

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Bookout**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §12-61-108 AND
9 §12-61-109 TO DESIGNATE THE ASSISTANT ADJUTANTS GENERAL OF
10 THE ARMY AND AIR NATIONAL GUARD AS DEPUTY ADJUTANTS
11 GENERAL; AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated §12-61-108 is amended to read as
16 follows:

17 "12-61-108. Deputy adjutants general.

18 (a) (1) The Adjutant General is authorized to appoint, subject to the
19 approval of the Governor, two (2) deputy adjutants general who will hold rank
20 of not higher than one (1) grade below that held by the Adjutant General up to
21 and including the rank of brigadier general.

22 (2) One (1) deputy adjutant general will be Army National Guard
23 and one (1) deputy adjutant general will be Air National Guard.

24 (3) However, the foregoing shall not preclude the appointment of
25 federally recognized major generals to perform the additional duties of deputy
26 adjutants general.

27 (b) At the time of the appointment:

28 (1) He must be an officer in the active service in the Army
29 National Guard or the Air National Guard of this state for three (3)
30 successive years immediately preceding his appointment; or

31 (2) He must have been in the active service in the branch or arm
32 for which appointed of the Army or Air National Guard as a commissioned
33 officer; or,

34 (3) If not in active National Guard service at the time of
35 appointment, he must have had prior service of at least six (6) years in the

1 branch or arm of the Army National Guard or Air National Guard of this state.

2 (c) The deputy adjutants general must have a thorough knowledge of the
3 organization and missions of the departments and components of the armed
4 forces of the United States.

5 (d) To be eligible for appointment as a Deputy Adjutant General for
6 Air, the officer must be assigned to the Air National Guard in the rank of
7 colonel, federally recognized.

8 (e) He shall subscribe to the oath of office prescribed for members of
9 the Arkansas Army National Guard and Air National Guard, which oath shall be
10 deposited in the office of the Adjutant General.

11 (f) He shall, during his term of office, be entitled to all rights,
12 privileges, and immunities granted officers of like rank in the Arkansas
13 National Guard.

14 (g) He shall aid the Adjutant General by the performance of such duties
15 as may be assigned to him."

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17 SECTION 2. Arkansas Code Annotated §12-61-109 is amended to read as
18 follows:

19 "12-61-109. Adjutant General - Delegation of authority.

20 The Adjutant General may designate by order any deputy adjutant general
21 to act as the Adjutant General in the absence of the latter from his office or
22 in case of his inability to perform the duties of his office. In the event of
23 the inability of any deputy adjutant general to perform the duties of the
24 Adjutant General, then the Adjutant General may appoint by order any qualified
25 Army or Air Guard officer in the grade of colonel or above."

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27 SECTION 3. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.