ADMINISTRATIVE REGULATIONS

Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.

A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated May 1, 2012.

DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Notice of Intent to Amend Regulations

In accordance with the provisions of section 4-168 of the Connecticut General Statutes and pursuant to authority prescribed in section 7-294e of the Connecticut General Statutes, notice is hereby given that the Department of Emergency Services and Public Protection proposes to amend regulations regarding Original Appointment and Reappointment to the Position of Police Officer.

Persons wishing to present their views regarding this amendment are invited to do so in writing within thirty (30) days of publication of this notice in the *Connecticut Law Journal.* A public hearing will be scheduled if requested by fifteen (15) or more persons, a government subdivision or agency, or an association having not less than fifteen (15) members, provided that notice of such request is made to Attorney Janet K. Ainsworth, Department of Emergency Services and Public Protection, 1111 Country Club Road, Middletown, CT 06457-9294, in writing or by calling (860) 685-8479.

Copies of proposed regulations are available from, and written argument may be submitted to, Attorney Ainsworth at the address listed above. Written comments may also be emailed to Janet.Ainsworth@ct.gov or faxed to Attorney Ainsworth at (860) 685-8363.

Statement of purpose: The purpose of the proposed amendments are as follows: 1) section 7-294e-1 makes it clear that lateral certification involves leaving one Connecticut law enforcement unit for another; 2) section 7-294e-2 conforms the regulatory language to the requirements of Public Act 11-251 by eliminating the basic training requirement for any person seeking a lateral transfer from one Connecticut department to another. It also eliminates the physical fitness testing standard as a requirement in any lateral transfer and allows the Council to consider length of absence from law enforcement employment in any request to waive training requirements. The revision to subsection (b) conforms regulatory language to agency practice; 3) section 7-294e-4 eliminates obsolete statutory references to the Freedom of Information Act and conforms procedures to the Act and laws restricting the release of records maintained by the Council; 4) section 7-294e-8 deletes certificates that are no longer being issued; and 5) section 7-294e-14 inserts a statutory reference regarding the period after which a certification lapses if the individual is not employed by a law enforcement agency, and eliminates the reference to 40 hours of training,

instead providing for such training as the Council may require above the minimum of 40 hours. The proposed amendments also contain a number of revisions for clarification or to conform the document to current style rules.

The revision to 7-294e-1 adds Connecticut to the definition of lateral transfer to ensure that both departments are Connecticut law enforcement units. The effect of the proposed revisions to section 7-294e-2 is to allow a person certified as a police officer for fewer than two years to laterally transfer to another department without being required to successfully complete the police basic training program or to meet a physical fitness testing standard, and to reflect agency practice with respect to lapsed certifications. The elimination of the two-year requirement is mandated by PA 11-251. The fitness standard is being eliminated for lateral transfers because of the lack of a statewide standard. The Council has considered this issue and it believes that requiring a physical fitness testing standard potentially exposes applicants to conflicting standards. The review of requests to waive training from other applicants for certification, such as those whose certifications have lapsed or applicants for comparative certification (out of state or law enforcement units not subject to Council requirements), will include length of absence from law enforcement employment. It is felt that this factor should be considered in a determination of what training, if any, to require. The effect of the revision to 7-294e-4 is to make clear that individuals may seek records at the Council's offices, as well as at meetings and by written request mailed to Council offices, that requests for copies must be in writing, as provided by the Freedom of Information Act, that certain records may be non-disclosable due to other state or federal laws, and that meeting minutes and agendas must be posted as required by the Act. The effect of the revision to 7-294e-8 is to conform the section to current agency practice. The effect of that portion of the amendment to section 7-294e-14 that substitutes a statutory reference for a defined period of time after which a certification has lapsed avoids restating a statutory provision in a regulation, which will be a particular problem if the statute changes. The revision to the provision regarding training hours is based on the Council's interpretation, supported by legal counsel, that the language of section 7-294d(a)(8) of the Connecticut General Statutes allows the Council to require a minimum of 40 training hours, allowing it to set higher amounts by policy. In 2003, the Council increased the number of required training hours to 60, where it remains today.

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Designated Recycling

Section 1. Section 22a-241b-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Designated Recycling

Sec. 22a-24lb-1. Definitions

(1) ''Boxboard'' means a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes such as cereal boxes and shoe boxes. As used in this section, ''Boxboard'' does not include paperboard that has been treated with a wax or laminate coating nor any removable plastic liners.