

By: Nelson

S.C.R. No. 77

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, Pursuant to the authority of the Civil Rights of
3 Institutionalized Persons Act (42 U.S.C. Section 1997 et seq.), the
4 United States Department of Justice, Civil Rights Division, has
5 initiated investigations of the 12 state mental retardation
6 facilities operated by the Department of Aging and Disability
7 Services and the one state mental retardation facility operated by
8 the Department of State Health Services; and

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

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

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

1 WHEREAS, The Office of the Attorney General of Texas notified
2 Lieutenant Governor David Dewhurst and the Honorable Tom Craddick,
3 then Speaker of the House of Representatives, by letter dated
4 August 29, 2008, that the settlement of the United States
5 Department of Justice investigations of the state mental
6 retardation facilities may require prior consent or subsequent
7 approval by the legislature; and

8 WHEREAS, The State of Texas has made a significant and
9 diligent effort to improve services in all of the state mental
10 retardation facilities since the United States Department of
11 Justice initiated its first Civil Rights of Institutionalized
12 Persons Act investigation of a state mental retardation facility in
13 this state; and

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

20 WHEREAS, The State of Texas seeks to avoid inconvenience and
21 disruption to state school operations due to a prolonged
22 investigation and protracted litigation over the state mental
23 retardation facilities; now, therefore, be it

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