

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-1077.01 Rebecca Bayetti x4348

HOUSE BILL 24-1428

HOUSE SPONSORSHIP

Bird and Taggart, Sirota, Marshall, McCluskie, Snyder, Soper, Young

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Zenzinger

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill modifies the established set of definitions to be used when analyzing available evidence regarding a program or practice in relation to a budget request, request for a supplemental appropriation, or budget request amendment (collectively, budget request). The bill also modifies accordingly the process for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 4, 2024

HOUSE
3rd Reading Unamended
April 1, 2024

HOUSE
Amended 2nd Reading
March 28, 2024

incorporating evidence-based decision-making into budgetary decisions.

If a state agency or the office of state planning and budgeting (office) includes information regarding the best available evidence on the effectiveness of a program or practice in a budget request, the state agency or office is required to give the program or practice an evidence designation based on the statutory definitions. In such case, the state agency or office is also required to provide a summary of the best available evidence about the program or practice, information concerning how the best available evidence is connected to the budget request, and any plans to evaluate the program or practice to build evidence regarding its effectiveness (collectively, the evidence designation justification).

Joint budget committee staff is required to review the evidence designation justification and to include an evidence designation or state that an evidence designation is not applicable as part of any recommendation it makes regarding a budget request. The staff director is required to appoint additional staff as necessary to review and evaluate the evidence designation and its justification. The joint budget committee is required to consider, as one of many factors, the evidence designation when determining the appropriate level of funding for a program or practice.

The bill also makes conforming amendments.

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

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

4 **2-3-203. Powers and duties of the joint budget committee.**

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

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

12 **2-3-204. Staff director, assistants, and consultants.** (3) The
13 staff director shall appoint additional staff as necessary to ~~provide~~ REVIEW

1 ANDEVALUATE the ~~evidence-based analysis~~ EVIDENCE DESIGNATION AND
2 JUSTIFICATION required by ~~section 2-3-210 (3)(c)~~. Upon request, ~~joint~~
3 ~~budget committee staff shall also assist legislators in incorporating~~
4 ~~evidence-based assessments into legislation~~ SECTION 2-3-210 (3).

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

8 **2-3-210. Evidence-based decision-making - budget requests -**
9 **legislative declaration - definitions.** (1) The general assembly hereby
10 finds and declares that:

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

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

24 (c) EVIDENCE-BASED DECISION-MAKING IS THE INTERSECTION OF
25 THE BEST AVAILABLE RESEARCH EVIDENCE, DECISION-MAKERS' EXPERTISE,
26 CONSTITUENT NEEDS, AND IMPLEMENTATION CONTEXT. EVIDENCE-BASED
27 DECISION-MAKING RECOGNIZES THAT RESEARCH EVIDENCE ALONE IS NOT

1 THE ONLY CONTRIBUTING FACTOR TO POLICY AND BUDGET DECISIONS.

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

4 (a) ~~"Evidence-informed program or practice" means a program or~~
5 ~~practice that reflects a moderate, supported, or promising level of~~
6 ~~confidence of effectiveness, ineffectiveness, or harmfulness as~~
7 ~~determined by an evaluation with a comparison group, multiple pre- and~~
8 ~~post-evaluations, or an equivalent measure~~ "BEST AVAILABLE RESEARCH
9 EVIDENCE" MEANS THE WEIGHT OF THE RESEARCH EVIDENCE FROM THE
10 MOST RIGOROUS AND RELEVANT STUDIES AVAILABLE REGARDING A
11 PROGRAM OR PRACTICE, WHICH STUDIES ARE IDENTIFIED USING A
12 SYSTEMATIC PROCESS.

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

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

23 (d) ~~"Proven~~ "Program or practice" means a program,
24 INTERVENTION, APPROACH, or practice ~~that reflects a high or~~
25 ~~well-supported level of confidence of effectiveness, ineffectiveness, or~~
26 ~~harmfulness as determined by one or more high-quality randomized~~
27 ~~control trials, multiple evaluations with strong comparison groups, or an~~

1 ~~equivalent measure~~ THAT HAS EXPLICITLY DEFINED AND REPLICABLE
2 ELEMENTS AND THAT IS HYPOTHESIZED TO IMPROVE SPECIFIC OUTCOMES
3 FOR A DEFINED TARGET POPULATION.

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

11 (3) (a) If a state agency or the office of state planning and
12 budgeting includes ~~an evidence-based evaluation~~ INFORMATION ON THE
13 BEST AVAILABLE RESEARCH EVIDENCE REGARDING THE EFFECTIVENESS OF
14 a program or practice in a budget request, REQUEST FOR A SUPPLEMENTAL
15 APPROPRIATION, or budget ~~amendment~~ request AMENDMENT submitted in
16 accordance with section 2-3-208, ~~then~~ the state agency or office shall
17 describe the program or practice using ONE OF the ~~definitions set forth in~~
18 ~~this section.~~ FOLLOWING EVIDENCE DESIGNATIONS:

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

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

27

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

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

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

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

20 (II) IF THE BEST AVAILABLE RESEARCH EVIDENCE REGARDING A
21 PROGRAM OR PRACTICE IN A BUDGET REQUEST, REQUEST FOR A
22 SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST AMENDMENT DOES
23 NOT INCLUDE AN EVALUATION MEASURING RELEVANT OUTCOMES THAT
24 MEETS THE METHODOLOGICAL REQUIREMENTS FOR AN EVIDENCE
25 DESIGNATION SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION, THE
26 STATE AGENCY OR THE OFFICE OF STATE PLANNING AND BUDGETING MAY
27 INCLUDE THAT THE REQUEST IS INELIGIBLE FOR AN EVIDENCE

1 **DESIGNATION.**

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

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

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

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

18 (c) ~~If a state agency provides an evidence-based evaluation of a~~
19 ~~program or practice in a budget request or budget request amendment~~
20 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION APPLY, joint budget
21 committee staff, AS PART OF THE RESPONSIBILITIES DESCRIBED IN SECTION
22 2-3-204, shall ~~independently analyze and describe the program or practice~~
23 ~~using the definitions set forth in this section~~ REVIEW THE INFORMATION
24 PROVIDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND OTHER
25 RELEVANT EVIDENCE, AS NECESSARY. JOINT BUDGET COMMITTEE STAFF
26 SHALL INCLUDE AN EVIDENCE DESIGNATION PURSUANT TO SUBSECTION
27 (3)(a) OF THIS SECTION OR STATE THAT SUCH DESIGNATION IS NOT

1 APPLICABLE OR THAT THE REQUEST IS INELIGIBLE PURSUANT TO
2 SUBSECTION (3)(a.5) OF THIS SECTION AS PART OF ANY RECOMMENDATION
3 IT MAKES REGARDING A BUDGET REQUEST, REQUEST FOR A SUPPLEMENTAL
4 APPROPRIATION, OR BUDGET REQUEST AMENDMENT.

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

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

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

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

19 **24-48.5-403. Definitions.** As used in this part 4, unless the
20 context otherwise requires:

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

22 (a) ~~A Proven, program or practice, as defined SPECIFIED in section~~
23 ~~2-3-210 (2)(d) SECTION 2-3-210 (3)(a)(V); or~~

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

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

27 **SECTION 5.** In Colorado Revised Statutes, 24-48.5-405, **amend**

1 (4)(d) as follows:

2 **24-48.5-405. Regional talent development initiative grant**
3 **program - creation - administration - eligibility - application review**
4 **- report.** (4) In developing the grant application selection criteria
5 pursuant to section 24-48.5-404 (2)(c), the steering committee shall:

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

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

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