



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1162

Introduced 1/9/2025, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 500/1-10
765 ILCS 60/7

from Ch. 6, par. 7

Creates the Foreign Land Ownership and Foreign Countries of Concern Act. Provides that a foreign principal may not directly or indirectly own, have a controlling interest in, or acquire by purchase, grant, devise, or descent agricultural land or any interest, except a de minimis indirect interest, in such land in the State. Provides that a foreign principal has a de minimis indirect interest if any ownership is the result of the foreign principal's ownership of registered equities in a publicly traded company owning the land and if the foreign principal's ownership interest in the company is either: (1) less than 5% of any class of registered equities or less than 5% in the aggregate in multiple classes of registered equities; or a noncontrolling interest in an entity controlled by a company that is both registered with the United States Securities and Exchange Commission as an investment adviser under the federal Investment Advisers Act of 1940, as amended, and is not a foreign entity. Provides for registration of certain foreign-owned property. Establishes requirements for acquiring foreign-owned land on or after the effective date of the Act. Provides that a foreign principal may not directly or indirectly own, or have a controlling interest in, or acquire by purchase, grant, devise, or descent any interest, except a de minimis indirect interest, in real property on or within 10 miles of any military installation or critical infrastructure facility in the State. Provides that persons or entities may not directly or indirectly own, have a controlling interest in, or acquire by purchase, grant, devise, or descent any interest, except a de minimis indirect interest, in real property in the State if the person or entity is: the People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party, a business principally located in the People's Republic of China or its subsidiaries, or any person who is domiciled in the People's Republic of China and who is not a citizen or lawful permanent resident of the United States. Provides exemptions. Makes other changes. Amends the Illinois Procurement Code and the Property Owned By Noncitizens Act to make conforming changes.

LRB104 06406 JRC 16442 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Foreign Land Ownership and Foreign Countries of Concern Act.

6 Section 5. Definitions. In this Act:

7 "Agricultural land" means any land located in this State
8 and used for agricultural, forestry, or timber production
9 purposes, except agricultural land used primarily to meet
10 pollution control laws or regulations, as determined by the
11 Director of Agriculture under rules prescribed by the
12 Director.

13 "Critical infrastructure facility" means any of the
14 following, if it employs measures such as fences, barriers, or
15 guard posts that are designed to exclude unauthorized persons:

16 (1) A chemical manufacturing facility.

17 (2) A refinery.

18 (3) An electric utility as defined in Section 3-105 of
19 the Public Utilities Act.

20 (4) A water treatment facility or wastewater treatment
21 plant.

22 (5) A liquid natural gas terminal.

23 (6) A telecommunications central switching office.

1 (7) A gas processing plant, including a plant used in
2 the processing, treatment, or fractionation of natural
3 gas.

4 (8) A port facility.

5 (9) An airport as defined in Section 1 of the Airport
6 Authorities Act.

7 "Department" means the Department of Agriculture.

8 "Foreign country of concern" means the People's Republic
9 of China, the Russian Federation, the Islamic Republic of
10 Iran, the Democratic People's Republic of Korea, the Republic
11 of Cuba, the Venezuelan regime of Nicolas Maduro, or the
12 Syrian Arab Republic, including any agency of or any other
13 entity of significant control of such foreign country of
14 concern.

15 "Foreign principal" means:

16 (1) the government or any official of the government
17 of a foreign country of concern;

18 (2) a political party or member of a political party
19 or any subdivision of a political party in a foreign
20 country of concern;

21 (3) a partnership, association, corporation,
22 organization, or other combination of persons organized
23 under the laws of or having its principal place of
24 business in a foreign country of concern, or a subsidiary
25 of such entity;

26 (4) any person who is domiciled in a foreign country

1 of concern and is not a citizen or lawful permanent
2 resident of the United States; or

3 (5) any person, entity, or collection of persons or
4 entities, described in paragraphs (1) through (4) of this
5 definition having a controlling interest in a partnership,
6 association, corporation, organization, trust, or any
7 other legal entity or subsidiary formed for the purpose of
8 owning real property in this State.

9 "Military installation" means a base, camp, post, station,
10 yard, or center encompassing at least 10 contiguous acres that
11 is under the jurisdiction of the Department of Defense or its
12 affiliates.

13 "Real property" means land, buildings, fixtures, and all
14 other improvements to land.

15 Section 10. Purchase of agricultural land by foreign
16 principals prohibited.

17 (a) A foreign principal may not directly or indirectly
18 own, have a controlling interest in, or acquire by purchase,
19 grant, devise, or descent agricultural land or any interest,
20 except a de minimis indirect interest, in such land in this
21 State. A foreign principal has a de minimis indirect interest
22 if any ownership is the result of the foreign principal's
23 ownership of registered equities in a publicly traded company
24 owning the land and if the foreign principal's ownership
25 interest in the company is either:

1 (1) less than 5% of any class of registered equities
2 or less than 5% in the aggregate in multiple classes of
3 registered equities; or

4 (2) a noncontrolling interest in an entity controlled
5 by a company that is both registered with the United
6 States Securities and Exchange Commission as an investment
7 adviser under the federal Investment Advisers Act of 1940,
8 as amended, and is not a foreign entity.

9 (b) A foreign principal that directly or indirectly owns
10 or acquires agricultural land or any interest in such land in
11 this State before the effective date of this Act may continue
12 to own or hold such land or interest, but may not purchase or
13 otherwise acquire by grant, devise, or descent any additional
14 agricultural land or interest in such land in this State.

15 (c) (1) A foreign principal that directly or indirectly
16 owns or acquires agricultural land or any interest in such
17 land in this State before the effective date of this Act must
18 register with the Department of Agriculture by July 1, 2026.
19 The Department must establish a form for such registration,
20 which, at minimum, must include all of the following:

21 (A) The name of the owner of the agricultural land or
22 the owner of the interest in such land.

23 (B) The address of the agricultural land, the property
24 appraiser's parcel identification number, and the
25 property's legal description.

26 (C) The number of acres of the agricultural land.

1 (2) A foreign principal that fails to timely file a
2 registration with the Department is subject to a civil penalty
3 of \$1,000 for each day that the registration is late. The
4 Department may place a lien against the unregistered
5 agricultural land for the unpaid balance of any penalties
6 assessed under this paragraph.

7 (d) Notwithstanding paragraph (1) of subsection (c), a
8 foreign principal may acquire agricultural land on or after
9 the effective date of this Act, by devise or descent, through
10 the enforcement of security interests, or through the
11 collection of debts, provided that the foreign principal
12 sells, transfers, or otherwise divests itself of the
13 agricultural land within 3 years after acquiring the
14 agricultural land.

15 (e) (1) At the time of purchase, a buyer of agricultural
16 land or an interest in such land must provide an affidavit
17 signed under penalty of perjury attesting that the buyer is:

18 (A) not a foreign principal; and

19 (B) in compliance with the requirements of this
20 Section.

21 (2) The failure to obtain or maintain the affidavit does
22 not:

23 (A) affect the title or insurability of the title for
24 the agricultural land; or

25 (B) subject the closing agent to civil or criminal
26 liability, unless the closing agent has actual knowledge

1 that the transaction will result in a violation of this
2 Section.

3 The Department of Agriculture shall adopt rules to
4 implement this subsection (e), including rules establishing
5 the form for the affidavit required under this subsection.

6 (f) (1) The agricultural land or an interest in such land
7 that is owned or acquired in violation of this Section may be
8 forfeited to the State.

9 (2) The Department of Agriculture may initiate a civil
10 action in the circuit court of the county in which the property
11 lies for the forfeiture of the agricultural land or any
12 interest in the agricultural land.

13 (3) Upon filing such action, the clerk must file a lis
14 pendens notice with the clerk of the circuit court. The court
15 must advance the cause on the calendar. The defendant may at
16 any time petition to modify or discharge the lis pendens based
17 upon a finding that there is no probable cause to believe that
18 the agricultural land, or any portion of the agricultural
19 land, is owned or held in violation of this Section.

20 (4) If the court finds that the agricultural land, or any
21 portion of the agricultural land, is owned or held in
22 violation of this Section, the court must enter a final
23 judgment of forfeiture vesting title to the agricultural land
24 in this State, subject only to the rights and interests of bona
25 fide lienholders, and such final judgment relates back to the
26 date of the lis pendens.

1 (5) The Department may sell the agricultural land subject
2 to a final judgment of forfeiture. Any proceeds from the sale
3 must first be paid to any lienholders of the land, followed by
4 payment of any outstanding fines assessed pursuant to this
5 Section, after which the Department must be reimbursed for all
6 costs related to the forfeiture civil action and any costs
7 related to the sale of the land. Any remaining proceeds must be
8 paid to the property owner.

9 (6) At any time during the forfeiture proceeding the
10 Department may seek an ex parte order of seizure of the
11 agricultural land upon a showing that the defendant's control
12 of the agricultural land constitutes a clear and present
13 danger to the State.

14 (g) A foreign principal that purchases or acquires
15 agricultural land or any interest in that land in violation of
16 this Section commits a Class B misdemeanor. A person who
17 knowingly sells agricultural land or any interest in that land
18 in violation of this Section commits a Class B misdemeanor.

19 Section 15. Purchase of real property on or around
20 military installations or critical infrastructure facilities
21 by foreign principals prohibited.

22 (a) A foreign principal may not directly or indirectly
23 own, or have a controlling interest in, or acquire by
24 purchase, grant, devise, or descent any interest, except a de
25 minimis indirect interest, in real property on or within 10

1 miles of any military installation or critical infrastructure
2 facility in this State. A foreign principal has a de minimis
3 indirect interest if any ownership is the result of the
4 foreign principal's ownership of registered equities in a
5 publicly traded company owning the land and if the foreign
6 principal's ownership interest in the company is either:

7 (1) less than 5% of any class of registered equities
8 or less than 5% in the aggregate in multiple classes of
9 registered equities; or

10 (2) a noncontrolling interest in an entity controlled
11 by a company that is both registered with the United
12 States Securities and Exchange Commission as an investment
13 adviser under the Investment Advisers Act of 1940, as
14 amended, and is not a foreign entity.

15 A foreign principal that directly or indirectly owns or
16 acquires any interest in real property on or within 10 miles of
17 any military installation or critical infrastructure facility
18 in this State before the effective date of this Act, may
19 continue to own or hold such real property, but may not
20 purchase or otherwise acquire by grant, devise, or descent any
21 additional real property on or within 10 miles of any military
22 installation or critical infrastructure facility in this
23 State.

24 (b) A foreign principal must register with the Department
25 of Commerce and Economic Opportunity if the foreign principal
26 owns or acquires real property on or within 10 miles of any

1 military installation or critical infrastructure facility in
2 this State as authorized under subsection (d) or if the
3 foreign principal owned or acquired an interest, other than a
4 de minimis indirect interest, in such property before the
5 effective date of this Act.

6 (c) The Department of Commerce and Economic Opportunity
7 must establish a form for such registration which, at a
8 minimum, must include all of the following:

9 (1) The name of the owner of the real property.

10 (2) The address of the real property, the property
11 appraiser's parcel identification number, and the
12 property's legal description.

13 A foreign principal that fails to timely file a
14 registration with the Department of Commerce and Economic
15 Opportunity is subject to a civil penalty of \$1,000 for each
16 day that the registration is late. A foreign principal must
17 register a property interest owned before the effective date
18 of this Act, on or before December 31, 2026. The registration
19 is considered to be late after January 31, 2027. A foreign
20 principal who owns or acquires real property on or after the
21 effective date of this Act, as authorized under subsection
22 (d), must register the real property within 30 days after the
23 property is owned or acquired. The Department may place a lien
24 against the unregistered real property for the unpaid balance
25 of any penalties assessed under this paragraph.

26 (d) Notwithstanding subsection (a), a foreign principal

1 who is a natural person may purchase one residential real
2 property that is up to 2 acres in size if all of the following
3 apply:

4 (1) The parcel is not on or within 5 miles of any
5 military installation in this State.

6 (2) The person has a current verified United States
7 Visa that is not limited to authorizing tourist-based
8 travel or official documentation confirming that the
9 person has been granted asylum in the United States, and
10 such visa or documentation authorizes the person to be
11 legally present within this State.

12 (3) The purchase is in the name of the person who holds
13 the visa or official documentation described in paragraph
14 (2).

15 (e) Notwithstanding subsections (a) and (b), a foreign
16 principal may acquire real property or any interest in real
17 property which is on or within 10 miles of any military
18 installation or critical infrastructure facility in this State
19 on or after the effective date of this Act, by devise or
20 descent, through the enforcement of security interests, or
21 through the collection of debts, provided that the foreign
22 principal sells, transfers, or otherwise divests itself of
23 such real property within 3 years after acquiring the real
24 property.

25 (f)(1) At the time of purchase, a buyer of the real
26 property that is on or within 10 miles of any military

1 installation or critical infrastructure facility in this State
2 must provide an affidavit signed under penalty of perjury
3 attesting that the buyer is:

4 (A) not a foreign principal or not a foreign principal
5 prohibited from purchasing the subject real property; and

6 (B) in compliance with the requirements of this
7 Section.

8 (2) The failure to obtain or maintain the affidavit does
9 not:

10 (A) affect the title or insurability of the title for
11 the real property; or

12 (B) subject the closing agent to civil or criminal
13 liability, unless the closing agent has actual knowledge
14 that the transaction will result in a violation of this
15 Section.

16 (3) The Department of Financial and Professional
17 Regulation, in consultation with the Real Estate
18 Administration and Disciplinary Board of the Department, shall
19 adopt rules to implement this subsection (f), including rules
20 establishing the form for the affidavit required under this
21 subsection (f).

22 (g)(1) If any real property is owned or acquired in
23 violation of this Section, the real property may be forfeited
24 to the State.

25 (2) The Department of Commerce and Economic Opportunity
26 may initiate a civil action in the circuit court of the county

1 in which the property lies for the forfeiture of the real
2 property or any interest in the real property.

3 (3) Upon filing such action, the clerk must record a lis
4 pendens. The court must advance the cause on the calendar. The
5 defendant may at any time petition to modify or discharge the
6 lis pendens based upon a finding that there is no probable
7 cause to believe that the real property, or any portion of the
8 real property, is owned or held in violation of this Section.

9 (4) If the court finds that the real property, or any
10 portion of the real property, is owned or held in violation of
11 this Section, the court must enter a final judgment of
12 forfeiture vesting title to the real property in this State,
13 subject only to the rights and interests of bona fide
14 lienholders, and such final judgment relates back to the date
15 of the lis pendens.

16 (5) The Department of Commerce and Economic Opportunity
17 may sell the real property subject to a final judgment of
18 forfeiture. Any proceeds from the sale must first be paid to
19 any lienholders of the land, followed by payment of any
20 outstanding fines assessed pursuant to this Section, after
21 which the Department must be reimbursed for all costs related
22 to the forfeiture civil action and any costs related to the
23 sale of the land. Any remaining proceeds must be paid to the
24 property owner.

25 (6) At any time during the forfeiture proceeding, the
26 Department may seek an ex parte order of seizure of the real

1 property upon a showing that the defendant's control of the
2 real property constitutes a clear and present danger to the
3 State.

4 (h) A foreign principal that purchases or acquires real
5 property or any interest in real property in violation of this
6 Section commits a Class B misdemeanor.

7 (i) A person who knowingly sells real property or any
8 interest in real property in violation of this Section commits
9 a Class B misdemeanor.

10 (j) The Department of Commerce and Economic Opportunity
11 shall adopt rules to implement this Section.

12 Section 20. Purchase or acquisition of real property by
13 the People's Republic of China prohibited.

14 (a) (1) The following persons or entities may not directly
15 or indirectly own, have a controlling interest in, or acquire
16 by purchase, grant, devise, or descent any interest, except a
17 de minimis indirect interest, in real property in this State:

18 (A) The People's Republic of China, the Chinese
19 Communist Party, or any official or member of the People's
20 Republic of China or the Chinese Communist Party.

21 (B) Any other political party or member of a political
22 party or a subdivision of a political party in the
23 People's Republic of China.

24 (C) A partnership, an association, a corporation, an
25 organization, or any other combination of persons

1 organized under the laws of or having its principal place
2 of business in the People's Republic of China, or a
3 subsidiary of such entity.

4 (D) Any person who is domiciled in the People's
5 Republic of China and who is not a citizen or lawful
6 permanent resident of the United States.

7 (E) Any person, entity, or collection of persons or
8 entities described in subparagraphs (A) through (D) having
9 a controlling interest in a partnership, association,
10 corporation, organization, trust, or any other legal
11 entity or subsidiary formed for the purpose of owning real
12 property in this State.

13 (2) A person or entity has a de minimis indirect interest
14 if any ownership is the result of the person's or entity's
15 ownership of registered equities in a publicly traded company
16 owning the land and if the person's or entity's ownership
17 interest in the company is either:

18 (A) less than 5% of any class of registered equities
19 or less than 5% in the aggregate in multiple classes of
20 registered equities; or

21 (B) a noncontrolling interest in an entity controlled
22 by a company that is both registered with the United
23 States Securities and Exchange Commission as an investment
24 adviser under the federal Investment Advisers Act of 1940,
25 as amended, and is not a foreign entity.

26 (b) Notwithstanding subsection (a), a natural person

1 described in paragraph (1) of subsection (a) may purchase one
2 residential real property that is up to 2 acres in size if all
3 of the following apply:

4 (1) The parcel is not on or within 5 miles of any
5 military installation in this State.

6 (2) The person has a current verified United States
7 Visa that is not limited to authorizing tourist-based
8 travel or official documentation confirming that the
9 person has been granted asylum in the United States and
10 such visa or documentation authorizes the person to be
11 legally present within this State.

12 (3) The purchase is in the name of the person who holds
13 the visa or official documentation described in paragraph
14 (2) of this subsection (b).

15 (c) A person or entity described in paragraph (1) of
16 subsection (a) that directly or indirectly owns or acquires
17 any interest in real property in this State before the
18 effective date of this Act, may continue to own or hold such
19 real property, but may not purchase or otherwise acquire by
20 grant, devise, or descent any additional real property in this
21 State.

22 (d) (1) A person or entity described in subparagraph (A),
23 (B), or (E) of paragraph (1) of subsection (a) must register
24 with the Department of Commerce and Economic Opportunity if
25 the person or entity owns or acquires more than a de minimis
26 indirect interest in real property in this State. The

1 Department of Commerce and Economic Opportunity must establish
2 a form for such registration which, at a minimum, must include
3 all of the following:

4 (A) The name of the owner of the real property.

5 (B) The address of the real property, the property
6 appraiser's parcel identification number, and the
7 property's legal description.

8 (2) A person or entity that fails to timely file a
9 registration with the Department of Commerce and Economic
10 Opportunity is subject to a civil penalty of \$1,000 for each
11 day that the registration is late. The person or entity
12 subject to the registration requirements must register the
13 property or property interests owned or acquired before the
14 effective date of this Act, on or before December 31, 2026. The
15 registration is considered to be late 30 days after January
16 31, 2027. A person or entity that owns or acquires real
17 property or an interest in real property as authorized under
18 subparagraph (B) or (E) of paragraph (1) of subsection (a),
19 other than a de minimis indirect interest, on or after the
20 effective date of this Act, must register the real property or
21 interest within 30 days after the property or interest is
22 owned or acquired. The Department may place a lien against the
23 unregistered real property for the unpaid balance of any
24 penalties assessed under this paragraph.

25 (e) Notwithstanding subsection (a), a person or an entity
26 described in paragraph (1) of subsection (a) may acquire real

1 property in this State on or after the effective date of this
2 Act, by devise or descent, through the enforcement of security
3 interests, or through the collection of debts, provided that
4 the person or entity sells, transfers, or otherwise divests
5 itself of such real property within 3 years after acquiring
6 the real property, unless the person or entity is exempt under
7 Section 35.

8 (f) (1) At the time of purchase, a buyer of real property in
9 this State must provide an affidavit signed under penalty of
10 perjury attesting that the buyer is:

11 (A) not a person or entity described in paragraph (1)
12 of subsection (a) or that the buyer is a person described
13 in paragraph (1) of subsection (a) but is authorized under
14 subsection (b) to purchase the subject property; and

15 (B) in compliance with the requirements of this
16 Section.

17 (2) The failure to obtain or maintain the affidavit does
18 not:

19 (A) affect the title or insurability of the title for
20 the real property; or

21 (B) subject the closing agent to civil or criminal
22 liability, unless the closing agent has actual knowledge
23 that the transaction will result in a violation of this
24 Section.

25 (3) The Department of Financial and Professional
26 Regulation, in consultation with the Real Estate

1 Administration and Disciplinary Board of the Department, shall
2 adopt rules to implement this subsection, including rules
3 establishing the form for the affidavit required under this
4 subsection.

5 (g)(1) If any real property is owned or acquired in
6 violation of this Section, the real property may be forfeited
7 to the State.

8 (2) The Department of Commerce and Economic Opportunity
9 may initiate a civil action in the circuit court of the county
10 in which the property lies for the forfeiture of the real
11 property or any interest in real property.

12 (3) Upon filing such action, the clerk must record a lis
13 pendens in accordance with court rule. The court must advance
14 the cause on the calendar. The defendant may at any time
15 petition to modify or discharge the lis pendens based upon a
16 finding that there is no probable cause to believe that the
17 real property, or any portion of the real property, is owned or
18 held in violation of this Section.

19 (4) If the court finds that the real property, or any
20 portion of the real property, is owned or held in violation of
21 this Section, the court must enter a final judgment of
22 forfeiture vesting title to the real property in this State,
23 subject only to the rights and interests of bona fide
24 lienholders, and such final judgment relates back to the date
25 of the lis pendens.

26 (5) The Department of Commerce and Economic Opportunity

1 may sell the real property subject to a final judgment of
2 forfeiture. Any proceeds from the sale must first be paid to
3 any lienholders of the land, followed by payment of any
4 outstanding fines assessed pursuant to this Section, after
5 which the Department of Commerce and Economic Opportunity must
6 be reimbursed for all costs related to the forfeiture civil
7 action and any costs related to the sale of the land. Any
8 remaining proceeds must be paid to the property owner.

9 (6) At any time during the forfeiture proceeding, the
10 Department of Commerce and Economic Opportunity may seek an ex
11 parte order of seizure of the real property upon a showing that
12 the defendant's control of the real property constitutes a
13 clear and present danger to the State.

14 (g) A violation of this Section constitutes a Class 3
15 felony.

16 (h) A person who knowingly sells real property or any
17 interest in the real property in violation of this Section
18 commits a Class A misdemeanor.

19 Section 25. Contracting with entities of foreign countries
20 of concern prohibited.

21 (a) In this Section:

22 "Controlling interest" means possession of the power to
23 direct or cause the direction of the management or policies of
24 a company, whether through ownership of securities, by
25 contract, or otherwise. A person or entity that directly or

1 indirectly has the right to vote 25% or more of the voting
2 interests of the company or is entitled to 25% or more of its
3 profits is presumed to possess a controlling interest.

4 "Department" means the Department of Central Management
5 Services.

6 "Foreign country of concern" means the People's Republic
7 of China, the Russian Federation, the Islamic Republic of
8 Iran, the Democratic People's Republic of Korea, the Republic
9 of Cuba, the Venezuelan regime of Nicolas Maduro, or the
10 Syrian Arab Republic, including any agency of or any other
11 entity of significant control of such foreign country of
12 concern.

13 "Governmental entity" means the State, a unit of local
14 government, or school district.

15 (b) A governmental entity may not knowingly enter into a
16 contract with an entity which would give access to an
17 individual's personal identifying information if:

18 (1) the entity is owned by the government of a foreign
19 country of concern;

20 (2) the government of a foreign country of concern has
21 a controlling interest in the entity; or

22 (3) the entity is organized under the laws of or has
23 its principal place of business in a foreign country of
24 concern.

25 (c) Beginning July 1, 2026, a governmental entity may not
26 extend or renew a contract with an entity listed in paragraphs

1 (1) through (3) of subsection (b) if the contract would give
2 such entity access to an individual's personal identifying
3 information.

4 (d) Beginning January 1, 2026, a governmental entity may
5 not accept a bid on, a proposal for, or a reply to, or enter
6 into, a contract with an entity which would grant the entity
7 access to an individual's personal identifying information
8 unless the entity provides the governmental entity with an
9 affidavit signed by an officer or representative of the entity
10 under penalty of perjury attesting that the entity does not
11 meet any of the criteria in paragraphs (1) through (3) of
12 subsection (b).

13 (e) Beginning July 1, 2026, when an entity extends or
14 renews a contract with a governmental entity which would grant
15 the entity access to an individual's personal identifying
16 information, the entity must provide the governmental entity
17 with an affidavit signed by an officer or representative of
18 the entity under penalty of perjury attesting that the entity
19 does not meet any of the criteria in paragraphs (1) through (3)
20 of subsection (b).

21 (f) The Attorney General may bring a civil action in any
22 circuit court against an entity that violates this Section.
23 Violations of this Section may result in:

24 (1) a civil penalty equal to twice the amount of the
25 contract for which the entity submitted a bid or proposal
26 for, replied to, or entered into;

1 (2) ineligibility to enter into, renew, or extend any
2 contract, including any grant agreements, with any
3 governmental entity for up to 5 years;

4 (3) ineligibility to receive or renew any license,
5 certification, or credential issued by a governmental
6 entity for up to 5 years; and

7 (4) placement on the suspended persons list pursuant
8 to the Illinois Procurement Code.

9 (5) Any penalties collected under this subsection (f)
10 must be deposited into the General Revenue Fund.

11 (g) The Department shall adopt rules to implement this
12 Section, including rules establishing the form for the
13 affidavit required under subsection (e).

14 Section 30. Economic incentives to foreign countries of
15 concern prohibited.

16 (a) In this Section:

17 "Controlled by" means having possession of the power to
18 direct or cause the direction of the management or policies of
19 a company, whether through ownership of securities, by
20 contract, or otherwise. A person or entity that directly or
21 indirectly has the right to vote 25% or more of the voting
22 interests of the company or that is entitled to 25% or more of
23 its profits is presumed to control the foreign entity.

24 "Economic incentive" means all programs administered by,
25 or for which an applicant for the program must seek

1 certification, approval, or other action by, the Department
2 under the Department of Commerce and Economic Opportunity Law
3 and all local economic development programs, grants, or
4 financial benefits administered by a political subdivision or
5 an agent of a political subdivision.

6 "Foreign country of concern" has the same meaning as in
7 Section 5.

8 "Foreign entity" means an entity that is:

9 (1) owned or controlled by the government of a foreign
10 country of concern; or

11 (2) a partnership, association, corporation,
12 organization, or other combination of persons organized
13 under the laws of or having its principal place of
14 business in a foreign country of concern, or a subsidiary
15 of such entity.

16 "Government entity" means a State agency, a political
17 subdivision, or any other public or private agency, person,
18 partnership, corporation, or business entity acting on behalf
19 of any public agency.

20 (b) A government entity may not knowingly enter into an
21 agreement or contract for an economic incentive with a foreign
22 entity.

23 (c) Before providing any economic incentive, a government
24 entity must require the recipient or applicant to provide the
25 government entity with an affidavit signed under penalty of
26 perjury attesting that the recipient or applicant is not a

1 foreign entity.

2 (d) The Department shall adopt rules to administer this
3 Section, including rules establishing the form for the
4 affidavit required under subsection (c).

5 Section 35. Inapplicability of Act to real property for
6 diplomatic purposes. This Act does not apply to a foreign
7 principal that acquires real property for a diplomatic purpose
8 that is recognized, acknowledged, or allowed by the federal
9 government.

10 Section 90. The Illinois Procurement Code is amended by
11 changing Section 1-10 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

14 (a) This Code applies only to procurements for which
15 bidders, offerors, potential contractors, or contractors were
16 first solicited on or after July 1, 1998. This Code shall not
17 be construed to affect or impair any contract, or any
18 provision of a contract, entered into based on a solicitation
19 prior to the implementation date of this Code as described in
20 Article 99, including, but not limited to, any covenant
21 entered into with respect to any revenue bonds or similar
22 instruments. All procurements for which contracts are
23 solicited between the effective date of Articles 50 and 99 and

1 July 1, 1998 shall be substantially in accordance with this
2 Code and its intent.

3 (b) This Code shall apply regardless of the source of the
4 funds with which the contracts are paid, including federal
5 assistance moneys. This Code shall not apply to:

6 (1) Contracts between the State and its political
7 subdivisions or other governments, or between State
8 governmental bodies, except as specifically provided in
9 this Code.

10 (2) Grants, except for the filing requirements of
11 Section 20-80.

12 (3) Purchase of care, except as provided in Section
13 5-30.6 of the Illinois Public Aid Code and this Section.

14 (4) Hiring of an individual as an employee and not as
15 an independent contractor, whether pursuant to an
16 employment code or policy or by contract directly with
17 that individual.

18 (5) Collective bargaining contracts.

19 (6) Purchase of real estate, except that notice of
20 this type of contract with a value of more than \$25,000
21 must be published in the Procurement Bulletin within 10
22 calendar days after the deed is recorded in the county of
23 jurisdiction. The notice shall identify the real estate
24 purchased, the names of all parties to the contract, the
25 value of the contract, and the effective date of the
26 contract.

1 (7) Contracts necessary to prepare for anticipated
2 litigation, enforcement actions, or investigations,
3 provided that the chief legal counsel to the Governor
4 shall give his or her prior approval when the procuring
5 agency is one subject to the jurisdiction of the Governor,
6 and provided that the chief legal counsel of any other
7 procuring entity subject to this Code shall give his or
8 her prior approval when the procuring entity is not one
9 subject to the jurisdiction of the Governor.

10 (8) (Blank).

11 (9) Procurement expenditures by the Illinois
12 Conservation Foundation when only private funds are used.

13 (10) (Blank).

14 (11) Public-private agreements entered into according
15 to the procurement requirements of Section 20 of the
16 Public-Private Partnerships for Transportation Act and
17 design-build agreements entered into according to the
18 procurement requirements of Section 25 of the
19 Public-Private Partnerships for Transportation Act.

20 (12) (A) Contracts for legal, financial, and other
21 professional and artistic services entered into by the
22 Illinois Finance Authority in which the State of Illinois
23 is not obligated. Such contracts shall be awarded through
24 a competitive process authorized by the members of the
25 Illinois Finance Authority and are subject to Sections
26 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,

1 as well as the final approval by the members of the
2 Illinois Finance Authority of the terms of the contract.

3 (B) Contracts for legal and financial services entered
4 into by the Illinois Housing Development Authority in
5 connection with the issuance of bonds in which the State
6 of Illinois is not obligated. Such contracts shall be
7 awarded through a competitive process authorized by the
8 members of the Illinois Housing Development Authority and
9 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
10 and 50-37 of this Code, as well as the final approval by
11 the members of the Illinois Housing Development Authority
12 of the terms of the contract.

13 (13) Contracts for services, commodities, and
14 equipment to support the delivery of timely forensic
15 science services in consultation with and subject to the
16 approval of the Chief Procurement Officer as provided in
17 subsection (d) of Section 5-4-3a of the Unified Code of
18 Corrections, except for the requirements of Sections
19 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
20 Code; however, the Chief Procurement Officer may, in
21 writing with justification, waive any certification
22 required under Article 50 of this Code. For any contracts
23 for services which are currently provided by members of a
24 collective bargaining agreement, the applicable terms of
25 the collective bargaining agreement concerning
26 subcontracting shall be followed.

1 On and after January 1, 2019, this paragraph (13),
2 except for this sentence, is inoperative.

3 (14) Contracts for participation expenditures required
4 by a domestic or international trade show or exhibition of
5 an exhibitor, member, or sponsor.

6 (15) Contracts with a railroad or utility that
7 requires the State to reimburse the railroad or utilities
8 for the relocation of utilities for construction or other
9 public purpose. Contracts included within this paragraph
10 (15) shall include, but not be limited to, those
11 associated with: relocations, crossings, installations,
12 and maintenance. For the purposes of this paragraph (15),
13 "railroad" means any form of non-highway ground
14 transportation that runs on rails or electromagnetic
15 guideways and "utility" means: (1) public utilities as
16 defined in Section 3-105 of the Public Utilities Act, (2)
17 telecommunications carriers as defined in Section 13-202
18 of the Public Utilities Act, (3) electric cooperatives as
19 defined in Section 3.4 of the Electric Supplier Act, (4)
20 telephone or telecommunications cooperatives as defined in
21 Section 13-212 of the Public Utilities Act, (5) rural
22 water or waste water systems with 10,000 connections or
23 less, (6) a holder as defined in Section 21-201 of the
24 Public Utilities Act, and (7) municipalities owning or
25 operating utility systems consisting of public utilities
26 as that term is defined in Section 11-117-2 of the

1 Illinois Municipal Code.

2 (16) Procurement expenditures necessary for the
3 Department of Public Health to provide the delivery of
4 timely newborn screening services in accordance with the
5 Newborn Metabolic Screening Act.

6 (17) Procurement expenditures necessary for the
7 Department of Agriculture, the Department of Financial and
8 Professional Regulation, the Department of Human Services,
9 and the Department of Public Health to implement the
10 Compassionate Use of Medical Cannabis Program and Opioid
11 Alternative Pilot Program requirements and ensure access
12 to medical cannabis for patients with debilitating medical
13 conditions in accordance with the Compassionate Use of
14 Medical Cannabis Program Act.

15 (18) This Code does not apply to any procurements
16 necessary for the Department of Agriculture, the
17 Department of Financial and Professional Regulation, the
18 Department of Human Services, the Department of Commerce
19 and Economic Opportunity, and the Department of Public
20 Health to implement the Cannabis Regulation and Tax Act if
21 the applicable agency has made a good faith determination
22 that it is necessary and appropriate for the expenditure
23 to fall within this exemption and if the process is
24 conducted in a manner substantially in accordance with the
25 requirements of Sections 20-160, 25-60, 30-22, 50-5,
26 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,

1 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
2 Section 50-35, compliance applies only to contracts or
3 subcontracts over \$100,000. Notice of each contract
4 entered into under this paragraph (18) that is related to
5 the procurement of goods and services identified in
6 paragraph (1) through (9) of this subsection shall be
7 published in the Procurement Bulletin within 14 calendar
8 days after contract execution. The Chief Procurement
9 Officer shall prescribe the form and content of the
10 notice. Each agency shall provide the Chief Procurement
11 Officer, on a monthly basis, in the form and content
12 prescribed by the Chief Procurement Officer, a report of
13 contracts that are related to the procurement of goods and
14 services identified in this subsection. At a minimum, this
15 report shall include the name of the contractor, a
16 description of the supply or service provided, the total
17 amount of the contract, the term of the contract, and the
18 exception to this Code utilized. A copy of any or all of
19 these contracts shall be made available to the Chief
20 Procurement Officer immediately upon request. The Chief
21 Procurement Officer shall submit a report to the Governor
22 and General Assembly no later than November 1 of each year
23 that includes, at a minimum, an annual summary of the
24 monthly information reported to the Chief Procurement
25 Officer. This exemption becomes inoperative 5 years after
26 June 25, 2019 (the effective date of Public Act 101-27).

1 (19) Acquisition of modifications or adjustments,
2 limited to assistive technology devices and assistive
3 technology services, adaptive equipment, repairs, and
4 replacement parts to provide reasonable accommodations (i)
5 that enable a qualified applicant with a disability to
6 complete the job application process and be considered for
7 the position such qualified applicant desires, (ii) that
8 modify or adjust the work environment to enable a
9 qualified current employee with a disability to perform
10 the essential functions of the position held by that
11 employee, (iii) to enable a qualified current employee
12 with a disability to enjoy equal benefits and privileges
13 of employment as are enjoyed by other similarly situated
14 employees without disabilities, and (iv) that allow a
15 customer, client, claimant, or member of the public
16 seeking State services full use and enjoyment of and
17 access to its programs, services, or benefits.

18 For purposes of this paragraph (19):

19 "Assistive technology devices" means any item, piece
20 of equipment, or product system, whether acquired
21 commercially off the shelf, modified, or customized, that
22 is used to increase, maintain, or improve functional
23 capabilities of individuals with disabilities.

24 "Assistive technology services" means any service that
25 directly assists an individual with a disability in
26 selection, acquisition, or use of an assistive technology

1 device.

2 "Qualified" has the same meaning and use as provided
3 under the federal Americans with Disabilities Act when
4 describing an individual with a disability.

5 (20) Procurement expenditures necessary for the
6 Illinois Commerce Commission to hire third-party
7 facilitators pursuant to Sections 16-105.17 and 16-108.18
8 of the Public Utilities Act or an ombudsman pursuant to
9 Section 16-107.5 of the Public Utilities Act, a
10 facilitator pursuant to Section 16-105.17 of the Public
11 Utilities Act, or a grid auditor pursuant to Section
12 16-105.10 of the Public Utilities Act.

13 (21) Procurement expenditures for the purchase,
14 renewal, and expansion of software, software licenses, or
15 software maintenance agreements that support the efforts
16 of the Illinois State Police to enforce, regulate, and
17 administer the Firearm Owners Identification Card Act, the
18 Firearm Concealed Carry Act, the Firearms Restraining
19 Order Act, the Firearm Dealer License Certification Act,
20 the Law Enforcement Agencies Data System (LEADS), the
21 Uniform Crime Reporting Act, the Criminal Identification
22 Act, the Illinois Uniform Conviction Information Act, and
23 the Gun Trafficking Information Act, or establish or
24 maintain record management systems necessary to conduct
25 human trafficking investigations or gun trafficking or
26 other stolen firearm investigations. This paragraph (21)

1 applies to contracts entered into on or after January 10,
2 2023 (the effective date of Public Act 102-1116) and the
3 renewal of contracts that are in effect on January 10,
4 2023 (the effective date of Public Act 102-1116).

5 (22) Contracts for project management services and
6 system integration services required for the completion of
7 the State's enterprise resource planning project. This
8 exemption becomes inoperative 5 years after June 7, 2023
9 (the effective date of the changes made to this Section by
10 Public Act 103-8). This paragraph (22) applies to
11 contracts entered into on or after June 7, 2023 (the
12 effective date of the changes made to this Section by
13 Public Act 103-8) and the renewal of contracts that are in
14 effect on June 7, 2023 (the effective date of the changes
15 made to this Section by Public Act 103-8).

16 (23) Procurements necessary for the Department of
17 Insurance to implement the Illinois Health Benefits
18 Exchange Law if the Department of Insurance has made a
19 good faith determination that it is necessary and
20 appropriate for the expenditure to fall within this
21 exemption. The procurement process shall be conducted in a
22 manner substantially in accordance with the requirements
23 of Sections 20-160 and 25-60 and Article 50 of this Code. A
24 copy of these contracts shall be made available to the
25 Chief Procurement Officer immediately upon request. This
26 paragraph is inoperative 5 years after June 27, 2023 (the

1 effective date of Public Act 103-103).

2 (24) Contracts for public education programming,
3 noncommercial sustaining announcements, public service
4 announcements, and public awareness and education
5 messaging with the nonprofit trade associations of the
6 providers of those services that inform the public on
7 immediate and ongoing health and safety risks and hazards.

8 (25) Procurements necessary for the Department of
9 Early Childhood to implement the Department of Early
10 Childhood Act if the Department has made a good faith
11 determination that it is necessary and appropriate for the
12 expenditure to fall within this exemption. This exemption
13 shall only be used for products and services procured
14 solely for use by the Department of Early Childhood. The
15 procurements may include those necessary to design and
16 build integrated, operational systems of programs and
17 services. The procurements may include, but are not
18 limited to, those necessary to align and update program
19 standards, integrate funding systems, design and establish
20 data and reporting systems, align and update models for
21 technical assistance and professional development, design
22 systems to manage grants and ensure compliance, design and
23 implement management and operational structures, and
24 establish new means of engaging with families, educators,
25 providers, and stakeholders. The procurement processes
26 shall be conducted in a manner substantially in accordance

1 with the requirements of Article 50 (ethics) and Sections
2 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
3 and Inclusion), 20-80 (contract files), 20-120
4 (subcontractors), 20-155 (paperwork), 20-160
5 (ethics/campaign contribution prohibitions), 25-60
6 (prevailing wage), and 25-90 (prohibited and authorized
7 cybersecurity) of this Code. Beginning January 1, 2025,
8 the Department of Early Childhood shall provide a
9 quarterly report to the General Assembly detailing a list
10 of expenditures and contracts for which the Department
11 uses this exemption. This paragraph is inoperative on and
12 after July 1, 2027.

13 (26) ~~(25)~~ Procurements that are necessary for
14 increasing the recruitment and retention of State
15 employees, particularly minority candidates for
16 employment, including:

17 (A) procurements related to registration fees for
18 job fairs and other outreach and recruitment events;

19 (B) production of recruitment materials; and

20 (C) other services related to recruitment and
21 retention of State employees.

22 The exemption under this paragraph (26) ~~(25)~~ applies
23 only if the State agency has made a good faith
24 determination that it is necessary and appropriate for the
25 expenditure to fall within this paragraph (26) ~~(25)~~. The
26 procurement process under this paragraph (26) ~~(25)~~ shall

1 be conducted in a manner substantially in accordance with
2 the requirements of Sections 20-160 and 25-60 and Article
3 50 of this Code. A copy of these contracts shall be made
4 available to the Chief Procurement Officer immediately
5 upon request. Nothing in this paragraph (26) ~~(25)~~
6 authorizes the replacement or diminishment of State
7 responsibilities in hiring or the positions that
8 effectuate that hiring. This paragraph (26) ~~(25)~~ is
9 inoperative on and after June 30, 2029.

10 Notwithstanding any other provision of law, for contracts
11 with an annual value of more than \$100,000 entered into on or
12 after October 1, 2017 under an exemption provided in any
13 paragraph of this subsection (b), except paragraph (1), (2),
14 or (5), each State agency shall post to the appropriate
15 procurement bulletin the name of the contractor, a description
16 of the supply or service provided, the total amount of the
17 contract, the term of the contract, and the exception to the
18 Code utilized. The chief procurement officer shall submit a
19 report to the Governor and General Assembly no later than
20 November 1 of each year that shall include, at a minimum, an
21 annual summary of the monthly information reported to the
22 chief procurement officer.

23 (c) This Code does not apply to the electric power
24 procurement process provided for under Section 1-75 of the
25 Illinois Power Agency Act and Section 16-111.5 of the Public
26 Utilities Act. This Code does not apply to the procurement of

1 technical and policy experts pursuant to Section 1-129 of the
2 Illinois Power Agency Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,
4 and as expressly required by Section 9.1 of the Illinois
5 Lottery Law, the provisions of this Code do not apply to the
6 procurement process provided for under Section 9.1 of the
7 Illinois Lottery Law.

8 (e) This Code does not apply to the process used by the
9 Capital Development Board to retain a person or entity to
10 assist the Capital Development Board with its duties related
11 to the determination of costs of a clean coal SNG brownfield
12 facility, as defined by Section 1-10 of the Illinois Power
13 Agency Act, as required in subsection (h-3) of Section 9-220
14 of the Public Utilities Act, including calculating the range
15 of capital costs, the range of operating and maintenance
16 costs, or the sequestration costs or monitoring the
17 construction of clean coal SNG brownfield facility for the
18 full duration of construction.

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or
22 contracts entered into in accordance with Sections 11-5.2 and
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records
25 necessary to review whether a contract, purchase, or other
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client
2 privilege.

3 (j) This Code does not apply to the process used by the
4 Capital Development Board to retain an artist or work or works
5 of art as required in Section 14 of the Capital Development
6 Board Act.

7 (k) This Code does not apply to the process to procure
8 contracts, or contracts entered into, by the State Board of
9 Elections or the State Electoral Board for hearing officers
10 appointed pursuant to the Election Code.

11 (l) This Code does not apply to the processes used by the
12 Illinois Student Assistance Commission to procure supplies and
13 services paid for from the private funds of the Illinois
14 Prepaid Tuition Fund. As used in this subsection (l), "private
15 funds" means funds derived from deposits paid into the
16 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

17 (m) This Code shall apply regardless of the source of
18 funds with which contracts are paid, including federal
19 assistance moneys. Except as specifically provided in this
20 Code, this Code shall not apply to procurement expenditures
21 necessary for the Department of Public Health to conduct the
22 Healthy Illinois Survey in accordance with Section 2310-431 of
23 the Department of Public Health Powers and Duties Law of the
24 Civil Administrative Code of Illinois.

25 (n) This Code is subject to the provisions of the Foreign
26 Land Ownership and Foreign Countries of Concern Act.

1 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
2 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
3 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
4 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
5 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,
6 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;
7 revised 11-26-24.)

8 Section 95. The Property Owned By Noncitizens Act is
9 amended by changing Section 7 as follows:

10 (765 ILCS 60/7) (from Ch. 6, par. 7)

11 Sec. 7. Except as otherwise provided in the Foreign Land
12 Ownership and Foreign Countries of Concern Act, all ~~All~~
13 noncitizens may acquire, hold, and dispose of real and
14 personal property in the same manner and to the same extent as
15 natural born citizens of the United States, and the personal
16 estate of a noncitizen dying intestate shall be distributed in
17 the same manner as the estates of natural born citizens, and
18 all persons interested in such estate shall be entitled to
19 proper distributive shares thereof under the laws of this
20 state, whether they are noncitizens or not.

21 This amendatory Act of 1992 does not apply to the
22 Agricultural Foreign Investment Disclosure Act.

23 (Source: P.A. 102-1030, eff. 5-27-22.)