

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH50388-LB-200B (04/13)

Short Title: Sterilization Compensation. (Public)

Sponsors: Representatives Womble, Jones (Primary Sponsors); B. Allen, Luebke, Parmon, and Weiss.

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 20th 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:

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, 2009.

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.

11 **SECTION 1.(d)** The Department shall adopt rules that will assist in the fair
12 determination of eligibility and the processing of claims. The Department, however,
13 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 twenty thousand dollars (\$20,000). 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.

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

28 **SECTION 3.(a)** The Department of Health and Human Services shall report
29 its estimate of 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 2006.

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.

39 **SECTION 4.** There is appropriated from the General Fund to the State
40 Treasurer the sum of sixty-nine million one hundred thousand dollars (\$69,100,000) for
41 the 2005-2006 fiscal year to fund the Eugenic Sterilization Compensation Fund. There
42 is appropriated from the General Fund to the Department of Health and Human Services
43 the sum of one hundred sixty-five thousand dollars (\$165,000) for the 2005-2006 fiscal
44 year and the sum of one hundred sixty-five thousand dollars (\$165,000) for the

1 2006-2007 fiscal year to administer Section 1 of this act. There is appropriated from the
2 General Fund to the Department of Health and Human Services the sum of fifty
3 thousand dollars (\$50,000) for the 2005-2006 fiscal year to implement Section 3 of this
4 act.

5 **SECTION 5.** This act becomes effective July 1, 2005.