

Colorado Department of Public Safety

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Report to the Joint Budget Committee

The Use of Highway Users Tax Fund "Off the Top" Revenue During FY 2009-10

November 2010

This report is in response to the Joint Budget Committee's request for information concerning the Department of Public Safety's use of Highway Users Tax Fund (HUTF) "Off the Top" revenue, included as part of the FY 2009-10 Appropriations Report. The complete text of this request for information is as follows:

60. The Department is requested to submit to the Joint Budget Committee a detailed report on the Department's use of HUTF funds, by division and program, on an annual basis beginning on November 1, 2008. Each annual report should include the amount of HUTF spent and the FTE employed for each program in the prior fiscal year, including detail on Colorado State Patrol FTE performing work for other divisions.

Two divisions within the Colorado Department of Public Safety (CDPS) receive appropriations with HUTF "Off the Top" spending authority: the Colorado State Patrol (CSP) and the Executive Director's Office (EDO). Although both divisions receive HUTF appropriations, all *programs* that use these HUTF funds are within the Colorado State Patrol. Below is a brief summary of the programs that used HUTF funds during FY 2009-10.

General Traffic Safety Operations and Administration

General Traffic Safety Operations and Administration Program includes all personnel and related operating expenses necessary to support the Patrol's statewide traffic safety operations. In total, the Patrol spent \$74,224,026 and 697.9 FTE in HUTF to support the General Traffic Operations and Administration Program. Listed below are the personnel and operating costs included in this calculation:

- State Patrol Law Enforcement Personnel - HUTF funds supported the personnel costs of the CSP Chief, Lieutenant Colonels, Majors, Captains, Sergeants, Troopers and Technicians.
- Civilian Personnel - HUTF funds paid for personnel costs for most Civilian support staff within the State Patrol. The support staff consists of administrative support, budget, accounting, purchasing, information technology and operational development staff, needed to support CSP.
- Retirement Payouts - HUTF funds were used for sick and annual leave payouts for members of the State Patrol who retire or separate from CDPS.
- Overtime Expenses - HUTF funds supported overtime payments made to State Patrol Troopers.
- Operating Expenses - HUTF funds paid for the majority of operating expenses for State Patrol operations, including per-mile fleet vehicle charges.
- MDC Asset Maintenance - HUTF funds supported ongoing operating and maintenance costs for the State Patrol's Mobile Data Computers.
- Vehicle Lease Payments - HUTF funds were used for vehicle lease payments for all vehicles operated by the State Patrol.
- EDO Personal Services - HUTF paid a small portion of the Executive Director's Office's (EDO's) personnel costs. This marginal HUTF appropriation within the EDO's Administration Personal Services line item appeared in the FY 2003-04

Long Bill as a result of the Department's allocation of Performance-Based Pay awards. It has since been determined by the JBC that it is appropriate for this appropriation to exist within the EDO.

- Multiuse Network Payments – HUTF funds supported a portion of the payments to the Department of Personnel and Administration (DPA) for use of the Statewide Multiuse Network. These payments ensured connectivity of IT resources located throughout the Patrol's geographically disparate offices.
- Risk Management and Property Funds – HUTF funds were used to pay for the portion of payments to DPA for property insurance specifically attributable to CSP Troop Offices located within defined flood plains.
- Leased Space – HUTF funds were used to pay for non-state owned buildings occupied by State Patrol staff.
- Capitol Complex Leased Space – HUTF funds were used for payments to DPA for state-owned building leased space occupied by CSP staff.
- Communication Services Payments – HUTF funds supported payments to DPA for the support of the Statewide Digital Trunked Radio network.
- Utilities – HUTF funds were used for utilities payments for buildings occupied by CSP staff.

Communications Program

The Communications Program comprises personnel and operating costs for the State Patrol's police dispatching services to the CSP, as well as several other federal, county, and municipal law enforcement agencies throughout the State. The amount of HUTF funds used to fund this program in FY 2009-10 totaled \$7,261,458 and 109.0 FTE.

State Patrol Training Academy

The State Patrol Training Academy provides training for State Patrol Cadets, as well as in-service training for all uniformed CSP personnel, at the State Patrol's Training Academy. The amount of HUTF funds used to fund this program in FY 2009-10 totaled \$1,894,302 and 11.0 FTE.

Aircraft Program

The Aircraft Program includes both traffic safety activities in the form of aerial highway supervision, as well as passenger carrier services for State agencies. The amount of HUTF funds used to fund this program in FY 2009-10 totaled \$296,033 and 0.6 FTE.

Hazardous Materials Safety Program

The Hazardous Materials Safety Program provides scheduling, routing, permitting and inspection services for commercial vehicles carrying hazardous and nuclear materials, as well as clean-up and mitigation capabilities for hazardous materials spills. The amount of HUTF funds used to fund this program in FY 2009-10 totaled \$844,889 and 6.1 FTE.

Indirect Cost Recoveries

Through Indirect Cost Recoveries, the State collects funding for the administrative support provided by the Executive Director's Office, Department of Personnel and

Administration, and other central services. The amount of HUTF funds collected to pay for these services in FY 2009-10 totaled \$7,327,600.

Victim Assistance Program

The Victim Assistance Program allows the State Patrol to offer support and services to victims of crime on Colorado's highways. The amount of HUTF funds used to support victims assistance services in FY 2009-10 totaled \$19,140.

Executive and Capitol Complex Security Program and Homeland Security Program

The Executive and Capitol Complex Security Program provides funding for expenses related to the State Patrol's State protection operations. This program provides protection to the State Capitol, Capitol Complex Buildings, the Governor, the First Family, and the Lieutenant Governor. The amount of HUTF funds used for security services in FY 2009-10 totaled \$165,438. The bulk of these payments were for overtime payments and separation payouts made to staff comprising the Governor's Security Detail.

The Homeland Security Program provides protection of Colorado's residents and visitors from potential threats, primarily through operation of the Colorado Information and Analysis Center (CIAC) and Critical Infrastructure Protection Program. The amount of HUTF funds used for Homeland Security expenses in FY 2009-10 totaled \$50,955. It is important to note that these expenditures supported the Patrol's direct contribution to the Joint Terrorism Task Force, for which the use of HUTF revenues has typically been deemed acceptable by the Joint Budget Committee.

In accordance with the JBC's direction to spend existing General Fund appropriations on these items, the Department applied as much General Funds as possible to appropriate Capitol Security and Homeland Security expenses. The Department expects that the funding mix in FY 2010-11 will allow CSP to cease spending HUTF funds on non-highway programs.