

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS85031-LB-114 (02/11)

Short Title: Sterilization Compensation.

(Public)

Sponsors: Senator Shaw.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE COMPENSATION TO THE PERSONS STERILIZED THROUGH
THE STATE'S EUGENIC STERILIZATION PROGRAM.

Whereas, during the early part of the 20th century, social reformers advocated eugenic sterilization as a solution to problems such as mental retardation and mental illness; and

Whereas, in 1907, Indiana was the first state to pass a eugenic sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1933 to 1974, North Carolina's Eugenics Board reviewed petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before the Board; and

Whereas, researchers estimate that more than 7,600 people were sterilized in North Carolina between 1929 and 1974, ranking North Carolina third among the states operating eugenic sterilization programs; and

Whereas, while most states sharply curtailed their sterilization programs after World War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945, and by the late 1960s, more than 60% of those persons sterilized in the State were black, and 99% were female; and

Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina have issued apologies for these forced sterilizations, and Governor Michael F. Easley established a committee to investigate the eugenics program and consider compensation or counseling services for these persons; and

Whereas, the General Assembly finds that persons sterilized as a result of the State's eugenics sterilization program should be compensated; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1.(a) Any person who, as a result of the eugenic sterilization program in this State, was sterilized between the years 1929 and 1975 shall receive compensation as provided for in this section if the person submits a claim before June 30, 2012.

SECTION 1.(b) A claim under this section may be submitted to the Department of Health and Human Services. The claim shall be supported by appropriate verification and information as determined by the Department.



1 **SECTION 1.(c)** The Department shall determine the eligibility of a claimant to
2 receive the compensation authorized by this section. The Department shall notify the claimant
3 by mail of its determination regarding the claimant's eligibility.

4 **SECTION 1.(d)** The Department shall adopt rules that will assist in the fair
5 determination of eligibility and the processing of claims. The Department, however, shall not
6 be obligated to notify any person of possible eligibility for compensation.

7 **SECTION 1.(e)** A claimant under this section who is determined eligible by the
8 Department shall receive fifty thousand dollars (\$50,000). All claims which the Department
9 determines are eligible for compensation shall be immediately forwarded to the State Treasurer,
10 who shall issue warrants in the appropriate amounts upon demand and verification of identity.
11 If a claimant dies after filing a claim but before receiving payment, payments shall be made to
12 the claimant's estate upon demand and verification of identity.

13 **SECTION 2.** There is established the Eugenic Sterilization Compensation Fund.
14 Funds appropriated to this Fund shall not revert until the claims verified by the Department of
15 Health and Human Services under Section 1 of this act are paid. The Fund shall be kept on
16 deposit with the State Treasurer, as in the case of other State funds, and may be invested by the
17 State Treasurer in any lawful security for the investment of State money. The Fund is subject to
18 the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General
19 Statutes.

20 **SECTION 3.(a)** The Department of Health and Human Services shall estimate the
21 cost of providing health care, counseling, and educational assistance required as a result of
22 sterilization under the State's eugenic sterilization program, to those persons who are eligible
23 for compensation under this act. The Department shall report the result of its findings to the
24 House of Representatives Appropriations Subcommittee on Health and Human Services, the
25 Senate Appropriations Committee on Health and Human Services, and the Fiscal Research
26 Division on or before January 1, 2010.

27 **SECTION 3.(b)** It is the intent of the General Assembly after receiving cost
28 estimates to provide appropriate health care coverage, counseling, and educational assistance to
29 persons who receive compensation under Section 1 of this act.

30 **SECTION 4.** There is appropriated from the General Fund to the State Treasurer
31 the sum of one hundred seventy-two million seven hundred fifty thousand dollars
32 (\$172,750,000) for the 2009-2010 fiscal year to fund the Eugenic Sterilization Compensation
33 Fund. There is appropriated from the General Fund to the Department of Health and Human
34 Services the sum of one hundred sixty-five thousand dollars (\$165,000) for the 2009-2010
35 fiscal year to administer Section 1 of this act. There is appropriated from the General Fund to
36 the Department of Health and Human Services the sum of fifty thousand dollars (\$50,000) for
37 the 2009-2010 fiscal year to implement Section 3 of this act.

38 **SECTION 5.** This act becomes effective July 1, 2009.