

(e) fail to renew a franchise unless the franchisee has been given written notice of the intention not to renew at least 90 days in advance thereof and has been given a sufficient opportunity to recover the franchisee's investment unless the failure to renew is for good cause as defined in clause (b).

Subd. 4. FAILURE TO RENEW. Unless the failure to renew a franchise is for good cause as defined in subdivision 3, paragraph (b), and the franchisee has failed to correct reasons for termination as required by subdivision 3, no person may fail to renew a franchise unless (1) the franchisee has been given written notice of the intention not to renew at least 180 days in advance of the expiration of the franchise; and (2) the franchisee has been given an opportunity to operate the franchise over a sufficient period of time to enable the franchisee to recover the fair market value of the franchise as a going concern, as determined and measured from the date of the failure to renew. No franchisor may refuse to renew a franchise if the refusal is for the purpose of converting the franchisee's business premises to an operation that will be owned by the franchisor for its own account.

Subd. 5. WITHHOLDING CONSENT TO TRANSFER. It is unfair and inequitable for a person to unreasonably withhold consent to an assignment, transfer, or sale of the franchise whenever the franchisee to be substituted meets the present qualifications and standards required of the franchisees of the particular franchisor.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 28, 1987

CHAPTER 318—S.F.No. 69

An act relating to natural resources; establishing a commercial fish raising program; amending Minnesota Statutes 1986, sections 97A.475, by adding a subdivision; 97C.211, subdivisions 1 and 2, and by adding a subdivision; and 97C.391; proposing coding for new law in Minnesota Statutes, chapters 17 and 97C.

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

Section 1. [17.49] PROGRAM ESTABLISHMENT.

The commissioner shall establish and promote a program for the commercial raising of fish in fish farms in consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, the commissioner of energy and economic development, the director of the state planning agency, representatives of pri-

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vate fish raising industry, and the chairs of the environment and natural resources committees of the house of representatives and senate.

Sec. 2. Minnesota Statutes 1986, section 97A.475, is amended by adding a subdivision to read:

Subd. 29a. FISH FARMS. The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a fish farm, \$250; and
- (2) to take sucker eggs from public waters for a fish farm, \$150, plus \$3 for each quart in excess of 100 quarts.

Sec. 3. [97C.203] DISPOSAL OF STATE HATCHERY EGGS OR FRY.

(a) The commissioner shall dispose of game fish eggs and fry according to the following order of priorities:

- (1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;
- (2) sale of fish eggs and fry to private fish hatcheries to hatch fry or raise fingerlings to stock waters of this state with fingerlings for recreational fishing at a price not less than the fair market value, established as the average price charged at the state's private hatcheries; and

(3) sale at a price not less than the fair market value, established as the average price charged at the state's private hatcheries of fish eggs and fry to private fish hatcheries and fish farms to hatch fry or raise fingerlings for sale.

(b) Until July 1, 1990, the commissioner must make at least two percent of the game fish eggs collected available to private hatcheries.

Sec. 4. [97C.209] FISH FARMS.

Subdivision 1. LICENSE REQUIRED. A person may not operate a fish farm without a fish farm license. A fish farm is a facility for commercially raising fish for sale to be commercially processed for human consumption. A fish farm licensee may operate a private hatchery without obtaining a private hatchery license.

Subd. 2. ACQUISITION OF FISH. (a) A person operating a fish farm may not obtain fish or fish eggs outside of the state unless approved by the commissioner. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or

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(2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 3. RULES FOR OPERATION. The commissioner shall prescribe rules that allow a person to maintain and operate a fish farm to raise and dispose of fish. The commissioner shall prescribe and assess a fee to cover the cost of inspection and disease certification of fish farms.

Sec. 5. Minnesota Statutes 1986, section 97C.211, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIRED.** A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish for sale for stocking waters or for angling.

Sec. 6. Minnesota Statutes 1986, section 97C.211, subdivision 2, is amended to read:

Subd. 2. **RULES FOR OPERATION.** The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish ~~indigenous to state waters.~~ The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of private hatcheries.

Sec. 7. Minnesota Statutes 1986, section 97C.211, is amended by adding a subdivision to read:

Subd. 2a. ACQUISITION OF FISH. (a) A private fish hatchery may not obtain fish outside of the state unless the fish are approved by the commissioner. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or
- (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Sec. 8. Minnesota Statutes 1986, section 97C.391, is amended to read:

97C.391 BUYING AND SELLING FISH.

Subdivision 1. **GENERAL RESTRICTIONS.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish excluding ciscoes;
- (3) fish taken under licensed commercial fishing operations;

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(4) fish raised in a fish farm that are identified as prescribed by the commissioner;

(4) (5) fish raised in a private hatchery that are tagged or labeled or otherwise identified as prescribed by the commissioner; and

(5) (6) fish lawfully taken and subject to sale from other states and countries.

Subd. 2. **RESTRICTIONS ON CERTAIN GAME FISH.** Largemouth bass, smallmouth bass, rock bass, muskellunge, and sunfish may not be bought or sold, unless bought or sold by a private hatchery or fish farm to stock waters for recreational fishing, or as prescribed by the commissioner.

Approved May 29, 1987

CHAPTER 319—S.F.No. 131

An act relating to transportation; authorizing commissioner of transportation and local road authorities to reduce speed limits in work zones; amending Minnesota Statutes 1986, section 169.14, by adding a subdivision.

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

Section 1. Minnesota Statutes 1986, section 169.14, is amended by adding a subdivision to read:

Subd. 5d. SPEED ZONING IN WORK ZONES. The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs designating the beginning and end of the affected work zone. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

Approved May 29, 1987

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