


**SHAKOPEE PUBLIC UTILITIES
MEMORANDUM**

TO: SHAKOPEE PUBLIC UTILITIES COMMISSION
FROM: JOHN R. CROOKS, UTILITIES MANAGER 
SUBJECT: MEETING WITH REPRESENTATIVE BRAD TABKE
DATE: JANUARY 30, 2020

Pursuant to a conversation several weeks ago between Rep. Tabke and Commissioner Amundson, I was invited to meet with Rep. Tabke concerning proposed legislation he has written in regards to the abolishment of the Shakopee Public Utilities Commission.

We met the afternoon of January 13. During our meeting, Rep. Tabke stated that he was approached by the City of Shakopee to sponsor a bill that would change MN Statute 412.391 – Abolishment of Commission or Utility Transfer. Attached to this memo is the existing Statute for your review.

Rep. Tabke said he has prepared 3 different pieces of possible legislation addressing the issue of changing control of the Shakopee Public Utilities from a State authorized/defined Commission to the City Council.

Most alarming of the proposed bills is taking the potential abolishment or transfer of control of the Utilities from the voting public as with current State Statute, to only a simple majority of the City Council. Our rate payers should and deserve the right to express their decision with a vote and not the Mayor/ City Council members whose position can change with election periods.

While I have not seen the proposed legislation, this information has been made available to Senator Eric Pratt who has told Rep. Tabke he is not interested in modifying the existing overall process.

We will continue to monitor the situation if or when Rep. Tabke would introduce legislation to change existing State Statute.

Office of the Revisor of Statutes

2019 Minnesota Statutes

Authenticate  PDF**412.391 ABOLITION OF COMMISSION OR UTILITY TRANSFER.**

Subdivision 1. **To council; procedure.** The public utilities commission of any statutory city may be abolished or its jurisdiction over any particular utility transferred to the council by following the procedure prescribed in this section.

Subd. 2. **Ballot question if abolition.** The council may, and upon petition therefor signed by voters equal in number to at least 15 percent of the electors voting at the last previous city election shall submit to the voters at a regular or special election the question of abolition of the public utilities commission. The question on the ballot shall be stated substantially as follows: "Shall the public utilities commission be abolished?"

Subd. 3. **Ballot question if transfer.** Upon like presentation of a petition for election on the question of transfer to the council of the jurisdiction of the commission over any one or more of the utilities previously placed under its jurisdiction, the council shall, in the same manner as under subdivision 2, submit the question to the voters. The question on the ballot shall be stated substantially as follows: "Shall jurisdiction over (Name of public utility) be transferred from the public utilities commission to the council?"

Subd. 4. **Time of effect.** If a majority of the votes cast on a proposition submitted to the voters under subdivision 2 or 3 is in the affirmative, the provisions of sections [412.331](#) to [412.381](#) shall cease to apply to the city, in the case of an election under subdivision 2, or to the particular utility mentioned in the proposition submitted to the voters, in the case of an election under subdivision 3. Such change shall take place 30 days after the election.

History: [1949 c 119 s 49](#); [1953 c 735 s 7](#); [1973 c 123 art 2 s 1 subd 2](#)

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