

By: Kolkhorst

S.C.R. No. 33

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, The State of Texas entered into a system-wide  
3 settlement agreement (the "2009 Settlement Agreement") with the  
4 United States Department of Justice in 2009 to resolve the  
5 department's investigations of the 12 state-supported living  
6 centers operated by the Texas Department of Aging and Disability  
7 Services, as well as the Intermediate Care Facilities for  
8 Individuals with an Intellectual Disability or Related Conditions  
9 component of the Rio Grande State Center operated by the Texas  
10 Department of State Health Services (collectively, the "Centers");  
11 and

12 WHEREAS, As required by Section [111.003\(a\)\(2\)](#), Civil  
13 Practice and Remedies Code, the Texas Legislature approved the 2009  
14 Settlement Agreement in May 2009; and

15 WHEREAS, The State of Texas and the United States Department  
16 of Justice have provisionally agreed to amend the 2009 Settlement  
17 Agreement (the "Amended Agreement"), subject to legislative  
18 approval; and

19 WHEREAS, The Amended Agreement restructures the monitoring  
20 process, places greater focus on outcomes for the individuals  
21 served by the Centers, and strengthens services for individuals who  
22 move from a Center to live in community settings; and

23 WHEREAS, The Amended Agreement requires prior consent or  
24 subsequent approval by the legislature; and

1           WHEREAS, The Amended Agreement provides the state with a  
2 clear and achievable path to compliance that will enable the state  
3 to exit the agreement without costly litigation; now, therefore, be  
4 it

5           RESOLVED, That the 85th Legislature of the State of Texas  
6 hereby approve the Amended Agreement.