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,  

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.  

SECTION 1.(c) The Department shall determine the eligibility of a claimant to  
receive the compensation authorized by this section. The Department shall notify the 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.

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

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

SECTION 3. (b) It is the intent of the General Assembly after receiving cost
estimates to provide appropriate health care coverage, counseling, and educational 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 2009-2010 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 2009-2010
fiscal year to administer Section 1 of this act. There is appropriated from the General Fund to
the Department of Health and Human Services the sum of fifty thousand dollars ($50,000) for
the 2009-2010 fiscal year to implement Section 3 of this act.

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