

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 (CRIPA), the United States
4 Department of Justice (DOJ), Civil Rights Division, has initiated
5 investigations of the 12 state mental retardation facilities
6 operated by the Department of Aging and Disability Services (DADS)
7 and the one state mental retardation facility operated by the
8 Department of State Health Services (DSHS); and

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

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

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

23 WHEREAS, The Office of the Attorney General of Texas notified
24 Lieutenant Governor David Dewhurst and the Honorable Tom Craddick,

1 then Speaker of the House, by letter dated August 29, 2008, that the
2 settlement of DOJ investigations of the state mental retardation
3 facilities may require prior consent or subsequent approval by the
4 legislature; and

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

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

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

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