

REFERENCE TITLE: interstate compact; birth certificates

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2562

Introduced by

Representatives Kavanagh, Burges, Fann, Fillmore, Gowan, McLain, Proud, Seel, Smith D, Stevens, Ugenti, Senators Gould, Pearce R: Representatives Barton, Crandell, Goodale, Gray R, Harper, Judd, Lesko, Pratt, Senators Biggs, Bundgaard, Gray, Klein, Melvin, Murphy, Smith

AN ACT

AMENDING TITLE 36, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;
RELATING TO THE INTERSTATE BIRTH CERTIFICATE COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 3, Arizona Revised Statutes, is amended
3 by adding article 6, to read:

4 ARTICLE 6. INTERSTATE BIRTH CERTIFICATE COMPACT

5 36-361. Adoption of compact; text of compact

6 THE GOVERNOR IS AUTHORIZED AND DIRECTED TO ENTER INTO A COMPACT ON
7 BEHALF OF THIS STATE WITH ANY OF THE UNITED STATES LAWFULLY JOINED IN THE
8 COMPACT IN A FORM SUBSTANTIALLY AS FOLLOWS:

9 ARTICLE I

10 FINDINGS AND DECLARATION OF POLICY

11 IT IS THE PURPOSE OF THIS COMPACT THROUGH THE JOINT AND COOPERATIVE
12 ACTION AMONG THE PARTY STATES TO MAKE A DISTINCTION IN THE BIRTH
13 CERTIFICATES, CERTIFICATIONS OF LIVE BIRTH OR OTHER BIRTH RECORDS ISSUED IN
14 THE PARTY STATES BETWEEN A PERSON BORN IN THE PARTY STATE WHO IS BORN SUBJECT
15 TO THE JURISDICTION OF THE UNITED STATES AND A PERSON WHO IS NOT BORN SUBJECT
16 TO THE JURISDICTION OF THE UNITED STATES. A PERSON WHO IS BORN SUBJECT TO
17 THE JURISDICTION OF THE UNITED STATES IS A NATURAL BORN UNITED STATES
18 CITIZEN.

19 ARTICLE II

20 DEFINITION

21 AS USED IN THIS COMPACT, "SUBJECT TO THE JURISDICTION OF THE UNITED
22 STATES" HAS THE MEANING THAT IT BEARS IN SECTION 1 OF THE FOURTEENTH
23 AMENDMENT TO THE UNITED STATES CONSTITUTION, NAMELY THAT THE PERSON IS A
24 CHILD OF AT LEAST ONE PARENT WHO OWES NO ALLEGIANCE TO ANY FOREIGN
25 SOVEREIGNTY, OR A CHILD WITHOUT CITIZENSHIP OR NATIONALITY IN ANY FOREIGN
26 COUNTRY. FOR THE PURPOSES OF THIS COMPACT A PERSON WHO OWES NO ALLEGIANCE TO
27 ANY FOREIGN SOVEREIGNTY IS A UNITED STATES CITIZEN OR NATIONAL, OR AN
28 IMMIGRANT ACCORDED THE PRIVILEGE OF RESIDING PERMANENTLY IN THE UNITED
29 STATES, OR A PERSON WITHOUT NATIONALITY IN ANY FOREIGN COUNTRY.

30 ARTICLE III

31 TERMS

32 NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY, EACH PARTY
33 STATE SHALL MAKE A DISTINCTION IN THE BIRTH CERTIFICATES, CERTIFICATIONS OF
34 LIVE BIRTH OR OTHER BIRTH RECORDS ISSUED IN THE PARTY STATES, BETWEEN A
35 PERSON BORN IN THE PARTY STATE WHO IS BORN SUBJECT TO THE JURISDICTION OF THE
36 UNITED STATES AND A PERSON WHO IS NOT BORN SUBJECT TO THE JURISDICTION OF THE
37 UNITED STATES. A PERSON WHO IS BORN SUBJECT TO THE JURISDICTION OF THE
38 UNITED STATES IS A NATURAL BORN UNITED STATES CITIZEN.

39 ARTICLE IV

40 ENFORCEMENT

41 NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY:

42 1. THE GOVERNOR OF EACH PARTY STATE SHALL ENFORCE THIS AGREEMENT AND
43 COMPACT.

1 2. A TAXPAYING RESIDENT OF ANY PARTY STATE HAS STANDING IN THE COURTS
2 OF ANY PARTY STATE TO REQUIRE THE GOVERNOR OF ANY PARTY STATE TO ENFORCE THIS
3 AGREEMENT AND COMPACT.

4 ARTICLE V

5 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

6 A. THE GOVERNOR OF EACH PARTY STATE OR THE GOVERNOR'S DESIGNEE IS THE
7 COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR SHALL:

- 8 1. MAINTAIN AN ACCURATE LIST OF ALL PARTY STATES.
- 9 2. FORMULATE ALL NECESSARY AND PROPER PROCEDURES TO EFFECTUATE THIS
10 COMPACT.
- 11 3. DELEGATE NEEDED TASKS TO OTHER STATE AGENCIES.

12 B. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH TO THE
13 COMPACT ADMINISTRATOR OF EACH PARTY STATE ANY INFORMATION OR DOCUMENTS THAT
14 ARE REASONABLY NECESSARY TO FACILITATE THE ADMINISTRATION OF THIS COMPACT.

15 ARTICLE VI

16 ENTRY INTO EFFECT AND WITHDRAWAL

17 A. THIS COMPACT IS DEEMED ACCEPTED WHEN AT LEAST TWO STATES DELIVER A
18 NOTICE OF CONFIRMATION, WHICH IS DULY EXECUTED BY THEIR RESPECTIVE AUTHORIZED
19 REPRESENTATIVE AND WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS
20 COMPACT, TO EACH OTHER'S GOVERNOR, THE OFFICE OF THE CLERK OF THE UNITED
21 STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE SECRETARY OF THE UNITED
22 STATES SENATE, THE PRESIDENT OF THE UNITED STATES SENATE AND THE SPEAKER OF
23 THE UNITED STATES HOUSE OF REPRESENTATIVES. THEREAFTER, THE COMPACT IS
24 DEEMED ACCEPTED BY ANY STATE WHEN A RESPECTIVE NOTICE OF CONFIRMATION, WHICH
25 IS DULY EXECUTED BY THE STATE'S RESPECTIVE AUTHORIZED REPRESENTATIVE AND
26 WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS COMPACT, IS
27 DELIVERED TO EACH PARTY STATE'S COMPACT ADMINISTRATOR, THE OFFICE OF THE
28 CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE
29 SECRETARY OF THE UNITED STATES SENATE, THE PRESIDENT OF THE UNITED STATES
30 SENATE AND THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

31 B. THIS COMPACT SHALL NOT TAKE EFFECT UNTIL THE UNITED STATES CONGRESS
32 HAS GIVEN ITS CONSENT PURSUANT TO ARTICLE I, SECTION 10, CLAUSE 3 OF THE
33 UNITED STATES CONSTITUTION.

34 C. FOUR YEARS AFTER THIS COMPACT FIRST BECOMES EFFECTIVE, ANY PARTY
35 STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A JOINT RESOLUTION DECLARING
36 SUCH WITHDRAWAL AND DELIVERING NOTICE OF THE WITHDRAWAL TO EACH OTHER PARTY
37 STATE. A WITHDRAWAL DOES NOT AFFECT THE VALIDITY OR APPLICABILITY OF THE
38 COMPACT TO STATES REMAINING PARTY TO THE COMPACT.

39 ARTICLE VII

40 CONSTRUCTION AND SEVERABILITY

41 A. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS
42 PURPOSES.

43 B. THIS COMPACT IS INTENDED TO OPERATE AS THE LAW OF THE NATION WITH
44 RESPECT TO THE PARTY STATES UNDER 4 UNITED STATES CODE SECTION 112, TO

1 SUPERSEDE ANY INCONSISTENT STATE AND FEDERAL LAW AND TO ESTABLISH VESTED
2 RIGHTS IN FAVOR OF RESIDENTS OF THE PARTY STATES.

3 C. IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS
4 DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE
5 CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD
6 INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT SHALL NOT BE AFFECTED.

7 D. IF THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION
8 OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS DECLARED
9 IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO
10 THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD INVALID, THE
11 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE
12 REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE
13 SHALL NOT BE AFFECTED.

14 E. IF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY
15 PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE
16 REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE AFFECTED PARTY
17 STATE AS TO ALL SEVERABLE MATTERS.