

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1718 Session of 2003

INTRODUCED BY NICKOL, EACHUS, VANCE, DeWEESE, S. H. SMITH, VEON AND MACKERETH, JUNE 26, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 15, 2003

AN ACT

1 Amending the act of June 26, 2001 (P.L.755, No.77), entitled "An
2 act establishing a special fund and account for money
3 received by the Commonwealth from the Master Settlement
4 Agreement with tobacco manufacturers; providing for home and
5 community-based care, for tobacco use prevention and
6 cessation efforts, for Commonwealth universal research
7 enhancement, for hospital uncompensated care, for health
8 investment insurance, for medical assistance for workers with
9 disabilities, for regional biotechnology research centers,
10 for the HealthLink Program, for community-based health care
11 assistance programs, for PACE reinstatement and PACENET
12 expansion, for medical education loan assistance and for
13 percentage allocation and appropriation of moneys," imposing
14 limitations on supersedeas bond requirements; AND REQUIRING <—
15 THE DEPARTMENT OF LABOR AND INDUSTRY TO MAKE CERTAIN REPORT
16 TO GENERAL ASSEMBLY.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The act of June 26, 2001 (P.L.755, No.77), known
20 as the Tobacco Settlement Act, is amended by adding a section <—

21 SECTIONS to read: <—

22 Section 309. Limits on supersedeas bond requirements.

23 (a) General rule.--Except as otherwise provided in

24 subsection (b), in civil litigation under any legal theory

1 involving a signatory, a successor of a signatory or an
2 affiliate of a signatory to the Master Settlement Agreement, the
3 supersedeas bond to be furnished during the pendency of all
4 appeals or discretionary reviews of any judgment granting legal,
5 equitable or any other form of relief in order to stay the
6 execution thereon during the entire course of any appellate
7 reviews shall be set in accordance with applicable laws or court
8 rules provided that the total supersedeas bond that is required
9 of all appellants collectively shall not exceed \$25,000,000,
10 regardless of the value of the judgment.

11 (b) Exception.--Notwithstanding subsection (a), if an
12 appellee proves by a preponderance of the evidence that an
13 appellant is dissipating assets outside the ordinary course of
14 business to avoid payment of a judgment, the court may enter an
15 order that:

16 (1) Is necessary to protect the appellee.

17 (2) Requires the appellant to post a supersedeas bond in
18 an amount up to the total amount of the judgment.

19 SECTION 2704. REPORT TO GENERAL ASSEMBLY.

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20 THE DEPARTMENT OF LABOR AND INDUSTRY SHALL STUDY AND REPORT
21 BACK TO THE GENERAL ASSEMBLY WITHIN SIX MONTHS THE NECESSITY TO
22 HELP CITIZENS OF THIS COMMONWEALTH WHO WOULD HAVE BEEN ELIGIBLE
23 FOR A FEDERAL OCCUPATION-RELATED DISABILITY PROGRAM SUCH AS COAL
24 WORKER'S PNEUMOCONIOSIS (BLACK LUNG), BUT FOR THE FACT THAT THEY
25 SMOKE A TOBACCO PRODUCT.

26 Section 2. This act shall apply to any action pending on the
27 effective date of this act.

28 Section 3. This act shall take effect immediately.