
- Wisconsin Troopers' Association
- Wisconsin Urban & Rural Transit Association
- Women In Trucking Association
How much money was raised in support of Question 1:

Vote Yes for Transportation Campaign PAC: $417,830.88

Opposition

While there was a lack of organized resistance against constitutionally protecting Wisconsin’s transportation fund from diversion, several lawmakers and media organizations expressed opposition to the ballot measure.

Opposition Arguments

- Constitutionally protecting transportation funds would cause lawmakers to divert revenue from other funds. Further, if one segregated fund is protected, they should all be protected.

- The proposed amendment is the work of special-interest lobbying groups and does not represent the best interests of Wisconsin.

Elements for Success

Active broad-based coalition.

“Vote Yes for Transportation” engaged in a comprehensive, six-year long grassroots campaign to promote a constitutionally-protected transportation fund. The group encompassed several different industries—including private businesses, labor, construction, housing, and transportation—and represented multimodal transportation issues. Craig Thompson from the Vote Yes for Transportation campaign also stated the group’s nonpartisan stance was an important key to success. “Vote Yes for Transportation” had an active media and advertising campaign, with particular outreach through community events such as fairs, conferences, and Chambers of Commerce and local organizations meetings.

Support from the public.

Strong, visible support from the majority of the state in the form of the 2010 advisory referenda sent a clear message to politicians that this was an issue constituents were very interested in resolving. Craig Thompson from the Vote Yes for Transportation campaign stated this was a major factor in convincing the legislature to put the item on the statewide ballot.
Governor as a Champion.

Governor Walker was an enthusiastic proponent of a constitutionally-protected transportation fund, including it as a platform in his 2014 campaign for reelection. Governor Walker’s gubernatorial opponent, Mary Burke (D), also expressed support for the amendment. When the governor is a champion of the transportation funding proposal, the transportation funding package has an increased likelihood of passing.
Breakdown of Legislative Votes for a Constitutionally-Protected Transportation Fund: 2011 and 2013

Breakdown of votes for Senate Joint Resolution 23 (2011):

Senate (Passed May 17, 2011 with 26 Ayes and 6 Noes)

Senators Who Voted in Favor of SJR 23:

- Sen. Tim Carpenter (D - District 3)
- Sen. Spencer Coggs (D - District 6)
- Sen. Robert Cowles (R - District 2)
- Sen. Alberta Darling (R - District 8)
- Sen. Michael Ellis (R - District 19)
- Sen. Jon Erpenbach (D - District 27)
- Sen. Scott Fitzgerald (R - District 13)
- Sen. Pam Galloway (R - District 29)
- Sen. Glenn Grothman (R - District 20)
- Sen. Dave Hansen (D - District 30)
- Sen. Sheila Harsdorf (R - District 10)
- Sen. Jim Holperin (D - District 12)
- Sen. Randy Hopper (R - District 18)
- Sen. Dan Kapanke (R - District 32)
- Sen. Neal Kedzie (R - District 11)
- Sen. Frank Lasee (R - District 1)
- Sen. Mary Lazich (R - District 28)
- Sen. Joe Leibham (R - District 9)
- Sen. Terry Moulton (R - District 23)
- Sen. Luther Olsen (R - District 14)
- Sen. Dale Schultz (R - District 17)
- Sen. Kathleen Vinehout (R - District 31)
- Sen. Leah Vukmir (R - District 5)
- Sen. Van Wanggaard (R - District 21)
- Sen. Robert Wirch (R - District 22)
- Sen. Rich Zipperer (R - District 33)

Senators Who Voted Against SJR 23:

- Sen. Timothy Cullen (D - District 15)
- Sen. Robert Jauch (D - District 25)
- Sen. Chris Larson (D - District 7)
- Sen. Mark Miller (D - District 16)
- Sen. Fred Risser (D - District 26)
- Sen. Lena Taylor (D - District 4)

Assembly (Passed May 17, 2011 with 82 Ayes and 11 Noes)

Representatives Who Voted In Favor of SJR 23:

- Rep. Tyler August (R - District 32)
- Rep. Joan Ballweg (R - District 41)
- Rep. Peter Barca (D - District 64)
- Rep. Kathleen Bernier (R - District 68)
- Rep. Janet Bewley (D - District 74)
- Rep. Ed Brooks (R - District 50)
- Rep. Fred Clark (D - District 42)
- Rep. Elizabeth Coggs (D - District 10)
- Rep. David Craig (R - District 83)
- Rep. David Cullen (D - District 83)
- Rep. Chris Danou (D - District 13)
- Rep. Steve Doyle (D - District 94)
- Rep. Mike Endsley (R - District 26)
- Rep. Paul Farrow (R - District 98)
- Rep. Gordon Hintz (D - District 54)
- Rep. Mark Honadel (R - District 21)
- Rep. Brett Hulsey (D - District 77)
- Rep. André Jacque (R - District 2)
- Rep. Andy Jorgensen (D - District 37)
- Rep. Dean Kaufert (R - District 55)
- Rep. Samantha Kerkman (R - District 66)
- Rep. Steve Kestell (R - District 27)
- Rep. Joel Kleefisch (R - District 38)
- Rep. John Klenke (R - District 88)
- Rep. Joe Knilans (R - District 44)
- Rep. Dan Knodl (R - District 24)
- Rep. Dean Knudson (R - District 30)
- Rep. Dale Kooyenga (R - District 14)
- Rep. Bill Kramer (R - District 97)
- Rep. Scott Krug (R - District 72)
- Rep. Margaret Krug (D - District 7)
- Rep. Mike Kuglitsch (R - District 84)
- Rep. Thomas Larson (R - District 67)
- Rep. Daniel LeMahieu (R - District 59)
- Rep. Michelle Litjens (R - District 56)
- Rep. Amy Loudenbeck (R - District 45)
- Rep. Howard Marklein (R - District 51)
- Rep. Cory Mason (D - District 62)
- Rep. Dan Meyer (R - District 34)
- Rep. Nick Milroy (D - District 73)
- Rep. Louis Molepske Jr. (D - District 71)
- Rep. Jeffrey Mursau (R - District 36)
- Rep. John Murtha (R - District 29)
- Rep. Stephen Nass (R - District 31)
- Rep. Lee Nerison (R - District 96)
- Rep. John Nygren (R - District 89)
- Rep. Alvin Ott (R - District 3)
- Rep. Jim Ott (R - District 23)
- Rep. Josh Zepnick (D - District 9)
- Speaker of the House Jeff Fitzgerald

Representatives Who Voted Against SJR 23:

- Rep. Terese Berceau (D - District 76)
- Rep. Penny Bernard Schaber (D-District 57)
- Rep. Kevin Petersen (R - District 40)
- Rep. Jerry Petrowski (R - District 29)
- Rep. Warren Petryk (R - District 93)
- Rep. Don Pridemore (R - District 99)
- Rep. Mark Radcliffe (D - District 92)
- Rep. Keith Ripp (R - District 47)
- Rep. Roger Rivard (R - District 75)
- Rep. Donna Seidel (D - District 85)
- Rep. Erik Severson (R - District 28)
- Rep. Jennifer Shilling (D - District 32)
- Rep. Christine Sinicki (D - District 20)
- Rep. Richard Spanbauer (R - District 53)
- Rep. Tony Staskunas (D - District 15)
- Rep. John Steinbrink (D - District 65)
- Rep. Jim Steineke (R - District 5)
- Rep. Jeffrey Stone (R - District 82)
- Rep. Pat Strachota (R - District 58)
- Rep. Duey Stroebel (R - District 60)
- Rep. Scott Suder (R - District 69)
- Rep. Gary Tauchen (R - District 6)
- Rep. Jeremy Thiesfeldt (R - District 52)
- Rep. Thomas Tiffany (R - District 35)
- Rep. Travis Tranel (R - District 49)
- Rep. Robert Turner (D - District 61)
- Rep. Karl Van Roy (R - District 90)
- Rep. Robin Vos (R - District 63)
- Rep. Amy Sue Vruwink (D - District 70)
- Rep. Chad Weininger (R - District 4)
- Rep. Mary Williams (R - District 87)
- Rep. Evan Wynn (R - District 43)
- Rep. Leon Young (D - District 16)
• Rep. Mark Pocan (D - District 78)
• Rep. Jon Richards (D - District 19)
• Rep. Janis Ringhand (D - District 80)

Breakdown of votes for Assembly Joint Resolution 2 (2013):

Assembly (Passed February 14, 2013 with 82 Ayes and 13 Noes)

Representatives Who Voted In Favor of AJR 2:

• Rep. Tyler August (R - District 32)
• Rep. Joan Ballweg (R - District 41)
• Rep. Peter Barca (D - District 64)
• Rep. Kathleen Bernier (R - District 68)
• Rep. Janet Bewley (D - District 74)
• Rep. Garey Bies (R - District 1)
• Rep. Jill Billings (D - District 35)
• Rep. Mark Born (R - District 39)
• Rep. Ed Brooks (R - District 50)
• Rep. Fred Clark (D - District 81)
• Rep. Chris Danou (D - District 92)
• Rep. Dan Knodl (R - District 24)
• Rep. Dan Knudson (R - District 30)
• Rep. Debra Kolste (D - District 44)
• Rep. Dale Kooyenga (R - District 14)
• Rep. Bill Kramer (R - District 97)
• Rep. Scott Krug (R - District 72)
• Rep. Mike Kuglitsch (R - District 84)
• Rep. Thomas Larson (R - District 67)
• Rep. Daniel LeMahieu (R - District 59)
• Rep. Amy Loudenbeck (R - District 31)
• Rep. Howard Marklein (R - District 51)
• Rep. Cory Mason (D - District 66)
• Rep. Nick Milroy (D - District 73)
• Rep. David Murphy (R - District 56)
• Rep. Jeffrey Mursau (R - District 36)
• Rep. John Murtha (R - District 29)
• Rep. Stephen Nass (R - District 33)
• Rep. Lee Nerison (R - District 96)
• Rep. John Nygren (R - District 89)
• Rep. Tod Ohnstad (D - District 65)
• Rep. Alvin Ott (R - District 3)
• Rep. Jim Ott (R - District 23)
• Rep. Kevin Petersen (R - District 40)
• Rep. Warren Petryk (R - District 93)
• Rep. Sondy Pope-Roberts (D - District 80)
• Rep. Don Pridemore (R - District 22)
• Rep. Janis Ringhand (D - District 45)
• Rep. Keith Ripp (R - District 42)
• Rep. Joe Sanfelippo (R - District 15)
• Rep. Michael Schraa (R-District 53)
• Rep. Erik Severson (R-District 28)
• Rep. Katrina Shankland (D-District 71)
• Rep. Stephen Smith (D-District 75)
• Rep. John Spiros (R-District 86)
• Rep. Jim Steineke (R-District 5)
• Rep. Jeffrey Stone (R-District 82)
• Rep. Pat Strachota (R-District 58)
• Rep. Duey Stroebel (R-District 60)
• Rep. Scott Suder (R-District 69)
• Rep. Rob Swearingen (R-District 34)
• Rep. Gary Tauchen (R-District 6)
• Rep. Jeremy Thiesenfeldt (R-District 52)
• Rep. Paul Tittl (R-District 25)
• Rep. Travis Tranel (R-District 49)
• Rep. Amy Sue Vruwink (D-District 70)
• Rep. Dana Wachs (D-District 91)
• Rep. Thomas Weatherston (R-District 62)
• Rep. Chad Weininger (R-District 4)
• Rep. Mary Williams (R-District 87)
• Rep. Mandy Wright (D-District 85)
• Rep. Leon Young (D-District 16)
• Rep. Josh Zepnick (D-District 9)
• Rep. Robin Vos (R-Speaker)

Representatives who voted against AJR 2:
• Rep. Mandela Barnes (D-District 11)
• Rep. Terese Berceau (D-District 77)
• Rep. Penny Bernard Schaber (D-District 57)
• Rep. Gary Hebl (D-District 46)
• Rep. Dianne Hesselbein (D-District 79)
• Rep. LaTonya Johnson (D-District 17)
• Rep. Chris Kapenga (R-District 99)
• Rep. Sandy Pasch (D-District 10)
• Rep. Jon Richards (D-District 19)
• Rep. Daniel Riemer (D-District 7)
• Rep. Melissa Sargent (D-District 48)
• Rep. Chris Taylor (D-District 76)
• Rep. JoCasta Zamarripa (D-District 8)

Senate (Passed February 20, 2013 with 25 Ayes and 8 Noes)

Senators who voted in favor of AJR 2:
• Sen. Tim Carpenter (D-District 3)
• Sen. Robert Cowles (R-District 2)
• Sen. Alberta Darling (R-District 8)
• Sen. Michael Ellis (R-District 19)
• Sen. Jon Erpenbach (D-District 27)
• Sen. Paul Farrow (R-District 33)
• Sen. Scott Fitzgerald (R-District 13)
• Sen. Glenn Grothman (R-District 20)
• Sen. Richard Gudex (R-District 18)
• Sen. Dave Hansen (D-District 30)
• Sen. Sheila Harsdorf (R-District 10)
• Sen. Neal Kedzie (R-District 11)
• Sen. Frank Lasee (R-District 1)
• Sen. Julie Lassa (D-District 24)
• Sen. Mary Lazich (R-District 28)
• Sen. Joe Leibham (R-District 9)
• Sen. Terry Moulton (R-District 23)
• Sen. Luther Olsen (R-District 14)
• Sen. Jerry Petrowski (R-District 29)
• Sen. Dale Schultz (R-District 17)
• Sen. Jennifer Shilling (D-District 32)
• Sen. Thomas Tiffany (R-District 12)
• Sen. Kathleen Vinehout (D-District 31)
• Sen. Leah Vukmir (R-District 5)
• Sen. Robert Wirch (D-District 22)

Senators who voted against AJR 2:

• Sen. Timothy Cullen (D-District 15)
• Sen. Nikiya Harris Dodd (D-District 6)
• Sen. Robert Jauch (D-District 25)
• Sen. Chris Larson (D-District 7)

• Sen. John Lehman (D-District 21)
• Sen. Mark Miller (D-District 16)
• Sen. Fred Risser (D-District 26)
• Sen. Lena Taylor (D-District 4)
Wisconsin Briefs from the Legislative Reference Bureau: Constitutional Amendment to be Considered by Wisconsin Voters, November 4, 2014.

“Transportation Finance Issues: How does Wisconsin fund transportation?”
http://www.dot.wisconsin.gov/about/docs/1-transfund.pdf

“Governor Doyle’s 2005 Budget Address: Protecting Taxpayers, Investing in Priorities”
http://wispolitics.com/1006/2.8.05___Governor_Doyle_s_2005_Budget_Address.pdf

“Advisory referendum on many ballots next month”, October 22 2010.

“Wisconsin Transportation Fund Advisory Referendum (2010)”
http://ballotpedia.org/Wisconsin_Transportation_Fund_Advisory_Referendum_(2010)

“Voters say they want constitutional protection to safeguard fund”, November 3 2010.
