

HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

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

Synopsis: Geologist licensing. Adds and amends definitions concerning the licensure and practice of geologists. Allows the board of licensure for professional geologists (board) to elect a secretary who is not a member of the board. Requires the board to meet at least two times each year. Allows a licensed geologist to request an informal review within 30 days of receiving a complaint. (Current law allows the request to be made within 20 days.) Provides that if the board compels a licensed geologist to respond to a complaint or charges the response must be in writing and the notification must be sent by certified mail. Makes changes to the education and experience requirements to be a licensed geologist. Allows a person who is licensed in another state to be licensed in Indiana if the other state's standards are substantially equal to Indiana's requirements. (Current law allows a person who is certified in another state to apply for a state license and requires the other state's standards to be at least equal to Indiana's standards.) Requires a licensed professional geologist to obtain continuing education in the geological sciences as a condition of license renewal.

Effective: July 1, 2017.

Hamilton

January 12, 2017, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1362

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

- 1 SECTION 1. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 34. The Indiana board of licensure for professional
4 geologists (IC 25-17.6-2) is a board under IC 25-1-4.**
- 5 SECTION 2. IC 25-17.6-1-4.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2017]: **Sec. 4.5. "Geological sciences" means
8 the science of:**
- 9 (1) the dynamics, interaction, structure, physics, and history
10 of the earth, including the earth's rocks, unconsolidated
11 deposits, fossils, minerals, fluids, and gases;
12 (2) the physical, chemical, and biological processes and
13 changes acting upon the earth;
14 (3) the hazards presented by the forces of earth processes and
15 dynamics; or
16 (4) the benefit from the extraction, injection, treatment, or
17 processing of the materials comprising the earth.



1 SECTION 3. IC 25-17.6-1-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. "Geologist" means
 3 a person who is qualified by the person's knowledge of the principles
 4 of geology acquired by:

- 5 (1) professional education **culminating in a baccalaureate or an**
 6 **advanced degree in the geological sciences from an accredited**
 7 **college or university;** and
 8 (2) practical experience **in the geological sciences.**

9 SECTION 4. IC 25-17.6-1-6 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. "Geology" means a
 11 science that has the following characteristics:

- 12 (1) Treats the earth as a whole.
 13 (2) Includes the:
 14 (A) investigation;
 15 (B) analysis;
 16 (C) classification; and
 17 (D) location;

18 of the rocks and other materials that compose the ~~earth's crust;~~
 19 **earth**, as they relate to geologic processes.

- 20 (3) Involves the study **and applied use of knowledge** of:
 21 (A) **rocks, unconsolidated deposits, fossils,** minerals, gases,
 22 and ~~liquids~~ **fluids** composing and contained **on and** within the
 23 ~~earth's crust;~~ **earth; and**
 24 (B) geologic materials and processes, **including the**
 25 **chemistry, physics, and mathematics related to the earth's**
 26 **materials and processes;**
 27 (C) **natural geologic materials and processes affected by**
 28 **human activities; and**
 29 (D) **the acquisition, preparation, and interpretation of**
 30 **graphical and other depictions of earth materials and**
 31 **processes.**

32 SECTION 5. IC 25-17.6-1-6.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6.5. "Licensed
 34 professional geologist" means a person who is licensed as a ~~geologist~~
 35 under this article.

36 SECTION 6. IC 25-17.6-1-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) "Public practice
 38 of geology" means the performance of service to **or work for** the
 39 public **and acceptance of responsibility for the aspects of the service**
 40 **or work** in connection with the geological description, **interpretation,**
 41 location, **recommendation,** or evaluation ~~of:~~ **concerning:**

- 42 (1) **the geological sciences;**



- 1 (+) geological (2) rocks, **unconsolidated deposits, fossils,**
 2 **minerals, or other earth** materials, ~~liquids,~~ **fluids,** and gases;
 3 and
 4 (2) (3) the natural **and human** processes **and hazards** acting
 5 upon them.
 6 (b) The term includes geological:
 7 (1) consulting;
 8 (2) investigating **and exploring;**
 9 (3) evaluating **and interpreting;**
 10 (4) designing and **modeling;**
 11 (5) planning, **analyzing, predicting, interpreting, and**
 12 **addressing factors related to earth materials and processes,**
 13 **and the geological sciences;**
 14 (6) **classifying and analyzing;**
 15 (7) **sampling;**
 16 (8) **extracting and injecting;**
 17 (9) **mapping, including the preparation and supervision of**
 18 **geological studies, maps, and cross sections, but excluding the**
 19 **public practice of land surveying; and**
 20 (10) **researching.**

21 SECTION 7. IC 25-17.6-2-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The board shall
 23 elect ~~from its members~~ a chairman and secretary each year.

24 **(b) The chairman must be a member of the board.**

25 SECTION 8. IC 25-17.6-3-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The board shall
 27 meet:

- 28 (1) at least ~~one~~ (+) **time two (2) times** each calendar year; and
 29 (2) at other times considered necessary by:
 30 (A) the chairman; or
 31 (B) a quorum of the board;
 32 upon being given at least ten (10) days notice.

33 (b) Each year the board shall:

- 34 (1) determine the cost incurred by the survey in administering the
 35 program for the licensure of professional geologists under this
 36 article; and
 37 (2) if necessary, adjust the amount of the:
 38 (A) licensure fee charged under IC 25-17.6-4-7; and
 39 (B) renewal fee charged under IC 25-17.6-5-2;

40 to ensure that the program is self-supporting.

41 SECTION 9. IC 25-17.6-3-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The board may



1 file a proposed complaint to condition, suspend, or revoke the license
2 of a licensed professional geologist.

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

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

5 (2) request, within ~~twenty (20)~~ **thirty (30)** days of receiving the
6 proposed complaint, an informal review of the proposed
7 complaint before the board.

8 (c) Failure by a licensed professional geologist to request an
9 informal review **thirty (30) days after receiving the proposed**
10 **complaint** constitutes an agreement to the terms of the proposed
11 complaint.

12 SECTION 10. IC 25-17.6-3-7 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The board shall
14 consider:

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

16 (2) charges under section 6;

17 of this chapter during a meeting.

18 (b) The board may compel a licensed professional geologist to
19 respond to any matters **in writing** about a proposed complaint or
20 charges. **The board's notice to respond to a proposed complaint or**
21 **charge must be sent to the licensed professional geologist by**
22 **certified mail to the geologist's most recent address on file with the**
23 **board.**

24 (c) The board may by rule establish procedures for the conduct of
25 its review under this section, including the subpoena of witnesses and
26 documents.

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

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

31 (1) terminate its review; or

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

35 SECTION 11. IC 25-17.6-4-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. To qualify for
37 licensure, an applicant must meet all of the following requirements:

38 (1) Successful completion of at least thirty (30) semester hours or
39 forty-five (45) quarter hours of course work ~~in geology;~~
40 ~~culminating in a baccalaureate or advanced degree in geology;~~
41 ~~geophysics, geochemistry, geological engineering, or geotechnical~~
42 ~~engineering with a major focus of study in geological sciences~~



1 from an accredited college or university. At the discretion of the
 2 board, courses dealing with applied geological science that are
 3 given under the auspices of an academic department other than
 4 geology may be considered toward the fulfillment of this
 5 requirement.

6 (2) Experience in professional geological work consisting of one
 7 (1) of the following:

8 (A) Five (5) years of teaching geology as a faculty member at
 9 the college or university level.

10 (B) Five (5) years of geological research by an applicant at the
 11 college or university level **at an accredited college or**
 12 **university.**

13 (C) Five (5) years of geological work performed under the
 14 supervision of, or in collaboration with, a licensed professional
 15 geologist.

16 (D) Seven (7) years of geological work that is acceptable to the
 17 board.

18 (3) A passing score on an examination required by the board that
 19 has been designed to demonstrate that the applicant has the
 20 necessary knowledge and skill to exercise the responsibilities of
 21 the public practice of geology.

22 SECTION 12. IC 25-17.6-4-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. In counting years of
 24 experience under section 1(2) of this chapter, the board may give one
 25 (1) year of credit each for a master's degree or doctoral degree in
 26 ~~geology, geophysics, geochemistry, geological engineering, or~~
 27 ~~geotechnical engineering.~~ **geological sciences.**

28 SECTION 13. IC 25-17.6-4-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. Upon application,
 30 licensure may be provided to a person who is licensed ~~or certified~~ as a
 31 geologist in a state that has standards for licensure ~~or certification~~ at
 32 ~~least~~ **substantially** equal to those for licensure under this chapter, as
 33 determined by the board.

34 SECTION 14. IC 25-17.6-5-5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2017]: **Sec. 5. (a) The board shall adopt rules**
 37 **in accordance with IC 25-1-4 to require a licensed professional**
 38 **geologist to obtain continuing education in the geological sciences**
 39 **as a condition of license renewal.**

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



1 **Indiana.**
2 **(c) The continuing education requirements adopted under this**
3 **section do not apply to a licensed professional geologist until after**
4 **the first full license renewal cycle beginning after July 2018.**

