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Via eRegulations System

May 14, 2025

Re: Legislative Regulation Review Committee Review of Proposal Regulation Concerning The Fallen Officer Fund: PR2024-058

Dear Senator Gadkar-Wilcox and Representative Carpino,

Pursuant to section 4-170 of the Connecticut General Statutes, the Office of the State Comptroller hereby electronically submits for your consideration and approval an updated proposal to adopt regulations concerning the Fallen Officer Fund.

Pursuant to Public Act 24-27(e), the Comptroller shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes to implement the provisions of the statute governing the Fallen Officer Fund. The proposed updated regulation establishes Fallen Officer Fund application procedures and criteria for awarding grants naming individuals who are members of the surviving family, with priority given to awards that would benefit a dependent child or children and a spouse who is a member of the surviving family.

No fiscal impact is anticipated, there is no impact on existing regulations or other laws, and the regulatory action will not have an effect on small businesses. Additionally, this regulation will not cause an administrative burden or add additional costs to the office.

The Fiscal Note prepared in accordance with Conn. Gen. Stat. Section 4-168 has been available for review within the eRegulations system. This proposed regulation was properly posted to the eRegulations system, and a public comment period ran from December 2, 2024 through January 2nd, 2025. No public comment was received during the public comment period and so a response was not posted. The updated proposed regulation was posted to the eRegulations system on January 21, 2025.

The Legislative Regulations Review Committee rejected without prejudice the proposed regulation on April 22nd, 2025. The Office of the State Comptroller made substantive and technical revisions to the proposed regulation pursuant to the Legislative Commissioner's Office report released on April 22nd, 2025 in accordance with the summary of changes below, and it resubmitted the proposed regulations to the Office of the Attorney General for review on April 28, 2025. The Attorney General's Office approved the updated proposed regulation as legally sufficient on May 1, 2025.

This regulation is now being presented to the Committee for reconsideration. Questions about this proposed regulation can be directed to yamuna.menon@ct.gov. Thank you.

Yamuna (Yam) Menon
General Counsel/Assistant State Comptroller

Summary of Changes

<u>LCO Substantive Concerns</u>	<u>Comptroller Response</u>
1. The proposed regulation does not include a statement of purpose as required by section 4-170 of the Connecticut General Statutes.	Added
2. On page 1, in section XX-XXX-1(a)(2), the proposed regulation uses the term "qualified employing police department or state agency". The term, however, is undefined and it is unclear which police departments and state agencies are "qualified" employers for the purposes of the proposed regulation. Additionally, the term may conflict with section 3-122a(a)(5) of the Connecticut General Statutes, which uses the term "employing law enforcement unit". If the office intends to refer to "employing law enforcement unit", the office should replace "qualified employing police department or state agency" with "employing law enforcement unit".	Changed to "employing law enforcement unit" in accordance with section 7-294 of the Connecticut General Statutes
3. On page 1, in section XX-XXX-1(a)(4), the proposed regulation uses the term "qualified employer". The term, however, is undefined and its meaning is unclear. Additionally, the term may conflict with section 3-122a(a)(5) of the Connecticut General Statutes, which uses the term "employing law enforcement unit". If the office intends to refer to "employing law enforcement unit", the office should replace "qualified employer" with "employing law enforcement unit".	Changed to "employing law enforcement unit" in accordance with section 7-294 of the Connecticut General Statutes
4. On page 1, in section XX-XXX-2(a), the proposed regulation refers to "an eligible local police department or . . . the Division of State Police within the Department of Emergency Services and Public Protection". The term "eligible local police department", however, is undefined and it is unclear which local police departments are "eligible" for the purposes of the proposed regulation. Additionally, the term "eligible local police department" may conflict with section 3-122a(a)(3) of the Connecticut General Statutes, which incorporates by reference the definition of "law enforcement unit" in section 7-294a of the Connecticut General Statutes. The statutory definition of "law enforcement unit" encompasses law enforcement units that are not a "local police department or . . . the Division of State Police within the Department of Emergency Services and Public Protection". The scope of the law enforcement units subject to the proposed regulation therefore may be narrower than the scope of the law	Changed to "employing law enforcement unit" in accordance with section 7-294 of the Connecticut General Statutes and removed unclear and discrepancies in references

enforcement units subject to section 3-122a of the Connecticut General Statutes. The meaning of "eligible local police department" should be clarified, and the discrepancy between the proposed regulation and section 3-122a of the Connecticut General Statutes should be resolved.	
5. On page 1, section XX-XXX-2(c) of the proposed regulation begins with the phrase "Pursuant to Public Act 24-27 Sec. 1(c)". It appears, however, that the provisions that follow such phrase are unrelated to "Public Act 24-27 Sec. 1(c)" (codified at section 3-122a(c) of the Connecticut General Statutes). Accordingly, the phrase should be deleted or its meaning clarified.	Deleted
6. On page 1, throughout section XX-XXX-2(c) of the proposed regulation, the term "employing department" is used but not defined. Section 3-122a(a)(5) of the Connecticut General Statutes uses the term "employing law enforcement unit" to refer to a police officer's employer, and it appears that the scope of "employing department" is narrower than the scope of "employing law enforcement unit".	Changed to "employing law enforcement unit" in accordance with section 7-294 of the Connecticut General Statutes
<u>LCO Technical Concerns</u>	<u>Comptroller Response</u>
1. Throughout the proposed regulation, page numbers should be added, for proper form.	Added
2. On page 1, the introductory language should be rewritten as follows, for accuracy: "Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 3-122a-1 and 3-122a-2 as follows:"	Incorporated
3. On page 1, in section XX-XXX-1, in the catchline, "XX-XXX-1" should be "3-122a-1", for accuracy.	Incorporated
4. On page 1, in section XX-XXX-1(a), "(a) As used in the Regulations of Connecticut State Agencies:" should be "As used in this section and section 3-122a-2 of the Regulations of Connecticut State Agencies:", for accuracy and proper form.	Incorporated
5. On page 1, in section XX-XXX-1(a)(1), "Comptroller CO-607 rev. 08/24 or successor form(s)" should be "Comptroller form CO-607, rev. 08/24, or a successor form", for proper form; and "for family members of officers" should be "for surviving family members of police officers", for consistency.	Incorporated
6. On page 1, in section XX-XXX-1(a)(2), "Comptroller CO-606 rev. 08/24 or successor form(s)" should be "Comptroller form CO-606, rev. 08/24, or a successor form", for proper form; and "for officers" should be "for police officers", for consistency.	Incorporated
7. On page 1, the order of sections XX-XXX-1(a)(3) and (4) should be transposed, and the subdivision designators of said sections should be adjusted accordingly, for clarity.	Incorporated
8. On page 1, in section XX-XXX-1(a)(3), "section 1(a)(1) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.	Incorporated
9. On page 1, in section XX-XXX-1(a)(4), "CO-606a rev. 08/24 or successor form(s) used by the Office of the State Comptroller" should be "Office of the State Comptroller form CO-606a, rev. 08/24, or a successor form used by said office", for proper form;	Incorporated

"an officer" should be "a police officer", for consistency; and "establishing a CO-606" should be "completing a Beneficiary Form", for clarity.	
10. On page 1, in section XX-XXX-1(a)(5), "section 1(a)(2) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.	Incorporated
11. On page 1, in section XX-XXX-1(a)(6), "general statutes;" should be "Connecticut General Statutes.", for proper form.	Incorporated
12. On page 1, in section XX-XXX-1(a)(7), ""Surviving Family "" should be ""Surviving family"", and "section 1(a)(5) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.	Incorporated
13. On page 1, in section XX-XXX-2, in the catchline, "XX-XXX-2" should be "3-122a-2", for accuracy.	Incorporated
14. On page 1, in section XX-XXX-2(a), the first sentence following subsection designator "(a)" should be rewritten as follows, for clarity: "Each police officer, upon beginning employment with an eligible local police department or the Division of State Police within the Department of Emergency Services and Public Protection, shall file a Beneficiary Form with such department's or said division's human resources department."	Incorporated
15. On page 1, section XX-XXX-2(b) should be rewritten as follows, for consistency: "(b) The members of the surviving family of a police officer who was killed in the line of duty shall be eligible to receive benefits from the Fallen Officer Fund."	Incorporated
16. On page 1, in section XX-XXX-2(c), throughout the section, the italicized type should be removed, for proper form; and in the first and second lines, "such an individual who is a designated beneficiary or a member" should be "an individual who is a member", for consistency; in the third line, "complete the" should be "complete a", and "submit to" should be "submit the form to", for clarity; in the eighth line, "with form instructions" should be "with the form's instructions", for clarity.	Incorporated
17. On page 1, in section XX-XXX-2(d), in the first line, "After receiving such form, the Comptroller shall evaluate each application" should be "After receiving the Beneficiary Form or Departmental Review Form, the Comptroller shall evaluate the completed application", for clarity.	Incorporated
18. On page 1, in section XX-XXX-2(d)(1), "the officer" should be "the police officer", for clarity; and "and" should be deleted, for proper form.	Incorporated
19. On page 1, in section XX-XXX-2(d)(2), "and" should be deleted, for proper form.	Incorporated
20. On page 1, in section XX-XXX-2(d)(4), "The determination will" should be "The determination shall", in accordance with the committee's directive regarding mandates; and on page 2, in the sixth line, a comma should be inserted after "applicant", for proper form.	Incorporated
21. On page 2, section XX-XXX-2(e) should be rewritten as follows, for clarity: "(e) Not later than sixty (60) days after denial	Incorporated

<p>of an application, the applicant may appeal such denial by submitting to the Comptroller a written appeal request and any additional or supplemental documentation required by the Comptroller. The Comptroller shall make a final determination, and provide the applicant with a written summary disclosing the final determination, not later than fifteen (15) days after the Comptroller receives such additional or supplemental documentation."</p>	
<p>22. On page 2, in section XX-XXX-2(f), in the first line, "lump sum death benefits" should be "a lump sum death benefit", for proper form; and in the second and third lines, "the Fund for such officer to the officer's surviving family, provided the surviving family of a police officer killed in the line of duty shall not" should be "the Fallen Officer Fund to the surviving family of a police officer who was killed in the line of duty, provided the surviving family shall not", for clarity.</p>	Incorporated
<p>23. On page 2, in section XX-XXX-2(f)(1), in the first line, subdivision designator "1." should be deleted, and "Payments" should immediately follow "family members." in the sixth line of section XX-XXX-2(f), for proper form, and "members of that tier" should be "surviving family members of the tier", for clarity; and in the third line, "members" should be "surviving family members", for clarity.</p>	Incorporated
<p>24. On page 2, in section XX-XXX-2(f)(1)(i) to (vi), clause designators "i." to "vi." should be subdivision designators "(1)" to "(6)", for proper form.</p>	Incorporated
<p>25. On page 2, in section XX-XXX-2(f)(1)(i), a space should be inserted before "Spouse", and the period after "children" should be deleted, for proper form.</p>	Incorporated
<p>26. On page 2, in section XX-XXX-2(f)(1)(ii), "Children" should be "child or children", for proper form.</p>	Incorporated
<p>27. On page 2, in section XX-XXX-2(f)(1)(iii), "Beneficiary" should be "beneficiary or beneficiaries", for proper form.</p>	Incorporated
<p>28. On page 2, in section XX-XXX-2(g), "Payments" should be "Payments made pursuant to subsection (f) of this section", for accuracy; and "Fund" should be "Fallen Officer Fund", for clarity.</p>	Incorporated
<p>29. On page 2, in section XX-XXX-2(h), in the first line, "Fund" should be "Fallen Officer Fund" for consistency; in the second line, "available" should be deleted, for clarity; and in the fourth line, a period should be inserted after "order", for proper form.</p>	Incorporated
<p>30. On page 2, in section XX-XXX-2(i), in the first line, "Such payment" should be "Payment made pursuant to subsection (f) of this section", for clarity; and in the first and second lines, "such officer" should be "such surviving family", for clarity.</p>	Incorporated