

# HOUSE BILL NO. 6044

August 06, 2020, Introduced by Rep. Elder and referred to the Committee on Commerce and Tourism.

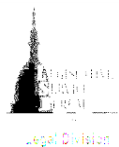
A bill to create a program to provide payments to certain agricultural workers who work during a state of emergency; to require the promulgation of rules; to create certain funds; to prohibit false filing and prescribe penalties; and to provide for the powers and duties of certain state officers and entities.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "seasonal and migrant agricultural worker emergency payment act".

3       Sec. 3. As used in this act:

4       (a) "Department" means the department of labor and economic



1 opportunity.

2 (b) "Migrant agricultural worker" means that term as defined  
3 in section 1802 of the migrant and seasonal agricultural worker  
4 protection act, 29 USC 1802.

5 (c) "Seasonal agricultural worker" means that term as defined  
6 in section 1802 of the migrant and seasonal agricultural worker  
7 protection act, 29 USC 1802.

8 (d) "State of emergency" means 1 or more of the following:

9 (i) A declaration of a state of emergency or a state of  
10 disaster under the emergency management act, 1976 PA 390, MCL  
11 30.401 to 30.421.

12 (ii) A declaration of a state of emergency under 1945 PA 302,  
13 MCL 10.31 to 10.33.

14 Sec. 5. (1) A migrant and seasonal agricultural worker hazard  
15 payment program is created in the department to make payments to  
16 migrant and seasonal agricultural workers who work during a  
17 declared state of emergency.

18 (2) A payment made to a migrant or seasonal agricultural  
19 worker under this act must be \$2.00 for each hour the migrant or  
20 seasonal agricultural worker worked during the state of emergency  
21 and must not reduce or offset the worker's hourly pay.

22 (3) An application for a payment under this section must be  
23 submitted on a form approved by the department and must contain the  
24 information required by the department. The department shall  
25 publish criteria for eligibility for payments under this section.  
26 The department may require applicants to provide any information  
27 reasonably necessary to allow the department to determine if an  
28 applicant is eligible to receive a payment under this section,  
29 including, but not limited to, information necessary to verify the



1 applicant's employment status during the state of emergency for  
2 which payments are sought.

3 (4) An application for payment under this section must be made  
4 no later than 90 days after the effective date of this act or 90  
5 days after the declaration of a state of emergency for which the  
6 payment is sought, whichever is later.

7 (5) The department shall promulgate rules to implement this  
8 act pursuant to the administrative procedures act of 1969, 1969 PA  
9 306, MCL 24.201 to 24.328.

10 (6) The department shall establish a review process for  
11 considering payment applications submitted under this section.

12 Sec. 7. A person who willfully makes a false statement in an  
13 application for a payment under this act is guilty of a misdemeanor  
14 punishable by imprisonment for not more than 90 days or a fine of  
15 not more than \$500.00, or both.

16 Sec. 9. (1) The state of emergency hazard payment fund is  
17 created within the state treasury.

18 (2) The state treasurer may receive money or other assets from  
19 any source for deposit into the fund. The state treasurer shall  
20 direct the investment of the fund. The state treasurer shall credit  
21 to the fund interest and earnings from fund investments.

22 (3) Money in the fund at the close of the fiscal year must  
23 remain in the state of emergency hazard payment fund and must not  
24 lapse to the general fund.

25 (4) The department of treasury shall be the administrator of  
26 the fund for auditing purposes.

27 (5) The department shall expend money from the fund, upon  
28 appropriation, to provide money for the migrant and seasonal  
29 agricultural worker hazard payment program under section 5.



1        Sec. 11. Not later than 12 months after the effective date of  
2 this act and annually thereafter, the department shall prepare and  
3 submit a report to the senate and house standing committees on  
4 appropriations. The report required under this section must  
5 include, but is not limited to, all of the following information  
6 for the immediately preceding state fiscal year:

7        (a) The number of applications received by the department.

8        (b) The number of applications approved by the department.

9        (c) The total amount of money granted by the department.

10       (d) The average amount of money per application granted by the  
11 department.

