

Sec. 3. Minnesota Statutes 1992, section 462.357, is amended by adding a subdivision to read:

Subd. 1a. CERTAIN ZONING ORDINANCES. A municipality must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:42 p.m.

CHAPTER 474—H.F.No. 2299

An act relating to retirement; the Duluth joint police and firefighters consolidation account; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association; amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

PENSION PLAN PROVISION CLARIFICATION

Section 1. DULUTH FIREFIGHTERS CONSOLIDATION ACCOUNT; CLARIFICATION OF SALARY FOR BENEFIT CALCULATION PURPOSES.

Notwithstanding any law to the contrary, for the Duluth joint firefighters and police consolidation account administered by the public employees retirement association, the term "maximum monthly salary," as it appears in article X, section 1, of the bylaws of the Duluth firefighters relief association, includes overtime payments for a regular workweek of a firefighter mandated by the federal Fair Labor Standards Act of 1938 and later amendments, United States Code, title 29, sections 201 to 219.

Sec. 2. APPLICABILITY.

Section 1 applies to pension payments to pensioners and other benefit recipients of the former Duluth fire department relief association and payroll deductions taken from active Duluth firefighters, where applicable, after January 31,

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1992. If applicable, any postretirement adjustments paid or payable to pensioners and other benefit recipients of the former Duluth fire department relief association under Minnesota Statutes, section 11A.18, must be appropriately recomputed on account of section 1.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective upon approval by a majority of the city council of the city of Duluth and upon compliance with Minnesota Statutes, section 645.021.

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10, is amended to read:

Subd. 10. **SALARY.** (a) "Salary" for benefit computation and contribution purposes means the salary of a first class or first grade firefighter or patrol officer, whichever applies, for the former members of the following consolidating relief associations:

- (1) Anoka police relief association;
- (2) Austin firefighters relief association;
- (3) Austin police relief association;
- (4) Columbia Heights fire department relief association, paid division;
- (5) Fairmont police benefit association;
- (6) Faribault fire department relief association;
- (7) Mankato fire department relief association;
- (8) Minneapolis fire department relief association;
- (9) Minneapolis police relief association;
- (10) Richfield fire department relief association;
- (11) Rochester fire department relief association;
- (12) Rochester police relief association;
- (13) St. Cloud fire department relief association;
- (14) St. Cloud police relief association;

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- (15) St. Paul fire department relief association;
- (16) South St. Paul firefighters relief association;
- (17) West St. Paul firefighters relief association;
- (18) West St. Paul police relief association; and
- (19) Winona fire department relief association.

(b) "Salary" for benefit computation purposes means the salary of a first grade patrol officer for the second month of the previous fiscal year and for contribution purposes means the current salary of a first grade patrol officer, for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association;
- (2) Crystal police relief association;
- (3) Fridley police pension association;
- (4) Richfield police relief association;
- (5) St. Louis Park police relief association; and
- (6) Winona police relief association.

(c) "Salary" for benefit computation purposes means the final salary and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Buhl police relief association;
- (4) Chisholm firefighters relief association;
- (5) Crookston fire department relief association;
- (6) Crookston police relief association;
- (7) Faribault police benefit association;
- (8) Red Wing police relief association; and
- (9) Virginia fire department relief association.

(d) "Salary" for benefit computation purposes means the average earnings or salary for the final six months of employment before retirement and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

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- (1) Chisholm police relief association;
- (2) Hibbing firefighters relief association; and
- (3) Hibbing police relief association.

(e) "Salary" for benefit computation purposes means the greater of the final salary at retirement or the highest salary of a patrol officer and for contribution purposes means the greater of the current salary or the current highest salary of a patrol officer for the former members of the following consolidating relief associations:

- (1) Brainerd police benefit association; and
- (2) New Ulm police relief association.

(f) "Salary" for benefit computation and contribution purposes means the following for the former members of the consolidating relief associations as indicated:

(1) salary of a top grade patrol officer, including longevity pay and education incentive pay in an amount not to exceed \$235 per month, Columbia Heights police relief association;

(2) maximum pay of a firefighter, including overtime payments for a regular workweek of a firefighter mandated by the federal Fair Labor Standards Act of 1938, as amended, Duluth firefighters relief association;

(3) salary of a first class patrol officer with 16 years of service, Duluth police pension association;

(4) base salary for the rank currently held, plus longevity pay, pay for eligibility for next higher rank and pay for first aid care, Mankato police benefit association;

(5) average annual salary for highest three paid years for benefit computation purposes and current salary for contribution purposes, Red Wing fire department relief association;

(6) pay of the highest grade full-time firefighter, St. Louis Park fire department relief association;

(7) maximum monthly pay of a patrol officer, St. Paul police relief association;

(8) prevailing base pay of rank held at retirement for benefit computation purposes and current salary for contribution purposes, South St. Paul police relief association; and

(9) prevailing pay for rank held for at least six months before retirement for benefit computation purposes and current salary for contribution purposes, Virginia police relief association.

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Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective upon the effective date of article 1, section 1.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:43 p.m.

CHAPTER 475—S.F.No. 1794

An act relating to insurance; prohibiting insurers from obtaining or using HIV antibody test results arising out of exposure and testing for emergency medical service personnel; amending Minnesota Statutes 1992, section 72A.20, subdivision 29.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 72A.20, subdivision 29, is amended to read:

Subd. 29. **HIV TESTS; CRIME VICTIMS.** No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal benefit society regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on an offender under section 611A.19 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; or

(2) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on a patient pursuant to sections 144.761 to 144.7691, or performed on emergency medical services personnel pursuant to the protocol under section 144.762, subdivision 2, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; for purposes of this clause, "patient" and "emergency medical services personnel" have the meanings given in section 144.761; or

(2) (3) ask an applicant for coverage or a person already covered whether the person has had a test performed for the reason set forth in clause (1) or (2).

A question that purports to require an answer that would provide informa-

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