

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1100

Second Edition Engrossed 4/23/03

Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 7/16/03

Short Title: Protect Master Settlement Funds.

(Public)

Sponsors:

Referred to:

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT
3 FUNDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 66-291(b)(2) reads as rewritten:

6 "(2) To the extent that a tobacco product manufacturer establishes that the
7 amount it was required to place into escrow on account of units sold in
8 the State in a particular year was greater than the State's allocable
9 share of the total payments that such manufacturer would have been
10 required to make in that year under the Master Settlement Agreement
11 (as determined pursuant to section IX(i)(2) of the Master Settlement
12 Agreement, and before any of the adjustments or offsets described in
13 section IX(i)(3) of that Agreement other than the Inflation
14 Adjustment)the Master Settlement Agreement payments, as
15 determined pursuant to Section IX(i) of that agreement including after
16 final determination of all adjustments, that the manufacturer would
17 have been required to make on account of the units sold had it been a
18 participating manufacturer, the excess shall be released from escrow
19 and revert back to such tobacco product manufacturer; or".

20 **SECTION 2.** If this act or any portion of the amendment made to G.S.

21 66-291(b)(2) by this act is held by a court of competent jurisdiction to be
22 unconstitutional, then G.S. 66-291(b)(2) shall be deemed to be repealed in its entirety.
23 If G.S. 66-291(b) shall thereafter be held by a court of competent jurisdiction to be
24 unconstitutional, then this act shall be repealed, and G.S. 66-291(b)(2) shall be restored
25 as if no amendments had been made by this act. Neither any judicial holding of
26 unconstitutionality nor the repeal of G.S. 66-291(b)(2) shall affect, impair, or invalidate
27 any other portion of Part 1 of Article 37 of Chapter 66 of the General Statutes or the

1 application of Part 1 of Article 37 of Chapter 66 of the General Statutes to any other
2 person or circumstance, and the remaining portions of Part 1 of Article 37 of Chapter 66
3 of the General Statutes shall at all times continue in full force and effect.

4 **SECTION 3.** This act becomes effective 1 October 2003.