



Rep. Suzanne M. Ness

Filed: 3/24/2026

10400HB4616ham001

LRB104 17604 KTG 35563 a

1 AMENDMENT TO HOUSE BILL 4616

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

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

6 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

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

1 any county with a county executive form of government, if
2 applicable, the county executive shall appoint the board with
3 the advice and consent of the county board. Whenever there is a
4 vacancy in the community mental health board's membership for
5 a period of 60 days prior to the expiration of the term or for
6 more than 60 days after the expiration of the term, any member
7 of the governing body may nominate a qualified candidate to
8 fill such vacancy. If the governing body votes to reject a
9 nominated candidate or takes no action on a candidate's
10 nomination, twice, then the candidate is prohibited from
11 appointment to the community mental health board for a period
12 of one calendar year. A community mental health board member
13 may, at his or her discretion, continue to serve on the board
14 after the expiration of his or her term until a successor is
15 appointed and approved by a majority vote of the governing
16 body. Members of the community mental health board shall be
17 residents of the government unit and, as nearly as possible,
18 be representative of interested groups of the community such
19 as local health departments, local comprehensive health
20 planning agencies, hospital boards, lay associations concerned
21 with mental health, developmental disabilities and substance
22 abuse, and individuals with professional or lived expertise in
23 mental health, developmental disabilities, and substance
24 abuse. General public representation may also be considered
25 for appointment when there are gaps in board duties and
26 qualifications that cannot be filled from the above stated

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

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

1 The tax rate set forth in Section 4 may be levied by any
2 non-home rule unit only pursuant to the approval by the voters
3 at a referendum. Such referendum may have been held at any time
4 subsequent to the effective date of the Community Mental
5 Health Act.

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

8 (405 ILCS 20/3c) (from Ch. 91 1/2, par. 303c)

9 Sec. 3c. Any member of the community mental health board
10 may be removed by the appointing officer for absenteeism,
11 neglect of duty, misconduct or malfeasance in office, after
12 being given a written statement of the charges and an
13 opportunity to be heard thereon. Prior to filing the vacancy
14 created by the removal of a member of the community mental
15 health board under this Section, the full membership of the
16 governing body may vote to override the appointing officer's
17 removal of a member of the community mental health board with
18 an 80% vote of the governing body required to override the
19 removal.

20 (Source: P.A. 77-1500.)".