

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 24-1428

BY REPRESENTATIVE(S) Bird and Taggart, Sirota, Marshall, Snyder, Soper, Young, McCluskie;
also SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Michaelson Jenet, Priola.

CONCERNING EVIDENCE-BASED DESIGNATIONS TO ASSIST THE GENERAL ASSEMBLY IN DETERMINING THE APPROPRIATE LEVEL OF FUNDING FOR A PROGRAM OR PRACTICE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 2-3-203, **amend** (4) as follows:

2-3-203. Powers and duties of the joint budget committee.
(4) The joint budget committee shall consider, as one of many factors, **any available evidence-based information specified** THE EVIDENCE DESIGNATION AS PROVIDED in ~~section 2-3-210~~ SECTION 2-3-210 (3)(a) when determining the appropriate level of funding ~~of~~ FOR a program or practice.

SECTION 2. In Colorado Revised Statutes, 2-3-204, **amend** (3) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

2-3-204. Staff director, assistants, and consultants. (3) The staff director shall appoint additional staff as necessary to ~~provide~~ REVIEW AND EVALUATE the ~~evidence-based analysis~~ EVIDENCE DESIGNATION AND JUSTIFICATION required by ~~section 2-3-210 (3)(c)~~. ~~Upon request, joint budget committee staff shall also assist legislators in incorporating evidence-based assessments into legislation~~ SECTION 2-3-210 (3).

SECTION 3. In Colorado Revised Statutes, 2-3-210, **amend** (1), (2) introductory portion, (2)(a), (2)(c), (2)(d), and (3); **repeal** (2)(b), (2)(f), (4), and (5); and **add** (6) as follows:

2-3-210. Evidence-based decision-making - budget requests - legislative declaration - definitions. (1) The general assembly hereby finds and declares that:

(a) ~~When appropriate~~ The use of ~~data and outcome-related~~ THE BEST AVAILABLE RESEARCH evidence in the analysis of programs AND PRACTICES implemented and delivered by state agencies is an effective means through which funding decisions concerning ~~program~~ THE improvement, and expansion, DISCONTINUATION, or redirection of funds can be achieved; ~~and~~

(b) The integration of ~~evidence-based evaluation with~~ THE BEST AVAILABLE RESEARCH EVIDENCE REGARDING THE EFFECTIVENESS OF PROGRAMS, PRACTICES, OR INCREMENTAL CHANGES TO PROGRAMS AND PRACTICES WITHIN the budget process will provide members of the general assembly ~~additional~~ information that ~~will be useful~~ CAN BE USED in the prioritization of requests for funding for new or existing programs and ~~services~~ PRACTICES in the state; AND

(c) EVIDENCE-BASED DECISION-MAKING IS THE INTERSECTION OF THE BEST AVAILABLE RESEARCH EVIDENCE, DECISION-MAKERS' EXPERTISE, CONSTITUENT NEEDS, AND IMPLEMENTATION CONTEXT. EVIDENCE-BASED DECISION-MAKING RECOGNIZES THAT RESEARCH EVIDENCE ALONE IS NOT THE ONLY CONTRIBUTING FACTOR TO POLICY AND BUDGET DECISIONS.

(2) As used in this ~~article 3~~ PART 2, unless the context otherwise requires:

(a) ~~"Evidence-informed program or practice" means a program or~~

~~practice that reflects a moderate, supported, or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by an evaluation with a comparison group, multiple pre- and post-evaluations, or an equivalent measure~~ "BEST AVAILABLE RESEARCH EVIDENCE" MEANS THE WEIGHT OF THE RESEARCH EVIDENCE FROM THE MOST RIGOROUS AND RELEVANT STUDIES AVAILABLE REGARDING A PROGRAM OR PRACTICE, WHICH STUDIES ARE IDENTIFIED USING A SYSTEMATIC PROCESS.

(b) ~~"Not applicable"~~ means the definitions identified in subsections (2)(a), (2)(c), (2)(d), and (2)(f) of this section are not applicable.

(c) ~~"Opinion-based program or practice"~~ means a program or practice that reflects a low level of confidence of effectiveness, ineffectiveness, or harmfulness, as based on satisfaction surveys, personal experience, or for which there is no existing evidence about the effectiveness, ineffectiveness, or harmfulness of the program or practice "OUTCOMES" MEANS MEASURES OF WHAT A PROGRAM OR PRACTICE IS MEANT TO IMPROVE FOR ITS TARGET POPULATION.

(d) ~~"Proven "Program or practice"~~ means a program, INTERVENTION, APPROACH, or practice that reflects a high or well-supported level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by one or more high-quality randomized control trials, multiple evaluations with strong comparison groups, or an equivalent measure THAT HAS EXPLICITLY DEFINED AND REPLICABLE ELEMENTS AND THAT IS HYPOTHESIZED TO IMPROVE SPECIFIC OUTCOMES FOR A DEFINED TARGET POPULATION.

(f) ~~"Theory-informed program or practice"~~ means a program or practice that reflects a moderate to low or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by tracking and evaluating performance measures including pre- and post-intervention evaluation of program outcomes, evaluation of program outputs, identification and implementation of a theory of change, or equivalent measures.

(3)(a) If a state agency or the office of state planning and budgeting includes ~~an evidence-based evaluation~~ INFORMATION ON THE BEST AVAILABLE RESEARCH EVIDENCE REGARDING THE EFFECTIVENESS of a

program or practice in a budget request, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, or budget ~~amendment~~ request AMENDMENT submitted in accordance with section 2-3-208, ~~then~~ the state agency or office shall describe the program or practice using ONE OF the ~~definitions set forth in this section~~. FOLLOWING EVIDENCE DESIGNATIONS:

(I) "EVIDENCE-INFORMED" MEANS THAT THE BEST AVAILABLE RESEARCH EVIDENCE SUPPORTS THE EFFECTIVENESS OF THE PROGRAM OR PRACTICE, AS DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION THAT SHOWS IMPROVEMENT OVER TIME;

(II) "HARMFUL" MEANS THAT THE BEST AVAILABLE RESEARCH EVIDENCE SHOWS THE PROGRAM OR PRACTICE IS ASSOCIATED WITH HARM, AS DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION THAT SHOWS HARM OVER TIME;

(III) "INSUFFICIENT EVIDENCE" MEANS THAT THE BEST AVAILABLE RESEARCH EVIDENCE IS NOT YET ROBUST ENOUGH TO ACHIEVE THE HARMFUL, EVIDENCE-INFORMED, PROMISING, OR PROVEN EVIDENCE DESIGNATIONS OUTLINED IN THIS SUBSECTION (3)(a).

(IV) "PROMISING" MEANS THAT THE BEST AVAILABLE RESEARCH EVIDENCE SUPPORTS THE EFFECTIVENESS OF THE PROGRAM OR PRACTICE, AS DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION WITH A STRONG COMPARISON GROUP; OR

(V) "PROVEN" MEANS THAT THE BEST AVAILABLE RESEARCH EVIDENCE SUPPORTS THE EFFECTIVENESS OF A PROGRAM OR PRACTICE, AS DEMONSTRATED BY AT LEAST ONE QUALITY RANDOMIZED CONTROLLED TRIAL OR AT LEAST TWO QUALITY EVALUATIONS WITH STRONG COMPARISON GROUPS.

(a.5) (I) IF A BUDGET REQUEST, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST AMENDMENT DOES NOT MEET THE DEFINITION OF A "PROGRAM OR PRACTICE" AS DEFINED IN SUBSECTION (2)(d) OF THIS SECTION, THE STATE AGENCY OR THE OFFICE OF STATE PLANNING AND BUDGETING MAY INCLUDE WITH ITS REQUEST THAT AN EVIDENCE DESIGNATION IS NOT APPLICABLE.

(II) IF THE BEST AVAILABLE RESEARCH EVIDENCE REGARDING A

PROGRAM OR PRACTICE IN A BUDGET REQUEST, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST AMENDMENT DOES NOT INCLUDE AN EVALUATION MEASURING RELEVANT OUTCOMES THAT MEETS THE METHODOLOGICAL REQUIREMENTS FOR AN EVIDENCE DESIGNATION SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION, THE STATE AGENCY OR THE OFFICE OF STATE PLANNING AND BUDGETING MAY INCLUDE THAT THE REQUEST IS INELIGIBLE FOR AN EVIDENCE DESIGNATION.

(b) If subsection (3)(a) of this section applies, ~~then~~ the state agency or the office of state planning and budgeting shall also provide the following information TO JUSTIFY ITS SELECTED EVIDENCE DESIGNATION:

(I) ~~Any~~ A SUMMARY OF THE BEST AVAILABLE research EVIDENCE that supports the implementation, continuation, or expansion of the program or practice, including any research demonstrating improved or consistent outcomes achieved by those who benefit from ABOUT the program or practice;

(II) Any research that supports a decrease in funding for a PLANS TO EVALUATE THE program or practice that may be shown to be ineffective or harmful to those receiving services TO BUILD EVIDENCE REGARDING ITS EFFECTIVENESS; and

(III) Information concerning how the BEST AVAILABLE RESEARCH evidence ~~referenced was used in the development of~~ IS CONNECTED TO the budget request, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, or budget ~~amendment~~ request AMENDMENT.

(c) If ~~a state agency provides an evidence-based evaluation of a program or practice in a budget request or budget request amendment~~ SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION APPLY, joint budget committee staff, AS PART OF THE RESPONSIBILITIES DESCRIBED IN SECTION 2-3-204, shall ~~independently analyze and describe the program or practice using the definitions set forth in this section~~ REVIEW THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND OTHER RELEVANT EVIDENCE, AS NECESSARY. JOINT BUDGET COMMITTEE STAFF SHALL INCLUDE AN EVIDENCE DESIGNATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION OR STATE THAT SUCH DESIGNATION IS NOT APPLICABLE OR THAT THE REQUEST IS INELIGIBLE PURSUANT TO SUBSECTION (3)(a.5) OF THIS SECTION AS PART OF ANY RECOMMENDATION IT MAKES

REGARDING A BUDGET REQUEST, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST AMENDMENT.

~~(4) Joint budget committee staff shall include any information specified in subsection (3) of this section as part of any recommendation it makes regarding a budget request or budget amendment request.~~

~~(5) Whenever a state agency is required to undertake an evidence-based analysis of a program or practice, the state agency shall use the definitions set forth in this section, unless other definitions are provided by law.~~

(6) STATE AGENCIES SHALL PARTICIPATE IN THE EVIDENCE-BASED DECISION-MAKING PROCESS, INCLUDING INVESTING IN BUILDING EVIDENCE, AS APPLICABLE, TO WORK TOWARD THE HARMFUL, EVIDENCE-INFORMED, PROMISING, AND PROVEN EVIDENCE DESIGNATIONS OUTLINED IN THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 24-48.5-403, **amend** (5) as follows:

24-48.5-403. Definitions. As used in this part 4, unless the context otherwise requires:

(5) "Evidence-based" means that an initiative is: ~~either~~

(a) ~~A Proven, program or practice, as defined SPECIFIED in section 2-3-210 (2)(d)~~ SECTION 2-3-210 (3)(a)(V); ~~or~~

(b) ~~An Evidence-informed, program or practice, as defined SPECIFIED in section 2-3-210 (2)(a)~~ SECTION 2-3-210 (3)(a)(I); OR

(c) PROMISING, AS SPECIFIED IN SECTION 2-3-210 (3)(a)(IV).

SECTION 5. In Colorado Revised Statutes, 24-48.5-405, **amend** (4)(d) as follows:

24-48.5-405. Regional talent development initiative grant program - creation - administration - eligibility - application review - report. (4) In developing the grant application selection criteria pursuant

to section 24-48.5-404 (2)(c), the steering committee shall:

(d) Provide for consideration of initiatives that are evidence-based and can be scaled to meet additional demands. ~~and, For an initiative that is classified as evidence-based pursuant to section 24-48.5-403 (5)(b), that~~ SECTION 24-48.5-403 (5), THIS includes a plan to evaluate the initiative's effect on earnings and other outcomes using one of the methodologies described in ~~section 2-3-210 (2)(d)~~ SECTION 2-3-210 (3)(a)(I), (3)(a)(II), (3)(a)(IV), OR (3)(a)(V), OR OTHER SIMILAR MEASURES.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to budget requests, requests for supplemental appropriations, and budget request amendments made on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO