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## SB-1 Budget Act of 2024. (2025-2026)

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### Senate Bill No. 1

#### CHAPTER 3

An act to amend the Budget Act of 2024 (Chs. 22, 35, and 994, Stats. 2024), by amending Sections 5.25 and 39.10 of that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

[ Approved by Governor February 07 , 2025. Filed with Secretary of State February 07 , 2025. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB1, Wiener . Budget Act of 2024.

The Budget Act of 2024 made appropriations for the support of state government for the 2024–25 fiscal year.

This bill would amend the Budget Act of 2024 by making changes to existing appropriations, as provided.

This bill would declare that it is to take effect immediately as a Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 5.25 of the Budget Act of 2024 is amended to read:

**SEC. 5.25.** (a) Payment of the attorney's fees specified in paragraphs (1) and (2) arising from actions in state courts against the state, its officers, and officers and employees of state agencies, departments, boards, bureaus, or commissions shall be paid from items of appropriation that support the state operations of the affected agency, department, board, bureau, or commission:

(1) State court actions filed pursuant to Section 1021.5 of the Code of Civil Procedure, the "private attorney general" doctrine, or the "substantial benefit" doctrine.

(2) Writ of mandate actions filed pursuant to Section 10962 of the Welfare and Institutions Code.

(b) Expenditures pursuant to subdivision (a) shall be made by the Controller, subject to the approval of the Director of Finance, and shall be charged to the fiscal year in which the disbursement is issued.

(c) A payment shall not be made by the Controller for expenditures pursuant to subdivision (a) except in full and final satisfaction of the claim, settlement, compromise, or judgment for attorney's fees incurred in connection with a single action.

(d) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, the Chairperson of the Senate Committee on Budget and Fiscal Review, and the Chairperson of the Assembly Committee on Budget pursuant to Items 9840-

001-0001, 9840-001-0494, and 9840-001-0988 of Section 2.00 when there are insufficient funds appropriated in support of the state operations of the affected agency, department, board, bureau, or commission to satisfy the claim completely.

(e) (1) Notwithstanding any other law, the Department of Finance, upon providing advance notice of at least 10 days to the Joint Legislative Budget Committee, may augment any item of appropriation in Section 2.00 for the purpose of defending the state against enforcement and legal actions taken by the federal government, filing affirmative litigation challenging actions taken by the federal government, and taking administrative action authorized under state law to mitigate the impacts of actions taken by the federal government. Total augmentations authorized by this subdivision shall not exceed \$25,000,000, and funds allocated pursuant to this subdivision shall be available for encumbrance until June 30, 2026, and for expenditure until June 30, 2028.

(2) If an item number for an appropriation for the applicable state entity does not exist, and an item number is required in order to make the allocation, the Department of Finance may create an item number for purposes of this subdivision.

(3) (A) The Department of Justice shall report to the Department of Finance and the Joint Legislative Budget Committee on the use of funds allocated pursuant to this subdivision on or before August 1 annually through August 1, 2028.

(B) The report required by subparagraph (A) shall include, but is not limited to, all of the following:

(i) Whether the state is contracting with outside counsel, and the costs, if any.

(ii) Each instance in which the Department of Justice is taking administrative action authorized under state law to mitigate the impacts of actions taken by the federal government.

(4) (A) The Department of Justice shall create and maintain an internet website that details litigation against the federal government paid for pursuant to this act.

(B) The internet website required by subparagraph (A) shall include, but is not limited to, descriptive narratives and supporting documents as needed.

(C) The internet website required by subparagraph (A) shall be updated as soon as feasible each time a court filing is made using the funding provided in this subdivision, and no less frequently than monthly.

(D) This paragraph shall become inoperative on January 20, 2029.

**SEC. 2.** Section 39.10 of the Budget Act of 2024 is amended to read:

**SEC. 39.10.** In addition to this act, the Budget Act of 2024 consists of the following statutes:

(a) Chapter 22 of the Statutes of 2024 (Assembly Bill No. 107).

(b) Chapter 35 of the Statutes of 2024 (Senate Bill No. 108).

(c) Chapter 994 of the Statutes of 2024 (Assembly Bill No. 157).

(d) Chapter 995 of the Statutes of 2024 (Assembly Bill No. 180).

**SEC. 3.** This act is a Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution and shall take effect immediately.