

AMENDED IN ASSEMBLY MAY 6, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1862**

**Introduced by Assembly Member Wyman**

**(Coauthors: Assembly Members Ashburn, Bates, Bogh, Briggs, Bill Campbell, Cox, Hollingsworth, Horton, La Suer, Leonard, Leslie, Maddox, Robert Pacheco, Pescetti, Runner, Strickland, and Wyland)**

**(Coauthors: Senators Battin, Johannessen, McPherson, Monteith, and Morrow)**

January 31, 2002

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~~An act to amend Section 19775.17 of, and to add Section 19775.18 to, the Government Code, to amend Sections 389, 395, 395.01, 399, and 399.5 of the Military and Veterans Code, and to add Sections 17053.67 and 23667 to the Revenue and Taxation Code, relating to military service, and declaring the urgency thereof, to take effect immediately. An act to add and repeal Sections 17053.67 and 23667 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1862, as amended, Wyman. ~~Military service: benefits~~  
*Personal income and bank and corporation taxes: credits: military service.*

~~(1) Existing law provides that a state employee who, as a member of the California National Guard or a United States military reserve organization, is ordered to active duty by either a Presidential determination that it is necessary to augment the active forces for any~~

~~operational mission, or in time of national emergency declared by the President or otherwise authorized by law, shall receive for the duration of the event, for a period not to exceed 180 days, as part of his or her compensation the difference between the amount of his or her military pay and the amount the person would have received as a state employee, and all benefits he or she would have received had he or she not served on active duty, as specified.~~

~~This bill would entitle any state employee, as defined, who, as a member of the California National Guard or a United States military reserve organization, is called up to active duty as a result of Operation Enduring Freedom or any successor military action on or after September 11, 2001, to receive similar compensation and benefits for a period not to exceed 365 days.~~

~~(2) Under existing law, a public employee who is a member of the reserve corps of the armed forces of the United States, or of the National Guard or the Naval Militia, is entitled to a temporary military leave of absence for active military training, inactive duty training, encampment, naval cruises, special exercises, or similar activities for a period of 180 calendar days, if certain requirements are met. Existing law also grants an absolute right to the employee to be restored to his or her former office or position.~~

~~This bill would instead allow such a temporary military leave for a period of 365 calendar days. This bill would also grant additional rights to an employee in a public safety or emergency services office with respect to being restored to his or her former office or position.~~

~~(3) Existing law prohibited eviction or distress, except upon leave of court, with respect to premises, rented at or below a certain monthly rate, that are occupied by the spouse, children, or other dependents of reservists called into active duty as a result of the Iraq-Kuwait crisis. Existing law also required the court to issue stay for a specified period or make other prescribed orders, unless the court found that the ability to pay the rent was affected by that military service. Existing law made knowing eviction or distress, except as provided in the bill, a misdemeanor.~~

~~This bill would provide the same relief for reservists called to active duty generally, without regard to any monthly rental rate, and would impose a state-mandated local program by applying the existing misdemeanor provisions to the additional reservists. This bill would also provide relief from vehicle leases to members of the National~~



~~Guard, upon their mobilization for any reason by the federal government.~~

~~(4) The~~

~~The Personal Income Tax Law and the Bank and Corporation Tax Law authorize various credits against the taxes imposed by those laws.~~

~~This bill would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2002, and before January 1, 2010, in an amount equal to 100% of the amount of benefits paid during the taxable year, not to exceed an unspecified amount, to qualified employees, as defined, who are on active military duty or service.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(6) This bill would declare that it is to take effect immediately as an urgency statute.~~

~~This bill would take effect immediately as a tax levy.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 19775.17 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~19775.17. (a) In addition to the benefits provided pursuant to~~  
4 ~~Sections 19775 and 19775.1, a state employee who, as a member~~  
5 ~~of the California National Guard or a United States military~~  
6 ~~reserve organization, is ordered to active duty by Presidential~~  
7 ~~determination that it is necessary to augment the active forces for~~  
8 ~~any operational mission, or when in time of national emergency~~  
9 ~~declared by the President or otherwise authorized by law, shall~~  
10 ~~have the benefits provided for in subdivision (b).~~

11 ~~(b) Any state employee to which subdivision (a) applies, while~~  
12 ~~on active duty, shall receive from the state, for the duration of the~~  
13 ~~event as authorized pursuant to Sections 12302 and 12304 of Title~~  
14 ~~10 of the United States Code, but not to exceed 180 calendar days,~~  
15 ~~as part of his or her compensation both of the following:~~



1 ~~(1) The difference between the amount of his or her military~~  
2 ~~pay and allowances and the amount the employee would have~~  
3 ~~received as a state employee, including any merit raises that would~~  
4 ~~otherwise have been granted during the time the individual was on~~  
5 ~~active duty. The amount an employee, as defined in Section 18526,~~  
6 ~~would have received as a state employee, including any merit~~  
7 ~~raises that would otherwise have been granted during the time the~~  
8 ~~individual was on active duty, shall be determined by the~~  
9 ~~Department of Personnel Administration.~~

10 ~~(2) All benefits that he or she would have received had he or she~~  
11 ~~not served on active duty unless the benefits are prohibited or~~  
12 ~~limited by vendor contracts.~~

13 ~~(c) Any individual receiving compensation pursuant to~~  
14 ~~subdivision (b) who does not reinstate to state service following~~  
15 ~~active duty, shall have that compensation treated as a loan payable~~  
16 ~~with interest at the rate earned on the Pooled Money Investment~~  
17 ~~Account. This subdivision shall not apply to compensation~~  
18 ~~received pursuant to Section 19775.~~

19 ~~(d) Benefits provided under paragraph (1) of subdivision (b)~~  
20 ~~shall only be provided to a state employee who was not eligible to~~  
21 ~~participate in a federally sponsored income protection program for~~  
22 ~~National Guard personnel or military reserve personnel, or both,~~  
23 ~~called into active duty, as determined by the Department of~~  
24 ~~Personnel Administration. For a state employee eligible to~~  
25 ~~participate in a federally sponsored income protection program,~~  
26 ~~and whose monthly salary as a state employee was higher than the~~  
27 ~~sum of his or her military pay and allowances and the maximum~~  
28 ~~allowable benefit under the federally sponsored income protection~~  
29 ~~program, the state employee shall receive the amount payable~~  
30 ~~under paragraph (1) of subdivision (b), but that amount shall be~~  
31 ~~reduced by the maximum allowable benefit under the federally~~  
32 ~~sponsored income protection program. For individuals who~~  
33 ~~elected the federally sponsored income protection program, the~~  
34 ~~state shall reimburse for the cost of the insurance premium for the~~  
35 ~~period of time on active duty, not to exceed 180 calendar days.~~

36 ~~(e) For purposes of this section, “state employee” means an~~  
37 ~~employee as defined in Section 18526 or an officer or employee~~  
38 ~~of the legislative, executive, or judicial department of the state.~~

39 ~~(f) This section does not apply to any state employee entitled~~  
40 ~~to additional compensation or benefits pursuant to Section~~



1 ~~19775.16 or Section 19775.18 of this code, or Section 395.08 of~~  
2 ~~the Military and Veterans Code.~~

3 ~~SEC. 2. Section 19775.18 is added to the Government Code,~~  
4 ~~to read:~~

5 ~~19775.18. (a) In addition to the benefits provided pursuant to~~  
6 ~~Sections 19775 and 19775.1, a state employee who, as a member~~  
7 ~~of the California National Guard or a United States military~~  
8 ~~reserve organization, is ordered to active duty on or after~~  
9 ~~September 11, 2001, as a result of Operation Enduring Freedom~~  
10 ~~or any successor military action, shall have the benefits provided~~  
11 ~~for in subdivision (b):~~

12 ~~(b) Any state employee to which subdivision (a) applies, while~~  
13 ~~on active duty, shall receive from the state, for the duration of the~~  
14 ~~event known as Operation Enduring Freedom or any successor~~  
15 ~~military action, as authorized pursuant to Sections 12302 and~~  
16 ~~12304 of Title 10 of the United States Code, but not to exceed 365~~  
17 ~~calendar days, as part of his or her compensation both of the~~  
18 ~~following:~~

19 ~~(1) The difference between the amount of his or her military~~  
20 ~~pay and allowances and the amount the employee would have~~  
21 ~~received as a state employee, including any merit raises that would~~  
22 ~~otherwise have been granted during the time the individual was on~~  
23 ~~active duty. The amount an employee, as defined in Section 18526,~~  
24 ~~would have received as a state employee, including any merit~~  
25 ~~raises that would otherwise have been granted during the time the~~  
26 ~~individual was on active duty, shall be determined by the~~  
27 ~~Department of Personnel Administration.~~

28 ~~(2) All benefits that he or she would have received had he or she~~  
29 ~~not served on active duty unless the benefits are prohibited or~~  
30 ~~limited by vendor contracts.~~

31 ~~(c) Any individual receiving compensation pursuant to~~  
32 ~~subdivision (b) who does not reinstate to state service following~~  
33 ~~active duty, shall have that compensation treated as a loan payable~~  
34 ~~with interest at the rate earned on the Pooled Money Investment~~  
35 ~~Account. This subdivision does not apply to compensation~~  
36 ~~received pursuant to Section 19775.~~

37 ~~(d) Benefits provided under paragraph (1) of subdivision (b)~~  
38 ~~shall only be provided to a state employee who was not eligible to~~  
39 ~~participate in a federally sponsored income protection program for~~  
40 ~~National Guard personnel or military reserve personnel, or both;~~



1 ~~called into active duty, as determined by the Department of~~  
2 ~~Personnel Administration. For a state employee eligible to~~  
3 ~~participate in a federally sponsored income protection program;~~  
4 ~~and whose monthly salary as a state employee was higher than the~~  
5 ~~sum of his or her military pay and allowances and the maximum~~  
6 ~~allowable benefit under the federally sponsored income protection~~  
7 ~~program, the state employee shall receive the amount payable~~  
8 ~~under paragraph (1) of subdivision (b), but that amount shall be~~  
9 ~~reduced by the maximum allowable benefit under the federally~~  
10 ~~sponsored income protection program. For individuals who~~  
11 ~~elected the federally sponsored income protection program, the~~  
12 ~~state shall reimburse for the cost of the insurance premium for the~~  
13 ~~period of time on active duty, not to exceed 365 calendar days.~~

14 ~~(e) For purposes of this section, “state employee” means an~~  
15 ~~employee as defined in Section 18526 or an officer or employee~~  
16 ~~of the legislative, executive, or judicial department of the state.~~

17 ~~(f) This section does not apply to any state employee entitled~~  
18 ~~to additional compensation or benefits pursuant to Section~~  
19 ~~19775.16 or Section 19775.17 of this code, or Section 395.08 of~~  
20 ~~the Military and Veterans Code.~~

21 ~~(g) This section does not apply to any active duty served after~~  
22 ~~the close of Operation Enduring Freedom or any successor~~  
23 ~~military action.~~

24 ~~SEC. 3. Section 389 of the Military and Veterans Code is~~  
25 ~~amended to read:~~

26 ~~389. (a) As used in this chapter, “temporary military leave of~~  
27 ~~absence” means a leave of absence from public employment to~~  
28 ~~engage in ordered military duty for a period which by the order is~~  
29 ~~not to exceed 365 calendar days including travel time for purposes~~  
30 ~~of active military training, encampment, naval cruises, special~~  
31 ~~exercises, or like activity as a member of the reserve corps or force~~  
32 ~~of the armed forces of the United States, the National Guard, or the~~  
33 ~~Naval Militia.~~

34 ~~(b) “Public employee” means any officer or employee of a~~  
35 ~~public agency, except for those officers or employees of the state~~  
36 ~~subject to the provisions of Chapter 11 (commencing with Section~~  
37 ~~19770) of Part 2 of Division 5 of Title 2 of the Government Code.~~

38 ~~(c) “Public agency” means the state, or any county, city and~~  
39 ~~county, city, municipal corporation, school district, irrigation~~  
40 ~~district, water district, or other district.~~



1 ~~(d) “Armed forces” or “armed forces of the United States”~~  
2 ~~means the “armed forces” as defined in Section 18540 of the~~  
3 ~~Government Code.~~

4 ~~(e) “Recognized military service” means service as defined in~~  
5 ~~Section 18540.3 of the Government Code.~~

6 ~~SEC. 4. Section 395 of the Military and Veterans Code is~~  
7 ~~amended to read:~~

8 ~~395. (a) Any public employee who is a member of the reserve~~  
9 ~~corps of the armed forces of the United States, the National Guard,~~  
10 ~~or the Naval Militia is entitled to a temporary military leave of~~  
11 ~~absence as provided by federal law while engaged in military duty~~  
12 ~~ordered for purposes of active military training, inactive duty~~  
13 ~~training, encampment, naval cruises, special exercises, or like~~  
14 ~~activity, providing that the period of ordered duty does not exceed~~  
15 ~~365 calendar days, including time involved in going to and~~  
16 ~~returning from that duty.~~

17 ~~(b) Notwithstanding subdivision (a), a local public agency~~  
18 ~~may, but is not required to, provide paid military leave of absence~~  
19 ~~for periods of inactive duty training.~~

20 ~~(c) The employee has an absolute right to be restored to the~~  
21 ~~former office or position and status formerly had by him or her in~~  
22 ~~the same locality and in the same office, board, commission,~~  
23 ~~agency, or institution of the public agency upon the termination of~~  
24 ~~temporary military duty. If the office or position has been~~  
25 ~~abolished or otherwise has ceased to exist during his or her~~  
26 ~~absence, he or she shall be reinstated to a position of like seniority,~~  
27 ~~status, and pay if a position exists, or if no position exists the~~  
28 ~~employee shall have the same rights and privileges that he or she~~  
29 ~~would have had if he or she had occupied the position when it~~  
30 ~~ceased to exist and had not taken temporary military leave of~~  
31 ~~absence. Upon the termination of temporary military duty, an~~  
32 ~~employee in a public safety or emergency services office or~~  
33 ~~position has an absolute right to be restored to the former office or~~  
34 ~~position and status, including shift assignment and duty~~  
35 ~~assignment, formerly had by him or her in the same office, board,~~  
36 ~~commission, agency, or institution of the public agency.~~

37 ~~(d) Any public employee who has been in the service of the~~  
38 ~~public agency from which the leave is taken for a period of not less~~  
39 ~~than one year immediately prior to the date upon which a~~  
40 ~~temporary military leave of absence begins, shall receive the same~~



1 vacation, sick leave, and holiday privileges and the same rights and  
2 privileges to promotion, continuance in office, employment,  
3 reappointment to office, or reemployment that the employee  
4 would have enjoyed had he or she not been absent therefrom.  
5 However, an uncompleted probationary period, if any, in the  
6 public agency, shall be completed upon reinstatement as provided  
7 by law or rule of the agency. For the purposes of this section, in  
8 determining the one year of service in a public agency all service  
9 of the employee in recognized military service may be counted as  
10 public agency service.

11 (e) ~~If this section is in conflict with a memorandum of~~  
12 ~~understanding reached pursuant to Chapter 12 (commencing with~~  
13 ~~Section 3560) of Division 4 of Title 1 of the Government Code, the~~  
14 ~~memorandum of understanding shall be controlling without~~  
15 ~~further legislative action, except that if the memorandum of~~  
16 ~~understanding requires the expenditure of funds, it may not~~  
17 ~~become effective unless approved by the Legislature in the annual~~  
18 ~~Budget Act.~~

19 ~~SEC. 5.—Section 395.01 of the Military and Veterans Code is~~  
20 ~~amended to read:~~

21 ~~395.01.—(a) Any public employee who is on temporary~~  
22 ~~military leave of absence for military duty ordered for purposes of~~  
23 ~~active military training, inactive duty training, encampment, naval~~  
24 ~~cruises, special exercises, or like activity as such member,~~  
25 ~~provided that the period of ordered duty does not exceed 365~~  
26 ~~calendar days including time involved in going to and returning~~  
27 ~~from the duty, and who has been in the service of the public agency~~  
28 ~~from which the leave is taken for a period of not less than one year~~  
29 ~~immediately prior to the day on which the absence begins, is~~  
30 ~~entitled to receive his or her salary or compensation as a public~~  
31 ~~employee for the first 30 calendar days of any such absence. Pay~~  
32 ~~for those purposes may not exceed 30 days in any one fiscal year.~~  
33 ~~For the purposes of this section, in determining the one year of~~  
34 ~~public agency service, all service of a public employee in the~~  
35 ~~recognized military service shall be counted as public agency~~  
36 ~~service.~~

37 ~~(b) Notwithstanding subdivision (a), a local public agency~~  
38 ~~may, but is not required to, pay an employee during a period of~~  
39 ~~inactive duty training.~~



1 ~~(c) If the provisions of this section are in conflict with the~~  
2 ~~provisions of a memorandum of understanding reached pursuant~~  
3 ~~to Chapter 12 (commencing with Section 3560) of Division 4, of~~  
4 ~~Title 1 of the Government Code, the memorandum of~~  
5 ~~understanding shall be controlling without further legislative~~  
6 ~~action, except that if those provisions of a memorandum of~~  
7 ~~understanding require the expenditure of funds, the provisions~~  
8 ~~shall not become effective unless approved by the Legislature in~~  
9 ~~the annual Budget Act.~~

10 ~~SEC. 6. Section 399 of the Military and Veterans Code is~~  
11 ~~amended to read:~~

12 ~~399. (a) Enlisted members of the National Guard called or~~  
13 ~~ordered into active state service by the Governor pursuant to the~~  
14 ~~provisions of Sections 143 or 146 for a period in excess of seven~~  
15 ~~days may, by sending a copy of their orders to any contract~~  
16 ~~creditor, secure an extension of the time required for the payment~~  
17 ~~of any contract obligation, including, but not limited to,~~  
18 ~~installment contracts, rent contracts, mortgage contracts, and~~  
19 ~~insurance contracts, for a period of one month for each month or~~  
20 ~~fraction thereof during which the enlisted member of the National~~  
21 ~~Guard is in active state service pursuant to the call or order of the~~  
22 ~~Governor. If any creditor refuses to grant the extension referred to~~  
23 ~~above, the enlisted member of the National Guard may secure a~~  
24 ~~court order extending the time for payment, and the term of the~~  
25 ~~contract, for a period computed as specified above. In addition, an~~  
26 ~~enlisted member of the National Guard may, on request, secure a~~  
27 ~~stay of any administrative or judicial proceedings for a comparable~~  
28 ~~period.~~

29 ~~(b) Notwithstanding subdivision (a), upon federal~~  
30 ~~mobilization, any enlisted member of the National Guard may~~  
31 ~~terminate or cancel without penalty any automobile lease~~  
32 ~~agreement into which he or she has entered.~~

33 ~~SEC. 7. Section 399.5 of the Military and Veterans Code is~~  
34 ~~amended to read:~~

35 ~~399.5. (a) No eviction or distress may be made during the~~  
36 ~~period for which a member of the United States Military Reserve~~  
37 ~~of this state is called to active duty, but not to exceed the period~~  
38 ~~described in Section 801, in respect to the agreed rent for any~~  
39 ~~premises that is occupied primarily for dwelling purposes by the~~  
40 ~~spouse, children, or other dependents of the reservist except upon~~



1 ~~leave of court granted upon application therefor or granted in an~~  
2 ~~action or proceeding affecting the right of possession.~~

3 ~~(b) On any application or in any action under subdivision (a);~~  
4 ~~the court may, on its own motion, and shall, on application, stay~~  
5 ~~the proceedings for the period specified in subdivision (a) or rather~~  
6 ~~than granting a complete stay, the court may require the tenant to~~  
7 ~~make regular partial payments during the reservist's period of~~  
8 ~~military service, or the court may make any other order that it may~~  
9 ~~find to be just, unless the court finds that the ability of the tenant~~  
10 ~~to pay the agreed rent is not materially affected by that military~~  
11 ~~service.~~

12 ~~(c) Any person who knowingly takes part in any eviction or~~  
13 ~~distress other than as provided in subdivision (a), or who attempts~~  
14 ~~to do so, is guilty of a misdemeanor.~~

15 ~~SEC. 8.—~~

16 *SECTION 1.* Section 17053.67 is added to the Revenue and  
17 Taxation Code, to read:

18 17053.67. (a) For each taxable year beginning on or after  
19 January 1, 2002, *and before January 1, 2010*, there shall be  
20 allowed as a credit against the “net tax,” ~~as defined in Section~~  
21 ~~17039, an amount equal to 100 percent of the benefits paid during~~  
22 ~~the taxable year to a qualified employee tax, as defined in Section~~  
23 ~~17039, an amount equal to the benefits paid or incurred during the~~  
24 ~~taxable year, not to exceed \_\_\_\_ dollars (\$\_\_\_\_), to a qualified~~  
25 ~~employee who is called to active military duty active duty or~~  
26 ~~service, as defined in 10 U.S.C. Section 101(d) and is on active~~  
27 ~~duty that duty or service during that taxable year.~~

28 (b) For purposes of this section:

29 (1) A “qualified employee” is an employee who, as a member  
30 of the California National Guard or a United States military  
31 reserve organization, is ordered to active duty *or service, as*  
32 *defined in 10 U.S.C. Section 101(d)* on or after September 11,  
33 2001, as a result of Operation Enduring Freedom or any successor  
34 military action, *including homeland defense.*

35 (2) “Benefits” means the difference between the amount of his  
36 or her military pay and allowances and the amount the employee  
37 would have received as an employee, including any raises that  
38 would otherwise have been granted during the time the individual  
39 was on active duty *or service, as defined in 10 U.S.C. Section*  
40 *101(d).*



1 (c) *No deduction shall be allowed as may otherwise be*  
2 *provided in this part for that portion of the benefits paid or*  
3 *incurred for the taxable year that is equal to the amount of the*  
4 *credit allowed under this section.*

5 (d) In the case where the credit allowed by this section exceeds  
6 the “net tax,” the excess may be carried over to reduce the “net  
7 tax” in the following year, and succeeding years if necessary, until  
8 the credit is exhausted.

9 ~~SEC. 9.—~~

10 (e) *This section shall remain in effect only until December 1,*  
11 *2010, and as of that date is repealed.*

12 SEC. 2. Section 23667 is added to the Revenue and Taxation  
13 Code, to read:

14 23667. (a) For each taxable year beginning on or after  
15 January 1, 2002, and before January 1, 2010, there shall be  
16 allowed as a credit against the “tax,” as defined in Section 23036,  
17 an amount equal to ~~100 percent of the benefits paid during the~~  
18 ~~taxable year to a qualified employee who is called to active~~  
19 ~~military duty and is on active duty~~ *the benefits paid or incurred*  
20 *during the taxable year; not to exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_), to a*  
21 *qualified employee who is called to active duty or service, as*  
22 *defined in subsection (d) of Section 101 of Title 10 of the United*  
23 *States Code, and is on that duty or service during that taxable year.*

24 (b) For purposes of this section:

25 (1) A “qualified employee” is an employee who, as a member  
26 of the California National Guard or a United States Military  
27 Reserve organization, is ordered to active duty *or service, as*  
28 *defined in 10 U.S.C. Section 101(d)* on or after September 11,  
29 2001, as a result of Operation Enduring Freedom or any successor  
30 military action, *including homeland defense.*

31 (2) “Benefits” means the difference between the amount of his  
32 or her military pay and allowances and the amount the employee  
33 would have received as an employee, including any raises that  
34 would otherwise have been granted during the time the individual  
35 was on active duty *or service, as defined in 10 U.S.C. Section*  
36 *101(d).*

37 (c) *No deduction shall be allowed as may otherwise be*  
38 *provided in this part for that portion of the benefits paid or*  
39 *incurred for the taxable year that is equal to the amount of the*  
40 *credit allowed under this section.*



1 (d) In the case where the credit allowed by this section exceeds  
2 the “tax,” the excess may be carried over to reduce the “tax” in  
3 the following year, and succeeding years if necessary, until the  
4 credit is exhausted.

5 ~~SEC. 10. No reimbursement is required by this act pursuant  
6 to Section 6 of Article XIII B of the California Constitution  
7 because the only costs that may be incurred by a local agency or  
8 school district will be incurred because this act creates a new crime  
9 or infraction, eliminates a crime or infraction, or changes the  
10 penalty for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition of a  
12 crime within the meaning of Section 6 of Article XIII B of the  
13 California Constitution.~~

14 ~~SEC. 11. This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or safety  
16 within the meaning of Article IV of the Constitution and shall go  
17 into immediate effect. The facts constituting the necessity are:~~

18 ~~In order that economic relief may be provided as soon as  
19 possible to California members of the United States Military  
20 Reserve who were called into active duty as a result of the terrorist  
21 attacks in America, it is necessary that this act take effect  
22 immediately.~~

23 (e) *This section shall remain in effect only until December 1,*  
24 *2010, and as of that date is repealed.*

25 *SEC. 3. This act provides for a tax levy within the meaning of*  
26 *Article IV of the Constitution and shall go into immediate effect.*

