



SENATE BILL 29: County Eugenics Compensation Authority.

**This Bill Analysis
reflects the
contents of the bill
as it was presented
in committee.**

2016-2017 General Assembly

Committee:	House Children, Youth, and Families	Date:	June 8, 2016
Introduced by:	Sen. Curtis	Prepared by:	Tawanda N. Foster
Analysis of:	PCS to Second Edition S29-CSLR-55		Committee Co-Counsel

SUMMARY: *The PCS to Senate Bill 29 would allow counties to compensate persons asexualized or sterilized under county authority for the purposes of eugenics.*

CURRENT LAW: S.L. 2013-360, Sec. 6.18, as amended by S.L. 2013-363, Sec. 1.1 and S.L. 2013-410, Sec. 40 created the Eugenics Asexualization and Sterilization Compensation Program and the Eugenics Sterilization Compensation Fund. This program and fund provided for the compensation of persons who were asexualized or sterilized involuntarily under the authority of the Eugenics Board of North Carolina. This section became effective on July 1, 2013 and expired on June 30, 2015. This section did not apply to persons who were asexualized or sterilized involuntarily under the authority of county programs.

BILL ANALYSIS: The bill would allow counties with populations over 350,000 to adopt an ordinance to provide compensation to qualified recipients asexualized or sterilized under county authority. The ordinance must provide the Industrial Commission will determine whether a claimant is eligible for compensation as a qualified recipient or provide other provisions to afford claimants due process and prescribe the manner in which claims will be handled by the county. An ordinance adopted under this section must become effective on or before July 1, 2018. All claims for compensation under the ordinance must be made no later than December 31, 2019.

A person must be alive at the time a claim is made under this section. If a claimant dies during the pendency of a claim, the decedent’s estate will receive the compensation payment. Compensation may also be deposited into a trust established for the benefit of the qualified recipient. Payments made under this section may not be considered income or assets for the purposes of determining eligibility for public benefits or assistance and may not be used for attorneys’ fees arising from the representation at the county determination level or on appeal.

EFFECTIVE DATE: This act would become effective when it becomes law.

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Director



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