



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4345

Introduced 1/16/2024, 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.

LRB103 35780 RLC 65862 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, 2025.  
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, 2025. The registration  
19 is considered to be late after January 31, 2026. 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, 2025. The  
15 registration is considered to be late 30 days after January  
16 31, 2026. 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, 2025, 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, 2025, 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, 2025, 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) ~~this~~  
3 ~~amendatory Act of the 102nd General Assembly~~ and the  
4 renewal of contracts that are in effect on January 10,  
5 2023 (the effective date of Public Act 102-1116) ~~this~~  
6 ~~amendatory Act of the 102nd General Assembly~~.

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

21 (23) ~~(22)~~ Procurements necessary for the Department of  
22 Insurance to implement the Illinois Health Benefits  
23 Exchange Law if the Department of Insurance has made a  
24 good faith determination that it is necessary and  
25 appropriate for the expenditure to fall within this  
26 exemption. The procurement process shall be conducted in a

1 manner substantially in accordance with the requirements  
2 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
3 copy of these contracts shall be made available to the  
4 Chief Procurement Officer immediately upon request. This  
5 paragraph is inoperative 5 years after June 27, 2023 (the  
6 effective date of Public Act 103-103) ~~this amendatory Act~~  
7 ~~of the 103rd General Assembly.~~

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

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

25 (d) Except for Section 20-160 and Article 50 of this Code,  
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the  
2 procurement process provided for under Section 9.1 of the  
3 Illinois Lottery Law.

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

15 (f) (Blank).

16 (g) (Blank).

17 (h) This Code does not apply to the process to procure or  
18 contracts entered into in accordance with Sections 11-5.2 and  
19 11-5.3 of the Illinois Public Aid Code.

20 (i) Each chief procurement officer may access records  
21 necessary to review whether a contract, purchase, or other  
22 expenditure is or is not subject to the provisions of this  
23 Code, unless such records would be subject to attorney-client  
24 privilege.

25 (j) This Code does not apply to the process used by the  
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development  
2 Board Act.

3 (k) This Code does not apply to the process to procure  
4 contracts, or contracts entered into, by the State Board of  
5 Elections or the State Electoral Board for hearing officers  
6 appointed pursuant to the Election Code.

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

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

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

23 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;  
24 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.  
25 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
26 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.

1 6-27-23; revised 9-5-23.)

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

4 (765 ILCS 60/7) (from Ch. 6, par. 7)

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

15 This amendatory Act of 1992 does not apply to the  
16 Agricultural Foreign Investment Disclosure Act.

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