

HOUSE 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.