

Department of Legislative Services  
2012 Session

FISCAL AND POLICY NOTE

House Bill 383 (Delegate Olszewski, *et al.*)  
Ways and Means

**Taxpayer Protection Act - State Income Tax - Consumer Price Index Adjustments**

This bill indexes specified State income tax rate brackets based on the annual change in the Consumer Price Index (CPI).

The bill takes effect July 1, 2012, and applies to tax year 2012 and beyond.

**Fiscal Summary**

**State Effect:** General fund revenues decrease by \$907,800 in FY 2015 and by \$5.6 million in FY 2017. Minimal increase in general fund expenditures beginning in FY 2014 due to computer programming expenses in the Comptroller’s Office.

(\$ in millions)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
GF Revenue	\$0	\$0	(\$0.9)	(\$2.8)	(\$5.6)
GF Expenditure	\$0	-	-	-	-
Net Effect	\$0	\$0	(\$0.9)	(\$2.8)	(\$5.6)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Montgomery County expenditures for its earned income credit program may increase minimally beginning in FY 2015. No effect on revenues.

**Small Business Effect:** Minimal.

**Analysis**

**Current Law:** Chapter 3 of the 2007 special session established new State income tax rate brackets of up to 5.5%; the previous highest marginal rate was 4.75%. Chapter 10 of 2008 imposed in tax year 2008 through 2010 an income tax rate of 6.25% on net taxable income in excess of \$1 million. **Exhibit 1** lists the income tax rate brackets effective in tax year 2011.

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**Exhibit 1**  
**Maryland State Income Tax Rates**  
**Tax Year 2011**

**Single, Dependent Filer,  
Married Filing Separate**

**Joint, Head of Household, Widower**

<u>Rate</u>	<u>Maryland Taxable Income</u>	<u>Rate</u>	<u>Maryland Taxable Income</u>
2.00%	\$1 - \$1,000	2.00%	\$1 - \$1,000
3.00%	\$1,001 - \$2,000	3.00%	\$1,001 - \$2,000
4.00%	\$2,001 - \$3,000	4.00%	\$2,001 - \$3,000
4.75%	\$3,001 - \$150,000	4.75%	\$3,001 - \$200,000
5.00%	\$150,001 - \$300,000	5.00%	\$200,001 - \$350,000
5.25%	\$300,001 - \$500,000	5.25%	\$350,001 - \$500,000
5.50%	Excess of \$500,000	5.50%	Excess of \$500,000

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**Background:** CPI is the most commonly used measure of the change in prices over time (inflation). The index tracks the average change in prices paid by urban consumers for various consumer goods and services. It is used to compare the relative value of money and goods over time, given price fluctuations. Though not a perfect measure, it is commonly used to measure the cost of living, and is also used to increase wages in an attempt to maintain a constant standard of living given rising costs. Although the increase in CPI in the last year has slowed due to the economic recession, CPI has typically increased by about 2.5% annually in the last 10 years.

Major components of the federal income tax are indexed for changes in inflation, including federal income tax rate brackets. The IRS issues revenue procedures which set the inflation adjustments for the following tax year. About 40 items are typically adjusted. Indexing tax brackets to the change in inflation prevents “bracket creep,” whereby households pay additional income taxes merely because of inflation and not because the taxpayer’s economic well-being has improved. The most salient example of bracket creep is the federal alternative minimum tax, originally enacted in 1969 to prevent high-income taxpayers from avoiding income taxes. Since the original legislation lacked indexing, it now applies to households of much more limited means than originally intended, leading Congress to enact a series of temporary corrective measures in recent years.

According to the Tax Foundation, in tax year 2011 14 states provided an inflation adjustment by indexing their income tax rate brackets to a consumer price or cost-of-living measure. Various states provide an implicit adjustment by taxing income at a percentage of the taxpayer's federal tax liability. In addition, some states index the value of either the standard deduction or the personal exemption.

Although the State's income tax brackets are not indexed for inflation, several components of Maryland's income tax system are influenced by inflation, including the State pension exclusion, State earned income tax credit, and poverty level tax credit. The maximum value of the State pension exclusion increases every year based on the maximum annual benefit payable under the Social Security Act, which is indexed to CPI. The State earned income tax credit is based on a percentage of the federal earned income tax credit, of which the value of and eligibility standards for are adjusted annually based on the change in the CPI. The poverty level tax credit is based on federal poverty standards, which are adjusted annually based on inflation. Taxpayers can claim either a standard deduction or itemized deduction for State income tax purposes. While the value of the standard deduction does not change based on inflation, the value of itemized deductions are sensitive to inflation because (1) federal income tax phase-out rules based on CPI, when applicable, flow through for State income tax purposes; and (2) the amount that taxpayers itemize is influenced by price fluctuations in the economy, particularly changes in home prices.

Income tax brackets and other important components of the income tax, such as the personal exemption and standard deduction, are not adjusted for inflation. As a result, some Maryland businesses and households pay more State income taxes over time due to inflation, even though their economic well-being may not have improved over time.

**State Revenues:** The bill will index the value of certain State income tax rate brackets based on the rate of inflation. In each tax year, the specified brackets will increase based on the difference in the prior year's CPI compared with the CPI in calendar 2012. Based on the brackets specified by the bill and the current inflation forecast, it is estimated that specified tax brackets will be adjusted beginning in tax year 2014, as shown in **Exhibit 2**. It is assumed that the bill does not impact withholdings or estimated payments. As a result, general fund revenues will decrease by \$907,800 in fiscal 2015. Future revenue losses increase and total \$5.6 million by fiscal 2017.

It is estimated that the average decrease in taxes paid per taxable resident return will be \$0.38 in tax year 2014, \$1.15 in tax year 2015, and \$2.31 in tax year 2016.

**State Expenditures:** The Comptroller's Office reports that it will incur minimal expenditure increases beginning in fiscal 2014 to update tax and withholding tables.

**Local Expenditures:** Montgomery County's earned income credit program acts as a grant program by matching the State refundable earned income credit claimed by a taxpayer. Under the program, eligible taxpayers receive a check from the Comptroller, but the grants are paid for by Montgomery County. Under the bill, certain taxpayers will claim a greater refundable earned income credit beginning in tax year 2014. Due to the limited increase in the refund and number of impacted individuals, any increase in expenditures is expected to be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Comptroller's Office, Internal Revenue Service, Moody's.com, Tax Foundation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2012  
ncs/jrb

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**Exhibit 2**  
**Tax Brackets by Filing Status**  
**Current Law and as Proposed by HB 383**

<i>Current Law – Single Returns</i>			<b>TY 2014</b>		<b>TY 2015</b>		<b>TY 2016</b>	
<u>Rate</u>	<b>Brackets</b>		<b>Proposed Brackets</b>		<b>Proposed Brackets</b>		<b>Proposed Brackets</b>	
2.00%	\$1	\$1,000	\$1	\$1,000	\$1	\$1,000	\$1	\$1,000
3.00%	\$1,001	\$2,000	\$1,001	\$2,000	\$1,001	\$2,000	\$1,001	\$2,000
4.00%	\$2,001	\$3,000	\$2,001	\$3,050	\$2,001	\$3,150	\$2,001	\$3,300
4.75%	\$3,001	\$150,000	\$3,051	\$150,050	\$3,151	\$150,150	\$3,301	\$150,300
5.00%	\$150,001	\$300,000	\$150,051	\$300,050	\$150,151	\$300,150	\$150,301	\$300,300
5.25%	\$300,001	\$500,000	\$300,051	\$500,050	\$300,151	\$500,150	\$300,301	\$500,300
5.50%	Over \$500,000		Over \$500,050		Over \$500,150		Over \$500,300	

  

<i>Current Law – Joint Returns</i>			<b>TY 2014</b>		<b>TY 2015</b>		<b>TY 2016</b>	
<u>Rate</u>	<b>Brackets</b>		<b>Proposed Brackets</b>		<b>Proposed Brackets</b>		<b>Proposed Brackets</b>	
2.00%	\$1	\$1,000	\$1	\$1,000	\$1	\$1,000	\$1	\$1,000
3.00%	\$1,001	\$2,000	\$1,001	\$2,000	\$1,001	\$2,000	\$1,001	\$2,000
4.00%	\$2,001	\$3,000	\$2,001	\$3,050	\$2,001	\$3,150	\$2,001	\$3,300
4.75%	\$3,001	\$200,000	\$3,051	\$200,050	\$3,151	\$200,150	\$3,301	\$200,300
5.00%	\$200,001	\$350,000	\$200,051	\$350,050	\$200,151	\$350,150	\$200,301	\$350,300
5.25%	\$350,001	\$500,000	\$350,051	\$500,050	\$350,151	\$500,150	\$350,301	\$500,300
5.50%	Over \$500,000		Over \$500,050		Over \$500,150		Over \$500,300	