

Exempting Social Security Benefits from Taxation

In recent legislative sessions, several bills have been introduced to exempt Social Security benefits from Minnesota income taxation. The 2015 Omnibus Tax Bill, as passed by the House of Representatives, proposed to exempt all benefits, fully effective for tax year 2019. This document provides background information on and discusses the taxation of Social Security benefits, following the standard policy principles that are typically used to evaluate tax policies.

Description of Present Law

Minnesota follows federal income tax rules, taxing some Social Security benefits of middle and upper income filers.

Minnesota follows the federal income tax rules in taxing Social Security benefits.¹ Under these rules, 15 percent of benefits are always exempt. This 15 percent exemption was established by Congress to ensure that nearly all recipients' post-tax contributions to the Social Security system would be recovered free of tax, similar to the tax rules that apply to pensions.² In essence, the 15

¹ These are Social Security benefits that are paid to retirees, disabled individuals, and qualifying spouses and dependents. These benefits are often referred to by their acronym OASDI (Old Age Survivor and Disability Insurance benefits). The rules also apply to Tier 1 railroad retirement benefits that mirror old age Social Security benefits but are paid under a separate system mandated by federal law.

² How Congress decided on this 15 percent rate is described in a Congressional Research Service publication as follows:

In 1993, the Social Security Administration's Office of the Actuary estimated that, if pension tax rules were applied to Social Security, the ratio of total employee Social Security payroll taxes to expected benefits for current recipients (in 1993) would be approximately 4% or 5%. The actuarial estimates were that for workers just entering the workforce, the ratio would be, on average, about 7%. Because Social Security benefits replaced a higher proportion of earnings of workers who were lower paid and had dependents, and because women had longer life expectancies, the workers with the highest ratio of taxes to benefits would be single, highly paid males. The estimated ratio for these workers (highly paid males) entering the workforce in 1993 was 15%. Noah P. Meyerson, *Social Security: Calculation and History of Taxing Benefits*, Congressional Research Service, p. 12 (August 4, 2014) (footnote omitted).

Applying pension-style tax rules (i.e., with the Social Security Administration on a per-participant basis determining the exclusion amount) was deemed to not be administratively feasible. *Ibid.* Since the "return" to participants on Social Security contributions or taxes continues to decline, the 15 percent rule probably no longer shields the highest contributors (highly paid, single males) from double taxation. For the decline in the ratio of lifetime benefits to taxes see Table 4 in C. Eugene Steuerle and Caleb Quakenbush, *Social Security and Medicare Lifetime Benefits and Taxes*, Urban Institute (Sept. 2015),

percent exemption is designed to prevent “double taxation” of Social Security benefits—that is, once, when recipients paid the employee share of FICA tax,³ and again when they receive those payments back as Social Security benefits (following the pension taxation analogy).

How much of the rest of Social Security benefits are taxable depends upon the taxpayer’s “provisional income” and filing status under a complicated two-tiered formula that phases in the amount subject to tax as provisional income increases. Provisional income equals the sum of:

- Adjusted gross income or AGI
- Interest from tax exempt bonds
- One-half of Social Security benefits
- Various other forms of less common tax-exempt income (e.g., excluded foreign earned income and tax-exempt U.S. savings bond interest used for education)

The table shows the provisional income levels used to determine how much Social Security is included in adjusted gross income and subject to federal and state income tax.

Provisional income		Percent of benefits taxable
Single filers	Married joint filers	
less than \$25,000	less than \$32,000	Exempt
\$25,001 to \$34,000	\$32,001 to \$44,000	Up to 50%
over \$34,000	over \$44,000	At least 50% and up to 85%

For example, Social Security benefits will be exempt from tax for single filers with provisional incomes under \$25,000, while up to 85 percent of benefits will be subject to tax for those with provisional incomes over \$34,000. This system shields many lower and middle income individuals from paying tax on their Social Security benefits.

About 35 percent of Social Security benefits are subject to tax and about half of Minnesota recipients pay some tax on their benefits.

In tax year 2012 about 35 percent of Social Security benefits were included in taxable income, with about 65 percent exempt.⁴ According to Congressional Budget Office estimates, nationally

<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000378-Social-Security-and-Medicare-Lifetime-Benefits-and-Taxes.pdf> (accessed January 7, 2015).

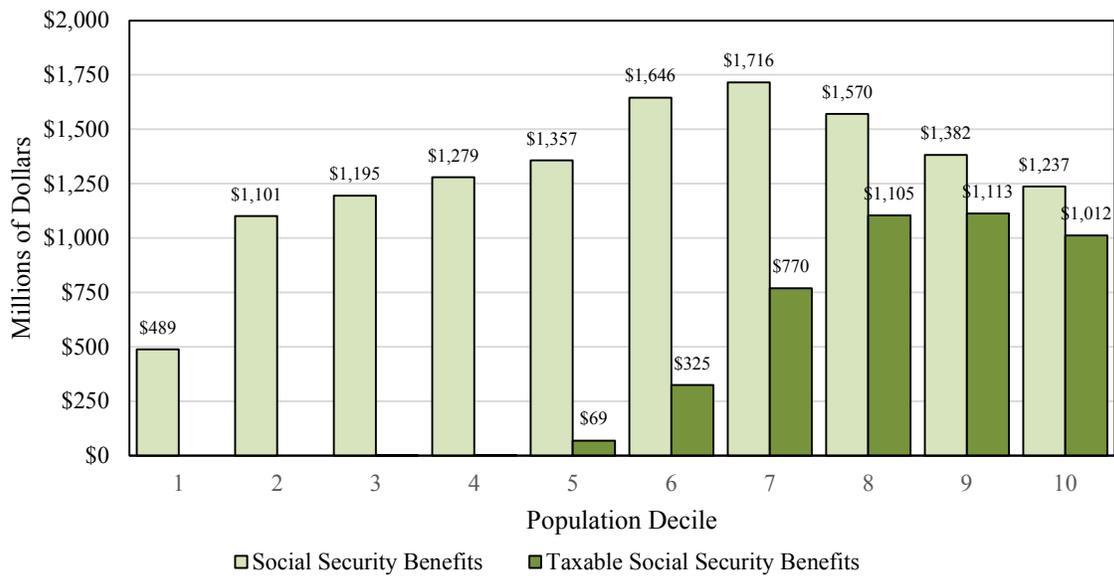
³ FICA is the acronym for Federal Insurance Contribution Act, the tax on employees and employers that funds Social Security and Medicare programs. For self-employed individuals, the equivalent is the nondeductible share of the Self Employment Contribution Act (SECA) tax.

⁴ Congressional Budget Office, *The 2015 Long-Term Budget Outlook*, p. 70 (June 2015). Because the dollar thresholds are not indexed for inflation, CBO estimates that the ratio will rise to over 50 percent by 2040. DOR has calculated a similar ratio (35 percent of benefits are included in taxable income) for Minnesota taxpayers in tax year 2012. The percentage of benefits that are actually subject to tax is somewhat lower (about 32 percent according to DOR), because some of these taxpayers end up paying no income as a result of other provisions of the tax law. The

about half of Social Security recipients pay some tax on their benefits.⁵ Analysis by the Minnesota Department of Revenue (DOR) indicates that 51 percent of beneficiaries (or 46 percent of households in which at least one person receives benefits) paid some Minnesota income tax on their Social Security benefits in tax year 2012.⁶ Because the dollar amounts of the thresholds that determine the taxability of benefits are not indexed for inflation, these percentages for tax year 2016 are likely slightly higher.

The chart displays the amount of Social Security benefits and the amount of those benefits subject to Minnesota income tax by population decile. The chart was prepared by DOR using data from the *2015 Minnesota Tax Incidence Study*,⁷ which uses tax year 2012 data. Each population decile represents one-tenth of the population with the first decile containing the households with the lowest incomes, the second the second-lowest, and so forth. Income is based on a very broad measure of income that includes most taxable and nontaxable money income. The chart shows that while benefits are distributed across all deciles, taxable benefits are concentrated (about 90 percent) in the top four deciles.

**Social Security Benefits and Taxable Social Security Benefits
 by Population Decile (2012)
 (\$ Millions)**



current Minnesota ratio is likely higher. By comparison, CBO estimated a ratio of 30 percent nationally for tax year 2014. Congressional Budget Office, *The 2014 Long-Term Budget Outlook*, p. 66 (July 2014).

⁵ Congressional Budget Office, *The Taxation of Social Security Benefits* (Feb. 2, 2015), <https://www.cbo.gov/publication/49948> (accessed January 7, 2016).

⁶ Minn. Dep't. of Revenue, *Percent of Social Security Recipients Who Paid Tax on At Least One Dollar of That Income* (February 25, 2016) (on file with House Research).

⁷ Minn. Dep't of Revenue, *2015 Minnesota Tax Incidence Study* (March 9, 2015), http://www.revenue.state.mn.us/research_stats/research_reports/2015/2015_tax_incidence_study_links.pdf.

Information on the Proposed Exemption of Benefits

Proposals to exempt Social Security benefits from Minnesota income tax typically have phased in the exemptions to spread over a number of years the resulting revenue reductions. The 2015 House Omnibus Tax Bill allowed a phased-in exemption starting in tax year 2015 over five tax years (increasing the exemption in 20 percentage point annual steps with a full exemption in tax year 2019).⁸

Standard tax analysis evaluates taxes and proposed changes to them under a set of widely accepted tax principles:

- Equity or fairness—both horizontal (“equal taxation of equals”) and vertical (progressivity or how individuals with different incomes are treated)
- Neutrality
- Revenue adequacy
- Simplicity, administrability, and understandability

The remainder of this publication evaluates exempting Social Security benefits from state income tax against these basic tax principles and provides some additional background information that may be useful to members in evaluating proposed exemptions of Social Security benefits.

Equity

How would expanding the exemption for Social Security affect the fairness of the tax?

The fairness of tax systems and proposed tax changes are typically evaluated under two different equity standards—vertical and horizontal equity. These principles evaluate the distribution of the tax or tax reduction (who pays relative to their incomes and other characteristics) as follows:

- **Vertical equity** evaluates the progressivity or regressivity of the tax or proposed changes in the tax: Does the tax (or in this case, the benefits of a tax reduction) rise, fall, or stay the same as a percentage of income as income increases?
- **Horizontal equity** evaluates how the tax treats individuals who are similarly situated: Does the tax apply equally to similarly situated taxpayers (e.g., those with similar incomes or other characteristics, such as family size)?

Vertical equity. The exemption under present law is a progressive feature of the income tax system because it targets most of its benefits to individuals with lower incomes (i.e., those with incomes below \$50,000). However, exempting all Social Security benefits would also increase the progressivity of the income tax. This is so because the Social Security benefit structure is

⁸ H.F. No. 848, art. 1 § 11 (3rd engrossment).

itself progressive (i.e., it provides proportionately larger benefits to lower income recipients). As a result, repealing the tax on benefits will further increase the share of income tax paid by higher income filers.

This intuition is confirmed by comparing the Suits index for the current tax and one with a full exemption of Social Security benefits. The Suits index is one of several numerical indexes that economists use to measure the distribution of taxes. For example, the Department of Revenue (DOR) uses it to measure progressivity in the *Minnesota Tax Incidence Study*. The Suits index is a numerical value or score that measures progressivity; index values range from -1 (most regressive) to +1 (most progressive). The Suits index for the income tax under current law is 0.2539; with a full exemption it increases to 0.2665, a modest increase in progressivity. However, it is likely that exempting all benefits would increase the overall regressivity of the Minnesota tax system. This is so because the overall tax system is more regressive than the income tax on Social Security benefits.

The table shows the income distribution of the tax reduction that would result from fully exempting Social Security benefits from Minnesota income tax.⁹ Slightly more than one-third of the beneficiaries have incomes below \$50,000, but about 88 percent of the tax reductions are received by taxpayers with incomes over \$50,000 and more than 39 percent by taxpayers with incomes over \$100,000.

**Income Distribution of Exempting Social Security
 Tax Year 2013**

Adjusted gross income	Average tax reduction	Percent with tax decrease	Percent of tax decrease
Less than \$50,000	\$291	35.3%	11.6%
\$50,000 to \$99,999	\$1,052	41.4%	49.1%
\$100,000 to \$249,999	\$1,447	19.8%	32.3%
\$250,000 to \$499,999	\$1,916	2.3%	4.9%
\$500,000 and over	\$1,631	1.2%	2.2%
All incomes	\$889	100%	100%

Horizontal equity. The horizontal equity principle focuses on how individuals with similar incomes or other characteristics are taxed. Favoring one type of income, Social Security benefits, will result in unequal treatment of individuals who are otherwise similarly situated but derive their income from other sources. Individuals with otherwise identical amounts of income will pay different tax amounts. Individuals who did not participate in the Social Security system (e.g., because they are retired federal employees or public safety employees, such as police officers and firefighters) are likely to perceive this unfairness most acutely.¹⁰ More generally, an

⁹ The data in this table reflect the impact of allowing a full exemption of Social Security benefits in tax year 2012, the year of the current income tax sample. By modeling the distribution on 2012 rather than 2015 the results do not also incorporate assumptions of the November 2014 forecast about growth in incomes from 2012 to 2015.

¹⁰ These individuals are likely to pressure the legislature to expand the exemption to include other types of retirement income. In 2012, there were about 640,000 Social Security recipients in Minnesota, while about 55,000 federal, state, and local government retirees in Minnesota received pensions for employment that was not covered by Social Security. Minnesota's elderly exclusion is intended to offset the advantage under present law of the

exemption would favor Social Security recipients over individuals with wages, interest, dividends, business profits, and any other form of income.

Because Social Security recipients are primarily elderly, exempting benefits from taxation will shift the tax burden to younger taxpayers who mainly derive their income from earnings or work. The justification for favoring elderly taxpayers (who are otherwise similarly situated in terms of income to younger taxpayers) is unclear. Current law already provides modest preferences to seniors in the form of a higher standard deduction amount and (temporarily) a lower threshold for claiming medical expense deductions, as well as the partial exemption of Social Security benefits and Minnesota's elderly exclusion. Advocates often advance justifications that the elderly have higher costs of living, particularly higher medical expenses. However, they also are more likely to have mortgage-free homes and to receive untaxed government benefits.

Neutrality

What is the effect on behavior?

In general, the neutrality principle favors taxes and policies that affect behavior as little as possible. All taxes affect or can affect behavior, so this principle favors policies that minimize those effects. It is based on the notion that markets are generally the best way for an economy to allocate scarce resources. Because participation in Social Security is mandatory under federal law, there would seem to be little opportunity to change behavior in that regard.

Proponents of exempting benefits from taxation have occasionally argued for doing so actually to modify taxpayer behavior (contrary to the premise of the neutrality principle) – that is, specifically to encourage recipients to remain as Minnesota residents, rather than migrating to states with more favorable tax climates (e.g., without income taxes such as Florida or Texas). There are at least two potential drawbacks or limitations to this justification:

- The best empirical research finds little or no evidence that the elderly migrate to states with more favorable tax climates (e.g., no income taxes or expansive exemptions for retirement income such as pensions and Social Security).¹¹ This likely reflects the complex array of factors that affect decisions about where to live and whether to move, including business, social, and family ties and the availability of government benefits and other amenities, which themselves may be affected by the tax policies.
- The premise of these contentions appear to be a sort of economic development rationale—keeping seniors will increase economic activity and taxes, yielding a “fiscal dividend” (more state and local taxes paid than the cost of government services

exemption of most Social Security benefits; it provides an exemption for other forms of income received by lower income elderly taxpayers who do not now benefit much from the exemption of most Social Security benefits.

¹¹ See, e.g., Karen Smith Conway and Jonathan C. Rork, “No Country for Old Men (or Women) – Do State Tax Policies Drive Away the Elderly?” *National Tax Journal*, June 2012, 65 (2), 313–356. The authors conclude (after using various sophisticated statistical technique to uncover a relationship) that “Our results are overwhelming in their failure to reveal any consistent effect of state income tax breaks on elderly interstate migration.”

provided). However, it is not clear that retention of potential elderly out-migrants would actually yield such a fiscal dividend. As a group, the elderly consume disproportionate amounts of governmental services (both publicly funded health care and social services).¹² Working to retain them by lowering their taxes in order to realize a fiscal dividend may be a losing proposition, even if one thought (contrary to reliable empirical evidence) that tax incentives are effective in deterring out-migration.

Revenue Adequacy

What is the effect on revenues, including growth prospects and stability of the income tax's revenues?

Tax proposals need to be evaluated for their short- and long-term effects on revenues and their budget impact, since taxes are imposed to raise revenues. Most of the legislative proposals have phased in the exemption of Social Security benefits over several tax years. This simply delays the full revenue impact of the exemption and gives a future legislature the option of delaying or repealing implementation without appearing to increase taxes. However, it is most useful to consider the revenue effects when the exemption is fully effective.

Based on DOR calculations, in tax year 2012 a full exemption would have reduced state revenues by \$230 million, which is about 3 percent of individual income tax revenues.¹³ DOR estimates for tax year 2018 indicate the revenue reduction would increase to \$460 million or about 3.6 percent of the revenues from the income tax.¹⁴ In six years, the effects have essentially doubled. The table shows the revenue reductions (based on past DOR estimates or calculations) for tax years 2002, 2012, and 2018.

¹² Julia B. Isaacs, *How Much Do We Spend on Children and the Elderly?* Brookings Institution, (November 2009), http://www.brookings.edu/~media/Research/Files/Reports/2009/11/05-spending-children-isaacs/1_how_much_isaacs.PDF (documenting large dollar amounts governments spend for elderly support; most of this is federal but the state share likely exceeds significantly the amounts spent on the non-elderly); Congressional Budget Office, *Rising Demand for Long-Term Services and Supports for Elderly People* (June 2013), <https://www.cbo.gov/sites/default/files/113th-congress-2013-2014/reports/44363-LTC.pdf> (estimates of the growing demands for the federal and state payments for elderly long-term care). Focusing efforts to retain high income elderly who are unlikely to use public programs could increase the potential for a fiscal dividend. However, a general exemption would seem to be poorly targeted in that regard.

¹³ Tax Research Division, Minnesota Dep't of Revenue, *Impact of Proposal to Allow Subtraction Equal to 100% of Taxable Social Security If It Had Been Effective in Tax Year 2012* (May 7, 2015).

¹⁴ Tax Research Division, Minnesota Dep't of Revenue, Estimate of JM076 (Dec. 21, 2015). Percentage of tax revenues calculated using the MMB November 2015 forecast estimates for fiscal year 2019.

Estimated Revenue Reduction of Exempting Social Security

Tax year	Revenue reduction	Share of income tax revenue	Number of filers affected
2018	\$461 million	3.6%	410,540
2012	\$230 million	3.0%	230,000
2002	\$166 million	3.1%	200,000

Source: DOR estimates for TY 2002 (H.F. 148) and TY 2018; DOR calculations from income tax processing file for TY 2012

Growth effects. It is likely that this supra-normal growth in the revenue effects will continue for some time for three reasons:

- **Demographics result in payment of more benefits.** With the core of the baby boom poised to begin receiving Social Security benefits, both the number of recipients and the amount of benefits paid will increase. The Social Security Actuary, for example, estimates the amount of benefits paid will rise from 5 percent of gross domestic product in 2015 to 6 percent by 2035, a 20 percent increase (holding economic growth constant) and that the ratio of workers to benefit recipients will drop from 2.8 percent in 2014 to 2.1 percent by 2035.¹⁵
- **Tax parameters are not indexed for inflation.** Because federal law does not index the threshold of income at which benefits become taxable, inflation will result in larger shares of Social Security benefits becoming taxable.
- **General income and economic growth will subject a larger share of benefits to tax.** Growth in real or economic income will also erode the fixed dollar value of the thresholds, just as inflation does (i.e., as retirees have greater nominal amounts of other income, a greater share of their Social Security benefits will be taxed).

Effects on the volatility of revenues. An exemption is likely to slightly increase the volatility of income tax revenues, since Social Security benefits are a very steady and reliable source of income – especially compared with capital gains, stock options, bonuses, dividends and other forms of income that rise and fall with the business cycle.

Simplicity

How would exempting all Social Security benefits from tax affect the complexity, ease of administering, and understandability of the Minnesota tax system?

Proposals that are easy to understand and administer are generally favored. As described above, the existing system for calculating the taxable portion of Social Security benefits is complex and not easy to understand. As a matter of simplicity, a federal tax system that taxed all or exempted all Social Security benefits from taxation would be easier to comply with and administer and

¹⁵ *The 2015 Annual Report of the Bd. of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, pp. 4, 14 (July 22, 2015).

would be much easier to understand.¹⁶ Because taxpayers must calculate the amount of benefits that are taxable for federal purposes in any case, exempting all Social Security benefits (or taxing all of them) would provide no simplicity advantage. It would be simpler to continue the existing system, which avoids the need for any additional calculations.

However, exempting all benefits from taxation would add little complexity to the Minnesota tax system.¹⁷ The taxpayer would deduct or subtract an item that appears on their federal return in calculating Minnesota tax. This would add one simple calculation to the Minnesota tax and DOR could easily check compliance with data obtained from federal sources (the IRS or the Social Security Administration). From the perspective of understandability, a total exemption would be easier to understand than the complex, phased-in taxation of some benefits that now applies.

Regional Distribution of the Tax Benefits

What is the distribution of the benefits between metro area and Greater Minnesota residents?

The geographic distribution of the benefits of the exemption is of interest to some members. A common perception is that expanding the exemption will particularly benefit Greater Minnesota because of the widely observed “graying” of its population (i.e., compared to the metro area, more of its population is over age 62). As result, one assumes a higher percentage of the population of Greater Minnesota receives Social Security benefits and will disproportionately benefit. But the benefits of expanding the existing tax exemption is not just dependent on how many individuals receive benefits. It also depends upon the income characteristics of the two regions’ populations that receive Social Security benefits. Because the income tax on Social Security benefits is sensitive to or dependent on the taxpayer having other income, many lower and middle income taxpayers pay little or no income tax on their benefits. According to DOR for tax year 2012, 65 percent of Social Security benefits were exempt from income taxation. The tax on Social Security falls primarily on middle and upper income recipients. If metro area recipients have higher incomes and/or receive larger amounts of benefits, they may derive a larger share of the benefits of the tax exemption.

DOR compiled data on the taxes imposed on Social Security benefits for tax year 2012 by county. The data was compiled from all electronic-filed returns, since paper returns are not geo-coded.¹⁸ These DOR tabulations, along with data from the Social Security Administration on

¹⁶ If all Social Security benefits were to be taxed, income tax principles suggests including a mechanism for exempting from taxation the recovery of recipients’ post-tax contributions to Social Security similar to the rules that apply to taxing pensions. See the discussion above at footnote 2. It would be impossible for a state to implement such a system, since it would require the Social Security Administration to calculate the pension-equivalent exclusion amount for each recipient.

¹⁷ There would be slightly more complexity during a phase-in period, when only a percentage or other portion of the taxable benefits would be subtracted.

¹⁸ Electronic-filed returns capture about 80 percent of taxable Social Security benefits. DOR also computed the breakdown between metropolitan-area and Greater Minnesota returns for the sample of households included in

receipt of benefits, allows comparing the geographic distribution of expanding the exemption to a total exemption of benefits. The table below shows the number of beneficiaries and dollar amounts for the two regions of the state. The amounts are for tax year and calendar year 2012.

Region	# of SS recipients	% of total	# of recipients benefitting	% of total	\$ amount of tax benefit (millions)	% of total	% of tax liability
Greater MN	347,940	54.1%	133,665	52.0%	\$109.4	47.5%	4.1%
7-county metro	294,880	45.9%	123,613	48.0%	\$121.1	52.5%	2.4%
State	642,820	100.0%	257,278	100.0%	\$230.4	100.0%	3.0%

The table shows that more recipients of Social Security benefits live in Greater Minnesota (54 percent), although a lower percentage of Greater Minnesota recipients (52 percent) will benefit from the exemption. By contrast, recipients located in the seven-county metropolitan area derive a larger share (52.5 percent) of the dollar benefit of expanding the exemption. The exemption would result in a larger percentage reduction in the income taxes paid by Greater Minnesota residents than for metro area residents (a 4.1 percent reduction, as contrasted with a 2.4 percent reduction). In summary, there are more potential beneficiaries in Greater Minnesota and the reduction would be a larger share of their tax burden, but more of the dollar benefit of the exemption would go to metro area residents.

Other States

How do other states tax Social Security benefits?

The table displays how other states tax Social Security benefits. Six states (including Minnesota) follow the federal rules for taxing benefits, while eight states tax a lesser amount of benefits. Some of these states impose dollar limits on the exemption, limit it to lower-income filers, or include Social Security income in computation of alternative taxes. For some of these states Social Security benefits may qualify for special provisions that lower taxes on several types of retirement income, including pensions or IRAs. The remaining 36 states either do not have a broad-based individual income tax (nine states) or exempt all Social Security benefits from taxation (27 states and the District of Columbia). It should be noted that many of the states that exempt Social Security benefits from tax, unlike Minnesota, also provide tax preferences for other forms of retirement income, such as public and private pension income and IRA distributions. A few of them tax little or none of that income.

the tax incidence study data. This sample includes paper returns and shows a slightly higher proportion of taxable Social Security benefits (53 percent versus 52 percent for electronic returns) in Greater Minnesota.

State Taxation of Social Security Benefits – Tax Year 2015

Follow federal tax rules (6 states)	Minnesota, New Mexico, North Dakota, Rhode Island, Vermont, and West Virginia
Tax some Social Security benefits, but less than the federal rules (8 states)	Colorado, Connecticut, Iowa, Kansas, Missouri, Montana, Nebraska, and Utah
Exempt all Social Security benefits from taxation (27 states and D.C.)	Alabama, Arizona, Arkansas, California, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Virginia, and Wisconsin
No broad-based income tax (9 states)	Alaska, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington, and Wyoming
Source: Rick Olin and Sandy Swain, <i>Individual Income Tax Provisions in the States</i> , Wis. Legis. Fiscal Bureau (January 2015) and online state tax forms.	