

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

1

HOUSE BILL 70

Short Title: Compensate Eugenics Sterilization Survivors. (Public)

Sponsors: Representatives Womble and Parmon (Primary Sponsors).
 For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services, if favorable, Appropriations.

February 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS STERILIZED BY
3 THE EUGENICS STERILIZATION PROGRAM.

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

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

10 Whereas, from 1929 to 1974, North Carolina's Eugenics Board reviewed petitions
11 for sterilizations, and sterilizations were ordered in more than 90% of the cases before the
12 Board; and

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

16 Whereas, over the lifetime of the Eugenics Sterilization Program, approximately
17 38% of those persons sterilized under the Program were African-American, and 84% of all
18 sterilized under the Program were female; and

19 Whereas, over the lifetime of the Eugenics Sterilization Program, approximately
20 71% of persons sterilized under the Program were classified as "feebleminded," who were
21 predominantly people with intellectual disabilities; 24% classified as mentally ill; and 5% were
22 classified as epileptic; and

23 Whereas, while most states sharply curtailed their sterilization programs after World
24 War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945; and

25 Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina
26 have issued apologies for these forced sterilizations; and

27 Whereas, the General Assembly finds that persons sterilized as a result of the
28 Eugenics Sterilization Program should be compensated; Now, therefore,
29 The General Assembly of North Carolina enacts:

30 **SECTION 1.(a)** Any person who, as a result of the Eugenics Sterilization Program
31 in this State, was sterilized between the years 1929 and 1975 shall receive compensation as
32 provided for in this section if the person submits a claim before June 30, 2014.

33 **SECTION 1.(b)** A claim under this section may be submitted to the Department of
34 Health and Human Services. The claim shall be supported by appropriate verification and
35 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 twenty thousand dollars (\$20,000). 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 **SECTION 2.** There is established the Eugenics Sterilization Compensation Fund.
12 Funds appropriated to this Fund shall not revert until the claims verified by the Department of
13 Health and Human Services under Section 1 of this act are paid. The Fund shall be kept on
14 deposit with the State Treasurer, as in the case of other State funds, and may be invested by the
15 State Treasurer in any lawful security for the investment of State money. The Fund is subject to
16 the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General
17 Statutes.

18 **SECTION 3.** There is appropriated from the General Fund to the State Treasurer
19 the sum of eighteen million four hundred eighty thousand dollars (\$18,480,000) for the
20 2011-2012 fiscal year to fund the Eugenics Sterilization Compensation Fund.

21 **SECTION 4.** There is appropriated from the General Fund to the Department of
22 Health and Human Services the sum of one hundred sixty-five thousand dollars (\$165,000) for
23 the 2011-2012 fiscal year to administer Section 1 of this act.

24 **SECTION 5.** This act becomes effective July 1, 2011.