## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

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## SENATE DRS25066-LB-68D\* (01/27)

Short Title: Sterilization Compensation.

Sponsors:Senator Shaw.Referred to:

1	A BILL TO BE ENTITLED
2	AN ACT TO PROVIDE COMPENSATION TO THE PERSONS STERILIZED
3	THROUGH THE STATE'S EUGENIC STERILIZATION PROGRAM.
4	Whereas, during the early part of the $20^{\text{th}}$ century, social reformers advocated
5	eugenic sterilization as a solution to problems such as mental retardation and mental
6	illness; and
7	Whereas, in 1907, Indiana was the first state to pass a eugenic sterilization
8	program, and eventually more than 30 states passed these laws, with North Carolina
9	following in 1929; and
10	Whereas, from 1933 to 1974, North Carolina's Eugenics Board reviewed
11	petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases
12	before the Board; and
13	Whereas, researchers estimate that more than 7,600 people were sterilized in
14	North Carolina between 1929 and 1974, ranking North Carolina third among the states
15	operating eugenic sterilization programs; and
16	Whereas, while most states sharply curtailed their sterilization programs after
17	World War II, nearly four-fifths of sterilizations in North Carolina were performed after
18	1945, and by the late 1960s, more than 60% of those persons sterilized in the State were
19	black, and 99% were female; and
20	Whereas, the governors of Virginia, Oregon, South Carolina, and North
21	Carolina have issued apologies for these forced sterilizations, and Governor Michael F.
22	Easley established a committee to investigate the eugenics program and consider
23	compensation or counseling services for these persons; and
24	Whereas, the General Assembly finds that persons sterilized as a result of the
25	State's eugenics sterilization program should be compensated; Now, therefore,
26	The General Assembly of North Carolina enacts:

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(Public)

1 **SECTION 1.(a)** Any person who, as a result of the eugenic sterilization 2 program in this State, was sterilized between the years 1929 and 1975 shall receive 3 compensation as provided for in this section if the person submits a claim before June 4 30, 2010.

5 **SECTION 1.(b)** A claim under this section may be submitted to the 6 Department of Health and Human Services. The claim shall be supported by appropriate 7 verification and information as determined by the Department.

8 **SECTION 1.(c)** The Department shall determine the eligibility of a claimant 9 to receive the compensation authorized by this section. The Department shall notify the 10 claimant by mail of its determination regarding the claimant's eligibility.

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

14 **SECTION 1.(e)** A claimant under this section who is determined eligible by 15 the Department shall receive fifty thousand dollars (\$50,000). All claims which the 16 Department determines are eligible for compensation shall be immediately forwarded to 17 the State Treasurer, who shall issue warrants in the appropriate amounts upon demand 18 and verification of identity. If a claimant dies after filing a claim but before receiving 19 payment, payments shall be made to the claimant's estate upon demand and verification 20 of identity.

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

28 **SECTION 3.(a)** The Department of Health and Human Services shall 29 estimate the cost of providing health care, counseling, and educational assistance 30 required as a result of sterilization under the State's eugenic sterilization program, to 31 those persons who are eligible for compensation under this act. The Department shall 32 report the result of its findings to the House of Representatives Appropriations 33 Subcommittee on Health and Human Services, the Senate Appropriations Committee on 34 Health and Human Services, and the Fiscal Research Division on or before January 1, 35 2008.

36 **SECTION 3.(b)** It is the intent of the General Assembly after receiving cost 37 estimates to provide appropriate health care coverage, counseling, and educational 38 assistance to persons who receive compensation under Section 1 of this act.

**SECTION 4.** There is appropriated from the General Fund to the State Treasurer the sum of one hundred seventy-two million seven hundred fifty thousand dollars (\$172,750,000) for the 2007-2008 fiscal year to fund the Eugenic Sterilization Compensation Fund. There is appropriated from the General Fund to the Department of Health and Human Services the sum of one hundred sixty-five thousand dollars (\$165,000) for the 2007-2008 fiscal year to administer Section 1 of this act. There is

## **General Assembly of North Carolina**

- 1 appropriated from the General Fund to the Department of Health and Human Services
- 2 the sum of fifty thousand dollars (\$50,000) for the 2007-2008 fiscal year to implement
- 3 Section 3 of this act.4 SECTION
  - **SECTION 5.** This act becomes effective July 1, 2007.