

SENATE BILL No. 278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-47-2; IC 25-0.5-4-34; IC 25-17.6.

Synopsis: Indiana geological and water survey advisory council. Requires, rather than allows, the president of Indiana University to appoint a geological and water survey advisory council (council). Requires the state geologist to serve as secretary of the council. Provides that the state geologist may cast the deciding vote to break a tie. Requires the council to meet quarterly. Establishes the institute for quality water. Establishes the institute for reliable energy. Allows the Indiana board of licensure for professional geologists (board) to elect a secretary who is not a member of the board. (Current law requires that the secretary of the board be elected from among the members of the board.) Increases the number of times the board is required to meet to at least two times each year. Allows a licensed professional geologist to request an informal review not more than 30 days after receiving a complaint. (Current law requires the request for an informal review to be made within 20 days.) Provides that if the board compels a licensed professional geologist to respond to a complaint or charges, the notification must be sent by certified mail and the response must be in writing. Allows a geologist who is licensed in another state to be licensed in Indiana if the other state's standards are substantially equal to Indiana's requirements. Requires a licensed professional geologist to obtain continuing education in the geological sciences as a condition of license renewal. Makes technical changes.

Effective: July 1, 2022.

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January 10, 2022, read first time and referred to Committee on Utilities.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 278

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 21-47-2-4, AS AMENDED BY P.L.233-2017,
- 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]: Sec. 4. (a) The president of Indiana University ~~may~~
- 4 **shall** appoint a geological and water survey advisory council.
- 5 (b) The council ~~if appointed~~, consists of ~~nine (9) or more members~~
- 6 ~~who shall be selected with regard to their experience and knowledge~~
- 7 ~~concerning the public needs or enterprises served by the geological and~~
- 8 ~~water survey. the following members:~~
- 9 (1) **One (1) member appointed by the president of Indiana**
- 10 **University who is a faculty member of the Indiana University**
- 11 **School of Public and Environmental Affairs to serve for a**
- 12 **period of two (2) years.**
- 13 (2) **One (1) member appointed by the president of Indiana**
- 14 **University who is a faculty member of the earth sciences**
- 15 **department to serve for a period of four (4) years.**
- 16 (3) **The vice president of research of Indiana University, or**
- 17 **the vice president's designee, to serve for a period of two (2)**



- 1 years.
- 2 **(4) The chairperson of the house of representatives standing**
- 3 **committee tasked with studying utilities and energy, or the**
- 4 **chairperson's designee, to serve for a period of two (2) years.**
- 5 **(5) The chairperson of the senate standing committee tasked**
- 6 **with studying utilities and energy, or the chairperson's**
- 7 **designee, to serve for a period of two (2) years.**
- 8 **(6) Four (4) members appointed by the governor as follows:**
- 9 **(A) The director of the department of natural resources, or**
- 10 **the director's designee, to serve for a period of two (2)**
- 11 **years.**
- 12 **(B) The director of the Indiana department of**
- 13 **environmental management, or the director's designee, to**
- 14 **serve for a period of four (4) years.**
- 15 **(C) The director of the Indiana economic development**
- 16 **corporation, or the director's designee, to serve for a**
- 17 **period of two (2) years.**
- 18 **(D) One (1) individual from private industry with a**
- 19 **background in energy, geology, or water to serve for a**
- 20 **period of four (4) years.**
- 21 **(e) The president of Indiana University shall specify the length of**
- 22 **the term for which members of the council are appointed:**
- 23 **(c) A member appointed under subsection (b) that serves for a**
- 24 **period of two (2) years shall serve a term of four (4) years after an**
- 25 **initial appointment under subsection (b). This will stagger the**
- 26 **terms of the members of the council, and not more than five (5)**
- 27 **members will be eligible for reappointment or removal at one (1)**
- 28 **time.**
- 29 **(d) A member of the advisory council may not serve for more**
- 30 **than ten (10) years.**
- 31 **(e) All designees appointed under subsection (b) should have a**
- 32 **background in energy, geology, or water.**
- 33 **(f) The state geologist shall serve as secretary of the council and**
- 34 **shall report at each meeting regarding the following:**
- 35 **(1) The staffing of the council.**
- 36 **(2) The finances of the council.**
- 37 **(3) The outreach programs of the council.**
- 38 **(4) The current research projects of the council.**
- 39 **(5) Any other report requested by the council.**
- 40 **(g) The state geologist may cast the deciding vote to break a tie.**
- 41 **(d) (h) Each member of the council who is not a state employee is**
- 42 **entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).**



1 A member is also entitled to reimbursement for traveling expenses
 2 actually incurred in connection with the member's duties as provided
 3 in the state policies and procedures established by the Indiana
 4 department of administration and approved by the budget agency.

5 **(i) Each member of the council who is a member of the general**
 6 **assembly is entitled to receive the same per diem, mileage, and**
 7 **travel allowances paid to legislative members of interim study**
 8 **committees established by the legislative council. Per diem,**
 9 **mileage, and travel allowances paid under this section shall be paid**
 10 **from appropriations made to the legislative council or the**
 11 **legislative services agency.**

12 **(j) The council shall meet quarterly in the first week of each**
 13 **quarter. The date, time, and location of a meeting must be upon**
 14 **agreement of the council.**

15 ~~(e)~~ **(k)** The council shall meet with the state geologist ~~from time to~~
 16 ~~time, at the call of the state geologist,~~ to make recommendations
 17 concerning:

- 18 (1) the functions and performance of the survey; and
- 19 (2) appropriations and funding for the survey.

20 ~~(f)~~ **(l)** The council may make recommendations concerning the
 21 effectiveness and efficiency of the survey and other matters.

22 ~~(g)~~ **(m)** Recommendations and reports of the council shall be
 23 directed to the following:

- 24 (1) The governor.
- 25 (2) The budget agency.
- 26 (3) The president of Indiana University.
- 27 (4) The director of the department of natural resources.

28 SECTION 2. IC 21-47-2-7 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2022]: **Sec. 7. (a) As used in this section, "institute" means the**
 31 **institute for quality water.**

32 **(b) The institute for quality water is established for the purpose**
 33 **of:**

- 34 **(1) developing a long term study of Indiana's water resources;**
 35 **and**
- 36 **(2) providing resources to:**
 - 37 **(A) state agencies;**
 - 38 **(B) municipal agencies; and**
 - 39 **(C) soil and water conservation groups.**

40 **(c) The institute consists of five (5) members appointed by the**
 41 **state geologist with expertise in water resources.**

42 **(d) A majority of the members of the institute constitutes a**



1 quorum for doing business. The majority vote of the members of
 2 the quorum, present and voting, is required to pass a matter before
 3 the institute.

4 (e) The institute shall meet at least four (4) times each year prior
 5 to a scheduled meeting of the geological and water survey advisory
 6 council established by section 4 of this chapter.

7 (f) The survey shall determine the compensation of the
 8 appointed members of the institute.

9 (g) The institute shall:

- 10 (1) develop a long term study of Indiana's water resources;
 11 (2) hire additional resources for state agencies, municipal
 12 agencies, and soil and water conservation groups;
 13 (3) report to the survey regarding the findings and progress
 14 of the study under subdivision (1); and
 15 (4) perform any additional tasks assigned by the state
 16 geologist or the geological and water survey advisory council.

17 (h) The institute is funded by the available resources of the
 18 survey.

19 SECTION 3. IC 21-47-2-8 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2022]: Sec. 8. (a) As used in this section, "institute" means the
 22 institute for reliable energy.

23 (b) The institute for reliable energy is established for the
 24 purpose of:

- 25 (1) developing a long term study of Indiana's natural energy
 26 resources; and
 27 (2) hiring additional scientists with a background in reliable
 28 energy.

29 (c) The institute consists of five (5) members appointed by the
 30 state geologist with expertise in natural energy resources.

31 (d) A majority of the members of the institute constitutes a
 32 quorum for doing business. The majority vote of the members of
 33 the quorum, present and voting, is required to pass a matter before
 34 the institute.

35 (e) The institute shall meet at least four (4) times each year.

36 (f) The survey shall determine the compensation of the
 37 appointed members of the institute prior to a scheduled meeting of
 38 the geological and water survey advisory council established by
 39 section 4 of this chapter.

40 (g) The institute shall:

- 41 (1) develop a long term study of Indiana's reliable energy
 42 resources;



1 **(2) hire additional scientists with a background in reliable**
 2 **energy;**

3 **(3) report to the survey regarding the findings and progress**
 4 **of the study under subdivision (1); and**

5 **(4) perform any additional tasks assigned by the survey.**

6 **(h) The institute is funded by the available resources of the**
 7 **survey.**

8 SECTION 4. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2022]: **Sec. 34. The Indiana board of licensure for professional**
 11 **geologists (IC 25-17.6-2) is a board under IC 25-1-4.**

12 SECTION 5. IC 25-17.6-1-6.5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.5. "Licensed
 14 professional geologist" means a person who is licensed ~~as a geologist~~
 15 under this article.

16 SECTION 6. IC 25-17.6-2-8 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. **(a)** The board shall
 18 elect from its members a chairman ~~and secretary~~ each year.

19 **(b) The board shall elect a secretary each year. The secretary is**
 20 **not required to be elected from the members of the board.**

21 SECTION 7. IC 25-17.6-3-1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The board shall
 23 meet:

24 (1) at least ~~one~~ **(+) time two (2) times** each calendar year; and

25 (2) at other times considered necessary by:

26 (A) the chairman; or

27 (B) a quorum of the board;

28 upon being given at least ten (10) days notice.

29 (b) Each year the board shall:

30 (1) determine the cost incurred by the survey in administering the
 31 program for the licensure of professional geologists under this
 32 article; and

33 (2) if necessary, adjust the amount of the:

34 (A) licensure fee charged under IC 25-17.6-4-7; and

35 (B) renewal fee charged under IC 25-17.6-5-2;

36 to ensure that the program is self-supporting.

37 SECTION 8. IC 25-17.6-3-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) The board may
 39 file a proposed complaint to condition, suspend, or revoke the license
 40 of a licensed professional geologist.

41 (b) The recipient of a proposed complaint may either:

42 (1) agree to the terms of the proposed complaint; or



1 (2) ~~request, within twenty (20)~~ **not more than thirty (30)** days of
 2 **after** receiving the proposed complaint, **request** an informal
 3 review of the proposed complaint before the board.

4 (c) Failure by a licensed professional geologist to request ~~an~~ **the**
 5 informal review **under subsection (b)** constitutes an agreement to the
 6 terms of the proposed complaint.

7 SECTION 9. IC 25-17.6-3-7 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The board shall
 9 consider:

10 (1) a request for review under section 5; or

11 (2) charges under section 6;
 12 of this chapter during a meeting.

13 (b) The board may compel a licensed professional geologist to
 14 respond to any matters **in writing** about a proposed complaint or
 15 charges.

16 **(c) Notice to respond to a proposed complaint or charge must be**
 17 **sent to the licensed professional geologist by certified mail to the**
 18 **most recent address on file with the board.**

19 ~~(e)~~ **(d)** The board may by rule establish procedures for the conduct
 20 of its review under this section, including the subpoena of witnesses
 21 and documents.

22 ~~(d)~~ **(e)** A review under this section shall be conducted in an informal
 23 manner. However, the board shall keep a record of the proceeding.

24 ~~(e)~~ **(f)** As soon as possible following the meeting, the board shall
 25 render a determination and either:

26 (1) terminate its review; or

27 (2) issue a determination under IC 4-21.5-3-6 to condition,
 28 suspend, or revoke the license of the licensed professional
 29 geologist.

30 SECTION 10. IC 25-17.6-4-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Upon application,
 32 licensure may be provided to a person who is ~~a licensed or certified as~~
 33 a geologist in a state that has standards for licensure ~~or certification~~ at
 34 **least that contain substantially equal requirements** to those for
 35 licensure under this chapter, as determined by the board.

36 SECTION 11. IC 25-17.6-5-5 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2022]: **Sec. 5. (a) Before July 1, 2024, the**
 39 **board shall adopt rules in accordance with IC 25-1-4 to:**

40 **(1) require a licensed professional geologist to obtain**
 41 **continuing education in geological sciences as a condition of**
 42 **license renewal; and**



- 1 **(2) set forth the conditions, requirements, and implementation**
2 **of the continuing education program.**
3 **(b) The continuing education requirements adopted under this**
4 **section must allow a licensed professional geologist to receive full**
5 **credit for continuing education courses completed in a state other**
6 **than Indiana.**
7 **(c) The continuing education requirements adopted under this**
8 **section do not apply to a licensed professional geologist until after**
9 **the first full license renewal cycle beginning one (1) year after final**
10 **adoption of the rules under this section.**

