

# HOUSE BILL No. 4149

February 14, 1989, Introduced by Reps. Webb, Johnson, Gubow, Pitoniak, Dolan, Joe Young, Jr., Hart, London, Kilpatrick, Sparks, Barns, Wallace, Crandall and Perry Bullard and referred to the Committee on Judiciary.

A bill to amend section 7524 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 7 of the Public Acts of 1988, being section 333.7524 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 7524 of Act No. 368 of the Public Acts  
2 of 1978, as amended by Act No. 7 of the Public Acts of 1988,  
3 being section 333.7524 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5       Sec. 7524. (1) ~~When~~ IF property is forfeited under this  
6 article, the local unit of government which seized the property  
7 may do any of the following, or if the property is seized by or  
8 in the custody of the state, the state may do any of the  
9 following, subject to section 7523(1)(d):

1 (a) Retain it for official use.

2 (b) Sell that which is not required to be destroyed by law  
3 and which is not harmful to the public. The proceeds and any  
4 money, negotiable instruments, securities, or any other thing of  
5 value as described in section 7521(1)(f) that are forfeited pur-  
6 suant to this article shall be applied as follows:

7 (i) For the payment of proper expenses of the proceedings  
8 for forfeiture and sale, including expenses incurred during the  
9 seizure process, maintenance of custody, advertising, and court  
10 costs.

11 (ii) TEN PERCENT OF THE BALANCE REMAINING AFTER THE PAYMENT  
12 OF EXPENSES SHALL BE FORWARDED TO THE DEPARTMENT OF TREASURY TO  
13 BE DEPOSITED IN THE PUBLIC SCHOOL SUBSTANCE ABUSE TRAINING AND  
14 PREVENTION FUND CREATED IN SUBSECTION (3).

15 (iii) ~~(ii)~~ The balance remaining after the ~~payment of~~  
16 ~~expenses~~ PAYMENTS REQUIRED UNDER SUBPARAGRAPHS (i) AND (ii)  
17 shall be distributed by the court having jurisdiction over the  
18 forfeiture proceedings to the entity having budgetary authority  
19 over the seizing agency. If more than 1 agency was substantially  
20 involved in effecting the forfeiture, the court having jurisdic-  
21 tion over the forfeiture proceeding shall equitably distribute  
22 the money among the entities having budgetary authority over the  
23 seizing agencies. The money received under this subparagraph  
24 shall be used to enhance law enforcement efforts pertaining to  
25 this article.

26 (c) Require the administrator to take custody of the  
27 property and remove it for disposition in accordance with law.

(d) Forward it to the bureau for disposition.

(2) In the course of selling real property pursuant to subsection (1)(b), the court that has entered an order of forfeiture may, on motion of the agency to whom the property has been forfeited, appoint a receiver to dispose of the real property forfeited. The receiver shall be entitled to reasonable compensation. The receiver shall have authority to do all of the following:

(a) List the forfeited real property for sale.

(b) Make whatever arrangements are necessary for the maintenance and preservation of the forfeited real property.

(c) Accept offers to purchase the forfeited real property.

(d) Execute instruments transferring title to the forfeited real property.

(3) THE PUBLIC SCHOOL SUBSTANCE ABUSE TRAINING AND PREVENTION FUND IS CREATED IN THE DEPARTMENT OF TREASURY AND SHALL BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION. THE MONEY IN THE FUND SHALL BE USED EXCLUSIVELY TO PROVIDE GRANTS TO LOCAL SCHOOL DISTRICTS THROUGHOUT THE STATE FOR SUBSTANCE ABUSE TRAINING PROGRAMS FOR TEACHERS AND SUBSTANCE ABUSE PREVENTION PROGRAMS FOR STUDENTS IN GRADES KINDERGARTEN THROUGH 12. THE PROGRAMS FUNDED PURSUANT TO THIS SUBSECTION SHALL BE DEVELOPED OR APPROVED BY THE DEPARTMENT OF EDUCATION. ANY MONEY REMAINING IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL BE CARRIED OVER TO THE SUCCEEDING FISCAL YEAR, SHALL NOT REVERT TO THE GENERAL FUND, AND SHALL BE USED AS PROVIDED IN THIS SUBSECTION. THE DEPARTMENT OF EDUCATION SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES

1 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING  
2 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, TO  
3 IMPLEMENT THIS SUBSECTION.