THE WISCONSIN

TAXPAYER

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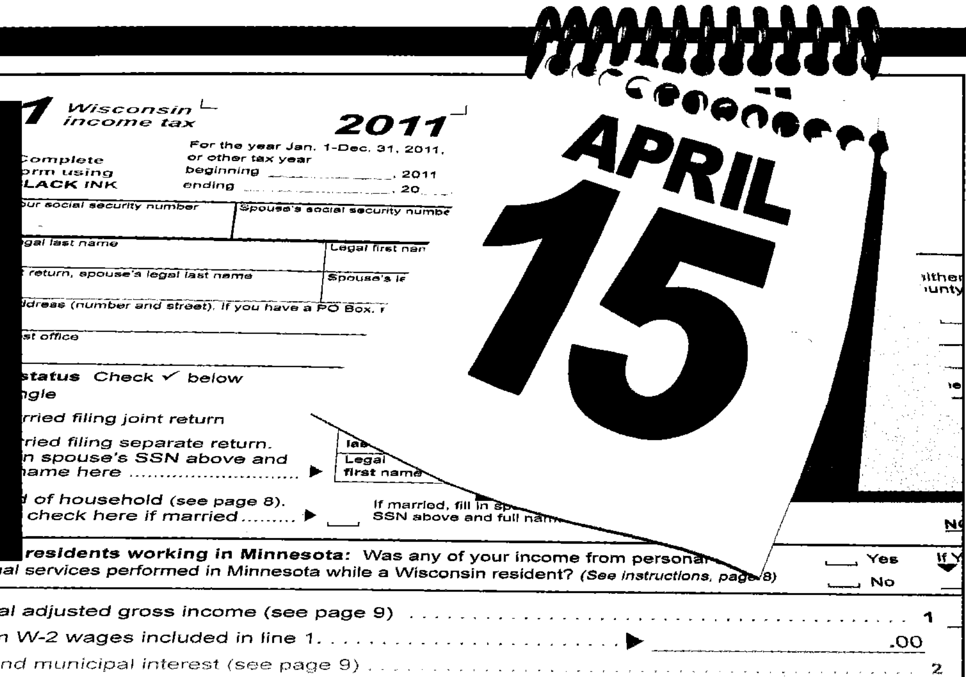



# The Nation's First, The State's Largest

## The State Income Tax: Magnitude, Incidence, and Complexity

*Due to a combination of policy changes and economic growth, Wisconsin's income tax per person has grown from $38 in 1960 to $1,260 in 2011. From 2001 through 2010, Wisconsin's 6.6% increase in per capita income taxes was "average" compared to other states. Figures from 2010 returns show the progressivity of the state's income tax; that is, those with higher incomes pay a greater share of that income in tax. The progressivity is the result of the tax rate schedule and the elimination of the standard deduction as income rises.*

Every April, many Wisconsin taxpayers rush to finish their tax returns and file them with both the IRS and the state Department of Revenue. And most years, they must comply with new or changed tax laws.

Making sense of the Wisconsin income tax is important, for it is state government's largest source of revenue. In 2011, it generated $6.7 billion for state coffers, or more than half of all general fund taxes. When all state and local taxes are included, the income tax is second only to the property tax.

Enacted in 1911 as the first state income tax, the Wisconsin tax has undergone major changes over the past 100 years in how much it collects, how it is structured, who pays it, and how it compares with similar taxes in other states.

### REVENUES

In 1960, Wisconsin collected $146.3 million, or $38 per person, in state income taxes. In 2011, collections totaled $6.7 billion, or about $1,260 per person. The increase was due to a combination of economic growth, inflation (particularly during the 1970s and early 1980s), and changing tax policy.

#### Trends

The 1960-2011 period consisted of four relatively distinct income-tax "eras." Trends in each era reflected major law changes.

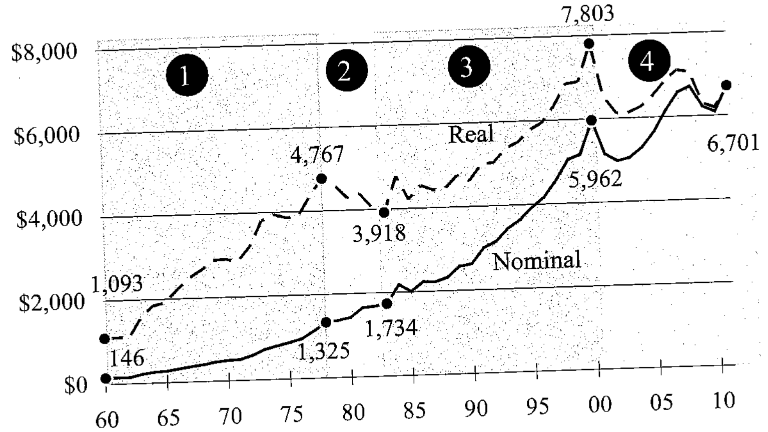
*1960-78.* During the 1960s and most of the 1970s, demand for public services rose rapidly as baby boomers reached school and college age, and then began buying homes and starting families. To help pay for increased public services, income tax rates were increased in 1962, 1963, 1965, 1966, 1971, and 1978. As a result, Wisconsin's lowest income tax rate increased from 1% to 3.1% and its top rate from 8.5% to 11.4%.

Income tax collections rose an average of 13% per year (see Figure 1, page two) during 1960-78. While rate changes clearly played a role, high inflation and strong economic growth were also factors.

*1978-83.* In 1979, the state's 16 income tax brackets were reduced to

### Also in this issue:

**Figure 1:**
**Wisconsin's Income Tax History, 1960-2011**
Nominal and Real (or Inflation Adjusted), $ Millions




| Era | Average Ann. Inc. | Real Avg. Ann. Inc. |
|---|---|---|
| 1 1960-78 | 13.0% | 8.5% |
| 2 1978-83 | 5.5% | -3.8% |
| 3 1983-2000 | 7.5% | 4.1% |
| 4 2000-11 | 1.1% | -1.4% |

eight, and taxes were cut for most filers. Then, beginning in 1980, income tax brackets were "indexed," or adjusted for inflation. The period was also plagued by a "double-dip" recession that slowed collection growth.

During 1978-83, collections rose an average of 5.5% per year, but fell an average of 3.8% per year when adjusted for inflation.

*1983-2000.* From 1983 to 2000, several major income tax policy changes occurred:

- A 10% surcharge for tax year 1983 spiked income tax revenues in fiscal 1984.
- The income tax code was revamped in the 1985-87 and 1987-89 state budgets. The number of tax brackets was reduced to four in 1986 and to three for tax years 1987 and after; rates were changed; and modifications were made to the income base, deductions, credits, and alternative minimum tax.
- Indexing was suspended during 1983-85. After a one-year return in 1986, it was repealed in 1987. The state income tax was not indexed again until 1999.
- A one-year repeal of the property tax/rent credit for tax year 1999 led to a surge in collections in fiscal 2000.

While each of these changes impacted collections, the suspension and then repeal of indexing had the most long-lasting effect. Without indexing, taxpayers are pushed into higher tax brackets, even if income gains only match inflation, and the real value of deductions and credits decline.

During these years, the economy—as measured by personal income—rose an average of 6.0% per year. However, income tax collections rose faster, an average of 7.5% per year (4.1% annually after inflation).

*2000-11.* Collections in the most recent 11 years were affected by the return of indexing beginning in 1999, the reinstatement of the property tax/rent credit, tax cuts in 2000 and 2001, and two recessions. A new top tax bracket was added in 2009, affecting collections over the last several years.

In 2001, income tax collections fell more than 13%. With the one-year repeal of the property tax/rent credit in 1999, fiscal 2000 collections were abnormally high. Reinstatement of the credit reduced collections in 2001.

The effects of indexing and the two recessions are apparent in tax growth figures since 2001. From 2001 through 2011, income tax collections rose an average of 2.7% per year, lagging the 3.3% average annual growth in personal income. They declined in both 2009 and 2010, before rebounding 10% last year.

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## WISCONSIN INCOME TAX FEATURES

Mechanics of tax law are rarely exciting, but understanding the state income tax can be worthwhile. The steps taken in calculating taxes owed are shown in Figure 3 on pages four and five. The starting point for calculating Wisconsin taxable income is adjusted gross income (AGI) from a filer's federal return. For most filers, more than 80% of AGI is salaries or wages. But AGI also includes capital gains or losses (e.g., from stock sales), interest, dividends, and retirement income. However, not all income taxed at the federal level is taxed by the state.

### Taxable Income

*Income Adjustments.* Major income sources Wisconsin treats differently than the IRS are state and municipal bond interest, capital gains and losses, and Social Security benefits. Interest income from most state and local municipal bonds is not taxed federally but is taxed by the state. The federal government taxes all capital gains, though at a rate below the rate for ordinary income, while Wisconsin taxes 70% of most long-term capital gains and limits capital losses claimed to $500 (compared to $3,000 at the federal level) per year. Additionally, because Social Security benefits are not taxed in Wisconsin, they are not included in Wisconsin adjusted gross income (WAGI).

In total, the state identifies 34 possible additions and 39 possible subtractions from federal AGI. In some cases, the subtractions are based not on the source or type of income but on how income was spent. Depending on a filer's situation (income level, filing status, etc.), spending on medical or long-term care insurance, college tuition and fees, college savings programs, adoption, organ donation, and child care may be subtracted from AGI and not taxed by Wisconsin.

After making these adjustments, the taxpayer is left with WAGI, which averages about 7.5% less than federal AGI (see Figure 3).

### Deductions

After calculating WAGI, taxpayers are allowed to further reduce income subject to tax.

*Standard Deduction.* Many filers claim a standard deduction based on filing status and income. The deduction is adjusted annually for inflation and is gradually reduced to zero as WAGI rises.

To illustrate, single filers with 2011 WAGI below $13,560 were allowed a deduction of $9,410 (see Figure 2). That amount was reduced by $120 for every $1,000 of income above that level and eliminated for filers with incomes above $91,977. For a married couple filing jointly, the standard deduction was $16,940 for WAGI up to $19,040 and was reduced by $190.40 for every $1,000 of income above that level. Married filers with WAGI above $104,691 were entitled to no standard deduction.

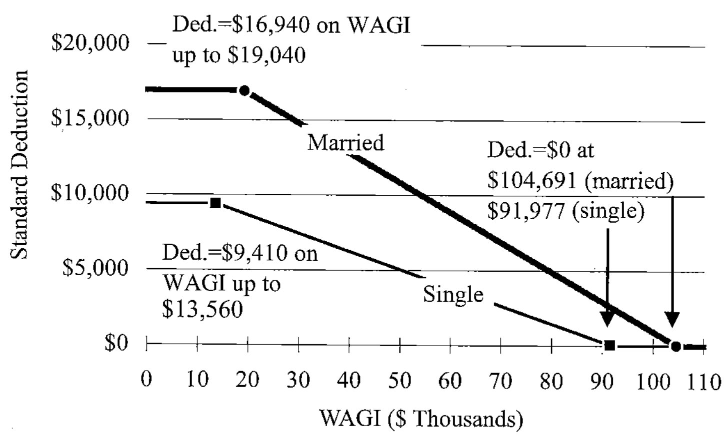
**In calculating income for Wisconsin tax purposes, the state identifies 34 possible additions and 39 possible subtractions from federal AGI.**

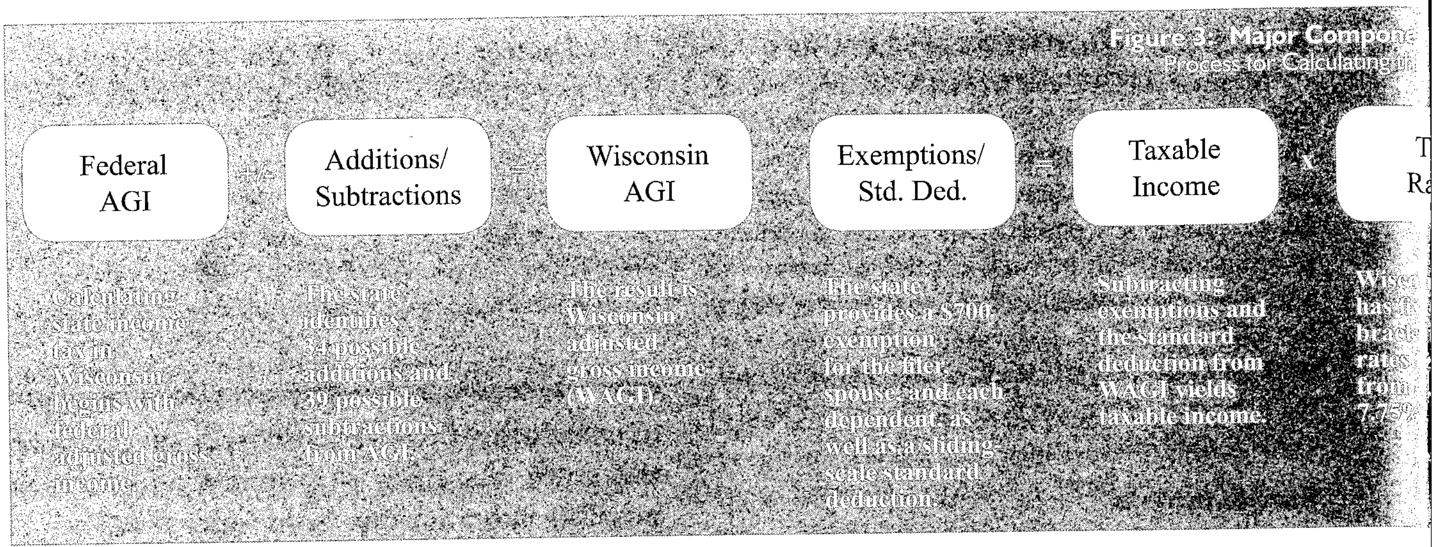
*Personal Exemptions.* Personal exemptions further reduce taxable income. Wisconsin allows an exemption of $700 for the filer, spouse, and each dependent. Another $250 is available for each filer or spouse age 65 or older. The exemptions are not adjusted for inflation.

*Income to Be Taxed.* Taxable income is the amount left after subtracting from WAGI the standard deduction and personal exemptions. Due to the decline in the standard deduction as income rises, single taxpayers with WAGI of $10,000 would have no taxable income; however, if WAGI were $20,000, more than half would be subject to tax. At $30,000, more than 70% is taxable, while someone at $60,000 would have more than 90% subject to the state income tax.

Though not widely understood, the "sliding scale" standard deduction is one of the main reasons

**Figure 2: Wisconsin's Sliding-Scale Standard Deduction**
Married Filing Jointly and Single, 2011






Wisconsin's income tax is progressive. Not only do rates rise as income climbs (as is shown below), but a greater share of the filer's income is taxed as the standard deduction falls.

## Rates

Wisconsin applies five tax rates to taxable income to obtain the initial, or gross, tax. Like most states with an income tax, Wisconsin has a progressive tax structure; that is, as income rises, higher tax rates apply. For a single filer, Wisconsin's 4.60% statutory rate applies to the first $10,180 of taxable income (not WAGI). A 6.15% rate is applied to taxable income between $10,180 and $20,360, and so on (see Table 1). The state's top rate of 7.75% applies to income above $224,210 for single filers and $298,940 for married couples filing a joint return.

Applying tax rates to taxable income yields gross tax, but this is not what most filers pay.

## Credits

Gross income taxes are reduced by various credits. Wisconsin provides two kinds of tax credits: nonrefundable and refundable. While both reduce the tax owed, nonrefundable credits are capped at the filer's gross tax. Refundable tax credits can exceed the amount of tax owed and generate a payment to the filer from the state.

**Table 1: Wisconsin Income Tax Rates**
Single, Married Filing Jointly, and Married Filing Separately; 2011

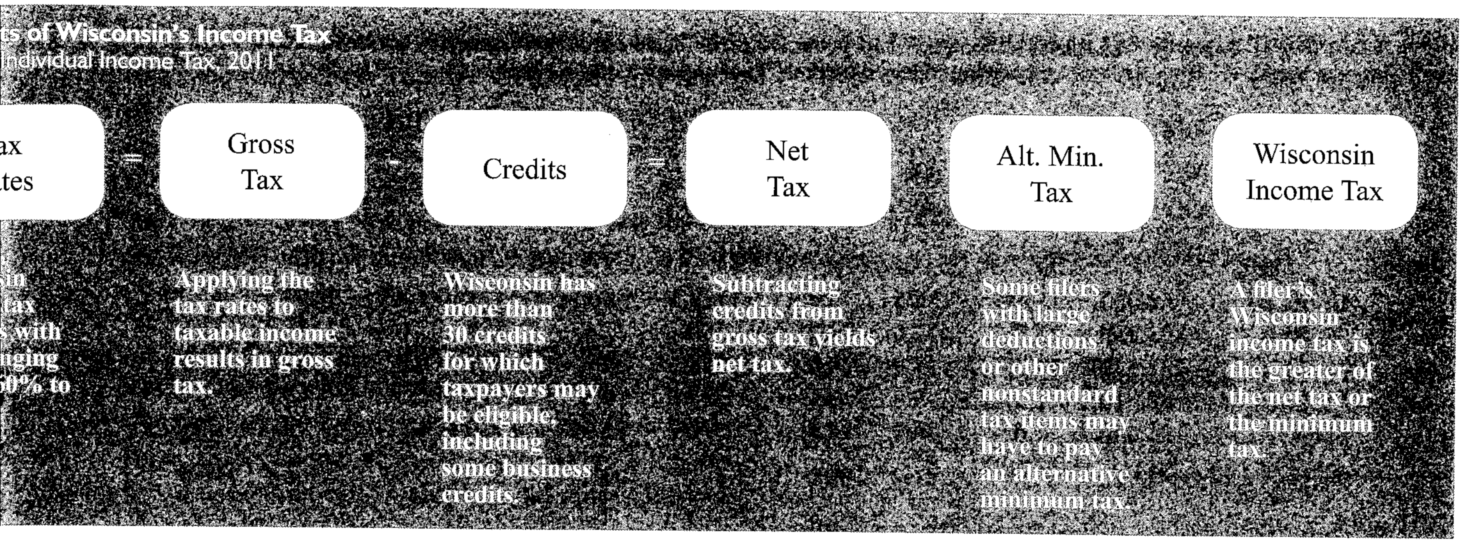
| Status | Taxable Income | 4.60% | 6.15% | 6.50% | 6.75% | 7.75% |
|---|---|---|---|---|---|---|
| | | Statutory Tax Rates | | | | |
| Single | From.... | $0 | $10,180 | $20,360 | $152,740 | $224,210+ |
| | To...... | 10,180 | 20,360 | 152,740 | 224,210 | |
| Married, fil. jointly | From.... | 0 | 13,580 | 27,150 | 203,650 | 298,940+ |
| | To...... | 13,580 | 27,150 | 203,650 | 298,940 | |
| Married, fil. sep. | From.... | 0 | 6,790 | 13,580 | 101,820 | 149,470+ |
| | To...... | 6,790 | 13,580 | 101,820 | 149,470 | |

In 2010, individual income taxpayers used more than 30 credits. They claimed $976.1 million in nonrefundable and $284.6 million in refundable credits. The $1.26 billion in credits reduced gross income taxes by nearly 18%.

*Nonrefundable.* The most widely used nonrefundable credits were those based on property taxes or rent paid ($390 million of credits claimed), federal itemized deductions ($303 million), and earned income for married couples ($259 million). Because nonrefundable credits are capped at the amount of income tax owed, they go primarily to "middle-income" taxpayers. About 60% of the three major credits were taken by married couples filing jointly with incomes between $50,000 and $200,000, and another 10% by single filers with incomes between $30,000 and $70,000.

*Refundable.* Among refundable credits, the Homestead Credit ($125 million) and the Earned Income Tax Credit ($124 million) were most used. Both are targeted to low-income filers and do not depend on the amount of tax owed. More than 90% were claimed by filers with incomes under $30,000.

*Business.* Some individual income tax filers own small businesses organized as sole proprietorships, partnerships, or S-corporations ("S" refers to a section of the IRS code). By law, profits of these businesses pass through to the owners and are taxed by the individual rather than corporate income tax. Thus, some business credits are claimed on individual income tax returns. Many of these business credits




had fewer than 100 claimants, but they averaged up to $16,000 per credit.

### Net Tax

When credits are subtracted from gross tax, the result is net tax due. For most taxpayers, this is the amount owed in state income taxes. For a small number of filers with large deductions or nonstandard tax items, an alternative minimum tax may also apply.

## WHO FILES, WHO PAYS?

Although there are several kinds of tax filers in Wisconsin, they can be combined into two categories: one-person filers and married couples filing jointly. The former includes single persons, heads of households, married persons filing separately, and dependents

In 2010, the state processed just over 2.8 million income tax returns representing 4.03 million people (joint returns counted as two people). Of those returns, 40.8% were filed by married couples filing jointly, 42.5% by single filers, 9.5% by heads of household, 6.6% by single filers who could be claimed as dependents on another return, and 0.6% by married individuals filing separately.

Most income was claimed by joint filers. While joint filings were about 40% of returns, they represented 58% of the 4.03 million people and nearly 70% of WAGI. Single filers had 23.0% of Wisconsin income, while those filing as head of household claimed 6.0% of the total.

Joint filers also paid most of the tax. In 2010, they paid 75.8% of the total net tax (after all credits). Single filers paid 20.0% and heads of households 3.4%. Dependents and married persons filing separately each paid less than 1% of the income tax.

### "Single" Filers

Often of interest to tax analysts is how much income tax is paid by filers at various income levels. Here, one-person returns (excluding filers who can be claimed as dependents on another return) are examined first, followed by married couples filers.

*"Low Income."* More than half (56.3%) of one-person returns had WAGI under $20,000 (see Table 2, page six). Some were from retirees who had less than $20,000 of income outside of their Social Security, which is not taxed.

Despite large numbers of filers, low-income filers had less than 16% of the WAGI claimed on one-person returns. Moreover, the group's overall net tax was negative due to refundable credits available to low-income filers. This group claimed almost half of all credits used by "single" filers.

*"Middle Income."* Just under 40% of single filers had incomes between $20,000 and $70,000, with most under $40,000. The group had about 60% of income and paid about two-thirds of the tax. These filers claimed about 40% of credits.

*"Upper Income."* Less than 5% of single filers had incomes above $70,000. This group had almost 25% of the income, paid more than 41% of the tax, and claimed 12.6% of credits. High-income filers are generally ineligible for refundable credits, and many nonrefundable credits are phased out as income increases.

### Married Filing Jointly

*Under $50,000.* Almost 40% of joint filers had WAGI under $50,000. Many could be retirees who did not have to claim Social Security income for tax purposes. This group had 11.2% of the income and

**Table 2: Wisconsin "Single" and Joint Income Tax Filers by Wisconsin Income, 2010**
Filer Counts, Income, Tax Paid, and Credits Used

| WAGI ($Thous.) | Filers Num. | Filers % of Total | WAGI Amt. ($Bill) | WAGI % of Total | Net Tax Amt. ($Mill.) | Net Tax % of Total | Average Tax Amt. | Average Tax Rate | Total Credits Amt. ($Mill.) | Total Credits % of Total |
|---|---|---|---|---|---|---|---|---|---|---|
| *Single** | | | | | | | | | | |
| Under 20 | 954,020 | 56.3% | $6.5 | 15.9% | -$115.1 | -8.2% | -$121 | -1.8% | $190.8 | 47.0% |
| 20-40 | 433,950 | 25.6 | 12.6 | 30.7 | 380.1 | 27.1 | 876 | 3.0 | 97.1 | 23.9 |
| 40-70 | 231,530 | 13.7 | 11.9 | 29.0 | 558.3 | 39.9 | 2,411 | 4.7 | 67.4 | 16.6 |
| 70-100 | 48,310 | 2.9 | 3.9 | 9.6 | 207.0 | 14.8 | 4,284 | 5.3 | 25.6 | 6.3 |
| 100+ | 26,440 | 1.6 | 6.1 | 14.9 | 370.7 | 26.5 | 14,020 | 6.1 | 25.4 | 6.3 |
| Total | 1,694,250 | 100.0 | 41.0 | 100.0 | 1,401.0 | 100.0 | 827 | 3.4 | 406.4 | 100.0 |
| *Married Filing Jointly* | | | | | | | | | | |
| Under 50 | 461,090 | 39.5% | $10.6 | 11.2% | $137.4 | 3.1% | $298 | 1.3% | $170.4 | 20.0% |
| 50-70 | 204,560 | 17.5 | 12.3 | 13.0 | 466.3 | 10.6 | 2,280 | 3.8 | 123.0 | 14.4 |
| 70-100 | 243,830 | 20.9 | 20.4 | 21.6 | 930.2 | 21.2 | 3,815 | 4.6 | 208.6 | 24.4 |
| 100-200 | 210,910 | 18.1 | 27.4 | 29.0 | 1,395.9 | 31.8 | 6,619 | 5.1 | 255.2 | 29.9 |
| 200+ | 47,760 | 4.1 | 23.8 | 25.2 | 1,456.9 | 33.2 | 30,504 | 6.1 | 96.3 | 11.3 |
| Total | 1,168,150 | 100.0 | 94.4 | 100.0 | 4,386.8 | 100.0 | 3,755 | 4.6 | 853.5 | 100.0 |

*Includes those filing single, head of household, and married filing separately. Excludes dependents who can be claimed on another return.

paid 3.1% of the total tax paid by joint filers. However, they claimed 20% of the income tax credits.

*$50,000-$200,000.* Over half (56.4%) of joint filers had incomes between $50,000 and $200,000. They accounted for 63.7% of joint filers' income and 63.7% of the tax. They also claimed nearly 69% of tax credits. Because of their relatively high incomes, some filers in this group often "max out" on the property tax/rent and married couple credits.

*Over $200,000.* "High-income" married couples accounted for only 4.1% of joint filers. However, relative to all joint filers, they reported about a quarter of income and paid about one-third of the income taxes.

### Progressivity

The progressivity of Wisconsin's income tax is partially reflected in average tax rates for the subgroups in Table 2. For single filers, average rates range from -1.8% for filers with incomes under $20,000 to 6.1% for those with WAGI above $100,000. For joint filers, average rates range from 1.3% for filers with incomes under $50,000 to 6.1% for those with the highest incomes.

This progressivity results in part from the progressive rate structure. But income-limited tax credits and gradual elimination of the standard deduction as income rises also play a significant role.

## NATIONAL COMPARISONS

Finally, it is instructive to put the details of Wisconsin's income tax in a national context.

### Use and Growth

Wisconsin relies to a greater degree than most states on the income tax to fund government. In 2009, Wisconsin income tax collections were 17.2% of all state-local revenues, 15th highest nationally. As a share of total personal income (2.8%), income taxes here were ninth highest. On a per capita basis ($1,059), Wisconsin ranked 13th.

At the same time, increases in the state's income tax collections in recent years have been average. From 2001 through 2010, per capita collections here rose 6.6%; taxes in half of states with a full income tax rose faster, half slower.

### Features

Seven states currently have no state income tax, while New Hampshire and Tennessee tax only dividends and interest income. Of the remaining 41 states, seven impose a flat rate for all taxpayers and 34 (including Wisconsin) have multiple rates and brackets.

Among 41 states with a full individual income tax, Wisconsin's lowest statutory rate (4.60%) was eighth highest, its top rate (7.75%) was tied for 11th highest.

Thirty-two states provide personal exemptions as a subtraction from income. Others provide credits or combine personal exemptions with standard deductions. Wisconsin's personal exemption ($700) for filers is lower than all comparable states, except New York. However, New York's exemption for dependents ($1,000) is larger than Wisconsin's ($700).

## Taxes

Every two years, Minnesota researchers compile a report comparing income taxes in the 50 states. The most recent examined tax year 2008. The study shows state income taxes here are relatively low for low-income filers and high for middle-income filers.

*Lower-Income Filers.* Income taxes paid by single filers with incomes of $10,000 or $20,000 in Wisconsin rank among the bottom half of the 41 states with an income tax (see Figure 4). For married couples with incomes under $20,000, taxes owed were among the 10 lowest, while married filers with incomes under $35,000 had taxes that were among the bottom half of states. Wisconsin's refundable tax credits, particularly the Earned Income Tax Credit, are mainly responsible for the low rankings.

*Middle-Income Filers.* Wisconsin's rankings jump into the top 10 for "middle-income" filers. While income taxes for single filers earning $20,000 ranked 22nd, they jumped to ninth for those with incomes of $35,000 and seventh for those with incomes from $50,000 to $100,000. These filers paid state income taxes 14% to 25% above average.

Taxes paid by married couples with $50,000 of income also ranked seventh, but rose to fifth for incomes of $75,000 and $100,000. For these filers, state income taxes were 25% to 40% above average.

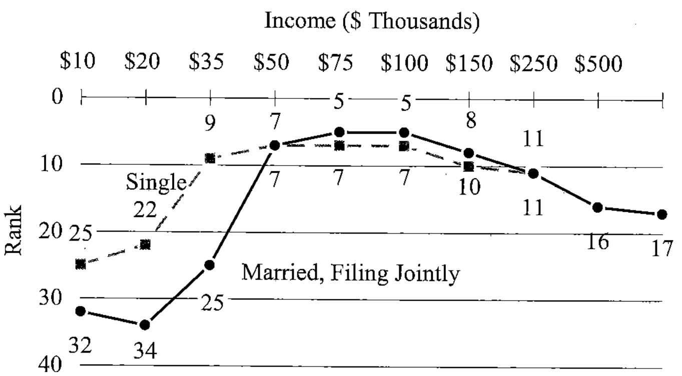
*Higher-Income Filers.* Wisconsin's income tax rankings fell out of the top ten for higher income filers. Taxes on single and joint filers earning $250,000 ranked 11th, while taxes on married couples earning $500,000 or $1 million ranked 16th and 17th, respectively. The state's top earners paid income taxes 8% to 15% above average. These rankings were prior to the 2009 creation of a new 7.75% top income tax rate.

## EMERGING ISSUE: COMPLEXITY

Figure 3 shows a fairly straightforward process for calculating an individual's state income tax. However, it masks growing complexity over the last 10 years.

Increasing differences between federal AGI and WAGI, and a tripling in the number of income tax credits available to filers are the main culprits. In 2001, the state listed 41 possible additions or subtractions to federal AGI to get to WAGI. By 2011, that figure had grown to more than 70. The number of credits available to income tax filers has grown faster, from 10 in 2001 to more than 30 in 2011. As a result, the number of instruction pages has grown from 27 in 2001 to 33 in 2011.

**Figure 4: Wisconsin's Income Tax Ranks**
National Ranks by Selected Incomes, 2008 (41 States with Inc. Taxes)




These "complications" also affect income tax collections. Figures from 2010 filers show new credits (compared to 2001) reduced collections by about $40 million. New additions and subtractions from income also affect collections. The biggest change was probably the elimination of Social Security from tax. The Legislative Fiscal Bureau estimates that this provision reduced collections by about $100 million.

The state further complicates income tax filing with donation opportunities ranging from endangered species to the Green Bay Packers' stadium to cancer research, among others. While these donations decrease a filer's refund or increase the amount owed, they have no impact on the income tax. Rather than being donated directly to the organizations, the money first goes to the state and then to the organizations. In 2001, there were only two—endangered species and the Packers' stadium; by 2011, 10.

This begs the question: Should Wisconsin's income tax be overhauled and simplified? Many tax experts argue for a tax system with a broad base and low rates. Wisconsin seems to be moving in the opposite direction. ☐

**DATA SOURCES:**

Minnesota Taxpayers Association; U.S. Bureau of Economic Analysis; U.S. Census Bureau; Wisconsin Department of Revenue; Wisconsin Legislative Fiscal Bureau; WISTAX calculations.

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## WISTAX NOTES

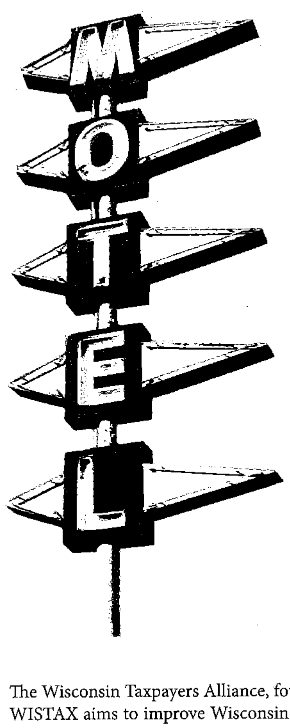
■ **Fraud, Waste, and Mismanagement.** A total of 389 reports were made to the Wisconsin's fraud, waste, and mismanagement hotline from April 2008 through December 2011, according to the Legislative Audit Bureau (LAB). The hotline, operating since 2008, allows public employees, contractors, and the general public to report suspected cases of state government fraud, waste, and mismanagement. Although the hotline is intended only for cases involving the state, calls are also received on local and federal issues.

The LAB found that 79 reports were received in 2011, with 58 (73.4%) relating to state activities. Of the 58, 18 involved allegations of individuals receiving state public assistance who were not eligible, 17 involved agency mismanagement, 15 related to waste or inefficiency, five regarded employee misconduct, and three were classified as "other."

Of the 247 state-related hotline reports received from April 2008 through December 2011, 108 (43.7%) were resolved by the end of last year. The LAB noted that 32 reports were currently being reviewed, while 107 either could not be verified, were unfounded, or did not require any state action. ☐

**In FOCUS . . . recently in our biweekly newsletter**

- Lessons for the latest state budget surprise (#2-12)
- Digging into the mining debate (#3-12)




## Your Source (The Only Source!) for Room Tax Detail

NEW!

Wisconsin communities will raise about $70 million in 2012 from the room tax. For some, the tax is ideal, paid mostly by out-of-area visitors and benefiting local residents. Unlike other taxes, however, those on hotel, motel, and other stays come with restrictions.

How much did communities receive in room tax revenues? How did municipalities spend tax revenues to promote tourism? How were the remaining funds used?

The Wisconsin Taxpayers Alliance (WISTAX) will soon release its new e-publication on room taxes in Wisconsin. The study lists participating municipalities and five years of revenues. It also provides detail on receipts and allocations for more than 180 Wisconsin municipalities, as reported by municipal officials.

In addition, the WISTAX report offers information on the state tourism industry, including updated economic impact figures by county. This information is a must-have for those interested in municipal taxes, tourism, and economic development.

The e-publication *Room Taxes and Tourism Development* can be pre-ordered for $18.95 per copy, plus tax. The final publication will be available in May 2012. To order, visit us online at www.wistax.org, e-mail wistax@wistax.org, call 608.241.9789, or write WISTAX, 401 North Lawn Ave., Madison, WI 53704.