

Sec. 48. Minnesota Statutes 1969, Section 633.02, is amended to read:

633.02 TRIAL POWERS; LIMITATION. Justices have power to hold a court, subject to the provisions hereinafter contained, to hear, try, and determine all charges for offenses arising within their respective counties and constituting misdemeanors. A charge of a violation of any petty misdemeanor law of this state shall be heard, tried, and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge.

Sec. 49. Minnesota Statutes 1969, Sections 169.14, Subdivision 6; 169.202, Subdivision 3; 169.42, Subdivision 2; and 169.91, Subdivision 2, are repealed.

Approved August 3, 1971.

EXTRA SESSION
CHAPTER 28—S.F.No.143

An act relating to unemployment compensation; determination of validity of claims; amending Minnesota Statutes 1969, Section 268.10, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 268.10, Subdivision 2, is amended to read:

Subd. 2. UNEMPLOYMENT COMPENSATION; VALIDITY OF CLAIMS; DETERMINATION OF VALIDITY; REDETERMINATION; ISSUES OF ELIGIBILITY AND DISQUALIFICATION.

(1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and such determination shall be known as the determination of validity. Notice of any such determination of validity or any redetermination as provided for in clause (2) of this subdivision shall be promptly given the claimant and all other interested parties. Unless the claimant or such other interested party or parties within

Changes or additions indicated by underline, deletions by ~~strikeout~~.

seven calendar days after the delivery of such notification, or within seven calendar days after such notification was mailed to his last known address, files an appeal from such determination of validity such determination shall be final and benefits shall be paid or denied in accordance therewith. If within the time specified for the filing of wage and separation information as provided in section 268.10, subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if such claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of such determination delivered or mailed to the claimant and the employer. Such determination shall become final unless any interested party or parties appeals therefrom within seven calendar days after the delivery of such notification or within seven calendar days after such notification was mailed to his last known address; provided that such determinations shall not become final until ten calendar days after the delivery or 12 calendar days after the mailing of the determination notice if the commissioner finds that the failure to file such appeal timely was due to a compelling good cause. ~~If benefits are paid to a claimant which would not have been paid to him except for a base period employer's failure to file such appeal within the specified seven calendar day period required herein, then any benefits so paid prior to the receipt of a notice filed late with good cause shall remain charged to the account of such base period employer; subsequent benefits paid shall be charged or not charged to such employer's account in accordance with the provisions of section 268.09. If an appeal is filed, benefits may be paid on the uncontested portion of the claim; benefits on the contested portion of the claim, if any, shall be paid after the final determination of the appeal. Except in respect to cases arising under section 268.09, subdivision 1, clause (7), if an appeal tribunal affirms an initial determination or the commissioner affirms a decision of the appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, such benefits so paid shall not be considered in determining any individual employer's future contribution rate under section 268.06. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, such benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (5) of this subdivision, if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.~~

(2) At any time within one year from the date of the filing of a claim for benefits by an individual, the commissioner on his own motion may reconsider a determination made thereon and make a

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redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if such determination was made as a result of a nondisclosure or misrepresentation of a material fact.

(3) However, the commissioner may in his discretion refer any disputed claims directly to the appeal tribunal for hearing and determination in accordance with the procedure outlined in subdivision 3 of this section and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to such tribunal from an initial determination.

(4) If within the benefit year an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. Unless the claimant or such other interested party or parties or benefit year employer shall within seven calendar days after the delivery of such notice, or within seven days after such notice was mailed to his last known address, files an appeal from such determination, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(5) If an appeal tribunal decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, such decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Approved August 3, 1971.

EXTRA SESSION
CHAPTER 29—S.F.No.74

[Coded]

An act requiring the licensing of water well contractors; providing penalties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [156A.01] **WATER WELL CONTRACTORS; LICENSING; LEGISLATIVE INTENT.** It is the legislative intent and **Changes or additions indicated by underline, deletions by strikeout.**