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HOUSE JOINT MEMORIAL 4037

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Dyer, Cody, Backlund, Skinner, Conway, Parlette, Wood, Zellinsky, Anderson, Chopp, Kessler and O'Brien

Read first time 01/30/98. Referred to Committee on Health Care.

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 and other states have initiated  
9 litigation against the tobacco industry seeking injunctive relief along  
10 with the recovery of penalties and damages for the alleged illegal  
11 conduct of the industry. Claims include the recovery of damages for  
12 violation of consumer protection and antitrust laws, for common law  
13 conspiracy, and for expenditure of public funds for health care  
14 services; and

15 WHEREAS, The tobacco industry has agreed to a proposed global  
16 settlement of the states' litigation which includes the recovery by  
17 states of substantial damages. The proposed settlement has been  
18 referred to congress for implementation; and

19 WHEREAS, Since the states have initiated litigation and settlement  
20 of legal claims for violation of a number of state laws, they should  
21 recover their full measure of damages in the proposed settlement

1 without any offset or withholding by the federal government.  
2 Specifically, the Federal Department of Health and Human Services does  
3 not and should not have a claim to any portion of the funds received by  
4 the states as damages, based on receipt by the states of federal funds  
5 for Medicaid costs;

6 NOW, THEREFORE, Your Memorialists respectfully pray that congress  
7 enact legislation which would specify that no portion of the funds  
8 received by the states as part of the global settlement or any other  
9 resolution of tobacco litigation be withheld, offset, or claimed by the  
10 federal government, the Department of Health and Human Services, or any  
11 other federal agency.

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

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