..... moves to amend H.F. No. 81 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[103G.216] REPORTING FISH KILLS IN PUBLIC WATERS.**

Subdivision 1. **Definition.** For the purposes of this section and section 103G.2165, "fish kill" means an incident resulting in the death of 25 or more fish within one linear mile of a flowing water or 25 or more fish within a square mile of a nonflowing water.

Subd. 2. **Reporting requirement.** A state or county staff person or official who works with natural resources or agriculture who learns of a fish kill in public waters must report the location of the fish kill to the Minnesota State Duty Officer within one hour of being notified of a fish kill or within four hours of first observing the fish kill. The Minnesota State Duty Officer must alert the Departments of Natural Resources and Health and the Pollution Control Agency of the location of the fish kill within one hour of being notified of the fish kill.

Sec. 2. **[103G.2165] DEVELOPMENT OF FISH KILL RESPONSE PROTOCOL.**

Subdivision 1. **Development of protocol.** By October 1, 2024, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health, natural resources, and agriculture, must update the fish kills response guidance by developing a protocol. The protocol must consist of steps that state agencies responding to a report of a fish kill under section 103G.216 must take to ascertain on the basis of sound scientific evidence the factors contributing to the fish kill, as well as a plan to notify the public of potential hazards. The protocol must address:

(1) the number and species of fish and other aquatic creatures to be sampled from the body of water in which the fish kill occurred;

(2) the locations from which samples described in clause (1) should be taken;

(3) the number and location of water samples to be taken from the body of water in which the fish kill occurred as well as tributary streams and private wells with landowner consent within a one-half mile radius;

(4) the number and location of soil and groundwater samples to be taken to ascertain whether contaminants traveled overland or underground to reach the body of water in which the fish kill occurred;

(5) sampling other materials located near the area of the fish kill that should be done, including but not limited to vegetation and manure, that may indicate the presence of contaminants that may have contributed to the fish kill;

(6) developing a comprehensive list of contaminants, including degradation products, for which the materials sampled in clauses (3) to (5) should be tested;

(7) the appropriate concentration limits to be used in testing samples for the presence of contaminants, allowing for the possibility that the fish kill may have resulted from the interaction of two or more contaminants present at concentrations below the level associated with toxic effects resulting from exposure to each individual chemical;

(8) proper handling, storage, and treatment necessary to preserve the integrity of the samples described in this subdivision to maximize the information the samples can yield regarding the cause of the fish kill;

(9) the organs and other parts of the fish and other aquatic creatures that should be analyzed to maximize the information the samples can yield regarding the cause of the fish kill;

(10) identify a rapid response team of interagency staff and/or an independent contractor with the necessary data collection equipment that can travel to the site of the fish kill to collect samples within 24 to 48 hours of the incident;

(11) a communications plan with a health risk assessment to notify potentially impacted downstream users of the surface water of the potential hazards, and those in the vicinity whose public or private water supply (surface or groundwater) may be impacted; and

(12) a process to identify existing rules or regulatory processes that should be reviewed and potentially revised in the fish kill investigation and report. Investigation reports for fish kills deemed unnatural must identify the probable causes and include state agency recommendations for preventing similar incidents in the future.

Subd. 2. **Implementation.** The commissioner of the Pollution Control Agency must submit the protocol to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources. Once the protocol has been submitted, the state agencies must follow the protocol when responding to a fish kill.

Subd. 3. **Updating protocol.** The parties named in subdivision 1 must review and update the protocol every five years.

Sec. 3. **APPROPRIATION.**

$..... in fiscal year 2024 and $..... in fiscal year 2025 are appropriated from the general fund to the Pollution Control Agency to develop and implement the protocol for the state response to fish kills according to Minnesota Statutes, section 103G.2165. The base for this appropriation for fiscal year 2026 and beyond is $....."

Amend the title accordingly