

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1127

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

## 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:  
12-62-104. Removal.

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

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

(2) ~~who has~~ Has had federal recognition withdrawn in the grade and branch in which he or she was formerly recognized; or

(3) Has had state recognition withdrawn in the grade and branch in which he or she was formerly recognized.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~~ shall adopt reasonable and necessary regulations ~~as may be necessary~~ 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including without limitation a regulation outlining the process required to have an officer's state recognition withdrawn as provided under subdivision (a)(3) of this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 recognition under 32 U.S.C. § 323, as it existed on January 1, 2019.

(c) As used in this section, "state recognition withdrawn" means the demotion of an officer of the Arkansas National Guard when it is determined that he or she is not qualified to be an officer in his or her current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) Unsuitable 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 unsuitable 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**