

(b) Hold and save the United States free from damages due to the construction works;

(c) Maintain and operate all of the works after completion in accordance with regulations prescribed by the secretary of the army;

(d) Make, at its own expense, all necessary changes to buildings, highway bridges and approaches, utilities, and related and special facilities; and

(e) Prevent encroachments which would reduce the flood carrying capacity of the existing channel of the Minnesota and Blue Earth rivers within the project limits by, among other things, enjoining or abating the same by action to be brought in the district court.

Sec. 2. Said town may acquire by purchase, gift, devise or condemnation all lands, easements and rights of way deemed necessary by the town board of said town for such improvement for flood control. In acquiring property for such purpose by exercising the power of eminent domain, the town may proceed under Minnesota Statutes, Chapter 117, and shall have all rights of possession and entry conferred in other cases of condemnation by Minnesota Statutes, Section 117.20, Subdivision 7.

Sec. 3. Said town may expend any moneys of the town for the purpose of financing its share of the cost of such flood control improvement under such agreement.

Sec. 4. This act shall become effective upon its approval by a resolution adopted by a majority of the members of the town board of said town, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 21, 1967.

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#### CHAPTER 228—H. F. No. 829

*An act relating to voluntary nonprofit medical service plan corporations; providing for optometric services; amending Minnesota Statutes 1965, Sections 159.02, 159.03, 159.07, 159.08, 159.09, and 159.12.*

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

**Changes or additions indicated by italics, deletions by strikeout.**

Section 1. Minnesota Statutes 1965, Section 159.02, is amended to read:

**159.02 Nonprofit service plan corporations; optometric services.** Nonprofit medical service plan corporations hereinafter incorporated may be organized under and in accordance with the provisions of sections 159.01 to 159.18 by not less than 21 persons, all of whom shall be legal residents of this state and duly licensed and registered doctors of medicine under the laws of this state.

Such nonprofit medical service plan corporation shall have the right to establish, maintain, and operate a voluntary nonprofit medical service plan, whereby the services of duly licensed and registered doctors of medicine, dentistry, podiatry, *optometry*, and duly licensed and registered doctors of osteopathy authorized to practice medicine in the state are provided in the manner hereinafter specified at the expense of such corporation to persons who become subscribers to said plan under contracts which entitle such subscribers to specified medical, surgical, dental, *optometric*, and podiatric care, appliances and supplies, by such duly licensed and registered doctors of medicine, dentistry, *optometry*, podiatry, and duly licensed and registered doctors of osteopathy authorized to practice medicine in the state. Such medical, surgical, dental, *optometric* and podiatric care, appliances and supplies may be provided in their entirety or in part as such corporation may determine and as set forth in such contracts. The term "subscribers" shall include all persons covered under such contracts.

All such nonprofit medical service plan corporations shall be subject to and governed by the provisions of sections 159.01 to 159.18, and shall not be subject to the laws of this state relating to insurance and insurance companies, except as hereinafter specifically provided.

No such medical service contract by or on behalf of any such nonprofit medical service plan corporation shall provide for the payment of any cash indemnification by the corporation to the subscriber or his estate on account of death, illness or other injury.

Section 2. Minnesota Statutes 1965, Section 159.03 is amended to read:

**159.03 Contents of articles.** Articles of incorporation shall be signed and acknowledged by each of the incorporators and shall state the following:

(a) The name of the corporation, such name not to include the words "insurance," "casualty," "surety," "mutual," or any other words descriptive of the insurance, casualty or surety business.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

The corporate name shall not be the same as, nor deceptively similar to the name of any other domestic corporation.

(b) Its purposes, which shall be in strict conformity with the provisions of sections 159.01 to 159.18, and which shall clearly set forth that all medical, surgical, dental, *optometric* and podiatric care provided a subscriber under such contract, shall be rendered by a duly licensed and registered doctor of medicine, dentistry, *optometry*, podiatry, or duly licensed and registered doctors of osteopathy authorized to practice medicine in the state, as the case may be, of the subscriber's own choice.

(c) The name and post office address of each of the incorporators.

(d) The duration of the corporation, which may be limited or perpetual.

(e) The location and post office address of its principal office for the transaction of its affairs in this state.

(f) Such provisions as may be desired, if any, defining the terms and conditions of membership therein which the incorporators may have agreed upon and which they desire to have set forth in such articles.

(g) The amount of stated capital with which the corporation will begin business, which shall not be less than \$25,000, all of which shall be paid in cash before the corporation commences business.

Articles of incorporation may contain any other provisions, consistent with the laws of this state, for regulating the corporation's affairs, which said articles of incorporation and any bylaws adopted thereunder or any amendments thereto, as well as the contract to be sold to the subscribers, shall be submitted to the attorney general for examination and approval, so as to carry out the intent and purpose of sections 159.01 to 159.18.

Section 3. Minnesota Statutes 1965, Section 159.07 is amended to read:

**159.07 Contracts; subscriber to receive copy; contents; subscriber's right to choose doctor.** Every subscriber under such non-profit medical service plan shall receive a copy of the contract and such contract shall clearly state the medical, surgical ~~and~~, dental, *and optometric* care, appliances and supplies to be provided under such contract and the rate charged such subscriber. Every subscriber shall have, at all times, free choice of the doctor of medicine, or dentistry, *or optometry* who is to treat him and such right shall be

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prominently printed in such contract. The personal and direct relationship between patient and physician, or dentist, or *optometrist* shall not be restricted in any manner. No employee, agent, officer, or member of the board of directors of any such corporation shall directly or indirectly influence or attempt to influence any subscriber in the choosing and selecting of the doctor of medicine, or dentistry, or *optometry* who is to treat him. The names of the doctors of medicine or dentistry belonging to said corporation or enrolled as members therein, shall not be printed or listed upon any contracts furnished to subscribers.

Section 4. Minnesota Statutes 1965, Section 159.08 is amended to read:

**159.08 Contract between subscriber and practitioner.** No nonprofit medical service plan corporation shall enter into any contract, agreement or understanding, directly or indirectly, with any physician and surgeon, dentist, *optometrist*, podiatrist or duly licensed and registered doctors of osteopathy authorized to practice medicine in the state whereby such physician and surgeon, dentist, *optometrist*, podiatrist or duly licensed and registered doctors of osteopathy authorized to practice medicine in the state shall render any services to any subscriber, but all such matters shall be a matter of agreement directly between the patient and the doctor of medicine, dentistry, *optometry*, podiatry or such doctor of osteopathy duly licensed and registered and authorized to practice medicine in the state selected by the patient to treat him.

Section 5. Minnesota Statutes 1965, Section 159.09 is amended to read:

**159.09 Emergency service.** In case of emergency or expediency, and subject to the approval of the governing body of such nonprofit medical service plan corporation, the benefits to which a subscriber is entitled under his contract, may be rendered in another state or country, provided such services are rendered by a duly licensed doctor of medicine, dentistry, *optometry*, podiatry, or osteopathy when such doctor of osteopathy is duly licensed and registered and authorized to practice medicine in the state as the case may be, in such other state or country.

Section 6. Minnesota Statutes 1965, Section 159.12 is amended to read:

**159.12 Service in accordance with prevailing practice.** All medical, surgical, dental, *optometric*, and podiatric care rendered to a subscriber under his contract shall be in accordance with the accepted standards of medical, dental, *optometric*, podiatric or osteo-

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

pathic practice prevailing in the community in which such service is rendered.

All such medical, surgical, dental, *optometric*, and podiatric services shall be rendered by doctors of medicine, dentistry, *optometry*, and podiatry, respectively, duly licensed and registered to practice their profession in the state, and by duly licensed and registered doctors of osteopathy authorized to practice medicine in the state, except as otherwise provided in section 159.09.

Approved April 26, 1967.

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CHAPTER 229—H. F. No. 1395

*An act relating to banks and trust companies; amending Minnesota Statutes 1965, Section 48.38, Subdivision 7.*

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

Section 1. Minnesota Statutes 1965, Section 48.38, Subdivision 7, is amended to read:

Subd. 7. **Banks and trust companies; F.D.I.C.** Except as provided in this subdivision, any amount not less than \$500 received by it as representative or trustee or by order of the court, not required for the purposes of the trust and not to be accounted for within one year, it shall invest, as above provided, in authorized securities then held by it or specially procured by it. Except as may be otherwise provided in the governing will, trust agreement, court order or other instrument, any amount; ~~not to exceed \$10,000~~ in any one trust account, may be invested in certificates of deposit or savings accounts in the same bank ~~whose deposits are insured by the federal deposit insurance corporation and at the prevailing rate of interest on such certificates or savings accounts. Any amount may be invested in certificates of deposit or savings accounts in, or any other bank or banks provided such certificates of deposit or savings accounts are fully insured by the federal deposit insurance corporation and receive the prevailing rate of interest on such certificates or savings accounts.~~

Approved April 26, 1967.

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**Changes or additions indicated by italics, deletions by strikeout.**