

By: González of El Paso

H.B. No. 245

A BILL TO BE ENTITLED

AN ACT

relating to community attendants under the community attendant services program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.05115 to read as follows:

Sec. 531.05115. COMMUNITY ATTENDANT SERVICES PROGRAM: FAMILY MEMBERS AS COMMUNITY ATTENDANTS. (a) In this section:

(1) "Community attendant services program" means the community attendant services program described by Section 32.061, Human Resources Code.

(2) "Consumer" has the meaning assigned by Section 531.051.

(b) To the extent permitted by federal law, a community attendant who provides services to a consumer under the community attendant services program may be a family member of the consumer, including the consumer's parent or spouse.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0611 to read as follows:

Sec. 32.0611. COMMUNITY ATTENDANT SERVICES PROGRAM: MINIMUM WAGE FOR COMMUNITY ATTENDANTS. Notwithstanding Section 62.051 or 62.151, Labor Code, or any other law, a community attendant providing services to a recipient under the community attendant services program must be paid not less than the greater

1 of:

2 (1) \$15 an hour; or

3 (2) the federal minimum wage under Section 6, Fair  
4 Labor Standards Act of 1938 (29 U.S.C. Section 206).

5 SECTION 3. If before implementing any provision of this Act  
6 a state agency determines that a waiver or authorization from a  
7 federal agency is necessary for implementation of that provision,  
8 the agency affected by the provision shall request the waiver or  
9 authorization and may delay implementing that provision until the  
10 waiver or authorization is granted.

11 SECTION 4. This Act takes effect September 1, 2023.