

REFERENCE TITLE: interstate compact; birth certificates.

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1308

Introduced by
Senators Gould, Gray, Pearce R: Biggs, Bundgaard, Klein, Melvin, Murphy,
Shooter, Smith; Representative Harper

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 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.