

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1607

Short Title: Sterilization Compensation. (Public)

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

Referred to: Appropriations.

May 9, 2005

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

1 compensation as provided for in this section if the person submits a claim before June
2 30, 2009.

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

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

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

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

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

26 **SECTION 3.(a)** The Department of Health and Human Services shall report
27 its estimate of the cost of providing health care, counseling, and educational assistance
28 required as a result of sterilization under the State's eugenic sterilization program, to
29 those persons who are eligible for compensation under this act. The Department shall
30 report the result of its findings to the House of Representatives Appropriations
31 Subcommittee on Health and Human Services, the Senate Appropriations Committee on
32 Health and Human Services, and the Fiscal Research Division on or before January 1,
33 2006.

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

37 **SECTION 4.** There is appropriated from the General Fund to the State
38 Treasurer the sum of sixty-nine million one hundred thousand dollars (\$69,100,000) for
39 the 2005-2006 fiscal year to fund the Eugenic Sterilization Compensation Fund. There
40 is appropriated from the General Fund to the Department of Health and Human Services
41 the sum of one hundred sixty-five thousand dollars (\$165,000) for the 2005-2006 fiscal
42 year and the sum of one hundred sixty-five thousand dollars (\$165,000) for the
43 2006-2007 fiscal year to administer Section 1 of this act. There is appropriated from the
44 General Fund to the Department of Health and Human Services the sum of fifty

1 thousand dollars (\$50,000) for the 2005-2006 fiscal year to implement Section 3 of this
2 act.

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