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SENATE CONCURRENT RESOLUTION

1
2 WHEREAS, A lawsuit filed December 20, 2010, against Rick
3 Perry, Governor of the State of Texas; Thomas Suehs, Executive
4 Commissioner of the Texas Health and Human Services Commission; and
5 Chris Traylor, Commissioner of the Texas Department of Aging and
6 Disability Services, in their official capacities (collectively,
7 the "Defendants"), asserted claims under Title II of the Americans
8 with Disabilities Act of 1990 (ADA), Section 504 of the
9 Rehabilitation Act of 1973, and several sections of Title XIX of the
10 Social Security Act, including the Preadmission Screening and
11 Resident Review provisions of the 1987 Nursing Home Reform Act; and

12 WHEREAS, The United States of America was granted leave to
13 intervene in the lawsuit and filed a complaint against the State of
14 Texas on September 20, 2012, asserting claims under Section 504 of
15 the Rehabilitation Act of 1973 and Title II of the ADA; and

16 WHEREAS, The Plaintiffs to the lawsuit are Eric Steward, by
17 his next friend and mother, Lillian Minor; Linda Arizpe, by her next
18 friend and guardian, Rudy Arizpe; Andrea Padron, by her next friend
19 and guardian, Rosa Hudecek; Patricia Ferrer, by her next friend and
20 mother, Petra Ferrer; Benny Holmes, by his next friend and
21 guardian, Priscilla Holmes; Zackowitz Morgan, by his next friend
22 and guardian, Sharon Barker; The Arc of Texas, Inc.; and the
23 Coalition of Texans with Disabilities, Inc.; and
24 Plaintiff-Intervenor is the United States of America

1 (collectively, the "Plaintiffs"); and

2 WHEREAS, In general terms, the litigation brought by the
3 Plaintiffs concerns individuals with intellectual disabilities and
4 related conditions residing in nursing facilities and at risk of
5 admission to nursing facilities; and

6 WHEREAS, The parties to the lawsuit have entered into an
7 Interim Agreement to resolve as many issues as possible related to
8 the lawsuit for a limited time period while attempting to negotiate
9 a Comprehensive Agreement to resolve the entire lawsuit; and

10 WHEREAS, The Interim Agreement will be effective when signed
11 by all parties and will terminate on July 1, 2015; and

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

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

23 WHEREAS, Any Comprehensive Agreement entered into by and
24 between the parties will be submitted to the 84th Legislature of the
25 State of Texas for approval; now, therefore, be it

26 RESOLVED, That the 83rd Legislature of the State of Texas,
27 1st Called Session, hereby approve the Interim Agreement.

Handwritten initials in the top right corner.

S.C.R. No. 2

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.C.R. No. 2 was adopted by the Senate on June 18, 2013, by the following vote: Yeas 30, Nays 0.

Letsy Spaw
Secretary of the Senate

I hereby certify that S.C.R. No. 2 was adopted by the House on June 23, 2013, by the following vote: Yeas 99, Nays 6, two present not voting.

Robert Nancy
Chief Clerk of the House

Approved:

11 JUL '13
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
O'CLOCK

JUL 11 2013

[Signature]
Secretary of State