

BILL ANALYSIS

Senate Research Center

S.C.R. 77
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Pursuant to the authority of the Civil Rights of Institutionalized Persons Act (CRIPA), the United States Department of Justice (DOJ), Civil Rights Division, has initiated investigations of the 12 state mental retardation facilities operated by the Department of Aging and Disability Services (DADS) and the one state mental retardation facility operated by the Department of State Health Services (DSHS).

The State of Texas has entered into a system-wide settlement agreement with DOJ to resolve DOJ 's investigations of all 13 state mental retardation facilities (the "System-wide Settlement Agreement").

Section 111.003(a)(2), Civil Practice and Remedies Code, requires the legislature to approve a settlement of a claim or action against this state if the settlement commits the state to a course of action that in reasonable probability will entail a continuing increased expenditure of state funds over subsequent state fiscal bienniums.

The System-wide Settlement Agreement commits the State of Texas to a course of action that in reasonable probability entails a continuing increased expenditure of state funds over subsequent state fiscal bienniums.

The Office of the Attorney General of Texas notified Lieutenant Governor David Dewhurst and the Honorable Tom Craddick, then Speaker of the House, by letter dated August 29, 2008, that the settlement of DOJ investigations of the state mental retardation facilities may require prior consent or subsequent approval by the legislature.

The State of Texas has made a significant and diligent effort to improve services in all of the state mental retardation facilities since DOJ initiated its first CRIPA investigation of a state mental retardation facility in this state

The State of Texas is committed to continue improving the care of its state school residents, including the implementation of measures that protect our residents and the provision of quality health services and increased oversight and surveillance, to promote a better living environment for the state 's most vulnerable citizens.

The State of Texas seeks to avoid inconvenience and disruption to the state school operations due to a prolonged investigation and protracted litigation over the state mental retardation facilities.

RESOLVED

That the 81st Legislature of the State of Texas hereby approve the System-wide Settlement Agreement.