The Indiana Drainage Code—
A Responsibility of County Government

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It is indeed a pleasure to meet with you this morning and review the new Indiana Drainage Code in relation to county government. Speaking as a member of the General Assembly, I would point out that it is hard to come up with something that is workable the first time. Before going farther, however, I will give you a few remarks that I have made on the senate floor after the bill first came out of committee and was put on 'do-pass' in its original form. I want to give you also the implications that were in the original bill. I want you as county officials to understand that the original bill was another attempt to take home-rule away from the local officials. I'll read for you a few remarks that I made that day in the Senate. I believe they are very timely.

"Senate Bill 4 sets up a bureaucracy in its fullest sense. This bill creates a board that bypasses all checks and balances of county government and elected officials. If enacted, the drainage board created by this bill will have the power to levy taxes upon the county. The county commissioners are mandated to approve claims that this board sees fit to create. In other words, this is a blank check on all the county coffers in Indiana. If the board of commissioners is so ordered by this august body, the statutory limit enacted in this act would be 30 cents per $100 assessed evaluation, which means in Hendricks county, $240,000 from the general fund to pay salaries and attorney fees.

"This bill causes the surveyor, or the engineer responsible, to work for the board and by this it creates a little dictator or czar in the surveyor. This is the drainage board originally proposed—this was the intent of the bill at the outset. On passing, this bill would create a 4-man, bi-partisan board, with the county surveyor being an ex-officio member. The surveyor or engineer would break all voting ties. It's easy to see that he would control the board. On enactment
of this bill the board has the power to hire an attorney and again secure money from the general fund to pay him and their salaries, stated in the bill as $15-$25 per day with no checks on the board whatsoever. The board would virtually set their own salary without being responsible to the people and the county council, who should be responsible for spending all the tax money.

"Further, this board can hold closed meetings; even the property owners affected have no right to be heard. This secrecy is contrary to all American principles of government. If this bill is enacted with unlimited power and with a responsibility for the people to pay the bill, the property tax rate of said county will skyrocket by leaps and bounds. There are many other bad aspects of the bill which I have not covered due to insufficient time."

After this, a roll call vote was taken on the amendments, with amendments to accept and so on. The bill was finally referred back to the committee and after a lot of getting together and resolving our problems, we came up with what you now have. We were guided not by what was in the original bill but as it was amended, deleted, cut here and there. So you now have what's known as the Indiana Drainage Code.

In the final analysis I voted for this bill with the understanding that it would be amended further. I felt that it was a step in the right direction and that we did need to expedite the drainage of all the land in Indiana. It also gives the county officials a tool to work with. Now if the tool needs to be repaired—let's repair it.

The three-man drainage boards that have been created by this bill, were assigned to the commissioner's courts. They ended up there, with the idea that they still would be the responsibility of the elected officials and at any time they did not do a job they could be thrown out at the ballot box and some other people elected.

I like to think I've been on all sides of this table. As the taxpayer and voter I've been to the board of county commissioners with my complaints. Then I moved around on the commissioner's side of the table and I saw the complexity of that office. At different times I've pointed out how much we owe to our ancestors for the laws that they have provided through the years. Still I don't like the way we have been mandated in numerous places. I had hoped that we could be given more latitude by our elected officials in the general assembly. And then I moved on around to the state level, serving now as a state senator in the General Assembly.

I say to you that I'm willing to work for your interest at the state level and see if we can enact more legislation that will give you latitude.
Maybe that word latitude needs to be defined a little bit. I'm referring to the law or the act that says you "may" do something—not like the trustee bill that went through the General Assembly known as Senate Bill 246 that says that every trustee in the State of Indiana has to handle the surplus food that is used for relief, that he has to by a given day secure a place, rent it and pay tax money at the local level for it. It might be just a room with only a stick of butter in it. Those are the things that I don't like. By this same token if you gentlemen on the drainage board don't get this job done, then somebody, someplace has to do the job. Then they come to us and say, "Well, the boys are not doing the job, we need some 'shall' bills." Shall—not by executive order but SHALL. In this instance, you shall do it. So today gentlemen, I'm here in what you might say: betwixt-and-between. I'm willing to work in your interest but still when my colleagues say, "I'm afraid they're not getting the job done," I have to relent and go along with someone else—so you see my problem. This is also the problem for whomever represents the people of Indiana in the General Assembly.

I want to close by quoting my good colleague George Bally, chairman of the planning commission in Hendricks County, who spends a lot of time on our local problems. One night after a board meeting, he said, "It's great to play a part in the comedy of errors. Even if we do make mistakes, they are honest mistakes, and can be corrected as we move along."

And so it is with the new Indiana Drainage Code. It may not be perfect in all respects, but it is a good start. In my opinion we are headed in the right direction and in the hands of local elected officials. Now let's shoulder our responsibility and get this new law in operation. Any rough edges that show up in the law later on can be corrected by amendment in future sessions of the general assembly.