

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 ENROLLED ACT No. 278

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AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-47-2-4, AS AMENDED BY P.L.233-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) ~~The president of Indiana University may appoint~~ **There is established** a geological and water survey advisory council.

(b) ~~The council if appointed, consists of nine (9) or more members who shall be selected with regard to their experience and knowledge concerning the public needs or enterprises served by the geological and water survey.~~ **the following members:**

- (1) One (1) member appointed by the president of Indiana University who is a faculty member of the Indiana University School of Public and Environmental Affairs to serve for a period of two (2) years. A member appointed under this subdivision must have a background in energy, geology, water, or environmental science.**
- (2) One (1) member appointed by the president of Indiana University who is a faculty member of the earth sciences department to serve for a period of four (4) years.**
- (3) The vice provost of research of Indiana University, or the vice provost's designee.**
- (4) The chairperson of the house of representatives standing committee tasked with studying utilities and energy, or the**

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chairperson's designee.

(5) The chairperson of the senate standing committee tasked with studying utilities and energy, or the chairperson's designee.

(6) 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.

(e) The president of Indiana University shall specify the length of the term for which members of the council are appointed.

(c) A member 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.

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

(1) The staffing of the survey.



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

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

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

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

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

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

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

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

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

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

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

SECTION 2. IC 21-47-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 7. (a) As used in this section, "center" refers to the center for water established by subsection (c).**

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



**chapter.**

**(c) The center for water is established within the survey 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, as requested by the Indiana finance authority; and**
- (3) upon request, providing resources to:**
  - (A) state agencies;**
  - (B) municipal agencies; and**
  - (C) soil and water conservation groups.**

**(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(h) of this chapter.**

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

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

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

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

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

- (1) 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**
- (3) upon request, providing resources to:**
  - (A) state agencies;**
  - (B) municipal agencies; and**
  - (C) energy stakeholders.**

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

- (1) by employees of the survey who have expertise in 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(h) of this chapter.**

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

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

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

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

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

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

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

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

(2) at other times considered necessary by:

(A) the chairman; or

(B) a quorum of the board;

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

(b) Each year the board shall:

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

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

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

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

to ensure that the program is self-supporting.

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

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

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

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

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

- (1) a request for review under section 5; or
  - (2) charges under section 6;
- of this chapter during a meeting.

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

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

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

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

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

- (1) terminate its review; or
- (2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the licensed professional geologist.

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

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

- (1) require a licensed professional geologist to obtain continuing education in geological sciences as a condition of**



**license renewal; and**

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

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

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

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



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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