

ACT No. 925

Regular Session, 2003

HOUSE BILL NO. 731

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 13:5063(C)(2)(b), relative to the Master Settlement Agreement; to provide for escrow payments by tobacco product manufacturers; to provide for the state's allocable share; to provide for the release of funds from escrow; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5063(C)(2)(b) is hereby amended and reenacted to read as follows:

§5063. Requirements

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(2) A tobacco product manufacturer that places funds into escrow pursuant to this Subsection shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

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(b) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than ~~the state's allocable share of the total payments that such manufacturer~~

~~would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment) the Master Settlement Agreement payments, as determined pursuant to section IX(i) of that agreement, including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or~~

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Section 2. If this Act or any provision of the amendment to R.S. 13:5063(C)(2)(b) as amended by this Act is held by a court of competent jurisdiction to be unconstitutional, R.S. 13:5063(C)(2)(b) shall be deemed to be repealed in its entirety. If R.S. 13:5063(C)(2) is thereafter held by a court of competent jurisdiction to be unconstitutional, this Act shall be deemed repealed and R.S. 13:5063(C)(2)(b) shall be restored as if no such amendments had been made. Neither any holding of unconstitutionality nor the repeal of R.S. 13:5063(C)(2)(b) shall affect, impair, or invalidate any other portion of R.S. 13:5063 or the application of such Section to any other person or circumstance, and such remaining portions of R.S. 13:5063 shall at all times continue in full force and effect.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and

subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____