



Rep. Suzanne M. Ness

Filed: 4/14/2026

10400HB4616ham002

LRB104 17604 KTG 36551 a

1 AMENDMENT TO HOUSE BILL 4616

2 AMENDMENT NO. _____. Amend House Bill 4616, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Community Mental Health Act is amended by
6 changing Sections 3a, 3b, and 3c as follows:

7 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

8 Sec. 3a. Every governmental unit authorized to levy an
9 annual tax under any of the provisions of this Act shall,
10 before it may levy such tax, establish a 7 member community
11 mental health board who shall administer this Act. Such board
12 shall be appointed by the chairman of the governing body of a
13 county, the mayor of a city, the president of a village, the
14 president of an incorporated town, or the supervisor of a
15 township, as the case may be, with the advice and consent of
16 the governing body of such county, city, village, incorporated

1 town or the town board of trustees of any township, except in
2 any county with a county executive form of government, if
3 applicable, the county executive shall appoint the board with
4 the advice and consent of the county board. Whenever there is a
5 vacancy in a community mental health board's membership for a
6 period of more than 60 days prior to or after the expiration of
7 the term, such vacancy shall be filled by the governing body of
8 a county, a city, a village, an incorporated town, or a
9 township, as the case may be. Whenever there is a vacancy in a
10 community mental health board's membership for more than 180
11 days after the expiration of the term and the community mental
12 health board's governing body is a township board, such
13 vacancy shall be filled by the electors at a special township
14 meeting in accordance with Article 35 of the Township Code.

15 Members of the community mental health board shall be
16 residents of the government unit and, as nearly as possible,
17 be representative of interested groups of the community such
18 as local health departments, local comprehensive health
19 planning agencies, hospital boards, lay associations concerned
20 with mental health, developmental disabilities and substance
21 abuse, and individuals with professional or lived expertise in
22 mental health, developmental disabilities, and substance
23 abuse. General public representation may also be considered
24 for appointment when there are gaps in board duties and
25 qualifications that cannot be filled from the above stated
26 categories. Only one member shall be a member of the governing

1 body, with the term of membership on the board to run
2 concurrently with the elected term of the member. The chairman
3 of the governing body may, upon the request of the community
4 mental health board, appoint 2 additional members to the
5 community mental health board. No member of the community
6 mental health board may be a full-time or part-time employee
7 of the Department of Human Services or a board member,
8 employee or any other individual receiving compensation from
9 any facility or service operating under contract to the board.
10 If a successful referendum is held under Section 5 of this Act,
11 all members of such board shall be appointed within 60 days
12 after the local election authority certifies the passage of
13 the referendum. If a community mental health board has been
14 established by a county with a population of less than 500,000
15 and the community mental health board is funded in whole or in
16 part by a special mental health sales tax described in
17 paragraph (4) of subsection (a) of Section 5-1006.5 of the
18 Counties Code, the largest municipality in the county with at
19 least 125,000 residents may appoint 2 additional members to
20 the board. The members shall be appointed by the mayor of the
21 municipality with the advice and consent of the municipality's
22 governing body.

23 Home rule units are exempt from this Act. However, they
24 may, by ordinance, adopt the provisions of this Act, or any
25 portion thereof, that they may deem advisable.

26 The tax rate set forth in Section 4 may be levied by any

1 non-home rule unit only pursuant to the approval by the voters
2 at a referendum. Such referendum may have been held at any time
3 subsequent to the effective date of the Community Mental
4 Health Act.

5 (Source: P.A. 103-274, eff. 1-1-24; 103-565, eff. 11-17-23;
6 103-592, eff. 6-7-24.)

7 (405 ILCS 20/3b) (from Ch. 91 1/2, par. 303b)

8 Sec. 3b. The term of office of each member of the community
9 mental health board shall be for 4 years and until the member's
10 successor is appointed and qualified, provided, however, that
11 of the members first appointed, 2 shall be appointed for a term
12 of 2 years, 2 for a term of 3 years and 3 for a term of 4 years.
13 All terms shall be measured from the first day of the month of
14 appointment. Vacancies shall be filled in the same manner as
15 original appointments. A community mental health board may
16 provide advice to the governing body and may establish a
17 policy and procedure for the acceptance and review of
18 applications from interested residents prior to making a
19 recommendation to the appointing authority.

20 (Source: P.A. 103-274, eff. 1-1-24; 103-592, eff. 6-7-24.)

21 (405 ILCS 20/3c) (from Ch. 91 1/2, par. 303c)

22 Sec. 3c. Any member of the community mental health board
23 may be removed by the governing body ~~appointing officer~~ for
24 absenteeism, neglect of duty, misconduct, or malfeasance in

1 office, after being given a written statement of the charges
2 and an opportunity to be heard thereon.
3 (Source: P.A. 77-1500.)".