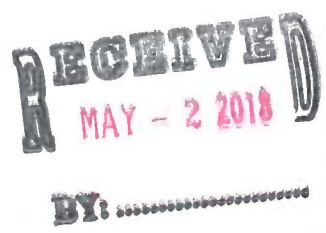


Administrative Procedures – Final Proposed Rule Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).



All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Fire Safety and Prevention

, on 05/01/2018
 (signature) (date)

Printed Name and Title:

Clarence Davis, Interim Deputy Secretary of Human Services for Al Gobeille, Secretary, Agency of Human Services

RECEIVED BY: _____

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

18P-005

3. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Matthew Nault

Agency: Agency of Human Services - Department of Corrections

Mailing Address: 280 State Dr. Waterbury VT 05671-2000

Telephone: 802 241 - 0068 Fax: 802 241 - 0020

E-Mail: matthew.nault@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://corrections.vermont.gov/about/policies>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Gabrielle Tamasi

Agency: Agency of Human Services

Mailing Address: 280 State Dr. Waterbury VT 05671-2000

Telephone: 802 798 - 2555 Fax: 802 241 - 0020

E-Mail: gabrielle.tamasi@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

28 V.S.A. § 102(c)(1)

8. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.
9. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
10. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
11. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
12. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
13. **CONCISE SUMMARY (150 WORDS OR LESS):**

The Vermont Department of Corrections (DOC) is proposing the repeal of the current Fire Safety Rule, APA Rule #78-120/CVR 13-130-004. The rule is outdated and no longer represents current practice. Updated DOC policy and administrative directive outline fire safety standards and prevention practices for correctional facilities. Setting these standards in DOC policy and directive allows more responsive updates as fire safety and prevention standards evolve.

The DOC is not statutorily required to promulgate a rule concerning fire safety and prevention. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

14. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

There is no statutory requirement that the DOC promulgate a rule concerning fire safety and prevention. The current Fire Safety Rule, APA Rule #78-120/CVR 13-130-004, is outdated and no longer represents current practice. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

15. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES
AFFECTED BY THIS RULE:

Inmates in the custody of the Department of
Corrections;
Department of Corrections;
Department of Public Safety, Division of Fire Safety;
Local Fire Departments

16. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

It is anticipated that the repeal of this Rule will not
have an impact on the Department's budget.

17. A HEARING WAS HELD.

18. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF
NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE
ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 4/11/2018
Time: 10:00 AM
Street Address: 280 State Dr. Waterbury, VT
Zip Code: 05671-2000

Date:
Time: AM
Street Address:
Zip Code:

Date:
Time: AM
Street Address:
Zip Code:

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Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

19. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

4/18/2018

20. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Fire Safety

Evacuation

Correctional Facility

Fire Detection

Fire Safety Officer

Smoke



Department of Corrections

To: Sen. Mark MacDonald, Chair of the Legislative Committee
Administrative Rules

From: Gabrielle Tamasi, Policy Analyst, Vermont Department of Corrections

Re: Final Proposed Rule Fire Safety and Prevention

Date: May 2, 2018

The Vermont Department of Corrections (DOC) received two comments during the public comment period. The following summarizes the comment(s) received and the DOC's response.

- **Summary of Comment:** A show of support for the DOC efforts to outdated policies that do not reflect current law or best practice.
 - **DOC Response:** Thanked the staff member for submitting a comment.
- **Summary of Comment:** Another show of support to repeal the rule.
 - **DOC Response:** Thanked the individual for their comment.

280 STATE DRIVE
WATERBURY, VERMONT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

AL GOBELLE, SECRETARY
MARITHA MAKSYM, DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Jim Condos, Secretary of State

FROM: Al Gobeille, Secretary, Agency of Human Services *AG*

DATE: Friday, April 27th, 2018

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Interim Deputy Secretary of Human Services Clarence E. Davis as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3 V.S.A. § 801 et seq.

Cc: Clarence E. Davis

Administrative Procedures – Adopting Page

Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. AGENCY REFERENCE NUMBER, IF ANY:

4. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A REPEAL OF AN EXISTING RULE**

5. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

SOS Rule Log # 78-120, CVR 13 130 004, Fire Safety
Prevention (312), November 6, 1978

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 12, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609
Members Present: Chair Brad Ferland, Dirk Anderson, Diane Bothfeld, John Kessler, Jen Duggan, and Steve Knudson
Members Absent: Clare O'Shaughnessy, Karen Songhurst and Ashley Berliner
Minutes By: Melissa Mazza-Paquette

- 2:05 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the January 8, 2018 meeting.
 - Motion made to accept the minutes by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- Additions/deletions to agenda.
 - #6 on the agenda: Vital Records Rule, Agency of Human Services, Department of Health, is being moved to the March 12, 2018 meeting per their request.
 - Member Kessler requested to add an update from Chair Ferland on Administrative Procedures Act discussion in House Government Operations on February 1, 2018 at 2:30 p.m. Discussion to take place after proposed rules have been heard.
 - Motion made to accept agenda with changes by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow:
 1. Required Agricultural Practices Rule for The Agricultural Nonpoint Source Pollution Control Program, The Vermont Agency of Agriculture, Food and Markets, page 2
 2. Fire Safety and Prevention, Agency of Human Services, Department of Corrections, page 3
 3. Inmate Access to Publications, Agency of Human Services, Department of Corrections, page 4
 4. Inmate Mail, Agency of Human Services, Department of Corrections, page 5
 5. Regulations Governing the Operation of Woodside Juvenile Rehabilitation Center, Agency of Human Services, Department for Children and Families, Family Services Division, page 6
 6. Vital Records Rule, Agency of Human Services, Department of Health (moved to the agenda for the March 12, 2018 meeting)
- 2:58 p.m. Diane Bothfeld left the meeting prior to hearing proposed rule #5.
- Update from Chair Ferland on Administrative Procedures Act discussion in House Government Operations on February 1, 2018 at 2:30 p.m.
- Next scheduled meeting is March 12, 2018 at 2:00 p.m.
- Motion made to adjourn by John Kessler, seconded by Dirk Anderson, and passed unanimously.
- 3:17 p.m. meeting adjourned.

Proposed Rule: Fire Safety and Prevention, Agency of Human Services, Department of Corrections

Presented by Matthew Nault, Christine Cowart and Gary Dillion

Motion made to accept the repealed rule as presented by John Kessler, seconded by Diane Bothfeld, and passed unanimously.



Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing


Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Fire Safety and Prevention


_____, on 05-01-2018.
(signature) (date)

Printed Name and Title:

Clarence Davis, Interim Deputy Secretary of Human Services for Al Gobeille, Secretary, Agency of Human Services

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Inmates in the custody of the Department of Corrections;

Department of Corrections;

Department of Public Safety, Division of Fire Safety;

Local Fire Departments

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

No Impact

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The Department of Corrections is not likely to experience any savings or added costs related to the repeal of the current rule on Fire Safety and Prevention, as there are no significant changes to current practices related to the repeal. Overall, there should be no discernable economic impact between this proposed repeal, the current rule, or an alternative to this rule on the subject.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

No Impact

7. GREENHOUSE GAS IMPACT: *EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:*

a. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., “THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS” OR “LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE.”):

No Impact

b. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., “THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND /OR AGRICULTURAL LAND.”):

No Impact

c. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”):

No Impact

d. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., “THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS.” OR “AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A ‘METHANE TO ENERGY PROJECT’.”):

No Impact

e. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:

No Impact

Administrative Procedures – Public Input Statement

Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Vermont Department of Corrections (DOC) held a public hearing and posted notice of the proposed repeal of the rule on its website, for feedback from the public.

A printed notice of the proposed repeal of the rule was kept in all the DOC law libraries and was made available to inmates upon request to the Inmate Law Librarian, Inmate Legal Assistant, or any other law library staff. A comment form was also made available to inmates, on which they were able to submit comments to law library staff. Each DOC correctional facility announced to all inmates that a copy of the notice of the proposed repeal of the rule was available to them, in the law library for review and comment.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

DOC ensured that staff and inmates had the opportunity to review and comment on the repeal of the Rule if they wished to do so.

COMMENT SHEET

Comment #:	Page #	Line #	Comment	Response
			Josh Rutherford	
1	General		I support the continued effort to remove outdated, unnecessary policies that do not represent current law, fire code, or best practice and which we're not required to have.	Thank you for your feedback.
			Jess Dobieck	
2			The correctional facilities are not exempt from the fire safety standards as adopted through DPS rulemaking. The modern code is safer for prisoners and staff, and DPS supports the repeal of this rule.	Thank you for your feedback.
3				
4				
5				
6				
7				

Annotated
Text

13-130-004. Fire Safety Prevention (312)

POLICY

SUBJECT AREA: _____ EFFECTIVE DATE: 11/6/78
300-399 Facilities
and Equipment _____ UNITS AFFECTED:
_____ Department of Correction

INTRODUCTION

Attention to fire safety prevention procedures are particularly crucial in correctional facilities. In many cases we are dealing with persons who do not have free movement and are confined to a one cell area. In addition, there is a recent body of both federal and state legislation which mandates improved standards of life safety.

OBJECTIVE

To provide guidelines for administrators in implementing specific procedures and methods for fire prevention and reaction in case of fire.

GROUP SERVED

All staff at correctional facilities.

POLICY DESCRIPTION

Procedures: Each Superintendent shall develop, in coordination with the local fire department serving the facility, the Buildings Division, a Comprehensive Fire Prevention and Reaction Plan. This plan is to be reviewed annually by the Superintendent, and must contain provisions for necessary inspections and notification of proper agencies. A semi-annual review is to be made of equipment. A copy shall be sent to the Director of Adult Facilities. Any updates shall be filed with the Director. If no update is required, a statement to that effect shall be sent to the Director of Adult Facilities.

The procedures described in the plan shall include an evacuation plan, location of keys, locations of fire fighting and protection equipment, regular checking of emergency exits, fire drills, control of access to potentially flammable materials, and regular testing and inspections of fire protection equipment.

Training: Because of unique danger of fire and its consequences in correctional facilities, all staff must be completely trained with regard to plans and procedures in fire safety and proper use of fire fighting equipment. Local fire departments should be utilized to provide specific training wherever possible. All staff must be completely trained with regard to the yearly updated plans and procedures in fire safety, and proper use of fire fighting equipment. The Department Training Officer will assist the facilities in coordination of training.

1
2 ~~Equipment: The semi-annual review shall include a complete inventory of fire prevention and~~
3 ~~fire fighting equipment. That essential equipment which is missing or needs replacement shall be~~
4 ~~purchased.~~
5

6 ~~Responsibility & Reporting: A specific individual in each facility will be designated, in writing~~
7 ~~by the Superintendent, as responsible for fire safety inspections, equipment and coordination of~~
8 ~~related training safety inspections. This Fire Safety Officer shall undertake monthly monitoring~~
9 ~~and reporting to the Superintendent on matters addressed in the Comprehensive Prevention and~~
10 ~~Reaction Plan.~~
11

12 ~~All incidents involving fire shall be reported to the Superintendent. The Superintendent will~~
13 ~~report to the Director of Adult Facilities any experiences in which fire equipment does not~~
14 ~~function properly or where the Superintendent believes furnishings or other materials supplied to~~
15 ~~residents constitute a fire hazard.~~
16

17 ~~A copy of the monthly report of the facility Fire Safety Officer will be included in the~~
18 ~~Superintendent's Monthly Progress Report to the Director of Adult Facilities.~~
19

20 ~~Reporting: All incidents involving fire should be reported to the Director of Adult Facilities.~~
21 ~~Facility Superintendents will report any negative experiences they have with any equipment or~~
22 ~~supply item which constitutes a fire hazard to the Director of Adult Facilities. Furthermore, all~~
23 ~~incidents should immediately be reported to local fire departments.~~
24

25 ~~In addition, all fires should be reported within a reasonable time to the Arson Squad of the Public~~
26 ~~Safety Department.~~
27

28 ~~Discipline: Through the use of the Resident Guidebook, the seriousness and potential danger of~~
29 ~~fire will be addressed. Residents will be instructed verbally that the setting of fires or triggering~~
30 ~~false alarms, no matter how minor are to be treated as major disciplinary infractions and that~~
31 ~~strict disciplinary action will follow. Prosecution may result.~~
32

33 ~~Coordination with Other Agencies: The Superintendent and the Fire Safety Officer will~~
34 ~~coordinate with the local fire department serving the facility. The assistance of the fire~~
35 ~~department will be requested in conducting the annual review of the Comprehensive Fire~~
36 ~~Prevention and Reaction Plan. When incidents of fire occur which are controlled by the facility~~
37 ~~staff, the action taken by the facility staff to control minor fires will be reported to the fire~~
38 ~~department within a reasonable time. Advice will be requested from the above agencies on how~~
39 ~~to avoid repetition of the problem or improve response by the Superintendent or Director of~~
40 ~~Adult Facilities.~~
41

42 ~~The Superintendent and the Director of Adult Facilities will coordinate with the Buildings~~
43 ~~Division to obtain annual VOSHA inspection of each facility. In addition, each facility shall be~~
44 ~~inspected by the Fire Prevention Division of Labor and Industry Department semi-annually. The~~
45 ~~Buildings Division maintains the Correctional Facilities for the State of Vermont. Such being the~~

1 ~~ease, all procedures and plans in relation to fire safety and prevention should be coordinated and~~
2 ~~filed with that Division. This coordination shall be established and maintained by the~~
3 ~~Superintendent and the Director of Adult Facilities.~~

4
5 Legal Reference

6 ~~28 V.S.A. Sec. 601 (2, 3, 5, 7, 9)~~
7 ~~Sec. 851~~

8
9 ~~CFR28 Judicial Administration~~

10
11 ~~Chapter 1—Department of Justice~~
12 ~~Parts 0—199~~

13
14 ~~Parts 3—Federal Prisons Industries~~
15 ~~Department of Justice~~
16 ~~Parts 300—399~~

17 -
18 ~~Cornelius Hogan, Commissioner~~
19 ~~Statutory Authority: 28 V.S.A. §§ 601, 851~~

20
21 ~~Effective Date: November 11, 1978 (SOS Rule Log # 78-120)~~
22

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 28 : Public Institutions And Corrections****Chapter 003 : Administration Of The Department**

(Cite as: 28 V.S.A. § 102)

§ 102. Commissioner of Corrections; appointment; powers; responsibilities

(a) The Department is under the direction of the Commissioner, who shall be appointed by the Secretary of Human Services with the approval of the Governor and shall serve at the pleasure of the Secretary. The Commissioner's salary shall be fixed by the Governor within the appropriation therefor.

(b) The Commissioner is charged with the following powers:

(1) To supervise the administration of the Department.

(2) To exercise supervisory power over and to establish and administer programs and policies for the operation of the correctional facilities of the Department, and for the correctional treatment of persons committed to the custody of the Commissioner.

(3) To appoint and remove a Deputy Commissioner as provided in 3 V.S.A. § 3053 and delegate appropriate powers and duties to the Deputy.

(4) To appoint and remove subordinate officers of the Department in accordance with law, and, notwithstanding the provisions of any other statute or law, to delegate any authority conferred on him or her by statute to any designee named by him or her in writing.

(5) To order the assignment and transfer of persons committed to the custody of the Commissioner to correctional facilities, including out-of-state facilities.

(6) To establish, consolidate, or abolish divisions within the Department, and to establish, consolidate, or abolish bureaus, special units, and other subdivisions in any division.

(7) To accept and receive, on behalf of the Department or any facility thereof, any bequest or gift of personal or real property made to the Department or any facility thereof, and to hold and use the property for the purposes specified in such bequest, devise, or gift.

(8) To cooperate with and accept funds from the federal government or any agency thereof for the purpose of exercising the powers and responsibilities stated in this section.

(9) To conduct any necessary inquiry or investigation into matters related to correctional programs and responsibilities of the Department.

(10) To utilize the resources of the Department to apprehend any person escaping from a correctional facility. In performing such function, the Commissioner and any authorized employee of the Department shall have all the power and authority of a law enforcement officer.

(11) To contract for services or purchase, lease, or rent personal property to carry out the functions of the Department, and to lease or rent month to month residential housing for community-based probation and parole programs. All other real property required by corrections programs shall be purchased, leased, or rented by the Commissioner of Buildings and General Services.

(12) To enter into contracts with private collection agencies for the collection of supervisory fees imposed by this title and fines, penalties, and restitution imposed under Title 13. The Commissioner may agree to pay collection agencies a fixed rate for services rendered or a percentage of the amount collected which shall be added to any amounts and may be recovered as an administrative cost of collection. Any such fixed rate or percentage may be deducted directly by the collection agency on a pro rata basis from any portion of the money so collected.

(13) To establish community reparative boards pursuant to chapter 12 of this title.

(14) To delegate to locally established boards or justice centers, the authority to assist, through use of community resources, in developing and implementing restorative justice programs for offenders, victims of crime and members of the community.

(15) To rely upon the expertise of Department employees to provide core and substantive supervision of offenders and risk assessment determinations for the delivery of correctional services in both residential and nonresidential settings.

(16) With the approval of the Secretary of Human Services, to accept federal grants made available through federal crime bill legislation, provided that the Commissioner shall report the receipt of a grant under this subdivision to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(c) The Commissioner is charged with the following responsibilities:

(1) To make rules and regulations for the governing and treatment of persons committed to the custody of the Commissioner, the administration of correctional facilities, and the regulation of employees under the jurisdiction of the Commissioner.

(2) To establish and operate correctional diagnostic centers.

(3) To establish and maintain at each correctional facility a program of treatment designed as far as practicable to prepare and assist each inmate to assume his or her responsibilities and to participate as a citizen of the State and community.

(4) To establish facilities and develop programs to provide inmates at correctional facilities with such educational and vocational training deemed to be appropriate to the treatment of the inmates.

(5) To prescribe rules and regulations for the maintenance of discipline and control at each correctional facility.

(6) To maintain security, safety, and order at the correctional facilities and act to subdue any disorder, riot, or insurrection which may occur at any facility. The Commissioner, for such purpose, may enlist the assistance of any citizen of the State, and shall have the obligation to render reasonable compensation to any person providing such assistance.

(7) To establish, maintain, and administer such regional or other community correctional facilities as are necessary for the confinement and treatment of inmates either before or after the conviction of any offense, and to use the jails and lockups as provided in this title. Such facilities shall be used for the confinement of persons awaiting court disposition and the confinement of inmates serving short terms and such other inmates as may be assigned to such facilities for furloughs, work release, and other prerelease treatment.

(8) To establish in any appropriate correctional facility a system of classification of inmates, to establish a program for each inmate upon his or her commitment to the facility and to review the program of each inmate at regular intervals, and to effect necessary and desirable changes in the inmate's program of treatment.

(9) To develop and maintain research programs and collect statistical information concerning persons committed to the custody of the Commissioner, sentencing practices, and correctional treatment.

(10) To inspect at regular intervals all correctional facilities.

(11) To close any correctional facility which he or she deems inadequate.

(12) To establish training programs for new employees, and to establish such in-service training programs as he or she deems advisable.

(13) [Repealed.]

(14) To collect a fee up to the amount of \$30.00 per month as a supervisory fee from each person under the supervision of the Department who is on probation, furlough, pre-approved furlough, supervised community sentence or parole. Supervisory fees collected by the Department shall be credited to a special supervision and victim restitution fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, for this purpose. The Commissioner shall adopt rules governing the collection of supervisory fees, including the maximum period of time offenders are subject to supervision fees and the offender's ability to pay such fees.

(15) To lease farms or lands, with the approval of the Department of Buildings and General Services in accordance with 29 V.S.A. § 160, and to administer and manage such farms.

(16) To exercise all powers and perform all duties established in the Office of Commissioner by the Agency of Human Services and stated in 3 V.S.A. §§ 3052 and 3053.

(17) To exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities and in fulfilling the purposes and objectives of this title.

(18) To establish within the Department programs for inmates to participate in work, industry, community service, public works activities, and employment at correctional facilities.

(19) If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of a convicted and sentenced offender to the country of which the offender is a citizen or national, the Commissioner may, with the written consent of such offender obtained only after the opportunity to consult with counsel, and in accordance with the terms of the treaty, consent to the transfer or exchange of any such offender and take any other action necessary to initiate the participation of the State in the treaty.

(20) To utilize the Department of Buildings and General Services' competitive bidding practices in order to determine the most effective and cost-effective alternatives for housing inmates in any out-of-state correctional facility.

(21) The Commissioner is authorized to contract for payment processing services for receiving deposits to inmate financial accounts. The Department, directly or through a processing agent, may assess a fee for deposits to each account so long as the fee does not exceed the costs incurred.

(22) To notify local and State law enforcement officers of the following information regarding a person released from incarceration on probation, parole, or furlough and residing in the community: name; address; conditions imposed by the court, parole board, or Commissioner; and the reason for placing the person in that community. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 48, § 1; 1977, No. 233 (Adj. Sess.), § 5a, eff. April 17, 1978; 1981, No. 185 (Adj. Sess.), § 2, eff. April 22, 1982; 1983, No. 147 (Adj. Sess.), § 4(a), eff. April 11, 1984; 1993, No. 54, § 1; 1995, No. 178 (Adj. Sess.), § 116; 1995, No. 185 (Adj. Sess.), § 47, eff. May 22, 1996; 1995, No. 186 (Adj. Sess.), § 34; 1997, No. 155 (Adj. Sess.), §§ 15, 16; 1999, No. 148 (Adj. Sess.), § 65, eff. May 24, 2000; 2001, No. 65, § 10, eff. June 16, 2001; 2001, No. 142 (Adj. Sess.), § 170; 2001, No. 149 (Adj. Sess.), § 43, eff. June 27, 2002; 2005, No. 177 (Adj. Sess.), § 3; 2007, No. 76, § 33d; 2007, No. 179 (Adj. Sess.), § 2; 2009, No. 33, § 48; 2009, No. 43, § 34; 2009, No. 157 (Adj. Sess.), § 17a; 2011, No. 139 (Adj. Sess.), § 21, eff. May 14, 2012.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Apr 18, 2018

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

Rule Number:	18P005
Title:	Fire Safety and Prevention.
Type:	Standard
Status:	Proposed
Agency:	Department of Corrections, Agency of Human Services
Legal Authority:	28 V.S.A. § 102(c)(1); and 3 V.S.A. § 801(b)(11).
Summary:	The Vermont Department of Corrections (DOC) is proposing the repeal of the current Fire Safety Rule, APA Rule #78-120 / 13-130-004. The rule is outdated and no longer represents current practice. Updated DOC policy and administrative directive outline fire safety

standards and prevention practices for correctional facilities. Setting these standards in DOC policy and directive allows more responsive updates as fire safety and prevention standards evolve. The DOC is not statutorily required to promulgate a rule concerning fire safety and prevention. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

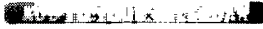
Persons Affected: Inmates in the custody of the Department of Corrections; Department of Corrections; Department of Public Safety, Division of Fire Safety; Local fire departments.

Economic Impact: It is anticipated that the repeal of this Rule will not have an impact on the Department's budget.

Posting date: Feb 21,2018

Hearing Information

Information for Hearing # 1

Hearing date: 04-11-2018 10:00 AM 

Location: Department of Corrections

Address: 280 State Drive

City: Waterbury

State: VT

Zip: 05671-2000

Hearing Notes:

Contact Information

Information for Contact # 1

Level: Primary

Name: Matthew Nault

Agency: Department of Corrections, Agency of Human Services

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Fax: 802-241-0020

Email: matthew.nault@vermont.gov


Website: <http://corrections.vermont.gov/about/policies>

Address: 

Information for Contact # 2

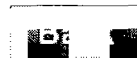
Level: Secondary
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Keyword Information

Keywords:

Fire Safety
Evacuation
Correctional Facility
Fire Detection
Fire Safety Officer
Smoke



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PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Rules Governing Ignition Interlock Program.

Vermont Proposed Rule: 18P004

AGENCY: Agency of Transportation, Department of Motor Vehicles

CONCISE SUMMARY: The proposed amendment modifies the process by which Ignition Interlock Device (IID) manufacturers make application to the Commissioner to Conduct IID business. The minimum amount of breath per blow regarding the medical reduction is adjusted to reflect the standards according to Association of Ignition Interlock Program Administrators (AIIPA) recommendations. The proposed rule amends the period of time required between the "initial" breath test, the first "rolling retest" and the subsequent rolling retests. The proposed rule amends the period of time between initial installation of the IID and subsequent calibration visits. The proposed rule requires the written permission of the owner of the vehicle in which the IID is to be installed when that owner is not the applicant. The proposed rule amends requirements of the manufacturers and standards as well as the "Standardized Best Practice Recommendations" set forth by AIIPA.

FOR FURTHER INFORMATION, CONTACT: Michael Smith, Director of Operations Agency of Transportation, Department of Motor Vehicles 120 State Street, Montpelier VT 05603-0001 Tel: 802-828-2066 Fax: 802-828-2170 Email: michael.smith@vermont.gov. URL: <http://dmv.vermont.gov/policies-rules>.

FOR COPIES: Michael Charter, DMV Project Coordinator Agency of Transportation, Department of Motor Vehicles 120 State Street, Montpelier VT 05603-0001 Tel: 802-828-0496 Fax: 802-828-2826 Email: michael.charter@vermont.gov.

Fire Safety and Prevention.

Vermont Proposed Rule: 18P005

AGENCY: Agency of Human Services, Department of Corrections

CONCISE SUMMARY: The Vermont Department of Corrections (DOC) is proposing the repeal of the current Fire Safety Rule, APA Rule #78-120 / 13-130-004. The rule is outdated and no longer represents current practice. Updated DOC policy and administrative directive outline fire safety standards and prevention practices for correctional facilities. Setting these standards in DOC policy and directive allows more responsive updates as fire safety and prevention standards evolve. The DOC is not statutorily required to promulgate a

rule concerning fire safety and prevention. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

FOR FURTHER INFORMATION, CONTACT: Matthew Nault, Agency of Human Services - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000 Tel: 802-241-0068 Fax: 802-241-0020 Email: matthew.nault@vermont.gov. URL: <http://corrections.vermont.gov/about/policies>.

FOR COPIES: Christine Cowart, Agency of Human Services, - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000 Tel: 802-477-3850 Fax: 802-241-0020 Email: christine.cowart@vermont.gov.

Inmate Access to Publications.

Vermont Proposed Rule: 18P006

AGENCY: Agency of Human Services, Department of Corrections

CONCISE SUMMARY: The Vermont Department of Corrections (DOC) is proposing a revision and renaming of APA Rule #10-029, Inmate Possession of Printed Materials, to ensure that the DOC's restriction of inmates' access to publications do not unnecessarily deny inmates access and complies with the First Amendment. The definition of "nudity" in the current rule is overly broad and unnecessarily restricts inmates' access to some publications. The proposed rule more narrowly defines "nudity."

FOR FURTHER INFORMATION, CONTACT: Matthew Nault, Agency of Human Services - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000 Tel: 802-241-0068 Fax: 802-241-0020 Email: matthew.nault@vermont.gov. URL: <http://corrections.vermont.gov/about/policies>.

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Inmate Mail.

Vermont Proposed Rule: 18P007

AGENCY: Agency of Human Services, Department of Corrections

CONCISE SUMMARY: It is the policy of the Vermont Department of Corrections (DOC) to encourage and permit inmates to correspond with family, friends, officials, and other significant community contacts. The DOC recognizes that the maintenance of pro-social relationships with family, friends, officials, and other significant community contacts can help assist in an inmate's community reintegration. As a result, the DOC shall only limit an inmate's access to mail that interferes with the safety, security, or order of the facility, or that contains nudity or sexually explicitly material. This rule sets forth the DOC's guidelines concerning inmate mail, including: its inspection, privileged correspondence, inmate-to-inmate correspondence, and negative contact lists. The rule also addresses the provision of writing materials and postage for indigent inmates and the disposition of funds received through inmate mail.

FOR FURTHER INFORMATION, CONTACT: Matthew Nault, Agency of Human Services - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000 Tel: 802-241-0068 Fax: 802-241-0020 Email: matthew.nault@vermont.gov. URL: <http://corrections.vermont.gov/about/policies>.

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