

February 16, 2009

S 179. STERILIZATION COMPENSATION. Filed 2/16/09. TO PROVIDE COMPENSATION TO THE PERSONS STERILIZED THROUGH THE STATE'S EUGENIC STERILIZATION PROGRAM.

Creates an action to compensate individuals who were sterilized between 1929 and 1975 because of the eugenic sterilization program. Requires that a verifiable claim for compensation be submitted to the Department of Health and Human Services (DHHS) by June 30, 2012. Requires DHHS to determine eligibility, provide notice to claimants, and adopt procedural rules related to submitted claims. Provides that DHHS is not obligated to notify any person of possible eligibility for compensation. Sets compensation for an eligible claim at \$50,000, to be issued by the State Treasurer upon notification of an eligible claim by DHHS. Allows for a compensation payment to be made to the claimant's estate upon demand and verification of identity if a claimant dies after filing but before receiving payment. Establishes the Eugenic Sterilization Compensation Fund, on deposit with the State Treasurer, and prohibits any funds from reverting until all verified claims are paid. Allows the State Treasurer to invest funds in the same manner of other state money, subject to oversight by the State Auditor.

Directs DHHS to estimate the cost of providing health care, counseling, and educational assistance required to those persons eligible for compensation. Requires that DHHS report its findings to the legislative subcommittees on health and human services and the Fiscal Research Division by January 1, 2010. Appropriates \$50,000 for 2009-10 from the General Fund to DHHS for this purpose. States that the General Assembly intends to provide those services after receiving cost estimates.

Appropriates \$172,750,000 for 2009-10 from the General Fund to the State Treasurer to fund the Eugenic Sterilization Compensation Fund. Also appropriates \$165,000 for 2009-10 from the General Fund to DHHS to administer the processing of claims.

Includes whereas clauses.

Effective July 1, 2009.

Intro. by Shaw.

APPROP