State Property Tax Credits (School Levy, First Dollar, and Lottery and Gaming Credits)

Informational Paper 21

Wisconsin Legislative Fiscal Bureau January, 2013

State Property Tax Credits (School Levy, First Dollar, and Lottery and Gaming Credits)

Prepared by

Al Runde

Wisconsin Legislative Fiscal Bureau One East Main, Suite 301 Madison, WI 53703 http://legis.wisconsin.gov/lfb

State Property Tax Credits

(School Levy, First Dollar, and Lottery and Gaming Credits)

Introduction

Most state expenditures for property tax relief involve programs that provide direct aids, such as county and municipal aid and general school aids, to local governments. These aids can be used to increase local spending or to reduce property taxes. Other state expenditures for property tax relief are provided through property tax credit programs. Wisconsin currently has three tax credit programs where credits are paid to municipalities and shown on property tax bills: the school levy credit, the first dollar credit, and the lottery and gaming credit.

Annual funding for the school levy tax credit program was set at \$469,305,000 from the 1996(97) to the 2005(06) property tax years. The credit was then increased each year from 2006(07) to 2008(09). Since property tax year 2008(09), the credit has been funded at \$747,400,000.

The 2007-09 biennial budget act created a property tax credit called the first dollar credit, funded at \$75,000,000. The first dollar credit was first established for property taxes levied in 2008, and payable in 2009. The funding available for the credit was increased to \$145,000,000 for property tax year 2009(10). Annual funding currently available for the credit is \$150,000,000, a level that first began with property tax year 2010(11).

State statutes establish funding for the lottery and gaming tax credit as the net proceeds from lottery revenues, exclusive of a reserve equal to 2% of gross lottery revenues and the amount used to fund a portion of the school levy credit. Also, tax and net regulatory revenues from bingo, raffles, crane games, and pari-mutuel racing activities have been earmarked as funding sources since 1999(00). For property taxes levied in 2011 (payable in 2012), total lottery and gaming credits equaled \$134.8 million. For 2012(13), an estimated \$144.0 million is available for distribution through the credit.

School levy tax credits are distributed based on each municipality's share of statewide levies for school purposes. These amounts are apportioned within municipalities based on each property's assessed value as a percent of the corresponding municipality's total assessed value. Municipalities extend first dollar and lottery and gaming tax credits on tax bills by multiplying the school tax rate for a property on which improvements are located (first dollar credit) or a property used as a primary residence (lottery and gaming credit) by a statewide fixed amount of value (calculated separately for each credit). The Department of Revenue (DOR) certifies those value amounts each year.

Wisconsin provides several other property tax credits that are paid directly to individual taxpayers through the state's income tax system. Wisconsin residents can claim a nonrefundable property tax/rent credit against their state income taxes, but the credits may be used only to reduce taxpayers' individual income tax liability. The homestead credit is a refundable credit. It is referred to as a "circuit breaker" credit because it is based on the relationship between income and property taxes. Under a circuit breaker program, tax relief is reduced as income increases.

This paper provides a description of the three state property tax credits shown on property tax bills. For each credit, the description includes the distribution formula, administration, and funding level. In addition, historic information on previous property tax credit programs is provided. The homestead and farmland preservation credits, which are claimed against state income taxes, are described in separate Legislative Fiscal Bureau informational papers.

School Levy Tax Credit

Distribution Formula

The school levy tax credit is distributed based on each municipality's share of statewide levies for school purposes during the three preceding years. The formula can be stated as shown in Example 1.

Example 1: School Levy Credit Formula

Municipality's 3-Year				
Average School Levies	X	Total	=	Municipality's
Statewide 3-Year		Funding		Credit
Average School levies				

The school levy credit formula includes levies for elementary and secondary school districts and for county children with disabilities education boards. These levies are net of municipal surplus funds applied against them. Levies of technical college districts are not included in the formula.

On a home with a full market value of \$150,000 subject to the 2012(13) average statewide levy rate for school purposes, school taxes of \$1,529 would have been reduced by a credit estimated at \$238. Higher-valued homes would receive a proportionately higher credit. For example, a \$250,000 home taxed at the same rate would have a school tax bill of \$2,548 and would

receive a credit estimated at \$397. The actual percentage reduction in school taxes will vary by municipality.

Figure 1 illustrates the computation of the school levy tax credit for the City of Antigo in Langlade County. This credit was used to reduce property taxes levied in 2012 (payable in 2013).

Figure 1: School Levy Tax Credit Computation (2012 Property Tax Levy) -- City of Antigo

Step 1: Calculate Average School Levies

	C. Antigo	State			
2009 school tax levies*	\$2,876,219	\$4,548,919,542			
2010 school tax levies*	3,185,608	4,704,368,163			
2011 school tax levies*	3,280,925	4,657,921,294			
3-Year Average	\$3,114,251	\$4,637,069,666			

*School tax levies include the property tax levies for elementary and secondary school districts and for children with disabilities education programs, net of municipal surplus funds applied against those levies.

Step 2: Calculate School Levy Tax Credit

Total Statewide Funding Available = \$747,400,000

Antigo's school levy = \$\frac{\$3,114,251}{\$4,637,069,666}\$ X \$747,400,000 = \$501,953

Credit Notification and Payment and Allocation to Taxpayer

Although it is based on school levies, the credit was historically been paid to municipalities since municipal treasurers serve as property tax administrators. Beginning in 2008, the annual credit payments are made to counties, but can be made instead to municipalities if: (a) the annual total of the school levy, first dollar, and lottery and gaming credits for a municipality exceeds \$3 million; and (b) the municipality, based on a majority vote of its governing body, provides notification to the Department of Administration (DOA) to distribute the school levy credit amounts directly to the municipality.

State law requires DOR to inform municipalities of their school levy credit payments on or before December 1. Since the credit is meant to reduce individual owners' property tax bills and is not to be considered a source of revenue in determining the municipal budget, the notification date has been set at a point after most local governments have established their budgets.

Municipalities prepare tax bills after they receive notice of the credit amount. They compute the mill rate reduction produced by the credit and reduce each taxpayer's bill by that amount. In effect, each individual taxpayer in a municipality shares in the tax credits paid to the municipality, based on their share of the municipality's total assessed value. On property tax bills, school tax levies are reported net of school levy tax credits. In addition, the tax bill reports the school levy tax credit for the current year in a separate box.

The counties or municipalities receive the school levy tax credit payment on the fourth Monday in July. Although calculated using the property tax levy for school purposes, the payment is treated the same as other tax collections and shared with all levying units through the property tax settlement process.

Funding Level

Table 1 provides the funding level for the school levy credit for the last 10 years. The table also shows total credits as a percent of the statewide school property tax levy. The levies in Table 1 exclude those for children with disabilities education boards and the effect of any municipal surplus funds applied to offset school levies. Historically, the school levy credit was paid entirely from a general purpose revenue (GPR) appropriation. Under 2009 Act 28, \$14,850,000 annually of the school levy credit is now funded with net lottery and gaming revenues, with the remaining \$732,550,000 funded with general purpose revenues. This change in the credit's funding source first applied to the 2009(10)

school levy tax credit. The state's Constitution limits the use of net lottery and gaming funds to property tax relief for state residents. However, since school levy credits are paid to all local property taxpayers, including nonresidents, Act 28 required DOR to promulgate administrative rules to make certain that payments from the lottery and gaming fund appropriation are used exclusively for school levy tax credits granted to state residents.

Table 1: School Levy Tax Credit (\$ in Millions)

	Total Credits	Statewide School Levy	Credits as % of Levy
2003(04)	\$469.3	\$3,367.6	13.9%
2004(05)	469.3	3,610.7	13.0
2005(06)	469.3	3,592.3	13.1
2006(07)	593.1	3,787.8	15.7
2007(08)	672.4	4,066.6	16.5
2008(09)	747.4	4,279.0	17.5
2009(10)	747.4	4,537.6	16.5
2010(11)	747.4	4,692.9	15.9
2011(12)	747.4	4,646.7	16.1
2012(13)*	747.4	4,656.1	16.1

^{*} Estimated levy amount.

First Dollar Credit

Distribution Formula

The first dollar credit is extended to each taxable parcel of real estate on which improvements are located. The credit is calculated for each eligible parcel of property by multiplying the property's gross school tax rate by a credit base value determined by DOR or the property's fair market value, whichever is less. School taxes eligible for the credit are limited to taxes levied for elementary and secondary education. Levies by technical college districts or by county children with disabilities education boards are excluded. The first dollar credit formula is shown in Example 2.

Example 2: First Dollar Credit Formula

	Gross Full Value	Lesser of Credit
First Dollar =	Tax Rate for Local	x Base or Fair
Credit	School District	Market Value

In determining the credit base, DOR is required to use the estimated fair market value, rounded to the nearest \$100, necessary to distribute the targeted distribution amount. DOR makes that determination and notifies each municipal clerk of the credit base by December 1 of each year. The actual distribution will vary from the statutory target based on the actual number of claimants. The credit is to be used to reduce property taxes otherwise payable. Municipalities are prohibited from considering the receipt of the credit when setting the municipality's tax rate.

Since most properties have a value in excess of the credit base [\$6,600 for tax year 2012(13)], most taxpayers' first dollar credits equal the school tax on the credit base. Because of this, most taxpayers in the same school district receive identical credits on each improved parcel, and taxpayers with lower-valued properties receive first dollar credits that are a larger percentage of their gross school tax levies than taxpayers with higher-valued properties.

For example, 2012(13) tax credits of \$67 would be extended to all properties with values over \$6,600 that are located in a school district with a tax rate of 10.19 mills. For a property with a value of \$150,000, the credit would reduce school taxes of \$1,529 by 4.4%. A reduction of 2.6% would occur for a \$250,000 property with a school tax bill of \$2,548.

Funding Level

Table 2 shows the distribution of first dollar credits beginning with its inception in 2008(09). The table also shows the credit base and average

credit amounts, which are calculated by multiplying the statewide average school purpose tax rate by the credit base.

Table 2: First Dollar Tax Credits (In Millions)

	Credit Base	Average Credit	Total Credits
2008(09)	\$3,900	\$34	\$72.7
2009(10)	7,100	65	142.0
2010(11)	6,900	67	147.6
2011(12)	6,800	67	147.3
2012(13)*	6,600	67	150.0

^{*} Estimated.

Similar to the school levy credit, DOA distributes tax credit payments to counties, unless the governing body of a municipality with over \$3,000,000 in total credits approves having the distribution made directly to the municipality. Payments are made to counties or municipalities on the fourth Monday in July. The credits are eventually settled with the overlying taxing jurisdictions through the property tax settlement process. The same GPR appropriation funds payments for both the school levy credit and the first dollar credit.

Lottery and Gaming Tax Credit

Background and History

The 1987 constitutional amendment authorizing the state lottery required the net proceeds from the lottery to be used for property tax relief. From 1988 to 1992, the proceeds were used as funding for general school aids, district attorney salaries, and farmland tax relief credits. Since 1991-92, the lottery tax credit has been the primary mechanism for providing property tax relief.

The 1991 legislation creating the lottery tax credit limited the credit to property used as the owner's primary residence. In October, 1996, a circuit court decision ruled that the provision targeting the credit to homeowners was unconstitutional because it violated the uniformity clause of the Wisconsin Constitution. The court decision addressed the question: "does the Constitution's requirement of uniform taxation extend to the expenditure of lottery proceeds?" The Court rejected the state's argument that the "distribution of lottery proceeds was intended to be entirely exempt from the uniformity clause." Due to the court decision, lottery tax credits were not extended on 1996(97) property tax bills.

In response, the Legislature voted to extend the credit to all taxable properties beginning in 1997(98), without regard to use or ownership. Also, the Legislature began the process of amending the Constitution to permit targeted lottery tax credits. A constitutional amendment was approved by the voters in April, 1999, after the 1997 and 1999 Legislatures approved identical joint resolutions.

The amendment modified three provisions in the Constitution that enumerate the forms of gambling that are permissible in the state. State revenues from the lottery, pari-mutuel, on-track betting, bingo, raffles, and crane games may continue to be used for operations, regulation, and enforcement activities related to those forms of gambling, but the amendment limits the use of any remaining revenues to property tax relief for state residents. Further, the distribution of monies for property tax relief for state residents is subject to two conditions. First, the distribution cannot be based on the recipient's age or income. Second, the distribution need not conform to the rules of uniform taxation otherwise required by the Constitution.

After the amendment's adoption, legislation was enacted that restored the provisions targeting

the lottery tax credit to property that is used as the owner's primary residence, beginning with property tax bills issued in 1999. Also, the legislation incorporated revenues from pari-mutuel, on-track betting, bingo, raffles, and crane games as funding for the credit, and it was renamed the lottery and gaming tax credit. Finally, the legislation dedicated \$15 million annually for the farmland tax relief credit.

Also in the 1999 legislative session, the state's biennial budget increased the amount of proceeds available for the credit in 1999(00) by funding selected appropriations that previously utilized lottery revenues with general purpose revenues. These included the appropriations for lottery operations, retailer compensation, vendor payments, gaming law enforcement, tax credit administration, and the farmland tax relief credit. These funding transfers were effective only in 1999-00 and, therefore, affected the funding level for lottery and gaming tax credits in 1999(00) only.

2009 Act 28 repealed the farmland tax relief credit, which had been funded at a level of \$15,000,000 annually in lottery and gaming proceeds. Act 28 made \$14,850,000 annually of these proceeds available for the school levy tax credit. The remaining \$150,000 annually was made available for the lottery and gaming credit.

Distribution Formula

The lottery and gaming credit equals the school taxes on the value of the credit base. However, if a property has a market value below the credit base, the lottery and gaming credit is limited to the school taxes on this lower value. School taxes eligible for the credit are limited to taxes levied for elementary and secondary education. Levies by technical college districts or by county children with disabilities education boards are excluded. The lottery and gaming credit formula is shown in Example 3.

Example 3: Lottery and Gaming Credit Formula

		Gross Full Value		Lesser of Credit
Lottery	=	Tax Rate for Local	X	Base or Fair
Credit		School District		Market Value

Since most properties have a value in excess of the credit base [\$9,200 for tax year 2012(13)], most taxpayers' lottery and gaming credits equal the school tax on the credit base. Because of this, most taxpayers in the same school district receive identical credits, and taxpayers with lower-valued properties receive lottery and gaming credits that are a larger percentage of their gross school tax levies than taxpayers with higher-valued properties.

For example, 2012(13) tax credits of \$94 would be extended to all properties with values over \$9,200 that are located in a school district with a tax rate of 10.19 mills. For a property with a value of \$150,000, the credit would reduce school taxes of \$1,529 by 6.1%. A reduction of 3.7% would occur for a \$250,000 property with a school tax bill of \$2,548.

Determining the Credit Base

By October 16 of each year, state law requires DOA to provide the Joint Committee on Finance with an estimate of total funds available for distribution as lottery and gaming credits in the current year. The Committee may revise the DOA estimate if it does so at a meeting that takes place prior to November 1. If the Committee chooses to accept the DOA estimate, no Committee action is required. The Department of Revenue is notified of the approved amount, which is the basis for calculating the credit base. State law requires DOR to set the credit base at a level that distributes the total amount approved by the Committee. DOR makes that determination and notifies each municipal clerk of the credit base by December 1 of each year. The actual distribution will vary from the targeted amount based on the actual number of claimants.

Similar to the school levy credit, DOA distributes lottery and gaming credit payments to counties, unless the governing body of a municipality with over \$3,000,000 in total credits approves having the distribution made directly to the municipality. Payments are made to counties or municipalities on the fourth Monday in March. The credits are eventually settled with the overlying taxing jurisdictions through the property tax settlement process.

Funding Level

Table 3 shows the distribution of lottery and gaming credits for the last 10 years. The table also shows the credit base and average credit amounts, which are calculated by multiplying the statewide average school purpose tax rate by the credit base. Since the amount of credits distributed is based on the amount of available proceeds in the corresponding state fiscal year, changes in the level of the distribution primarily reflect changes in lottery sales.

Table 3: Lottery and Gaming Tax Credit (In Millions)

	Credit	Average	Total
	Base	Credit	Credits
2003(04)	\$8,700	\$83	\$118.2
2004(05)	9,600	91	131.9
2005(06)	9,400	81	119.9
2006(07)	11,600	96	144.7
2007(08)	10,100	85	129.6
2008(09)	9,000	77	118.1
2009(10)	8,100	74	113.2
2010(11)	8,700	85	129.2
2011(12)	9,000	89	134.8
2012(13)*	9,200	94	144.0

^{*}Estimated.

Property Tax Credit Funding Since 1980

Since 1980, the state's property tax credit programs have been changed several times. The appendix to this paper identifies the state's property tax credit programs from 1980 through 2011 and the funding provided for each program.

The first property tax credits were extended on property tax bills for 1962(63), and until 1981(82), tax credits were distributed through the general property tax relief (GPTR) and personal property tax relief (PPTR) programs. GPTR credits reduced the taxes on general property, and PPTR credits reduced the taxes on farmers' livestock and merchants' and manufacturers' inventories. When livestock and inventories became exempt in 1981(82), the GPTR and PPTR credits were replaced with the Wisconsin state property tax relief (WSPTR) program, which was based on several different formulas. The appendix displays the funding for each component of the WSPTR credit between 1982 and 1985.

Property tax credit funding has shifted significantly on several occasions since 1980. Funding declines in 1981 and 1982 reflected the phase-out of the PPTR credit. As inventories and livestock were gradually exempted from taxation, less funding was needed for this credit, and credit funding was transferred to the school aid and shared revenue programs.

The large increase in 1983 and subsequent decline in 1984 were due to a one-time increase in funding (\$75 million) associated with the increase in the sales tax rate from 4% to 5%. Initially, the sales tax supplement to the credit was to be ongoing, but it was eliminated after 1983 to address budgetary shortfalls.

Total funding for credits increased again in 1986, reflecting the creation of the school aid

credit. Unlike other credits, which offset taxes for all taxing jurisdictions, the school aid credit was paid entirely to school districts. Total credit funding decreased in 1988 when this credit was eliminated and the associated funding was transferred to the general school aid program.

Between 1988 and 1991, credit funding remained constant. In 1992, credit funding expanded, reflecting the creation of the lottery credit. Due to the use of revenues from prior and future years, the lottery credit distribution in the first two years was larger than annual lottery revenues could sustain. For 1994, state law was changed so that the lottery credit distribution was based on estimated lottery proceeds available in the current year. As a result, lottery credit funding declined, which caused total credit funding to fall.

Although lottery credit funding varied between 1992 and 1996, general fund support for the school levy credit remained constant at \$319.3 million through 1996. In 1997, \$150.0 million was added to the school levy credit distribution as part of the state's commitment to increase state support of school funding.

Beginning with the 1996-97 school year, the sum of general school aid, categorical aids, and school levy tax credit funding was required to equal two-thirds of partial school revenues. Although the two-thirds state funding requirement was repealed effective with the 2003-04 school year, the calculation is still made. In addition, the first dollar credit, which was first established for 2008(09), is typically included as part of the state's funding commitment to partial school revenues and is included in the annual calculation of state aid as a percentage of partial school revenues. For the 2012-13 school year, the state commitment to partial school revenues is estimated at 61.9%, due in part to the funding levels for the school levy and first dollar tax credits.

Despite the \$150 million increase in 1997

school levy credit funding, total credit funding in 1997 fell 1.3% due to the loss of the lottery credit in that year. However, total credit funding increased in the subsequent year when the lottery credit was restored. Total credit funding increased in 2000 and decreased in 2001 due to a one-time use of general purpose revenues for lottery expenses, allowing more lottery revenues to be used for the credit.

The funding level for the school levy tax credit remained unchanged from 1997 through 2006. Beginning in 2007, the funding level for the credit was increased for three consecutive years. While funding for the school levy tax credit has remained at the current level of \$747.4 million since 2009, total tax credit funding has continued to increase due primarily to the creation of and increases in funding for the first dollar credit.

As indicated in the appendix, total tax credit program funding has increased for nine of the last ten years, with the increases ranging from 0.5% to 25.2% and a total increase of 81.3% for this period.

The types of formulas used to allocate tax credit funding between 1980 and 2011 are described below. With the exception of the lottery and gaming and first dollar credits, each formula was used to compute a total credit by taxing jurisdiction. The credit was then split among taxpayers based on their share of the taxing jurisdiction's total value. The lottery and gaming and first dollar credits are computed on an individual taxpayer basis.

Excess Levies. Each municipality's credit is based on its share of statewide "excess levies" for all purposes (defined as the amount of total levies exceeding one-half the statewide average). This

formula was used under GPTR and as a WSPTR component and benefited municipalities with high, total tax rates. Although this formula is no longer used for property tax credits, a modified version is used for distributing expenditure restraint aids to municipalities.

Proportional Levies. Each municipality's credit is based on its share of statewide levies for some group of taxing jurisdictions. Three groups of tax levies have been used: (1) school levies (excludes technical college levies); (2) general government levies (county, municipal, technical college, and other); and (3) total levies (all taxing jurisdictions).

The school levies formula was used as a WSPTR component and in conjunction with the general government levies formula (to produce a result equivalent to a total levies formula). The school levies formula is still being used. The general government levies formula was only used in conjunction with the school levies formula. The total levies formula was used as a WSPTR component.

School Aid. Credit amounts are calculated by adding an incremental amount of funding to the general school aid formula and comparing the distributions under the high- and low-funding levels. School district totals were apportioned to underlying municipalities based on their share of total school district value. This formula was used as a WSPTR component and as a separate credit.

Value-Based Credit. A credit is given for the taxes paid on a portion of a taxpayer's taxable value. The lottery and gaming and first dollar credits use this type of formula, offsetting school taxes on a portion of the value of each property eligible for a credit.

APPENDIX

State Property Tax Credits (In Millions)

Wisconsin State Property Tax Relief Credit

	General Property	Personal Property		sconsm succ	Total	School	General School	General Government	School	School	Lottery	First		
	Tax Relief	Tax Relief	GPTR	PPTR	Levies	Levy	Aid	Levies	Levies	Aid	and Gaming	Dollar		Percent
Year	Credit	Credit	Formula	Formula	Formula	Formula	Formula	Credit	Credit	Credit*	Credit**	Credit	Total	Change
1980	\$195.0	\$149.0											\$344.0	
1981	195.4	113.5											308.9	-10.2%
1982			\$118.7	\$54.4		\$59.4	\$27.5						260.0	-15.8
1983			110.0			142.5	100.9						353.4	35.9
1984					\$186.0		95.0						281.0	-20.5
1985					229.1		60.5						289.6	3.1
1986								\$139.9	\$164.2	\$155.0			459.1	58.5
1987								146.7	172.6	198.5			517.8	12.8
1988								145.7	173.6				319.3	-38.3
1989								146.7	172.6				319.3	0.0
1990								148.1	171.2				319.3	0.0
1991								150.0	169.3				319.3	0.0
1992									319.3		\$173.4		492.7	54.3
1993									319.3		203.7		523.0	6.1
1994									319.3		128.7		448.0	-14.3
1995									319.3		136.0		455.3	1.6
1996									319.3		155.6		474.9	4.3
1997									469.3				469.3	-1.3
1998									469.3		205.8		675.1	43.8
1999									469.3		142.7		612.0	-9.3
2000									469.3		216.2		685.5	12.0
2001									469.3		90.6		559.9	-18.3
2002									469.3		105.0		574.3	2.6
2003									469.3		105.1		574.4	0.0
2004									469.3		118.2		587.5	2.3
2005									469.3		131.9		601.2	2.3
2006									469.3		119.9		589.2	-2.0
2007									593.1		144.7		737.8	25.2
2008									672.4		129.6		802.0	8.7
2009									747.4		118.1	\$72.7	938.2	17.0
2010									747.4		113.2	142.0	1,002.6	6.9
2011									747.4		129.2	147.6	1,024.2	2.2
2012									747.4		134.8	147.3	1,029.5	0.5
2013***									747.4		144.0	150.0	1,041.4	1.2

^{*} School aid credits were paid in full to school districts, similar to general aids, and were not allocated among all taxing jurisdictions as part of the tax settlement process.

** Prior to 2000, this was the lottery credit.

^{***} Estimated.