

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 21-1035.01 Ed DeCecco x4216

SENATE BILL 21-284

SENATE SPONSORSHIP

Hansen and Rankin,

HOUSE SPONSORSHIP

Herod and Larson,

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

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

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>.)

The bill establishes a set of definitions to be used when analyzing a program or practice. If a state agency or the office of state planning and budgeting includes an evidence-based evaluation of a program or practice

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

SENATE
2nd Reading Unamended
May 24, 2021

in a budget request or budget amendment, then the state agency or office is required to describe the program or practice using the definitions. In such case, the state agency or office is also required to provide any research that supports the program or practice or a decrease in funding for a program or practice, along with information concerning how the evidence referenced was used in the development of the budget request or budget amendment request.

Joint budget committee staff is required to independently analyze and describe the program or practice using the definitions and to include any evidence-based information as part of any recommendation it makes regarding a budget request or budget amendment request. The staff director is required to appoint additional staff as necessary to provide the evidence-based analysis, and upon request, joint budget committee staff shall also assist legislators in incorporating evidence-based assessments in legislation for bills that create a new program or practice.

The joint budget committee is required to consider, as one of many factors, any available evidence-based information when determining the appropriate level of funding of a program or practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 2-3-210** as
3 follows:

4 **2-3-210. Evidence-based decision-making - budget requests -**
5 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY
6 HEREBY FINDS AND DECLARES THAT:

7 (a) WHEN APPROPRIATE, THE USE OF DATA AND
8 OUTCOME-RELATED EVIDENCE IN THE ANALYSIS OF PROGRAMS
9 IMPLEMENTED AND DELIVERED BY STATE AGENCIES IS AN EFFECTIVE
10 MEANS THROUGH WHICH FUNDING DECISIONS CONCERNING PROGRAM
11 IMPROVEMENT AND EXPANSION OR REDIRECTION OF FUNDS CAN BE
12 ACHIEVED; AND

13 (b) THE INTEGRATION OF EVIDENCE-BASED EVALUATION WITH THE
14 BUDGET PROCESS WILL PROVIDE MEMBERS OF THE GENERAL ASSEMBLY
15 ADDITIONAL INFORMATION THAT WILL BE USEFUL IN THE PRIORITIZATION

1 OF REQUESTS FOR FUNDING FOR NEW OR EXISTING PROGRAMS AND
2 SERVICES IN THE STATE.

3 (2) AS USED IN THIS ARTICLE 3, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "EVIDENCE-INFORMED PROGRAM OR PRACTICE" MEANS A
6 PROGRAM OR PRACTICE THAT REFLECTS A MODERATE, SUPPORTED, OR
7 PROMISING LEVEL OF CONFIDENCE OF EFFECTIVENESS, INEFFECTIVENESS,
8 OR HARMFULNESS AS DETERMINED BY AN EVALUATION WITH A
9 COMPARISON GROUP, MULTIPLE PRE- AND POST-EVALUATIONS, OR AN
10 EQUIVALENT MEASURE.

11 (b) "NOT APPLICABLE" MEANS THE DEFINITIONS IDENTIFIED IN
12 SUBSECTIONS (2)(a), (2)(c), (2)(d), AND (2)(f) OF THIS SECTION ARE NOT
13 APPLICABLE.

14 (c) "OPINION-BASED PROGRAM OR PRACTICE" MEANS A PROGRAM
15 OR PRACTICE THAT REFLECTS A LOW LEVEL OF CONFIDENCE OF
16 EFFECTIVENESS, INEFFECTIVENESS, OR HARMFULNESS, AS BASED ON
17 SATISFACTION SURVEYS, PERSONAL EXPERIENCE, OR FOR WHICH THERE IS
18 NO EXISTING EVIDENCE ABOUT THE EFFECTIVENESS, INEFFECTIVENESS, OR
19 HARMFULNESS OF THE PROGRAM OR PRACTICE.

20 (d) "PROVEN PROGRAM OR PRACTICE" MEANS A PROGRAM OR
21 PRACTICE THAT REFLECTS A HIGH OR WELL-SUPPORTED LEVEL OF
22 CONFIDENCE OF EFFECTIVENESS, INEFFECTIVENESS, OR HARMFULNESS AS
23 DETERMINED BY ONE OR MORE HIGH-QUALITY RANDOMIZED CONTROL
24 TRIALS, MULTIPLE EVALUATIONS WITH STRONG COMPARISON GROUPS, OR
25 AN EQUIVALENT MEASURE.

26 (e) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,
27 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER

1 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,
2 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

3 (f) "THEORY-INFORMED PROGRAM OR PRACTICE" MEANS A
4 PROGRAM OR PRACTICE THAT REFLECTS A MODERATE TO LOW OR
5 PROMISING LEVEL OF CONFIDENCE OF EFFECTIVENESS, INEFFECTIVENESS,
6 OR HARMFULNESS AS DETERMINED BY TRACKING AND EVALUATING
7 PERFORMANCE MEASURES INCLUDING PRE- AND POST-INTERVENTION
8 EVALUATION OF PROGRAM OUTCOMES, EVALUATION OF PROGRAM
9 OUTPUTS, IDENTIFICATION AND IMPLEMENTATION OF A THEORY OF
10 CHANGE, OR EQUIVALENT MEASURES.

11 (3)(a) IF A STATE AGENCY OR THE OFFICE OF STATE PLANNING AND
12 BUDGETING INCLUDES AN EVIDENCE-BASED EVALUATION OF A PROGRAM
13 OR PRACTICE IN A BUDGET REQUEST OR BUDGET AMENDMENT REQUEST
14 SUBMITTED IN ACCORDANCE WITH SECTION 2-3-208, THEN THE STATE
15 AGENCY OR OFFICE SHALL DESCRIBE THE PROGRAM OR PRACTICE USING
16 THE DEFINITIONS SET FORTH IN THIS SECTION.

17 (b) IF SUBSECTION (3)(a) OF THIS SECTION APPLIES, THEN THE
18 STATE AGENCY OR THE OFFICE OF STATE PLANNING AND BUDGETING SHALL
19 ALSO PROVIDE THE FOLLOWING INFORMATION:

20 (I) ANY RESEARCH THAT SUPPORTS THE IMPLEMENTATION,
21 CONTINUATION, OR EXPANSION OF THE PROGRAM OR PRACTICE, INCLUDING
22 ANY RESEARCH DEMONSTRATING IMPROVED OR CONSISTENT OUTCOMES
23 ACHIEVED BY THOSE WHO BENEFIT FROM THE PROGRAM OR PRACTICE;

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

27 (III) INFORMATION CONCERNING HOW THE EVIDENCE REFERENCED

1 WAS USED IN THE DEVELOPMENT OF THE BUDGET REQUEST OR BUDGET
2 AMENDMENT REQUEST.

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

8 (4) JOINT BUDGET COMMITTEE STAFF SHALL INCLUDE ANY
9 INFORMATION SPECIFIED IN SUBSECTION (3) OF THIS SECTION AS PART OF
10 ANY RECOMMENDATION IT MAKES REGARDING A BUDGET REQUEST OR
11 BUDGET AMENDMENT REQUEST.

12 (5) WHENEVER A STATE AGENCY IS REQUIRED TO UNDERTAKE AN
13 EVIDENCE-BASED ANALYSIS OF A PROGRAM OR PRACTICE, THE STATE
14 AGENCY SHALL USE THE DEFINITIONS SET FORTH IN THIS SECTION, UNLESS
15 OTHER DEFINITIONS ARE PROVIDED BY LAW.

16 **SECTION 2.** In Colorado Revised Statutes, 2-3-203, **add (4)** as
17 follows:

18 **2-3-203. Powers and duties of the joint budget committee.**
19 (4) THE JOINT BUDGET COMMITTEE SHALL CONSIDER, AS ONE OF MANY
20 FACTORS, ANY AVAILABLE EVIDENCE-BASED INFORMATION SPECIFIED IN
21 SECTION 2-3-210 WHEN DETERMINING THE APPROPRIATE LEVEL OF
22 FUNDING OF A PROGRAM OR PRACTICE.

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

25 **2-3-204. Staff director, assistants, and consultants.** (3) THE
26 STAFF DIRECTOR SHALL APPOINT ADDITIONAL STAFF AS NECESSARY TO
27 PROVIDE THE EVIDENCE-BASED ANALYSIS REQUIRED BY SECTION 2-3-310

1 (3)(c). UPON REQUEST, JOINT BUDGET COMMITTEE STAFF SHALL ALSO
2 ASSIST LEGISLATORS IN INCORPORATING EVIDENCE-BASED ASSESSMENTS
3 INTO LEGISLATION.

4 **SECTION 4. Appropriation.** For the 2021-22 state fiscal year,
5 \$41,245 is appropriated to the legislative department for use by the joint
6 budget committee. This appropriation is from the general fund and is
7 based on an assumption that the joint budget committee will require an
8 additional 0.3 FTE. To implement this act, the joint budget committee
9 may use this appropriation to perform analysis of budget requests.

10 **SECTION 5. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.