

By: Gervin-Hawkins

H.B. No. 4568

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishing a base wage for personal attendants under
3 the community living assistance and support services (CLASS) waiver
4 program.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Section 32.077 to read as follows:

8 Sec. 32.077. COMMUNITY LIVING ASSISTANCE AND SUPPORT
9 SERVICES (CLASS) WAIVER PROGRAM: BASE WAGE FOR PERSONAL ATTENDANTS.

10 (a) Notwithstanding Section 62.051 or 62.151, Labor Code, or any
11 other law, a personal attendant providing personal assistance
12 services to a recipient under the community living assistance and
13 support services (CLASS) waiver program must be paid a base wage:

14 (1) for the state fiscal biennium beginning September
15 1, 2023, equal to an amount that is not less than the greater of:

16 (A) \$15 an hour; or

17 (B) the federal minimum wage under Section 6,
18 Fair Labor Standards Act of 1938 (29 U.S.C. Section 206); and

19 (2) for each subsequent state fiscal biennium, equal
20 to the greater of:

21 (A) the adjusted base wage determined in
22 accordance with Subsection (b); or

23 (B) the federal minimum wage under Section 6,
24 Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

1 (b) On August 1 of each odd-numbered year, the commission
2 shall determine the adjusted base wage applicable under Subsection
3 (a)(2)(A) for the next state fiscal biennium by increasing the base
4 wage being paid under Subsection (a) during that month by the
5 percentage increase, if any, in the Consumer Price Index for Urban
6 Wage Earners and Clerical Workers (CPI-W), published by the Bureau
7 of Labor Statistics of the United States Department of Labor for the
8 24-month period ending the July 31 preceding that date. The
9 commission shall compute the adjusted base wage to the nearest
10 cent.

11 SECTION 2. If before implementing any provision of this Act
12 a state agency determines that a waiver or authorization from a
13 federal agency is necessary for implementation of that provision,
14 the agency affected by the provision shall request the waiver or
15 authorization and may delay implementing that provision until the
16 waiver or authorization is granted.

17 SECTION 3. This Act takes effect September 1, 2023.