

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 40

BY REPRESENTATIVE LEGER

CONGRESS: Memorializes congress to pass the Disability Integration Act of 2017

1 A CONCURRENT RESOLUTION

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

4 WHEREAS, in the Americans with Disabilities Act of 1990, known commonly and
5 referred to hereafter as the "ADA", congress set forth the finding that, "historically, society
6 has tended to isolate and segregate individuals with disabilities, and, despite some
7 improvements, such forms of discrimination against individuals with disabilities continue
8 to be a serious and pervasive social problem"; and

9 WHEREAS, congress provided that the intent of the ADA includes assuring
10 opportunities for full participation in society and for independent living by individuals with
11 disabilities by addressing discrimination against those individuals, including discrimination
12 through institutionalization; and

13 WHEREAS, while supporters of the ADA within and outside of congress expected
14 the integration mandate in this landmark law to be interpreted in a such a manner as to
15 ensure that individuals who are eligible for institutional placement are able to exercise a
16 right to community-based long-term services and supports in lieu of institutionalization, that
17 expectation has not yet been fulfilled; and

18 WHEREAS, the holdings of the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581
19 (1999), and companion cases have clearly articulated that individuals with disabilities have
20 a civil right under the ADA to participate in society as equal citizens; however, many states

1 still do not provide sufficient community-based long-term services and supports to
2 individuals with disabilities to end segregation through institutionalization; and

3 WHEREAS, the right to live in the community is necessary for the exercise of the
4 civil rights that the ADA intended; and

5 WHEREAS, the lack of adequate community-based services and supports has
6 imperiled the civil rights of all individuals with disabilities, and has undermined the promise
7 of the ADA; therefore, it is necessary to recognize in statute a robust and fully articulated
8 right of people to live in an integrated way in their community; and

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

13 WHEREAS, states have not consistently planned to ensure sufficient services and
14 supports for individuals with disabilities, including those with the most significant
15 disabilities; and

16 WHEREAS, states typically have not enabled individuals with disabilities to live in
17 the most integrated setting and, as a result, many individuals with disabilities who reside in
18 institutions are prevented from residing in the community, and individuals with disabilities
19 who are not in institutions find themselves at risk of institutional placement; and

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

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

26 WHEREAS, the Disability Integration Act of 2017 addresses the fundamental
27 deficiencies in law that lead to forced institutionalization of people who could instead live
28 in their communities if long-term services and supports were available to them.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 memorialize the United States Congress to take such actions as are necessary to pass the
3 Disability Integration Act of 2017.

4 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
5 presiding officers of the Senate and the House of Representatives of the Congress of the
6 United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 40 Engrossed

2018 Regular Session

Leger

Memorializes congress to pass the Disability Integration Act of 2017.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make a technical change.