

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1241

Short Title: Eugenics Compensation Changes. (Public)

Sponsors: Representatives L. Hall, Terry, Pierce, and Cunningham (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE PERIOD FOR FILING CLAIMS FOR COMPENSATION
PAYMENTS UNDER THE EUGENICS ASEXUALIZATION AND STERILIZATION
COMPENSATION PROGRAM AND TO CLARIFY WHO CAN FILE CLAIMS UNDER
THAT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-426.52 reads as rewritten:

"§ 143B-426.52. Claims for compensation for asexualization or sterilization.

(a) An individual shall be entitled to compensation as provided for in this Part if a claim is submitted on behalf of that individual in accordance with this Part on or before ~~June~~ September 30, 2014, and that individual is subsequently determined by a preponderance of the evidence to be a qualified recipient, except that any competent adult who gave consent is not a qualified recipient unless that individual can show by a preponderance of the evidence that the consent was not informed.

(b) A claim under this section shall be submitted to the Office. The claim shall be in a form and supported by appropriate documentation and information, as required by the Commission. A claim may be submitted on behalf of a claimant by a person lawfully authorized to act on the individual's or the individual's estate's behalf. If no claim has been filed by a person eligible to file under the previous sentence, it may be filed by a person entitled to inherit under the Intestate Succession Act, Chapter 29 of the General Statutes, with the person entitled to file on behalf of the claimant determined as if the claimant had died intestate on the day the claim was filed.

(c) The Commission shall determine the eligibility of a claimant to receive the compensation authorized by this Part in accordance with G.S. 143B-426.53. The Commission shall notify the claimant in writing of the Commission's determination regarding the claimant's eligibility.

(d) The Commission shall adopt rules for the determination of eligibility and the processing of claims in accordance with G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(d), the rules adopted pursuant to this section shall expire on the earlier of the date all claims made under this section are finally adjudicated or June 30, 2018."

SECTION 2. This act is effective when it becomes law.

