GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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HOUSE BILL 20 PROPOSED COMMITTEE SUBSTITUTE H20-PCS80468-RD-65

Short Title: Compensate Eugenics Sterilization Survivors. (Public)

Sponsors:

Referred to:

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS STERILIZED BY THE EUGENICS STERILIZATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.

Whereas, during the early part of the $20^{\rm th}$ century, social reformers advocated eugenics 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 eugenics sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1929 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 eugenics sterilization programs; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 38% of those persons sterilized under the Program were black, and 84% of all sterilized under the Program were female; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feebleminded," who were predominantly people with intellectual disabilities; 24% classified as mentally ill; and 5% were classified as epileptic; 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

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 Sterilization Program and consider compensation or counseling services for these persons; and

Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney, established the House Select Committee on Compensation for Victims of the Eugenics Sterilization Program to study proposals to compensate persons sterilized under the Program; and



Whereas, the General Assembly finds that persons sterilized as a result of the 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 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.

SECTION 2. 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.

SECTION 3. 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.

SECTION 4. This act becomes effective July 1, 2009.