
HOUSE JOINT MEMORIAL 4003

State of Washington

56th Legislature

1999 Regular Session

By Representatives Ballard, Chopp, H. Sommers, Huff, Hurst, D. Sommers, Koster, Bush, D. Schmidt, Talcott, Fortunato, Thomas, Carlson, Parlette, Pflug, Mitchell, McDonald, Rockefeller, Tokuda, Dickerson, Cairnes, O'Brien, Cody, Kenney, Wolfe, Mielke, Campbell, Ogden, Dunn, Ericksen, Skinner, Hankins, G. Chandler, Sump, Edmonds, McIntire, Haigh, Wensman, Stensen, Mulliken, Conway, Esser, Lambert and Linville; by request of Attorney General

Read first time 01/18/1999.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, The state of Washington settled its litigation against the
9 tobacco industry on November 23, 1998; and

10 WHEREAS, The federal government has declined to bring its own
11 lawsuit against the tobacco industry; and

12 WHEREAS, The federal government through the Health Care Financing
13 Administration has asserted that it is entitled to a significant share
14 of the state settlement on the basis that it represents the federal
15 share of Medicaid costs; and

16 WHEREAS, The federal government asserts that it is authorized and
17 obligated, under the Social Security Act, to collect its share of any
18 settlement funds attributable to Medicaid; and

19 WHEREAS, The state lawsuit was brought for violation of state law
20 under state law theories, and the state lawsuit did not make any
21 federal claims; and

1 WHEREAS, The state bore all the risk and expense in the litigation
2 brought in state court, and settled without any assistance from the
3 federal government; and

4 WHEREAS, The state is entitled to all of the funds negotiated in
5 the tobacco settlement agreement without any federal claim;

6 NOW, THEREFORE, Your Memorialists respectfully pray that Congress
7 and the Administration prohibit federal recoupment of state tobacco
8 settlement recoveries.

9 BE IT RESOLVED, That copies of this Memorial be immediately
10 transmitted to the Honorable William J. Clinton, President of the
11 United States, the President of the United States Senate, the Speaker
12 of the House of Representatives, and each member of Congress from the
13 State of Washington.

--- END ---