



THE BEST CHOICE FOR A PROSPEROUS TEXAS: A TEXAS-STYLE PERSONAL INCOME TAX

The quality of life in Texas depends on our producing a well-educated workforce that can meet the demands of a global economy. A strong and vibrant public education for all Texas children is an essential precondition for a prepared workforce and a prosperous, competitive economy. In fact, providing public education is one of the constitutionally mandated charges of the state legislature. However, the state’s current revenue system is not providing adequate funding to fulfill this charge. Adding a personal state income tax to our tax mix is the best way to meet our needs.

Key Facts About a Personal Income Tax for Texas

- **The state constitution guarantees:**
 - **2/3 of the revenue from a state income tax must be used to cut property taxes.**
 - **The remaining 1/3 can only be spent on education.**
 - **Voters have control over the rate of a personal income tax and any future property tax increases.**
- **State income tax payments are deductible from taxable income when calculating the federal income tax.**
- **Most Texas families would pay less in taxes overall under a state/local tax system that included an income tax.**

This policy page explains why a Texas-style personal income tax is the best way to meet the needs of Texas. Only a personal income tax can significantly reduce reliance on property taxes—cutting the school operations tax from \$1.00 to 10 cents per \$100 of property value—while providing adequately for education—\$7 billion in new revenue annually. Alternative tax proposals are not able to reduce property taxes as much or fund public education as well. An income tax would *reduce* taxes on most Texans, including the middle class, and *benefit* the economy. Public opinion polls show that Texans are open to considering a Texas-style income tax.

The Problem: Our Current Tax Structure Does Not Provide for a Prosperous Future

The New “Margins” Tax Pays for Less Than Half of the 2006 Property Tax Cuts

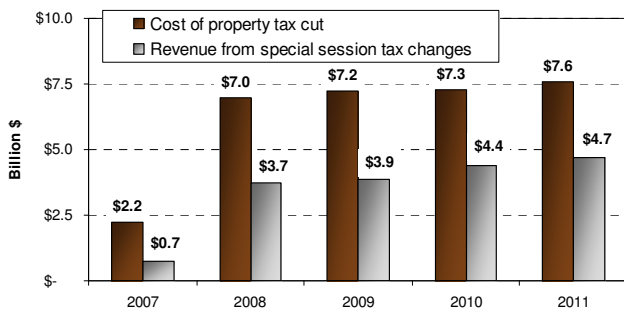
The new “margins” tax (a revision of Texas’ corporate franchise tax) was enacted in the 2006 special session to help pay for the cost of the one-third cut in property taxes passed by the legislature during the session. Although the actual revenue from the tax will not be known until the end of 2008, the latest estimate from the state comptroller is that the tax will generate \$6.1 billion in increased revenue in the current 2008-09 biennium. However, school districts will lose an estimated \$14.2 billion in forgone property tax revenue during the same period—leaving a budget shortfall of \$8.1 billion.

Increased cigarette taxes, which were also raised during the special session, will contribute only \$1.4 billion. The remaining hole was plugged mostly by using general revenue that built up due to lower spending levels after the massive 2003 budget cuts.

A similar shortfall of \$5.8 billion is expected in 2010-11, when the cost of reducing property taxes will be \$14.9 billion, compared to \$9.1 billion in new state revenue to pay for the tax cuts.

No one can predict how the “margins” tax, which is unique among state business taxes, will perform over time. The cigarette tax, though, will undoubtedly erode as a revenue source as the higher rate starts to limit consumption and discourage new smokers. Meanwhile, our public schools will continue to face increasing needs from growing enrollment, higher expectations, and demographic challenges.

2006 Special Session Replaces Only 60% of Lost Property Tax Revenue



Source: LBB Fiscal Notes for HB 1, HB 2, HB 3, HB 4, and HB 5, Special Session 2006

Sales Taxes Can't Carry More of the Load

The sales tax is near its limit. Texans pay \$1,457 per person in sales taxes and similar consumption taxes each year.¹ Texas' state rate of 6¼% is tied for 7th highest in the country; no state has a rate over 7%. Texas' state and local combined maximum rate of 8¼% is 15th highest.²

The sales tax is highly “regressive”—it takes a much greater percentage of the income from a low- or moderate-income family than from a higher-income family. Taxes based on consumption, like the sales tax, are very regressive, since lower-income families tend to consume a much higher proportion of their income than do higher-income families.

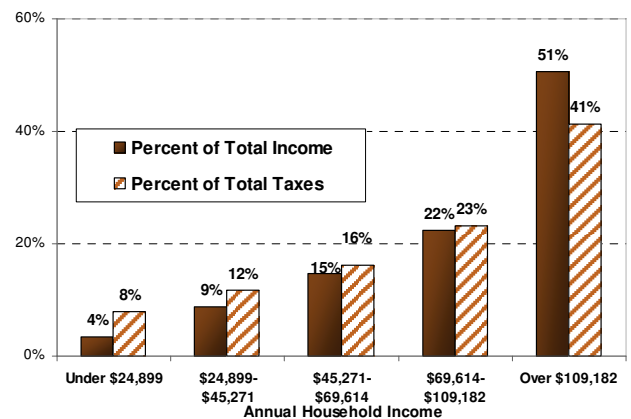
In Texas, the average low-income family pays 5.9% of its income in state sales taxes (not including local taxes), while

an average high-income family pays only 1.8% of its income in state sales taxes. The sales tax exempts most groceries, residential utilities (gas, electric, water), and medicines, but even with these exemptions for necessities, the sales tax is by its nature still regressive.

Because Texas relies on the sales tax for the majority of its state tax revenue, our state and local tax system is rated the 5th most regressive in the nation.³ The one-fifth of Texas households with the lowest income (less than \$25,000 per year) pays almost three times as much in taxes, as a percentage of household income, as the one-fifth of households with the highest incomes (over \$109,200 per year).⁴

One way of looking at the impact of Texas's tax system is to rank all families according to their income, then divide them into five groups, each with the same number of families. The chart below shows that the one-fifth of families with the highest income has more than half of all personal income in the state, but pays only 41% of state and local taxes. At the other extreme, the poorest one-fifth of families earns only 4% of income, but pays 8% of all taxes.

One-Fifth of Texas Households Pays Less Than Their Fair Share



Source: Texas Comptroller of Public Accounts. Calculations: CPPP.

A good tax system would match the share of taxes paid with the share of income earned. Each family would have an equal ability to pay its taxes. Since the fastest growing incomes are enjoyed by those already at the top of the income ladder, our schools and other public services would

be supported by a growing source of revenue. Taking a high percentage of income from low-income families makes it harder for them to accumulate assets, such as a car or a house, and move into the middle class. Finally, it is simply unfair to take more from those less able to pay and less from those more able to pay.

A tax equity note can evaluate the effect of any proposal on tax fairness. The House rules require that before the House can consider any tax bill that “creates or impacts a state tax or fee,” the Legislative Budget Board must prepare “a tax equity note that estimates the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.” [Rule 4, section 34(b)(5)] The Senate has a similar rule that gives the chair of the Senate Finance Committee the option of requesting an equity note. [Rule 7.09(g)] In addition, the comptroller is required to prepare a biennial report on the overall incidence of the school property tax and any major state tax. These analyses include the effect of these taxes by family income level, between homeowners and renters, and among different industries.

Texas Needs a Tax That Can Carry the Load

Our state tax system does not keep up with our growing economy. The chart to the right shows that neither taxable sales nor property values have kept up with the growth in the state’s economy, as measured by personal income. State tax revenue has fallen as a percentage of personal income since 1995. If Texas could have tapped merely the same portion of the state economy in taxes in 2006-07 that it collected in 1995, rather than the amount actually collected, the state would have had \$15 billion more to fund the 2006-07 biennial budget and ease the pressure on local property taxes. Instead, school districts and other local governments have had to increase property taxes to fund public education, hospitals, jails, and roads, leading to widespread complaints that taxes are rising faster than the ability of homeowners to pay them.

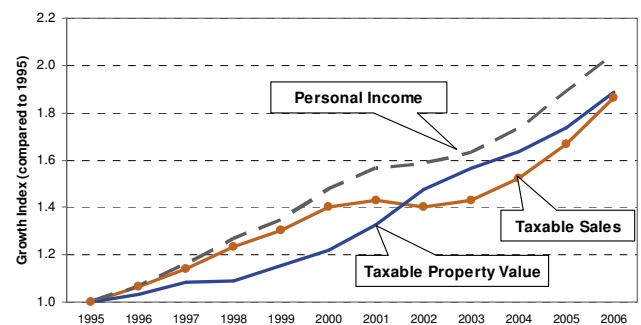
The chart below shows how Texas’ tax bases—the amount that is subject to a tax, without adjusting for changes in the rate of the tax—have changed since 1995.

A key factor in Texas’ lagging state tax revenue is the state’s heavy reliance on the sales tax, which supplies more than half of its tax revenue. We tax mainly the sales of goods, but we increasingly sell services, so taxable sales fall far short of keeping up with economic growth. In addition, sales tax revenue can be volatile. State sales tax revenue fell for two years straight, from 2001 to 2003. The sales tax rate has not changed since 1990.

Taxable property values have grown steadily, even after an increase in the homestead exemption in 1998 flattened growth for that year. But neither the sales nor property tax has matched the growth in personal income in Texas.

The sales tax base could be modernized to include services. This would help sales tax revenue grow naturally with our current economy without raising the rate and perhaps reduce volatility. However, after excluding services that should not be taxed, such as medical care, even an expanded sales tax would not raise enough money to adequately fund public education and reduce property taxes.

Comparing Tax Bases: Taxable Sales are Volatile; Property Values Grow Steadily; Income Performs Best

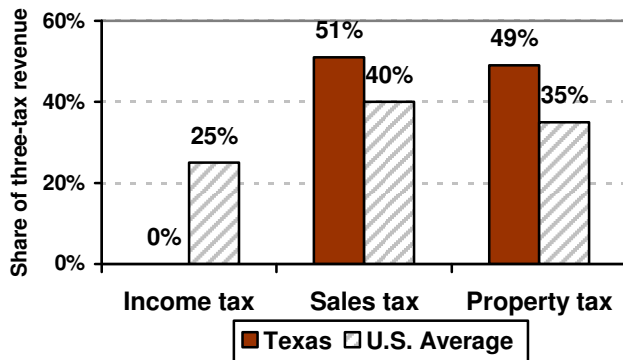


Source: Texas Comptroller of Public Accounts. Calculations: CPPP.

The Solution: A Personal Income Tax is Sound Fiscal Policy and Good for Texans

An income tax can produce the money we need to fund the investments that will create a prosperous future for all Texans. Revenue from an income tax grows naturally with the growth in the state's economy, so Texas would not continue to struggle to finance schools and health care year after year. An income tax is also directly linked to a family's ability to pay taxes, so it can help offset the unfairness of other taxes. Balancing property, sales, and income taxes would maintain adequate and stable funding to improve Texas' future.

Texas Has High Sales and Property Taxes Because It Has No Income Tax



Source: U.S. Census Bureau, State and Local Government Finances, 2005-06.

The Constitution Guarantees Voter Control

A Texas constitutional amendment, designed by Lieutenant Governor Bob Bullock and adopted by the voters in 1993, is the blueprint for adopting a smart, Texas-style income tax. Under this constitutional amendment (Article 8, Section 24), a bill establishing a personal income tax can take effect only after voter approval in a statewide referendum. Once the voters approve the tax, the rate cannot be increased without voter approval in another statewide referendum. The amendment gives voters total control over the amount of the tax and mandates how the state must spend the income-tax revenue.

An Income Tax Would Reduce the School Property Tax and Increase Education Funding

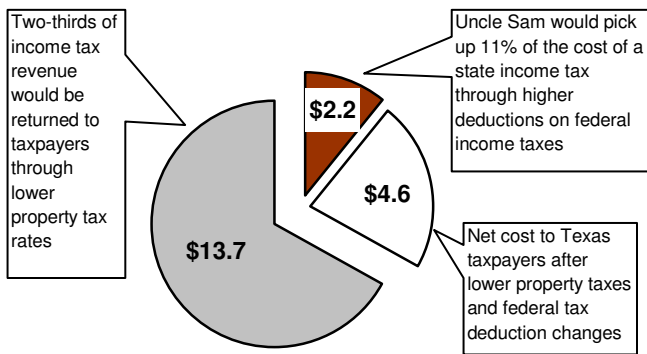
The Bullock Amendment requires that two-thirds of the revenue from an income tax must go to reduce school property taxes. This could cut the local tax rate—in most school districts now \$1.04 per \$100 of property value for maintenance and operations (M&O)—to roughly 10 cents! The amendment requires that the maximum M&O tax rate—generally capped at \$1.17, subject to voter approval—must be reduced by the same percentage as total M&O taxes. If the income tax cut the property tax rate by 90%, then it would also cut the tax cap by 90%. After the cap was cut, only the voters in a school district could increase their district's maximum tax rate. The Bullock Amendment then provides that the remaining one-third of income tax revenue could be spent, but only on education.

A Real-Life Example

CPPP took the income tax from Kansas, a state with income-tax revenue per resident near the national average, and applied its rates, brackets, and deductions to the incomes of Texas families in 2006. Of course, Texas would write its own income tax. We used the Kansas tax for 2006 merely to demonstrate how an income tax could work here.

The Kansas tax has three income brackets, with rates that range from 3.5% to 6.45% of federal adjusted gross income, minus state exemptions and deductions. A family of four pays no tax on income under \$26,100. The Kansas tax form is very short and easy to complete. The chart on the following page shows what would happen if a similar tax were enacted in Texas.

The Deductibility of an Income Tax Would Ease the Burden on Texas Taxpayers



Total income tax revenue: \$20.5 billion

Source: The Institute on Taxation and Economic Policy.

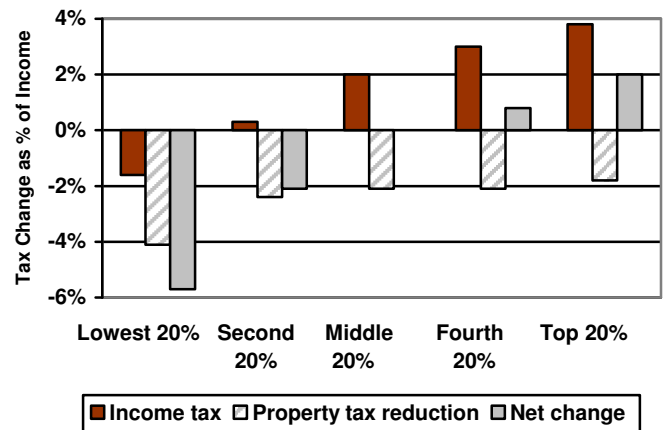
State Income Tax Payments are Deductible From the Federal Income Tax

State income tax payments are deductible from taxable income in calculating federal income taxes. Deductibility shifts part of the cost of public education to the federal government. The chart above shows that, although the tax would have raised \$20.5 billion in 2006, the net cost to Texas taxpayers would have been only \$4.6 billion. Lower property taxes would have returned most of the new revenue (\$13.7 billion) to taxpayers. Uncle Sam would have picked up more than 10% of the total cost of the state income tax (\$2.2 billion) through higher deductions on federal income tax returns.

Most Texas Families, Including the Middle Class, Would Pay Less in Taxes With an Income Tax

As the following chart shows, most families would gain more from property tax cuts than they would pay in income taxes. In 2006, the top income group, with incomes over \$109,200 a year, would have paid less than 2% of their income with an income tax. Since this group gets almost all the benefit of the federal income tax deduction, however, the federal government would have absorbed about a third of even this 2%.

A State Income Tax, With Property Tax Reductions, Would Benefit Most Texans

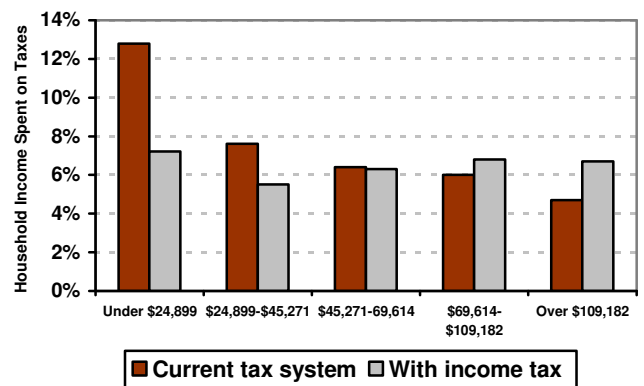


Source: The Institute on Taxation and Economic Policy.

An income tax could help balance the unfair burden placed on low- and middle-income families by the rest of the Texas tax system, particularly sales taxes. Relying on revenue from a system of several sources—balancing volatile, but fast-growing, taxes with steady revenue streams—can provide a secure source of support for state and local services that will also increase along with needs.

The chart below shows that an income tax would improve the fairness of Texas taxes by reducing the proportion of income that lower-income families pay in taxes to a level more equal to that paid by higher-income families.

An Income Tax Would Greatly Improve the Fairness of Texas Taxes



Source: Texas Comptroller of Public Accounts. Calculations: CPPP

An Income Tax Would Foster Economic Growth

An income tax would help the economy. Consider the evidence. Forty-one states have a broad-based personal income tax. Compared to Texas, most of these states have higher personal income, lower dropout rates, fewer uninsured children, and better transportation systems—the foundations for a prosperous future for their residents.

Through investing in public education, universities, health care, and transportation, Texas could accelerate its economic growth. A state with healthy children who stay in school produces skilled workers who earn more at better jobs. Prosperous consumers and good transportation attract new businesses. Investing more now in public services will create a more robust economy in the future.

The net cost of the income tax we have used as an example—\$4.6 billion a year—is only one-half of 1% of Texans' total personal income. After such a modest net tax increase, which would be fairly shared among all Texans, our state would still have lower taxes than most others. An income tax is the best choice to meet our goals. Through

this smart investment, Texans can ensure healthy children, educated residents, and skilled workers. This, in turn, will ensure all of us a brighter future.

Texans are Open to Considering a Texas-Style Income Tax

The Scripps Howard newspaper chain for many years conducted the Texas Poll, a random-sample telephone survey of 1,000 adult Texans with a margin of error of ± 3 percentage points. One question consistently asked over the years was: "Would you support an income tax if it reduced property taxes and the revenue was used to pay for public schools?" This question tracks the requirements of the Bullock Amendment.

In 2003, the poll found that 48% of Texans supported a personal income tax. Other Texas Polls consistently showed a genuine openness to a state personal income tax. If state leadership were to inform the public about the stringent provisions of the Bullock Amendment and advocate for an income tax, voter support for an income tax would only grow.

¹ U.S. Census Bureau, State and Local Government Finances, 2005-06. www.census.gov/govs/www/estimate.html

² Federation of Tax Administrators, State Sales Tax Rates, updated Jan 1, 2008. www.taxadmin.org/fta/rate/sales.html

³ Institute on Taxation & Economic Policy, *Who Pays? A Distributional Analysis of the Tax Systems in All 50 States*, 2nd Edition, January 2003. www.itepnet.org/whopays.htm

⁴ Texas Comptroller of Public Accounts, *Tax Exemptions & Tax Incidence*, February 2007. www.window.state.tx.us/taxinfo/incidence07/

To learn more, sign up for e-mails, or make a donation, go to www.cppp.org.

The Center for Public Policy Priorities is a nonpartisan, nonprofit research organization committed to improving public policies to better the economic and social conditions of low- and moderate-income Texans.