

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1737

4  
5 By: Representatives Bradford, Mahony  
6 By: Senator Bryles

## For An Act To Be Entitled

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10 AN ACT TO AMEND ARKANSAS CODE § 26-57-261  
11 PERTAINING TO DEPOSITS BY TOBACCO PRODUCT  
12 MANUFACTURERS UNDER THE MASTER SETTLEMENT  
13 AGREEMENT; AND FOR OTHER PURPOSES.

## Subtitle

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16 AN ACT TO AMEND ARKANSAS CODE § 26-57-  
17 261(2)(B)(ii).

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 26-57-261(2)(B)(ii) is amended to read as  
23 follows:

24 (ii) To the extent that a tobacco product manufacturer  
25 establishes that the amount it was required to place into escrow on account  
26 of units sold in the state in a particular year was greater than ~~the state's~~  
27 ~~allocable share of the total payments that such manufacturer would have been~~  
28 ~~required to make in that year under the Master Settlement Agreement, as~~  
29 ~~determined pursuant to section IX(i)(2) of the Master Settlement Agreement~~  
30 ~~and before any of the adjustments or offsets described in section IX(i)(3) of~~  
31 ~~that agreement other than the inflation adjustment, the Master Settlement~~  
32 Agreement payments, as determined pursuant to section IX(i) of that Agreement  
33 including after final determination of all adjustments, that the manufacturer  
34 would have been required to make on account of the units sold had it been a  
35 participating manufacturer, the excess shall be released from escrow and  
36 revert back to such tobacco product manufacturer; or



1           SECTION 2. (a) If this act, or any portion of the amendment to  
2 Arkansas Code § 26-57-261(2)(B)(ii) made by this act, is held by a court of  
3 competent jurisdiction to be unconstitutional, then Arkansas Code § 26-57-  
4 261(2)(B)(ii) shall be deemed to be repealed in its entirety.

5           (b) If Arkansas Code § 26-57-261(2)(B) shall thereafter be held by a  
6 court of competent jurisdiction to be unconstitutional, then this act shall  
7 be deemed repealed, and Arkansas Code § 26-57-261(2)(B)(ii) be restored as if  
8 no such amendments had been made.

9           (c) Neither any holding of unconstitutionality nor the repeal of  
10 Arkansas Code § 26-57-261(2)(B)(ii) shall affect, impair or invalidate any  
11 other portion of Arkansas Code § 26-57-261, or the application of the section  
12 to any other person or circumstance, and the remaining portions of Arkansas  
13 Code § 26-57-261 shall continue in full force and effect.

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