

OPPOSE SF 1298:

LAWBREAKER PROTECTION BILL

The Bill:

Senate File 1298:
Standards for Imposition
of Civil Penalties by State
Agencies; Award of
Fees and Expenses

*Author: Senator Dave
Thompson*

Winners:

Lawyers, lawbreakers,
polluters.

Losers:

Consumers, workers,
public health and safety,
businesses who play by
the rules.

Solution:

Do not pass SF 1298.

This bill protects lawbreakers, including large polluters, from paying appropriate penalties for their violations. The bill also would allow polluters and other law violators to get attorney's fees from the state even when their violations have been proven.

Penalties should be proportionate to the violation, not the special circumstances claimed by the violator. Current law is consistent with that principle, but also allows for penalties to be mitigated when justice so requires.

The bill would allow law violators to argue, in every case, that someone else got a better deal. This is like saying, "Officer, why am I getting a ticket when my neighbor got off with a warning?" Parties and agencies will go back to court to fight over old cases to see if they are really "similar."

The bill allows a law violator to argue that the penalty should be based on the "ability to pay." This approach is not appropriate for penalties because:

- it will be almost impossible to apply in practice;
- it is not fair to businesses who play by the rules when competitors are given a break;
- it is not a sound law enforcement concept;
- it potentially exposes business financial records to government review in every administrative enforcement case; and
- it reduces certainty for regulated businesses. Potential penalties are no longer predictable.

Opposed by: Minnesota Center for Environmental Advocacy, Minnesota Environmental Partnership, Sierra Club, Conservation Minnesota, League of Women Voters, Clean Water Action.



**Minnesota Center for
Environmental Advocacy**

26 East Exchange Street, Suite 206
Saint Paul, Minnesota 55101
Phone: 651-223-5969
<http://www.mncenter.org>

Contact:

Scott Strand, Executive Director
ssstrand@mncenter.org
651-287-4865

Allison Wolf, Legislative Director
awolf@mncenter.org
651-287-4882

*MCEA combines legal,
legislative and scientific
expertise to protect
Minnesota's environment.*