

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1127

5 By: Representatives House, Burch
6 By: Senator T. Garner
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE REMOVAL OF AN
10 OFFICER FROM THE ARKANSAS NATIONAL GUARD; TO DECLARE
11 AN EMERGENCY; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE REMOVAL
16 OF AN OFFICER FROM THE ARKANSAS NATIONAL
17 GUARD; AND TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-62-104 is amended to read as follows:
23 12-62-104. Removal.

24 (a) The Adjutant General of the State of Arkansas shall have the power
25 to remove ~~any an~~ an officer from the ranks of the Arkansas National Guard if the
26 officer:

27 (1) who is Is refused federal recognition in the grade and
28 branch to which he or she has applied, ~~or;~~

29 (2) who has Has had federal recognition withdrawn in the grade
30 and branch in which he or she was formerly recognized; or

31 (3) Has had state recognition withdrawn in the grade and branch
32 in which he or she was formerly recognized.

33 (b) The Adjutant General ~~may shall~~ adopt reasonable and necessary
34 regulations ~~as may be necessary~~ to accomplish this purpose, including without
35 limitation a regulation outlining the process required to have an officer's
36 state recognition withdrawn as provided under subdivision (a)(3) of this



1 section that is similar to the process for the withdrawal of federal
 2 recognition under 32 U.S.C. § 323, as it existed on January 1, 2019.

3 (c) As used in this section, "state recognition withdrawn" means the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

- 8 (1) Substandard in the performance of his or her duty or in
 9 conduct;
- 10 (2) Deficient in character;
- 11 (3) Below medical standards for retention; or
- 12 (4) Unsuitable for military service.

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

- 23 (1) The date of its approval by the Governor;
- 24 (2) If the bill is neither approved nor vetoed by the Governor,
 25 the expiration of the period of time during which the Governor may veto the
 26 bill; or
- 27 (3) If the bill is vetoed by the Governor and the veto is
 28 overridden, the date the last house overrides the veto.

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 31 **APPROVED: 2/14/19**
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