

CHAPTER 445

GOVERNMENT - STATE

SENATE BILL 21-284

BY SENATOR(S) Hansen and Rankin, Buckner, Cooke, Kolker, Lundeen, Moreno, Priola, Simpson, Sonnenberg, Winter, Garcia; also REPRESENTATIVE(S) Herod and Larson, Bennett, Duran, Esgar, Exum, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, McCluskie, Michaelson Jenet, Ricks, Snyder, Young.

AN ACT

CONCERNING EVIDENCE-BASED EVALUATIONS TO ASSIST THE GENERAL ASSEMBLY IN DETERMINING THE APPROPRIATE LEVEL OF FUNDING FOR A PROGRAM OR PRACTICE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 2-3-210 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 EVIDENCE IN THE ANALYSIS OF PROGRAMS IMPLEMENTED AND DELIVERED BY STATE AGENCIES IS AN EFFECTIVE MEANS THROUGH WHICH FUNDING DECISIONS CONCERNING PROGRAM IMPROVEMENT AND EXPANSION OR REDIRECTION OF FUNDS CAN BE ACHIEVED; AND

(b) THE INTEGRATION OF EVIDENCE-BASED EVALUATION WITH THE BUDGET PROCESS WILL PROVIDE MEMBERS OF THE GENERAL ASSEMBLY ADDITIONAL INFORMATION THAT WILL BE USEFUL IN THE PRIORITIZATION OF REQUESTS FOR FUNDING FOR NEW OR EXISTING PROGRAMS AND SERVICES IN THE STATE.

(2) AS USED IN THIS ARTICLE 3, 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

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.

POST-EVALUATIONS, OR AN EQUIVALENT MEASURE.

(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.

(d) "PROVEN PROGRAM OR PRACTICE" MEANS A PROGRAM 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.

(e) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION, COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

(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 OF A PROGRAM OR PRACTICE IN A BUDGET REQUEST OR BUDGET AMENDMENT REQUEST SUBMITTED IN ACCORDANCE WITH SECTION 2-3-208, THEN THE STATE AGENCY OR OFFICE SHALL DESCRIBE THE PROGRAM OR PRACTICE USING THE DEFINITIONS SET FORTH IN THIS SECTION.

(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:

(I) ANY RESEARCH 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 THE PROGRAM OR PRACTICE;

(II) ANY RESEARCH THAT SUPPORTS A DECREASE IN FUNDING FOR A PROGRAM OR PRACTICE THAT MAY BE SHOWN TO BE INEFFECTIVE OR HARMFUL TO THOSE RECEIVING SERVICES; AND

(III) INFORMATION CONCERNING HOW THE EVIDENCE REFERENCED WAS USED IN THE DEVELOPMENT OF THE BUDGET REQUEST OR BUDGET AMENDMENT REQUEST.

(c) IF A STATE AGENCY PROVIDES AN EVIDENCE-BASED EVALUATION OF A PROGRAM OR PRACTICE IN A BUDGET REQUEST OR BUDGET REQUEST AMENDMENT, JOINT BUDGET COMMITTEE STAFF SHALL INDEPENDENTLY ANALYZE AND DESCRIBE THE PROGRAM OR PRACTICE USING THE DEFINITIONS SET FORTH IN THIS SECTION.

(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.

SECTION 2. In Colorado Revised Statutes, 2-3-203, **add** (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 IN SECTION 2-3-210 WHEN DETERMINING THE APPROPRIATE LEVEL OF FUNDING OF A PROGRAM OR PRACTICE.

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

2-3-204. Staff director, assistants, and consultants. (3) THE STAFF DIRECTOR SHALL APPOINT ADDITIONAL STAFF AS NECESSARY TO PROVIDE THE EVIDENCE-BASED ANALYSIS REQUIRED BY SECTION 2-3-310 (3)(c). UPON REQUEST, JOINT BUDGET COMMITTEE STAFF SHALL ALSO ASSIST LEGISLATORS IN INCORPORATING EVIDENCE-BASED ASSESSMENTS INTO LEGISLATION.

SECTION 4. Appropriation. For the 2021-22 state fiscal year, \$41,245 is appropriated to the legislative department for use by the joint budget committee. This appropriation is from the general fund and is based on an assumption that the joint budget committee will require an additional 0.3 FTE. To implement this act, the joint budget committee may use this appropriation to perform analysis of budget requests.

SECTION 5. Act subject to petition - effective date. 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 6, 2021