



February 22, 2022

ENGROSSED
SENATE BILL No. 278

DIGEST OF SB 278 (Updated February 22, 2022 2:27 pm - DI 101)

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

Synopsis: Indiana geological and water survey advisory council. Establishes, rather than allows the president of Indiana University to appoint, a geological and water survey advisory council (council). Increases the number of members from nine to 11 and specifies who shall serve on the 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 center for water within the Indiana geological and water survey (survey) at Indiana University for the purpose of: (1) carrying out the survey's statutory duties concerning Indiana's water resources; (2) supporting long term studies of the state's water resources; and (3) upon request, providing resources to state agencies, municipalities, and
(Continued next page)

Effective: July 1, 2022.

Zay, Doriot, Yoder, Koch, Glick

(HOUSE SPONSORS — MANNING, MORRIS)

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

January 24, 2022, amended, reported favorably — Do Pass.

January 27, 2022, read second time, amended, ordered engrossed.

January 28, 2022, engrossed.

February 1, 2022, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 8, 2022, read first time and referred to Committee on Utilities, Energy and Telecommunications.

February 22, 2022, amended, reported — Do Pass.

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Digest Continued

soil and water conservation groups. Establishes the center for energy within the survey for similar purposes with respect to Indiana's natural energy resources. 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. Specifies that these continuing education requirements do not apply to a person who is not licensed as a professional geologist under Indiana law. Makes technical changes.



February 22, 2022

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.

ENGROSSED 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 ~~appoint~~ **There is established** a geological and water survey advisory
5 council.
6 (b) ~~The council if appointed,~~ consists of ~~nine (9) or more members~~
7 ~~who shall be selected with regard to their experience and knowledge~~
8 ~~concerning the public needs or enterprises served by the geological and~~
9 ~~water survey:~~ **the following members:**
10 **(1) One (1) member appointed by the president of Indiana**
11 **University who is a faculty member of the Indiana University**
12 **School of Public and Environmental Affairs to serve for a**
13 **period of two (2) years. A member appointed under this**
14 **subdivision must have a background in energy, geology,**
15 **water, or environmental science.**
16 **(2) One (1) member appointed by the president of Indiana**
17 **University who is a faculty member of the earth sciences**

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- 1 department to serve for a period of four (4) years.
- 2 (3) The vice provost of research of Indiana University, or the
- 3 vice provost's designee.
- 4 (4) The chairperson of the house of representatives standing
- 5 committee tasked with studying utilities and energy, or the
- 6 chairperson's designee.
- 7 (5) The chairperson of the senate standing committee tasked
- 8 with studying utilities and energy, or the chairperson's
- 9 designee.
- 10 (6) The director of the department of natural resources, or the
- 11 director's designee.
- 12 (7) The director of the Indiana department of environmental
- 13 management, or the director's designee.
- 14 (8) The director of the Indiana economic development
- 15 corporation, or the director's designee.
- 16 (9) The public finance director appointed under IC 5-1.2-3-6,
- 17 or the public finance director's designee.
- 18 (10) Two (2) individuals who:
- 19 (A) are appointed by the governor;
- 20 (B) represent private industry; and
- 21 (C) have a background in energy, geology, water, or
- 22 environmental science.
- 23 An individual appointed by the governor under this
- 24 subdivision serves for a term of four (4) years.
- 25 A designee under subdivision (3), (4), (5), (6), (7), (8), or (9) must
- 26 have a background in energy, geology, water, or environmental
- 27 science.
- 28 (e) The president of Indiana University shall specify the length of
- 29 the term for which members of the council are appointed.
- 30 (c) A member who is appointed or designated to serve on the
- 31 council under subsection (b):
- 32 (1) in the case of an appointed member:
- 33 (A) holds the position for the term of the appointment;
- 34 (B) continues to serve after expiration of the appointment
- 35 until a successor is appointed and qualified; and
- 36 (C) subject to subdivision (2), is eligible for reappointment;
- 37 (2) may not serve on the council for a total of more than ten
- 38 (10) years; and
- 39 (3) serves at the pleasure of the appointing or designating
- 40 authority and may be removed by the appointing or
- 41 designating authority at any time.
- 42 The appointing or designating authority shall fill a vacancy that



1 occurs after a member appointed or designated by the authority
2 resigns, is removed, or is no longer qualified to serve.

3 **(d) The state geologist shall serve as secretary of the council and**
4 **shall report on the following at each meeting of the council:**

- 5 **(1) The staffing of the survey.**
6 **(2) The finances of the survey.**
7 **(3) The outreach programs of the survey.**
8 **(4) The current research projects of the survey.**
9 **(5) Any other report requested by the council.**

10 **(e) The state geologist may cast the deciding vote to break a tie.**

11 ~~(d)~~ **(f) Each member of the council who is not a state employee is**
12 **entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).**
13 **A member is also entitled to reimbursement for traveling expenses**
14 **actually incurred in connection with the member's duties as provided**
15 **in the state policies and procedures established by the Indiana**
16 **department of administration and approved by the budget agency.**

17 **(g) Each member of the council who is a member of the general**
18 **assembly is entitled to receive the same per diem, mileage, and**
19 **travel allowances paid to legislative members of interim study**
20 **committees established by the legislative council. Per diem,**
21 **mileage, and travel allowances paid under this section shall be paid**
22 **from appropriations made to the legislative council or the**
23 **legislative services agency.**

24 **(h) The council shall meet quarterly in the first month of each**
25 **quarter. The date, time, and location of a meeting must be upon**
26 **agreement of the council.**

27 ~~(e)~~ **(i) The council shall meet with the state geologist from time to**
28 **time, at the call of the state geologist, to make recommendations**
29 **concerning:**

- 30 **(1) the functions and performance of the survey; and**
31 **(2) appropriations and funding for the survey.**

32 ~~(f)~~ **(j) The council may make recommendations concerning the**
33 **effectiveness and efficiency of the survey and other matters.**

34 ~~(g)~~ **(k) Recommendations and reports of the council shall be**
35 **directed to the following:**

- 36 **(1) The governor.**
37 **(2) The budget agency.**
38 **(3) The president of Indiana University.**
39 **(4) The director of the department of natural resources.**

40 **(5) The commissioner of the department of environmental**
41 **management.**

42 SECTION 2. IC 21-47-2-7 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2022]: **Sec. 7. (a) As used in this section, "center" refers to the
3 center for water established by subsection (c).**

4 **(b) As used in this section, "council" refers to the geological and
5 water survey advisory council established by section 4 of this
6 chapter.**

7 **(c) The center for water is established within the survey for the
8 purpose of:**

9 **(1) carrying out the survey's statutory duties concerning
10 Indiana's water resources;**

11 **(2) supporting long term studies of the state's water resources,
12 as requested by the Indiana finance authority; and**

13 **(3) upon request, providing resources to:**

14 **(A) state agencies;**

15 **(B) municipal agencies; and**

16 **(C) soil and water conservation groups.**

17 **(d) The center shall be staffed:**

18 **(1) by employees of the survey who have expertise in water
19 resources; and**

20 **(2) at staffing levels consistent with recommendations of the
21 council.**

22 **(e) The center shall report to the council before each quarterly
23 meeting of the council under section 4(h) of this chapter.**

24 **(f) The state geologist shall oversee and manage the activities of
25 the center.**

26 **(g) The center shall be funded by the available resources of the
27 survey.**

28 SECTION 3. IC 21-47-2-8 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2022]: **Sec. 8. (a) As used in this section, "center" refers to the
31 center for energy established by subsection (c).**

32 **(b) As used in this section, "council" refers to the geological and
33 water survey advisory council established by section 4 of this
34 chapter.**

35 **(c) The center for energy is established within the survey for the
36 purpose of:**

37 **(1) carrying out the survey's statutory duties concerning
38 Indiana's natural energy resources;**

39 **(2) supporting long term studies of the state's energy
40 resources, as requested by the state; and**

41 **(3) upon request, providing resources to:**

42 **(A) state agencies;**



- 1 **(B) municipal agencies; and**
 2 **(C) energy stakeholders.**
 3 **(d) The center shall be staffed:**
 4 **(1) by employees of the survey who have expertise in energy**
 5 **resources; and**
 6 **(2) at staffing levels consistent with recommendations of the**
 7 **council.**
 8 **(e) The center shall report to the council before each quarterly**
 9 **meeting of the council under section 4(h) of this chapter.**
 10 **(f) The state geologist shall oversee and manage the activities of**
 11 **the center.**
 12 **(g) The center shall be funded by the available resources of the**
 13 **survey.**
 14 SECTION 4. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2022]: **Sec. 34. The Indiana board of licensure for professional**
 17 **geologists (IC 25-17.6-2) is a board under IC 25-1-4.**
 18 SECTION 5. IC 25-17.6-1-6.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.5. "Licensed
 20 professional geologist" means a person who is licensed as a **geologist**
 21 under this article.
 22 SECTION 6. IC 25-17.6-2-8 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. **(a)** The board shall
 24 elect from its members a chairman ~~and secretary~~ each year.
 25 **(b) The board shall elect a secretary each year. The secretary is**
 26 **not required to be elected from the members of the board.**
 27 SECTION 7. IC 25-17.6-3-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The board shall
 29 meet:
 30 (1) at least ~~one~~ **(1) time two (2) times** each calendar year; and
 31 (2) at other times considered necessary by:
 32 (A) the chairman; or
 33 (B) a quorum of the board;
 34 upon being given at least ten (10) days notice.
 35 (b) Each year the board shall:
 36 (1) determine the cost incurred by the survey in administering the
 37 program for the licensure of professional geologists under this
 38 article; and
 39 (2) if necessary, adjust the amount of the:
 40 (A) licensure fee charged under IC 25-17.6-4-7; and
 41 (B) renewal fee charged under IC 25-17.6-5-2;
 42 to ensure that the program is self-supporting.



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

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

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

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

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

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

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

17 (2) charges under section 6;

18 of this chapter during a meeting.

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

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

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

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

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

32 (1) terminate its review; or

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

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

42 SECTION 11. IC 25-17.6-5-5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2022]: **Sec. 5. (a) Before July 1, 2024, the**
3 **board shall adopt rules in accordance with IC 25-1-4 to:**

4 (1) **require a licensed professional geologist to obtain**
5 **continuing education in geological sciences as a condition of**
6 **license renewal; and**

7 (2) **set forth the conditions, requirements, and implementation**
8 **of the continuing education program.**

9 (b) **The continuing education requirements adopted under this**
10 **section must allow a licensed professional geologist to receive full**
11 **credit for continuing education courses completed in a state other**
12 **than Indiana.**

13 (c) **The continuing education requirements adopted under this**
14 **section do not apply to a licensed professional geologist until after**
15 **the first full license renewal cycle beginning one (1) year after final**
16 **adoption of the rules under this section.**

17 (d) **The continuing education requirements adopted under this**
18 **section do not apply to a person who is not licensed under this**
19 **article.**



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 34, delete "at each meeting regarding the following:" and insert "**on the following at each meeting of the council:**".

Page 2, line 35, delete "council." and insert "**survey.**".

Page 2, line 36, delete "council." and insert "**survey.**".

Page 2, line 37, delete "council." and insert "**survey.**".

Page 2, line 38, delete "council." and insert "**survey.**".

Page 3, line 12, delete "week" and insert "**month**".

Page 3, between lines 27 and 28, begin a new line block indented and insert:

"(5) The commissioner of the department of environmental management."

Page 3, line 30, delete ""institute" means the" and insert "**center" refers to the"**".

Page 3, line 31, delete "institute" and insert "**center**".

Page 3, line 31, delete "water." and insert "**water established by subsection (c).**".

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"(b) As used in this section, "council" refers to the geological and water survey advisory council appointed under section 4 of this chapter."

Page 3, line 32, delete "(b) The institute for quality water is established" and insert "**(c) The center for quality water is established within the survey"**".

Page 3, delete lines 40 through 42, begin a new paragraph and insert:

"(d) The center shall be staffed:

(1) by employees of the survey who have expertise in water resources; and

(2) at staffing levels consistent with recommendations of the council.

(e) The center shall report to the council before each quarterly meeting of the council under section 4(j) of this chapter."

Page 4, delete lines 1 through 8.

Page 4, line 9, delete "(g) The institute" and insert "**(f) The center"**".

Page 4, line 11, delete "hire" and insert "**provide**".

Page 4, line 15, delete "state" and insert "**survey.**".



Page 4, delete line 16.

Page 4, line 17, delete "(h) The institute is" and insert "**(g) The center shall be**".

Page 4, line 21, delete "'institute" means the" and insert "'**center**" refers to the".

Page 4, line 22, delete "institute" and insert "**center**".

Page 4, line 22, delete "energy." and insert "**energy established by subsection (c)**".

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"(b) As used in this section, "council" refers to the geological and water survey advisory council appointed under section 4 of this chapter."

Page 4, line 23, delete "(b) The institute for reliable energy is established" and insert "**(c) The center for reliable energy is established within the survey**".

Page 4, line 27, delete "hiring additional scientists with a background in reliable" and insert "**providing resources to:**

- (A) state agencies;**
- (B) municipal agencies; and**
- (C) reliable energy stakeholders."**

Page 4, delete lines 28 through 39, begin a new paragraph and insert:

"(d) The center shall be staffed:

- (1) by employees of the survey who have expertise in reliable energy resources; and**
- (2) at staffing levels consistent with recommendations of the council.**

(e) The center shall report to the council before each quarterly meeting of the council under section 4(j) of this chapter."

Page 4, line 40, delete "(g) The institute" and insert "**(f) The center**".

Page 5, line 1, delete "hire additional scientists with a background in reliable" and insert "**provide additional resources for state agencies, municipal agencies, and reliable energy stakeholders;**".

Page 5, delete line 2.

Page 5, line 6, delete "(h) The institute is" and insert "**(g) The center shall be**".

Page 7, after line 10, begin a new paragraph and insert:

"(d) The continuing education requirements adopted under this section do not apply to a person who is not licensed under this article."



and when so amended that said bill do pass.

(Reference is to SB 278 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 278 be amended to read as follows:

Page 2, line 19, delete "or water" and insert "**water, or environmental science**".

(Reference is to SB 278 as printed January 25, 2022.)

ZAY

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "The president of Indiana University".

Page 1, line 4, delete "shall".

Page 1, line 4, strike "appoint" and insert "**There is established**".

Page 1, line 12, after "years." insert "**A member appointed under this subdivision must have a background in energy, geology, water, or environmental science.**".

Page 1, line 16, delete "president" and insert "**provost**".

Page 1, line 17, delete "president's designee, to serve for a period of two (2)" and insert "**provost's designee.**".

Page 2, delete line 1.

Page 2, line 4, delete "designee, to serve for a period of two (2) years." and insert "**designee.**".

Page 2, line 6, after "chairperson's" insert "**designee.**".

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Page 2, delete line 7.

Page 2, line 8, delete "Four (4) members appointed by the governor as follows:" and insert "**The director of the department of natural resources, or the director's designee.**

(7) The director of the Indiana department of environmental management, or the director's designee.

(8) The director of the Indiana economic development corporation, or the director's designee.

(9) The public finance director appointed under IC 5-1.2-3-6, or the public finance director's designee.

(10) Two (2) individuals who:

(A) are appointed by the governor;

(B) represent private industry; and

(C) have a background in energy, geology, water, or environmental science.

An individual appointed by the governor under this subdivision serves for a term of four (4) years.

A designee under subdivision (3), (4), (5), (6), (7), (8), or (9) must have a background in energy, geology, water, or environmental science."

Page 2, delete lines 9 through 20.

Page 2, line 23, delete "appointed under subsection (b) that serves for a" and insert "**who is appointed or designated to serve on the council under subsection (b):**

(1) in the case of an appointed member:

(A) holds the position for the term of the appointment;

(B) continues to serve after expiration of the appointment until a successor is appointed and qualified; and

(C) subject to subdivision (2), is eligible for reappointment;

(2) may not serve on the council for a total of more than ten (10) years; and

(3) serves at the pleasure of the appointing or designating authority and may be removed by the appointing or designating authority at any time.

The appointing or designating authority shall fill a vacancy that occurs after a member appointed or designated by the authority resigns, is removed, or is no longer qualified to serve."

Page 2, delete lines 24 through 32.

Page 2, line 33, delete "(f)" and insert "**(d)**".

Page 2, line 40, delete "(g)" and insert "**(e)**".

Page 2, line 41, delete "(h)" and insert "**(f)**".

Page 3, line 5, delete "(i)" and insert "**(g)**".



Page 3, line 12, delete "(j)" and insert "(h)".

Page 3, line 15, delete "(k)" and insert "(i)".

Page 3, line 20, delete "(l)" and insert "(j)".

Page 3, line 22, delete "(m)" and insert "(k)".

Page 3, line 33, delete "quality".

Page 3, line 35, delete "appointed under" and insert "**established by**".

Page 3, line 37, delete "quality".

Page 3, line 39, delete "developing a long term study of Indiana's water resources;" and insert "**carrying out the survey's statutory duties concerning Indiana's water resources;**

(2) supporting long term studies of the state's water resources, as requested by the Indiana finance authority; and".

Page 3, delete line 40.

Page 3, line 41, delete "(2)" and insert "**(3) upon request,**".

Page 4, line 9, delete "4(j)" and insert "**4(h)**".

Page 4, line 10, delete "center shall:" and insert "**state geologist shall oversee and manage the activities of the center.**".

Page 4, delete lines 11 through 16.

Page 4, line 22, delete "reliable".

Page 4, line 24, delete "appointed under" and insert "**established by**".

Page 4, line 26, delete "reliable".

Page 4, line 28, delete "developing a long term study of Indiana's natural energy" and insert "**carrying out the survey's statutory duties concerning Indiana's natural energy resources;**

(2) supporting long term studies of the state's energy resources, as requested by the state; and".

Page 4, delete line 29.

Page 4, line 30, delete "(2)" and insert "**(3) upon request,**".

Page 4, line 33, delete "reliable".

Page 4, line 35, delete "reliable".

Page 4, line 40, delete "4(j)" and insert "**4(h)**".

Page 4, line 41, delete "center shall:" and insert "**state geologist shall oversee and manage the activities of the center.**".

Page 4, delete line 42.



Page 5, delete lines 1 through 6.
and when so amended that said bill do pass.

(Reference is to SB 278 as reprinted January 28, 2022.)

SOLIDAY

Committee Vote: Yeas 12, Nays 0.

