

Coalition of Texans with Disabilities  
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September 22, 2004

The Honorable Rick Perry  
Governor of Texas  
P.O. Box 2013  
Austin, TX 78768-2013

Dear Governor Perry:

We appreciate the time you gave us on September 21 to discuss issues of importance to Texans with disabilities. Given there is a massive amount of work to be done, we concur that it is best to focus our energies on working together to solve these issues. To that end, we'll follow up on:

**Texas Round Up:** CTD will contact Marty McCart about participation and arranging a speaker.

**ADA legislation:** We'll contact Nora Cox regarding your suggestions on sponsors and work to get the Attorney General's active support.

**Medicaid Managed Care (Star Plus):** With a December schedule to award contracts, and some critical concerns that must be addressed before their execution, this one is first out of the gate. We are glad to advise on a plan to fix the pilot area's poor rate of deinstitutionalization. Concerns remain on consumer outreach and the lack of long term care experience of the HMOs.

**State Schools:** We'll follow up with Nora on this issue.

**Rebalancing Long Term Care:** We agree with your observation about "changing the culture" in Texas and moving from an institutional bias to the more cost effective community care. We'll follow with Nora on calling for a plan to rebalance long term care from the current 70% institutional funding.

**Money Follows the Person:** We'll pursue moving this successful budget rider into law and work with your staff on the fiscal analysis of expanding to ICF/MRs.

**Consumer Directed Services:** We are gratified your Medicaid Reform Workgroup is supportive of these strategies and look forward to supporting these efforts.

**Independent Living Centers (ILCs):** We are pleased to hear Commissioner Hawkins likes the concept of linking these CBOs with the private sector companies involved in privatization of services. Since the privatization will cause consumers to seek assistance from the ILCs, this is an appropriate way to expand their capacity without direct state dollars. And we thank you for acknowledging that state support is insufficient.



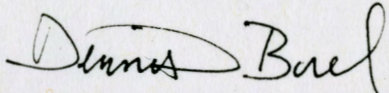
Governor Perry  
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**Family based options for kids with disabilities in institutions:** Thank you for your encouragement for this small, high impact program. We'll follow with your staff on your thought of a line item in the budget.

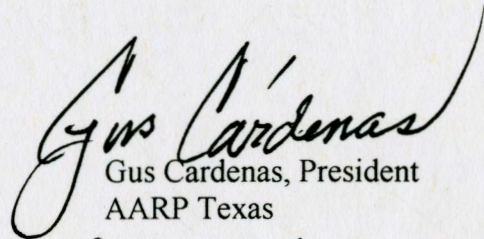
**Crisis intervention training for law enforcement:** We'll follow with your staff on training law enforcement personnel on dealing with offenders with mental illness.

The tenor of our meeting was excellent and we will certainly accept your offer for ongoing communications throughout the legislative session. We do see this as a privilege that won't be abused. As always, you or your staff should feel free to contact us. We look forward to working with you to build a Texas that is open and accessible to all.

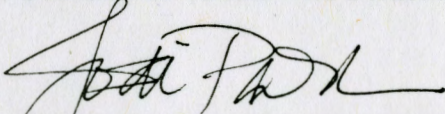
For A Barrier Free Texas,



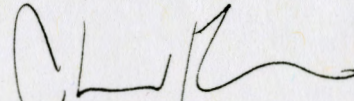
Dennis Borel, Executive Director  
Coalition of Texans with Disabilities



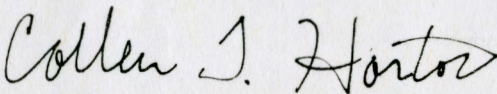
Gus Cardenas, President  
AARP Texas



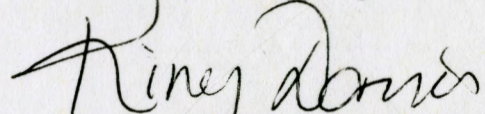
Jodi Park, Director of Projects and Communications  
Coalition of Texans with Disabilities



Chase Bearden  
St. David's Rehab Hospital



Colleen Horton, Children's Policy Specialist  
Texas Center for Disability Studies  
University of Texas



Dr. King Davis, Executive Director  
Hogg Foundation for Mental Health

Cc: Nora Cox, Eric Barse, Kathy Walt

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CTD is a statewide coalition of individuals and organizations working together to eliminate barriers to equal and full participation in life. CTD is funded in part by the Texas Council on Developmental Disabilities, the SBC Foundation, members and contributors.



A BILL TO BE ENTITLED

AN ACT

relating to governmental liability for a violation of the federal Americans with Disabilities Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. LIABILITY OF THE GOVERNMENT UNDER CERTAIN FEDERAL LAWS.

Sec. 111.001. WAIVER OF IMMUNITY UNDER CERTAIN FEDERAL LAWS. (a) The sovereign immunity of the State and its political subdivisions, from suit and from liability, is waived for the limited purpose of allowing any person to maintain lawsuits in State and federal courts, and obtain and satisfy judgments, consistent with the limitation on liability set out in this Chapter, against the State, or any of its departments, institutions, agencies, or political subdivisions, under the Americans with Disabilities Act, 42 U.S.C. ' ' 12101, et seq., and its implementing regulations. (b) The amount of monetary relief a person receives under subsection (a) of this section shall not exceed the amounts authorized under Sec. 111.002 of this Chapter, or the amounts authorized under the applicable portion of the Americans with Disabilities Act, whichever is less.

Sec. 111.002. LIMITATION ON AMOUNT OF LIABILITY. (a) Liability of the State government under this chapter is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence. (b) Except as provided by Subsection (c), liability of a unit of local government under this chapter is limited to money damages in a maximum amount of \$100,000 for each person and \$300,000 for each single occurrence. (c) Liability of a municipality under this chapter is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence.

SECTION 2. This Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. The effective date of this Act is \_\_\_\_\_, 2005.