

HOUSE JOINT RESOLUTION NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HARRIS, Rokeberg, Green

Introduced: 2/5/99

Referred: Finance

A RESOLUTION

**1 Relating to federal claims against funds obtained by settlement of state tobacco
2 litigation.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS the State of Alaska settled its litigation against the tobacco industry on
5 November 23, 1998; and

6 WHEREAS the federal government has declined to bring its own lawsuit against the
7 tobacco industry; and

8 WHEREAS the federal government, through the Health Care Financing
**9 Administration, has asserted that it is entitled to a significant share of the state settlement on
10 the basis that it represents the federal share of Medicaid costs; and**

11 WHEREAS the federal government asserts that it is authorized and obligated, under
12 the Social Security Act, to collect its share of any settlement funds attributed to Medicaid; and

13 WHEREAS the state tobacco lawsuit was brought for violation of state law under state
14 law theories, and the state lawsuit did not make any federal claims; and

15 WHEREAS the state bore all the risk and expense in the litigation brought in state
16 court and settled without any assistance from the federal government; and

1 **WHEREAS** the state is entitled to all of the funds negotiated in the tobacco settlement
2 agreement without any federal claim;

3 **BE IT RESOLVED** that the Twenty-First Alaska State Legislature respectfully
4 requests the Congress to enact and the President to sign legislation to prohibit any federal
5 claim against money obtained by settlement of state tobacco litigation.

6 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
7 United States; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
8 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
9 delegation in Congress.