

● **ILLINOIS INCOME TAX ACT**

STATUTORY CITATION: 35 Ill. Comp. Stat. §§ 5/101 – 5/1701

GENERAL SUMMARY: The Illinois Income Tax Act imposes a tax on the net income (including earnings from employment) of most residents and wage earners in the state, and compels every employer in Illinois who is required to withhold federal income tax from a worker's wages to deduct and withhold state income tax on the worker's wages as well, and to forward withheld taxes to the state for credit against the worker's state income tax liability.

PROVISIONS APPLICABLE TO AGRICULTURE: Under the U.S. Internal Revenue Code, agricultural employers who pay at least \$2,500 in wages for agricultural labor during the year are required to deduct and withhold federal income tax from the wages of their agricultural employees. In those cases, farm employers in Illinois must also withhold state income tax from their workers' wages.

Likewise, an employer whose annual agricultural payroll expenditures amount to less than \$2,500, but who pays at least \$150 in cash agricultural wages to a particular worker during the year, is required to withhold federal income tax from that worker's wages, and thus would be obligated to withhold state income tax as well.

SPECIAL NOTES OR ADVISORIES

TAX RETURNS AND LIABILITY — Even if exempt from tax withholding, a farmworker may be required to file an annual state income tax return and may be liable for payment of taxes, depending on total net income during the tax year and other circumstances.

TOLL-FREE TELEPHONE SERVICE — For taxpayer assistance, the Department of Revenue may be reached without charge from anywhere in the state, at 800-732-8866.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Illinois Department of Revenue, Springfield, Illinois 62794.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*