

Notice of Intent to Adopt Rules Without a Public Hearing

Minnesota Department of Corrections

In the Matter of the Proposed Permanent Rules Relating to Residential Treatment Programs; Revisor's ID No. R-4447; CAH Docket No. 22-9051-40735

Introduction. The Department of Corrections intends to adopt rules without a public hearing under Minnesota Rules, parts 1400.2300 to 1400.2310, and Minnesota Statutes, sections 14.22 to 14.28. By 4:30 p.m. Thursday, August 21, 2025, you may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency contact person. Please send questions to Ian Lewenstein, docrulemaking.DOC@state.mn.us, 651-361-7707, or the Department of Corrections, 1450 Energy Park Drive, St. Paul, Minnesota 55108.

Subject of rules and statutory authority. The proposed rules are on department-certified residential treatment programs for individuals who have engaged or attempt to engage in sexually abusive or harmful behavior. The department oversees two rulemaking chapters for these individuals on their sex-offense-specific treatment: one for juveniles and one for adults. Both chapters were separately adopted in 1999 and have remained unamended since. The rule requirements are now obsolete and in need of revision to conform to new research and best practices for sex-offense-specific treatment.

The department's rule amendments will incorporate updated research-based best practices to help clients participating in sex-offense-specific treatment reduce their likelihood of reoffending. Other proposed amendments seek to:

- 1) establish well-defined, consistent standards to promote the most effective treatment for clients;
- 2) update definitions and ensure that they are consistently used and understandable; and
- 3) remove jargon and legalese and conform to plain-language standards for more-effective regulatory compliance.

The statutory authority to adopt the rule is under Minnesota Statutes, section 241.67, subdivision 2, paragraph (a). A free copy of the proposed rule is available on the department's rulemaking web page (<https://mn.gov/doc/about/rulemaking/>) or upon request to Ian Lewenstein.

You may also review the proposed rule and submit written comments via the Court of Administrative Hearings' eComments website (<https://minnesotaoah.granicusideas.com/>).

Comments. You have until 4:30 p.m. Thursday, August 21, 2025, to comment—supporting or opposing—on the proposed rules, including any specific rule part. **Comments on the rule or requests for a public hearing must be submitted via the eComments website** (<https://minnesotaoah.granicusideas.com>). If you cannot use the eComments website, you may submit comments in person, via US mail, or by facsimile addressed to Judge Moseng at the Court of Administrative Hearings, 600 Robert Street North, PO Box 64620, St. Paul, Minnesota 55164-0620, or fax (651) 539-0310.

The department strongly encourages public comment—especially if the proposed rules affect you—and your comments should identify which rule part you are commenting on, the reason for the comment, and any proposed change. Any comments that you have about the legality of the proposed rules must also be made during the comment period.

Requesting a public hearing. In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing by 4:30 p.m. Thursday, August 21, 2025. You must include your name and address in your request and identify the portion of the proposed rules that you object to or state that you oppose the entire rule. Any request that does not comply with these requirements is invalid and does not count as a request for hearing.

You are also encouraged to state why you are requesting a hearing and any changes that you want made to the proposed rules.

Holding a public hearing. If 25 or more people submit a written request for a public hearing before the comment period ends, the department must hold a public hearing. The department will then proceed according to Minnesota Statutes, sections 14.131 to 14.20, and must publish a notice of the public hearing in the *State Register* and notify people who submitted a written request for the public hearing.

Withdrawing requests for a public hearing. If enough requests for a hearing are withdrawn to reduce the number of hearing requests below 25, the department must give written notice to all persons who requested a hearing and explain that enough persons have withdrawn their hearing requests. The department's notice on withdrawing requests must comply with additional requirements under Minnesota Statutes, section 14.25, subdivision 2.

Modifications. The department may modify the proposed rules because of public comment or as otherwise needed to comply with the Administrative Procedure Act. The department must support modifications with information or evidence, including public comments sent to the department. Unless the department follows the procedure under Minnesota Rules, part 1400.2110, the adopted rules may not be substantially different than the proposed rules.

Statement of Need and Reasonableness. In the Statement of Need and Reasonableness (SONAR), the department justifies why the proposed rules are needed to adopt updated

research-based best practices for residential treatment programs and why the department's proposed rules are reasonable.

The department also describes who the rules will affect and estimates the rules' probable cost. The SONAR is now available upon request to Ian Lewenstein and is also available on the department's rulemaking web page (<https://mn.gov/doc/about/rulemaking/>). You may review the SONAR or get a copy by contacting Ian Lewenstein.

Lobbyist registration. A lobbyist must register with the Minnesota Campaign Finance and Public Disclosure Board (see Minnesota Statutes, chapter 10A). You may ask questions about this requirement by contacting the Campaign Finance and Public Disclosure Board at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adopting and reviewing rules. If no hearing is required, the department may adopt the rules after the comment period ends. The department will then submit the rules and supporting documents to the Court of Administrative Hearings to review for legality. Please contact Ian Lewenstein if you want to:

- 1) be notified when the department submits the rules to the court;
- 2) receive a copy of the adopted rules; or
- 3) register with the department to receive notice of future rule proceedings.

Alternative format. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make a request, please contact Ian Lewenstein.

July 21, 2025

Paul Schnell, Commissioner
Department of Corrections