Stricken language would be deleted from and underlined language would be added to present law.

Act 148 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representatives House, Burch
By: Senator T. Garner

A Bill

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE REMOVAL OF AN
OFFICER FROM THE ARKANSAS NATIONAL GUARD; TO DECLARE
AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE REMOVAL
OF AN OFFICER FROM THE ARKANSAS NATIONAL
GUARD; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-62-104 is amended to read as follows:
(a) The Adjutant General of the State of Arkansas shall have the power
to remove any officer from the ranks of the Arkansas National Guard if the
officer:
(1) is refused federal recognition in the grade and
branch to which he or she has applied; or
(2) has had federal recognition withdrawn in the grade
and branch in which he or she was formerly recognized; or
(3) has had state recognition withdrawn in the grade and branch
in which he or she was formerly recognized.
(b) The Adjutant General may adopt reasonable and necessary
regulations to accomplish this purpose, including without
limitation a regulation outlining the process required to have an officer’s
state recognition withdrawn as provided under subdivision (a)(3) of this
section that is similar to the process for the withdrawal of federal

(c) As used in this section, "state recognition withdrawn" means the
demotion of an officer of the Arkansas National Guard when it is determined
that he or she is not qualified to be an officer in his or her current grade
and branch based on a finding by a board of selection officers that the
officer is:

(1) Substandard in the performance of his or her duty or in
conduct;

(2) Deficient in character;

(3) Below medical standards for retention; or

(4) Unsuit for military service.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that the removal of officers who
are substandard in performance of duty or in conduct, deficient in character,
below medical standards for retention, or unsuit for military service is of
paramount importance to the good order and discipline of the Arkansas
National Guard and security of the State of Arkansas. Therefore, an emergency
is declared to exist, and this act being immediately necessary for the
preservation of the public peace, health, and safety shall become effective
on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor,
the expiration of the period of time during which the Governor may veto the
bill; or

(3) If the bill is vetoed by the Governor and the veto is
overridden, the date the last house overrides the veto.

APPROVED: 2/14/19