## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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## HOUSE DRH30015-RDz-3 (12/01)

Short Title: Compensate Eugenics Sterilization Survivors.

(Public)

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Sponsors:	Representatives Womble, Sutton, Parmon, and M. Alexander (Primary
	Sponsors).

## Referred to:

## A BILL TO BE ENTITLED 1 2 AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS STERILIZED BY 3 THE EUGENICS STERILIZATION PROGRAM. Whereas, during the early part of the 20<sup>th</sup> century, social reformers advocated 4 eugenics sterilization as a solution to problems such as mental retardation and mental illness; 5 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 eugenics sterilization programs; and 15 Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 16 17 38% of those persons sterilized under the Program were black, and 84% of all sterilized under 18 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 have issued apologies for these forced sterilizations, and Governor Michael F. Easley 26 27 established a committee to investigate the Eugenics Sterilization Program and consider 28 compensation or counseling services for these persons; and 29 Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney, established the House Select Committee on Compensation for Victims of the Eugenics 30 31 Sterilization Program to study proposals to compensate persons sterilized under the Program;

- 32 and
- 33 Whereas, the General Assembly finds that persons sterilized as a result of the 34 Eugenics Sterilization Program should be compensated; Now, therefore,



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The General Assembly of North Carolina enacts:
<b>SECTION 1.(a)</b> Any person who, as a result of the Eugenics 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, 2014.
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 twenty thousand dollars (\$20,000). 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.
<b>SECTION 2.</b> There is established the Eugenics 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.
<b>SECTION 3.</b> There is appropriated from the General Fund to the State Treasurer
the sum of eighteen million four hundred eighty thousand dollars (\$18,480,000) for the
2009-2010 fiscal year to fund the Eugenics 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.
<b>SECTION 4.</b> This act becomes effective July 1, 2009.