

2019 Regular Session

SENATE CONCURRENT RESOLUTION NO. 8

BY SENATOR CARTER

CONGRESS. Memorializes Congress to take actions to pass the Disability Integration Act of 2019.

1 A CONCURRENT RESOLUTION

2 To memorialize the Congress of the United States to take such actions as are necessary to
3 pass the Disability Integration Act of 2019.

4 WHEREAS, the Disability Integration Act of 2019 has been introduced as S.117 and
5 H.R.555 in the One Hundred Sixteenth United States Congress; and

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

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

17 WHEREAS, the holdings of the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581

1 (1999), and companion cases, have clearly articulated that individuals with disabilities have
2 a civil right under the ADA to participate in society as equal citizens; however, many states
3 still do not provide sufficient community-based long-term services and supports to
4 individuals with disabilities to end segregation in institutions; and

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

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

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

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

25 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes
26 the Congress of the United States to take such actions as are necessary to pass the Disability
27 Integration Act of 2019.

28 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
29 to the secretary of the United States Senate and the clerk of the United States House of

1 Representatives and to each member of the Louisiana delegation to the United States
2 Congress.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

SCR 8 Original DIGEST 2019 Regular Session Carter

Memorializes Congress to take such actions as are necessary to pass the Disability
Integration Act of 2019.