

SENATE CONCURRENT RESOLUTION NO. 13

BY SENATOR CARTER

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to take such actions as are necessary to pass the Disability Integration Act of 2017.

WHEREAS, the Disability Integration Act of 2017 has been introduced as S.910 and H.R.2472 in the One Hundred Fifteenth United States Congress; and

WHEREAS, in enacting the Americans with Disabilities Act of 1990 (herein referred to as the "ADA"), Congress recognized that "historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem" and intended that the ADA assure "full participation" and "independent living" for individuals with disabilities by addressing "discrimination against individuals with disabilities [that] persists in critical areas", including institutionalization; and

WHEREAS, while Congress expected that the ADA's integration mandate would be interpreted in a manner that ensures that individuals who are eligible for institutional placement are able to exercise a right to community-based long-term services and supports, that expectation has not been fulfilled; and

WHEREAS, the holdings of the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and companion cases, have clearly articulated that individuals with disabilities have a civil right under the ADA to participate in society as equal citizens; however, many states still do not provide sufficient community-based long-term services and supports to individuals with disabilities to end segregation in institutions; and

WHEREAS, the right to live in the community is necessary for the exercise of the civil rights that the ADA was intended to secure for all individuals with disabilities and the lack of adequate community-based services and supports has imperiled the civil rights of all individuals with disabilities, and has undermined the very promise of the ADA; therefore, it is necessary to recognize in statute a robust and fully articulated right to community living; and

WHEREAS, states, with a few exceptions, continue to approach decisions regarding long-term services and supports from social welfare and budgetary perspectives, but for the promise of the ADA to be fully realized, states must approach these decisions from a civil rights perspective; and

WHEREAS, states have not consistently planned to ensure sufficient services and supports for individuals with disabilities, including those with the most significant disabilities, to enable individuals with disabilities to live in the most integrated setting and, as a result, many individuals with disabilities who reside in institutions are prevented from residing in the community and individuals with disabilities who are not in institutions find themselves at risk of institutional placement; and

WHEREAS, the continuing existence of unfair and unnecessary institutionalization denies individuals with disabilities the opportunity to live and participate on an equal basis in the community and costs the United States billions of dollars in unnecessary spending related to perpetuating dependency and unnecessary confinement.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes the Congress of the United States to take such actions as are necessary to pass the Disability Integration Act of 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES