

By: Rose

H.C.R. No. 255

CONCURRENT RESOLUTION

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

8           WHEREAS, The State of Texas has entered into a system-wide  
9 settlement agreement with DOJ to resolve DOJ's investigations of  
10 all 13 state mental retardation facilities (the "System-wide  
11 Settlement Agreement"); and

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

18           WHEREAS, The System-wide Settlement Agreement commits the  
19 State of Texas to a course of action that in reasonable probability  
20 entails a continuing increased expenditure of state funds over  
21 subsequent state fiscal bienniums; and

22           WHEREAS, The Office of the Attorney General of Texas notified  
23 Lieutenant Governor David Dewhurst and the Honorable Tom Craddick,  
24 then Speaker of the House, by letter dated August 29, 2008, that the

1 settlement of DOJ investigations of the state mental retardation  
2 facilities may require prior consent or subsequent approval by the  
3 legislature; and

4 WHEREAS, The State of Texas has made a significant and  
5 diligent effort to improve services in all of the state mental  
6 retardation facilities since DOJ initiated its first CRIPA  
7 investigation of a state mental retardation facility in this state;  
8 and

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

15 WHEREAS, The State of Texas seeks to avoid inconvenience and  
16 disruption to state school operations due to a prolonged  
17 investigation and protracted litigation over the state mental  
18 retardation facilities; now, therefore, be it

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