

BILL ANALYSIS

H.B. 3890
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The U.S. Department of Defense deferment policy states that a military member is deferred from deployment after the birth of a child or formal placement of an adopted child for four months on temporary assignment away from the member's permanent duty station or home port. The Air Force defers deployment for four months, the Army and Marines for six months, and the Navy for 12 months. Mothers in the Army National Guard are eligible for state mobilization in six months after the birth of a child and, in the Texas Air National Guard mothers are eligible for mobilization six weeks after giving birth. Approximately 38 percent of women in active duty have children and about 10 percent of military women become pregnant each year. The ability to defer deployment following childbirth or a formal adoption placement is a crucial necessity for the many women within the armed forces.

H.B. 3890 allows a member of the state military forces who is a single parent of an adopted child to defer deployment until the first anniversary of the date an adoption order is rendered and allows a member who is the birth parent of a child less than one year old to defer deployment until the day after the child's first birthday. The bill also states that a private employer commits an unlawful employment practice if the employer refuses to hire a member of the state military forces on the basis of the individual's membership in the state military forces.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3890 amends the Government Code to establish that a private employer commits an unlawful employment practice for purposes of provisions relating to employment discrimination if the employer refuses to hire a member of the state military forces on the basis of the individual's membership in the state military forces.

H.B. 3890 authorizes a member of the state military forces called to state active duty to defer deployment if the member is a single parent of a child whom the parent adopted less than one year before the date of the deployment or if the member gave birth to a child who is less than one year old on the date of deployment. The bill authorizes a member who is a single parent of an adopted child to defer deployment until the first anniversary of the date the adoption order was rendered. The bill authorizes a member who is the birth parent of a child less than one year old to defer deployment until the day after the child's first birthday.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.