Written Introduction [not recorded]

The date is April 24, 2019, at 2:00 p.m. We are in Hambleton Hall in the Kansas Geological Survey building on the west campus of the University of Kansas in Lawrence, Kansas.

I am Rex Buchanan, former Director of the [Kansas Geological] Survey.

Today I will interview Joe Harkins, who graduated from Ottawa High School in 1956; and the University of Kansas (BA) in 1960 and (MPA) in 1963. Mr. Harkins served the State for over 40 years in a variety of roles. He served as Secretary of the Kansas Department of Health and Environment [KDHE] and Director of the Kansas Water Office from 1982 to 1991 and again in 2003. Mr. Harkins was appointed in 1991 as Director of the University of the Kansas Public Management Center in Topeka. In 2007 Mr. Harkins was appointed to the Kansas Corporation Commission.

This interview is conducted on behalf of the Kansas Oral History Project, Inc., a not-for-profit corporation created for the purpose of interviewing Kansans who have been involved in public policy making in Kansas from the 1960s to 2000; the transcript and recording of this interview will be accessible to researchers and educators through the Kansas State Historical Society, the State Library, and other public libraries. This interview is one of several that document the recollections of individuals who participated in the development of Kansas water policy in the period from the 1950s to the present.

The audio and video equipment is being operated by David Heinemann.

Let us begin by having you tell us something of your life before you entered public service in Kansas, your family and educational background. Your mentors, etc.

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Transcript of Recording

Rex Buchanan: We're here today with Joe Harkins who has held a number of roles in state government. We're going to talk with him about his role particularly in terms of water, but I want to begin with asking Joe to talk a little bit about some of those roles he's had in state government and really how you got started in state government.

Joe Harkins: I started in state government as an administrative intern in the master's program in public administration that was offered here at KU. I went to Health and Environment [Kansas Department of Health and Environment] with the intent of starting a career in public health and spent a couple of years there, and then they went through a reorganization and created the division of Environment and a division of Administration, and it changed from the State Board of Health to the Department of Health and Environment, and I became the division director for the administrative activities in the department.

RB: And this was for the entire department, right?

JH: It was for the entire department.

RB: What year was that creation, the division of Environment and those two agencies basically?

JH: 1962. I left in a fairly short period of time and went to Kansas City and started a career in health administration, specializing in starting new health-care organizations. I was the first administrator of a clinical cancer research center. I developed two multispecialty group practices, a prepaid group practice, and was involved in the development of the new medical school for the University of Missouri on Hospital Hill.

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I then went back to KU in Kansas City at the medical school and began teaching health administration at KU. It was during that period of time that some things developed in Topeka at the Department of Health and Environment, new programs that they were trying to start, and they asked me to come back to the department and get those going. So, I left KU and went back to the Department of Health and Environment in the early seventies.

RB: And then what were your further roles as time went on?

JH: My job was to basically run health-related programs with a special focus on reforming the nursing home industry in Kansas. It was a mess in those days and had been infiltrated by the Mafia. We had a real problem of playing Whack a Mole with the nefarious interests of the Mafia in the nursing home industry. I spent a great deal of my time focused on that. Frankly, I paid no attention to environmental issues, but I was surprised after a couple of years of that that there was an election, and the governor, who the secretary had been appointed by, was defeated unexpectedly, Bob Bennett. The new governor then asked me if I would step up and be the secretary. So, I went from being focused on health care issues, nursing home regulation, and health planning up to being secretary of the department.

RB: And this was John Carlin.

JH: That was John Carlin, yes.

RB: So, you did really come at this from the health side as opposed to the environment side.

JH: That is absolutely correct. I had virtually no involvement until I became secretary and then became responsible for both health and environment.

RB: So how did that morph into a connection with water issues at that point?

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JH: It basically didn't. My job, I stayed focused on health care issues because we were still battling some of the problems that we took on before I became secretary. The environmental side had always been pretty much a freestanding unit with strong independent leadership, and I chose not to become very involved in or interfere with the environmental side when I first became secretary.

Unfortunately, the director of the division of Environment had been involved in some activities in the past that had displeased the new governor, and that resulted in his departure. That's when I was promoted to be secretary and had to start learning more about the environmental issues basically from scratch.

RB: From a distance, it's always looked like the background of the secretary greatly influences what they focus on in that job. You can either have a medical background, a health background, or an environmental background. Whichever background it is is where they tend to focus, at least it sounds like initially. But then that changed.

JH: That was my case. That was because the reason I was there was not because of my environmental skills, but because of the health issues.

RB: So, what were the water issues that pulled you in, or environmental issues, either one.

JH: There were none that pulled me in. While I was secretary for four years, I focused on health care and public health. KU started a new graduate program on Health Administration. They had come to me and asked me to return to KU at the end of my term and join the faculty at KU, which I agreed to do. I signed a contract and accepted an appointment with KU. At the end of my four-year term as secretary, I packed up and got prepared to move back to a job here on the Lawrence Campus.

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It was at that time that the governor—and I've said this before to people—if you work for a governor, and he or she calls you up and asks you if they can have an appointment and come and see you don't say yes.

RB: I thought you were going to say, “Don't say no!”

JH: The governor came to my office out at Forbes Field.

RB: And this is John Carlin?

JH: Yes, it is. And he said, “I'd like for you to reconsider and stay here at Health and Environment.” I said, “I can't, Governor. I appreciate it, but I'm committed to KU. My courses are already in the catalog, and I'm scheduled to start in a month,” and he said, “Well, I've got another alternative I'd like to discuss with you.” I said, “Fine.” He said, “We're not getting the Water Office launched the way I want it to be, and I want to make a change at the Water Office, and I'm wondering,” he said, “if you'd be willing to go down and take that over and get that off the ground.”

That struck my fancy. That's what I did. I did new stuff. I started new things, and I was excited about the thought, but still committed to KU. I said, “Governor, that's really interesting, but I can't do that.” He said, “If I can work out a deal with KU, would you be willing to do it?” and I said, “Yes, Governor, I would.”

Well, about a week later, he called me. He said, “Joe,” he said, “I met with the chancellor, and we have a deal.” He said, “They're going to let you out of your contract, and you can stay and take over the Water Office.” He said, “There's just one condition.” I said, “What's that,

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Governor?" He said, "You're going to have to teach your courses next semester at the same time you're running the Water Office."

RB: So, you got to do two jobs.

JH: I got to do two jobs. And my wife never understood why I didn't get two salaries, but that's how I transitioned from being focused on health over to a complete immersion in environmental issues and in the Water Office.

RB: Before we go to your Water Office time, let's talk a little about one of the aspects of the Carlin administration I've always been interested in -- this executive reorganization order that Carlin promulgated that basically rolled together a number of the environmental water agencies. I don't remember if you used the term, the Department of Natural Resources [DNR], but in effect, that's what it was. That was an executive reorganization order that he submitted. It eventually was turned down by the legislature. That was kind of a bolt out of the blue, at least it felt a little bit that way to some of the agencies, but would have gone down a road that a lot of state agencies have gone down, which is combine all of those environmental agencies into a DNR.

JH: Right.

RB: Talk about that to the extent that you're aware of it and knowledgeable about it, and what your thoughts about it were.

JH: Well, there's a deep back story associated with that. It goes back to the development of the governor's Task Force on Water Resources that was operational between 1976 and 1978, chaired by then Lieutenant Governor Shelby Smith. They addressed the issue of the organizational structure for natural resources and water planning and management, and they

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had a deep division in that task force with some being very strongly in favor of reorganization and consolidation and some being opposed.

Those that were opposed feared the creation of what they called “a water czar.” They describe that alternative as “the water czar alternative.” After a lot of discussion, a lot of debate, Governor Carlin took it upon himself to submit that executive reorganization order because he bought into the concept of centralization. It was roundly rejected by the legislature. Then a period of negotiation began, during which time the Water Office, Water Authority functions were negotiated, and new legislation was created to create the state Water Office and the Water Authority. It was established by law as an alternative to Carlin's effort to reorganize, and it was consistent with Governor Bennett's task force recommendations that were submitted in 1978. It took until about 1983 to get that all resolved.

RB: How did you feel about that centralization effort? Did you think that was a good idea?

JH: I taught management and administration for quite a few years, and I had already come to the conclusion that virtually any structure will work. It's the leadership in it that's the critical part. It didn't bother me that much to see the effort fail to go to consolidation, especially because it was attempted to be birthed in an environment that was very hostile to the concept, which would have made execution of that plan really difficult. It turned out executing the alternative plan was extremely difficult. We had a couple of really difficult obstacles thrown in our way after we tried to implement the Water Office Water Authority collaborative concept.

RB: What you just said about reorganization, Bill Hamblelton, who was director of the survey,[1] used to say all the time, “You can reorganize and move boxes around, but it's who's in the boxes that makes a difference,” as opposed to how it's organized. One of the things I've always wondered though is Kansas is terrifically decentralized when it comes to water regulation and

[1] Kansas Geological Survey.

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water in general. There are something like seventeen or eighteen state agencies that have some role or another. That's always been sort of my view that it is that way because that's the way the state wants it, that if there were all that power rolled into one agency, it might be able to do things that people in the state don't necessarily want it to do.

JH: It's a function of history. When Kansas government got started in the 1860s, basically, the overriding political philosophy in this state was one of minimal government with as much effort, emphasis as possible on local control through local agencies of government. There was an aversion to centralization of authority over any subject, but water especially was an important subject because it was vital to the economic development of the entire western half of the state as well as critical to the eastern half of the state for municipal and industrial development.

So, there was just a really strong feeling that we did not want to have centralization. What we had was “pop-up government,” I called it. Every time there was an issue, and the legislature over the years decided it need to be addressed legislatively, they would address it and place an administrative function with some appropriate-looking agency that dealt with that issue. So, we had pop-up issues come along and legislative authority being distributed throughout state government for years to create that galaxy of agencies that you just described. The effort to bring it together and have it function as a coordinated activity became essential and highly evident by the seventies. It was essential, but politically not possible to achieve.

RB: So there is the creation of the Water Office[2], and I want you to talk about some of the obstacles that you had to overcome, but also part of the role of the Water Office was to act as sort of a coordinating coordinator for all of those scattered agencies at that time.

[2] The Kansas Water Office was established in 1981. https://kwo.ks.gov/about-the-kwo/kwo accessed July 23, 2019.

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JH: Right.

RB: What were the impediments to the creation of that office?

JH: The biggest impediment, there were several big ones, the biggest impediment was culture. The culture of Kansas government that had grown up in this pop-up system was one of a high degree of independence of various agencies. They resented any involvement or interference from other agencies and guarded their independence jealously.

In addition, Kansas did not have a strong executive form of government. They had a system of boards and commissions that were all independent. The governor's office had no real power. The only real executive authority in state government at that time was that wielded by the budget division. A guy that was the budget director would try to control the agencies by using dollars and cents to expand or contract their activities, and he did that for the governor, and then the governor would submit his budget, and he did it for the legislature.

So, we had a unique situation of authority over the financial resources available at the state agencies. That culture of competing with each other for money, that's what it amounted to, is everybody saw themselves as a competitor to all the other natural resources agencies and not as their friends but as their competitors. So, you had to overcome that, and it took time to do that. It was not easy.

When they were brought together under the Water Authority [3]and all made members of the Water Authority, when they were given nonvoting membership on the Water Authority, that didn't change the culture. They came and sat at that table shoulder to shoulder, and they might as well have been ten miles apart. They were not there to cooperate.

[3] The Kansas Water Authority was established in 1981 within and as a part of the Kansas Water Office. https://kwo.ks.gov/about-the-kwo/kansas-water-authority accessed July 23.2019.

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That culture was the first big barrier. The second big barrier was the fact that the first Water Authority chairman went rogue and decided that instead of having the Water Office develop the water plan, which the law required, he decided that the Water Authority would hire some consultants, ignore the existence of the Water Office, and develop a water plan by themselves. He therefore then refused to put the subject of water planning on the agenda of the Water Authority. And the water law said, the Authority said they were the key player and had to approve it, but they wouldn't participate in the process, and we just came to a dead halt trying to develop a water plan.

The solution to that was to—at that point, all administrators liked to think that they can create the impression that they can solve virtually any problem they're faced with. I couldn't solve that problem. So, I went to my boss, the governor—

RB: By now you're head of the Water Office.

JH: Head of the Water Office.

RB: Who was the head of the Water Authority at this time?

JH: A guy named Patrick Regan. He was an attorney from Wichita. He's passed away now, but I'm sure even if he was alive, he wouldn't mind me invoking his name as an obstacle because he worked very hard and very visibly at his effort to obstruct our efforts to create a water plan at the Water Office.

I went to my boss. I said, “I'm stuck. I can't get this on the Water Authority agenda.” Now keep in mind the Water Authority had a whole bunch of members that were appointed by the

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governor, and all of those agency heads sat there. Every time this issue came up, the room fell silent. I had no support from my peer agency heads to get this done.

RB: Initially those agencies, did they have voting power?

JH: No.

RB: Wasn't there a question about whether they had voting power or not?

JH: No question. They did not have. They never did have, but they had the power to speak but never said a word about this issue, about who was supposed to write the water plan.

So, when I went to the governor, I said, “Governor, I'm stuck. I've got to get some help.” Well, the governor—

RB: And this is still John Carlin.

JH: Still John Carlin. The governor called Senator Charlie Angell, who was the chairman of the Senate Energy and Natural Resources Committee who had been the prime author. His committee was the prime author of the bill. He was committed to the Water Office and Water Authority functioning the way it was written in the law as was Governor Carlin.

So, they jointly called a meeting of the Water Authority in the governor's office. They had twenty-three chairs in a semicircle around the governor's desk, and the meeting started with Governor Carlin saying to these leaders, many of whom he had appointed and were his friends, “We've decided what we want to do is develop a water plan through the Water Office. We've hired a Water Office director we have confidence in. We're going to support him, and we fully

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expect you to cooperate. And if you don't, when your term expires, you will not be reappointed.”

Silence in the room. Senator Angell, who was a prominent member of the opposition party, and this is the good old days when people did the right thing for the right reasons. Senator Angell said, “Wait a minute, Governor. That will take too long.” He said, “If they don't cooperate, I'm going to run a bill and abolish the Water Authority.”

The governor and Senator Angell then said, “Gentlemen, you have a little bit of time to make up your mind and let us know what your decision is. We've made arrangements for you to have a conference room across the hall where you can go deliberate, and when you've decided whether you're going to cooperate or not, we'll both be here, and you can come back and tell us.”

Well, that meeting didn't last very long. They got the message very clearly, loud and clear. They came back and said, “Governor, we're willing to cooperate,” and that was the day water planning started the way it was intended to be done in the legislation.

RB: That's interesting because Angell was from Plains, in southwestern Kansas.

JH: Water was a huge deal out there.

RB: It's interesting that that impetus comes from that part of the world at that point.

JH: Well, since World War II, that's been a big deal in western Kansas.

RB: There are a couple of things that I want to pursue there. Maybe I'll first let you talk a little bit about how that first water planning process worked. I always sort of thought of you as sort

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of an administrative planning type, even though I don't know if that's really completely your background, but clearly that was the role you took in at the Water Office as opposed to somebody who comes in from the technical side of water, right?

JH: I didn't have any technical background in water whatsoever. It turned out to be a benefit. The way I overcame it was people were so afraid I was going to screw up that they went out of their way to teach me what I needed to know. I had to ask very few questions. I had a lot of people come to me with information and ideas, and truly they were well intended. I paid attention to them, and I got a real education in a fairly short period of time from a whole lot of very bright people who wanted to see this all work. My background clearly was not in water or natural resources, but it was in management.

RB: There were a couple of things also that happened at this time I want to go back a little bit and talk about. One of them that you touched on already is about this issue of local control. One embodiment of that in Kansas is the creation of Groundwater Management Districts [GMD], which took place in the mid-to-late seventies basically.

JH: Correct.

RB: And that was a driving force there, as I understand it, which is people on the ground out there have a better idea of what they need to do to help deal with the groundwater situation than, say, somebody in Topeka, or God forbid, somebody in Washington, DC. So those agencies or whatever you want to call those entities were really entities of local control over the High Plains portion of the aquifer.

JH: The genesis of the GMDs came with the realization that the Ogallala Aquifer was not an unlimited supply of water. That puts the fear of God in the people who had invested huge amounts of money in equipment and changed their farming practices to switch from, say,

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wheat to corn. They wanted to preserve their investment and make their farming practices sustainable going into the future. They had a strong motivation to get organized and try to deal with the stark reality that the Ogallala Aquifer was dropping at a very rapid rate once the heavy withdrawals started with the advent of cheap natural gas and big engines on pumps in the center pivot irrigation system.

It just, the world changed. They did not want all of those decisions made in Topeka. We already had a chief engineer who had a lot of authority, regulatory authority, but the GMDs wanted to be a key player and have a local voice in the execution of state policy as it related to water resources, and that's what the GMDs gave them.

RB: Can you identify any individual or group of individuals that were the primary drivers behind that GMD idea? Where did it come from? Who drove that bus?

JH: That's a piece of history that I am not personally familiar with. I can tell you this. The first director of a southwest GMD was a guy named David Pope who later became a chief engineer. David was a remarkably talented individual who had both diplomatic and technical skills and was one of the early leaders in the GMD implementation, along with another guy that I know well named Wayne Bossert who ran another one of the GMDs.

So they were populated at the local level in my opinion by very talented people who had the ability to work and relate well with local irrigators but also represent those irrigators effectively in the political process in Topeka. So, without being able to tell you exactly, I just don't know who were some of the prime movers in doing this, in making that happen. I do know that some of the early people that were hired were crucial in its success.

RB: I'm going to come back to those GMDs as we go a little bit further in time to get your sort of assessment on how successful that idea has been. Maybe this is a little bit of an aside, but you

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mentioned this sort of weakness of executive government and state government, and much of the powerful water regulation in Kansas, at least on a quantity viewpoint, is with the chief engineer and the Division of Water Resources [DWR] in what is today the State Department of Agriculture. But for a long time, that department was controlled by a State Board of Agriculture that then was in charge of that department. Is that an example of the kind of weakness of executive power?

JH: Diffused, decentralized power, right. The Board of Agriculture had the authority. The governor just read in the newspaper basically what they were doing. They didn't report to the governor. That was the case with virtually every major department.

Now that's a big part of the back story. You can't really understand water management in Kansas and how it evolved without looking at the big picture of the administrative structure of state government. Because it grew the way it did and had this decentralized concept in place with all these separate agencies, it did not have the capacity in the minds of new leaders in the seventies to deal with the nature and complexity of the issues that they had to deal with.

And it was at that point that Governor Bennett stepped up and decided that it was time to reorganize not just water but state government. He started the process through executive orders—first he had legislation passed and then used executive orders. One by one, agencies were transformed from being a freestanding board or commission into a cabinet agency, the head of which was appointed by the governor and reported directly to the governor.

So, we started this transition process of going from highly decentralized government to a highly centralized chief executive form of government. Credit for that belongs to Bob Bennett who took the leadership, and, in my opinion, history will say probably was the single most influential and important governor in the history of the state of Kansas.

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RB: But it took quite a while. In the case of that Board of Agriculture, that was still a Board of Agriculture for quite a while.

JH: Yes.

RB: Eventually it was a lawsuit that was, in fact, filed to end that relationship because in effect an independent board was running the agency that was primarily responsible for water quantity regulation.

JH: The same thing was true with the Board of Conservation, the Conservation Commission. It was made up of people that weren't even appointed by the governor. There were all kinds of idiosyncrasies like that in state government, but the commitment that the Bennett administration made to reorganizing state government and making it effective in developing the capability to deal with the type of complex issues that it was beginning to face—for example, in water, we were starting to deal with water from a multistate perspective. We shared major water drainages with Montana, North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, Arkansas, Oklahoma, literally Louisiana because everything was connected. We weren't equipped or prepared. We had no spokesperson that could represent the issue with this level of diplomacy. What we needed was to develop that capacity to provide the managerial leadership necessary to deal with those issues.

RB: In fact, in some respects, the head of the Water Office serves that role, but the Water Office has relatively few regulatory responsibilities compared to DWR or Health and Environment.

JH: Correct.

RB: So, it's a very different role than state government, yet everybody looks to it.

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JH: It is, excuse me for interrupting, it is if there's a good relationship between the governor and the director. The director, I could do this because I've been there. Without the governor's support, the director's impotent. You must have the effective participation of the governor, and that's part of our history I maybe shouldn't jump to, but I'm going to with your permission. We went through a period of governors, Bennett first, then John Carlin, then Mike Hayden, three in a row that were all committed to the same goals, all committed to the concepts that were developed during the Bennett administration. Bennett didn't get a chance to implement them because he was defeated unexpectedly. John Carlin picked them up as his own and spent four years endeavoring to implement the plan that was developed by the Bennett administration, and when he left office, Mike Hayden, and you keep in mind Republican, Democrat, Republican, came in and picked up the ball and continued down exactly the same path. So, we had the consistent commitment of top state leadership during three administrations to get this done.

Then it changed. Then Joan Finney was elected governor, and this wasn't on her agenda.

RB: Right. It becomes less of a priority.

JH: Then Bill Graves followed her, and it wasn't one of his priorities. So, we went from sixteen years of concentrated effort to the following twelve years at an almost laissez-faire approach to dealing with the issue.

RB: Let me ask you one last question, and then we'll take a quick break. As you begin that water planning process as part of the Water Office, and this will lead into another thing I want to talk about specifically, did you have a model out there? Was there some other state you looked at and said, “Boy, this is how you do water planning. This is what a water plan looks like. This is what we want to emulate?” How did you go about that?

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JH: That was a good question. If you want to have an answer to that before we take a break, I hope you're not thirsty.

RB: Well, let's start anyway.

JH: The truth of the matter is when we looked around the country, we found no state in the country that had an effective water planning process or plan. They were all struggling with what this meant and how to do it. While there was a lot of good thinking going on and there was some literature—fortunately some literature on the subject by the mid-seventies that kept us up to speed on what different states were attempting to do.

We quickly discovered that we were on our own. The legislature and the governor wanted a water plan. They couldn't describe one. They wanted a water-planning process, but they couldn't describe what it was. We had to go to the drawing boards and first come up with the concepts and, second, sell them, first to the Water Authority, which was critical, then to the other state agencies and bring them on board in participating with a planning process that they had some confidence in. That took a great deal of time.

We hit another barrier that was just as significant as that barrier when the Water Authority refused to participate. The second barrier was there was absolutely no confidence among the state agencies in the Water Office, none. So, they did not want to collaborate with the Water Office because they didn't think it had the capability to provide the kind of leadership necessary to pull the planning process off.

Now the truth is that opinion was shared by a lot of the legislative leaders as well, but the Water Office was populated with people who had civil service status, and it could not just be changed out with a new set of actors. I found myself stymied with an effort, in the effort to try to be creative, bring in, and want to have creative, talented staff and having to work with the

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staff that had been there for years. There's many of them still around and still alive, and I don't want to hurt their feelings, but I do have to be candid about it. They just weren't the right mix of talent that we needed to do the job.

When I took the job originally, legislative leadership called me in and said, “Joe, frankly, we don't think you have the talent there, and so what we'd like to do is eliminate the entire operation and let you build it from scratch.” My response was, “Please don't do that.” I had never met any of them. I don't know anything about them, what their talents are, what their commitments are. It would be totally irresponsible for me just as a manager to agree to a whole change in employees based on somebody else's opinion and not having done that analysis on my own. I asked for a year. They agreed.

After a year, I went back to the legislative leadership. I said, “Does that offer still stand?” They said, “Yes, it does.” So they passed a law that basically declassified all of the positions in the Water Office and eliminated everybody in them, but then authorized me to hire back the people I wanted to keep and then hire new people to replace the people that didn't get hired back. It was a brutal, difficult period in the history of this process.

RB: So, was it those staff members that then or the staff members working with the agencies that developed that planning process?

JH: The planning process was completely illuminated in the 1978 task force report on water resources. Nobody had paid attention to it, but clearly within the document itself, they said, “The old type of planning isn't adequate. We need a different approach to water planning. It needs to be dealing with policy, and it needs to be done on a continuous, evolving basis. Whoa! Discovery. Nobody did that anywhere in the country. They were trying to make water policy laws, and once they passed the laws, say, “We've got a water plan.” People said, “That's not a water plan. That's nothing but a piece of legislation. Water planning is a dynamic, iterative

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process that never stops and continues to deal with new issues and new ways of looking at old issues." We embraced that principle in developing the state water plan.

So, the first water plan that was created in our new system was published in the form of a three-ring notebook. The whole idea was that people could every year add new pieces to it and take old pieces out, and it was a living document. So, we got that idea from the 1978 recommendations of the Governor's Task Force. But the task force also said that you need this kind of—and incidentally the literature called that "adaptive planning," and that's good. That's appropriate terminology. We didn't use it, that wasn't used in the Governor's Task Force report, but in the literature, that's the way it was referred to.

There was also an interest in developing what the literature called "rational planning," which is what the old-fashioned planning done by the federal government used to be: maps with "We'll build the dam here, the dykes here, the bridge here, and we'll have nature under control, and that's our approach to planning." So, we had basically that federal mentality, a Corps of Engineers-type planning to deal with. We didn't think that would work in the state water plan, but we did think that plans specific to basic river basins would be appropriate, and that's also embedded in the Governor's Task Force report that basin planning should be part of the state water planning process.

So, the second phase of developing the state water plan that started about 1985, after the publication of the first document, was the development of twelve basin advisory committees and the initiation of the process of developing basin-specific plans for the natural resources.

RB: Let's take a break right now. I want to come back and talk about this basin idea a little bit more. So, we'll explore that when we come back here in just a minute.

[End of File A]

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RB: Let's go back to this issue of these basin committees. I've always been really intrigued by this idea. It is, as far as I know, the first and maybe only organization of, in effect, a state agency by natural boundaries as opposed to a political boundary. There are country government, townships governments, all sorts of regional governments in this state, but they're all political boundaries.

JH: Yes.

RB: John Wesley Powell, who's kind of a hero to people like me, proposed planning for the western US by basins in the 1800s.

JH: Right.

RB: It didn't go anywhere.

JH: Right.

RB: There here suddenly in state government pops up this idea of—now it's Basin Advisory Committees, and it's planning by basin. It's not regulation by basin but it's an idea of looking at an issue according to a natural boundary. Where did that come from?

JH: First of all, John Wesley Powell had no success in promoting basin planning because he was talking to a bunch of members of Congress who were totally committed to the principles of Manifest Destiny, and they had envisioned in their minds building dams and irrigation canals and developing all of the arid and semi-arid parts of this country with irrigation, and he told them it was a crazy idea. It wasn't going to work, and they didn't want anything to do with him, and they never did pay any attention to him after that.

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He was absolutely right, and time has proven that, but the idea of basin planning in Kansas, as I mentioned a few minutes ago, can be found in the governor's 1978 task force on water to start with. There is reference to the need for hydrologic basin planning. By the 1970s and 80s, it had become much more evident of the necessity of doing systems planning, planning on a systems approach as opposed to categorical subject matter planning. You had to look at the total system and look at how one change would affect something else in the system. So the degree of sophistication, while it seems so obvious and logical, you wonder why anybody didn't think of it thirty thousand years ago, they probably did, but it wasn't prevalent in water planning in Kansas until actually in the seventies and eighties. People began to recognize the need for looking at total systems approach, and it became fairly easy to sell in part because by then some of our major basins had had significant development like the Kansas River Basin. We had dams built by the Corps of Engineers. We had several major dams, and we had begun to recognize that they have pluses and minuses. They have problems with operations and maintenance and sustainability, and there were no rules on how they would be operated. People began to realize that we've got to take a more holistic approach to planning in order to make sense of it all.

RB: That was always my impression from the outside was there didn't seem to be a huge amount of resistance to that idea. People seemed to embrace it from what I could tell from a distance. By the same token though, it never really manifested itself in other places in state government that I ever saw.

JH: Probably the last place it found its home in Kansas government, this is unfortunate, it was with the Department of Health and Environment. It was not until federal legislation on nonpoint-source pollution[4] passed and provided guidelines for expending money on nonpoint-

[4] "The term 'nonpoint source' [NPS] is defined to mean any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act: "The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel,

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source pollution that the Department of Health and Environment reluctantly bought into the whole concept of basin during its basin planning and management.

Until that time, and you know because I've already pointed this out, I was in charge of that agency for a while. We were really fixed on a concept of point-source pollution regulation. We did not think in systems terms in the early days of Health and Environment. So, Health and Environment was one of the last to come around, and it really took a federal program to get them to buy in.

RB: That mirrors a lot of what's going on on a national basis, which is everybody focuses on point source because it's really easy to look at a pipe spilling into a river, but then when you go to nonpoint, trying to figure out sources of, say, run-off from agricultural from atrazine, say, it's a lot more difficult to both measure and to deal with.

JH: Right.

RB: Let me ask more of a broad question, maybe go a little bit, a different direction. How many years were you Water Office director?

JH: I was in there for four years, the second Carlin term, four years. I was in there for four years with Mike Hayden. Then I left when Joan Finney was elected.

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conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

NPS pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification. NPS pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters."
https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution accessed July 23, 2019.

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RB: So from having had all of that experience and now we're sitting here in 2019, as you look back at—and you've described this as an arc, you were there during a lot of the upward arc. Have the results been what you thought they would be?

JH: More or less. There was a piece that was missing. I, like a lot of people, most people if not everybody, depend on luck more than anything else to get things done. I was fortunate enough to get hired again by another governor twelve years after I left, and I was given the opportunity to go back to the Water Office for a period of time and do one more thing that I had left undone that I wanted to accomplish, and that was the creation of the, not just planning, but management function on a coordinated, integrated basis. We had not achieved that. We had achieved planning on a coordinated, cooperative basis. We had funding, which we haven't talked about, but that was another big issue which we got accomplished, but then we still had the coordinated management challenge.

We created what we called the Subcommittee of the Cabinet for Natural Resources at that point in the Sebelius administration, and it was chaired by the then-Secretary of Wildlife and Parks, Mike Hayden, former governor, who was involved in the early parts of this. Mike was a natural leader, naturally accepted for his leadership ability and stature among other agency heads, and we started meeting weekly as a group of agency heads that are coordinating. not just our planning, our operations. That took us full circle. We then had accomplished the planning and the management coordination that we had set out to accomplish.

RB: Those subcabinet meetings continued quite a while, but they went away during the Brownback administration, which I always thought was unfortunate because to the extent of our involvement, I thought they were good for everybody that came to the table.

JH: Like I said, structure and legal structure mandates mean nothing. It depends upon who's in charge.

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RB: Let's go back to funding, since you brought that up. One of the things that you will hear constantly as people talk about water in the state is lack of funding, or if something is a priority, there should be funding for it. Funding for water agencies and water projects has always been an issue, but during that time there when Mike Hayden was governor, there was water plan funding that was passed. Talk about that a little bit and how that came to be.

JH: Well, that's a great story. There was a strong point of view among certain people that the water planning process was futile if it didn't have access to resources to implement the plan. There's some logic in that, and I wouldn't argue with it. But the argument was therefore we need a dedicated water fund to implement the water plan.

I was skeptical about that because I'd seen dedicated funds raided before. One thing the legislature was not reluctant to do was to rob Peter to pay Paul. I thought that might just be an exercise in futility, but my boss decided that we wanted a water plan fund, and he ran the bill. My boss at that time was Governor Hayden. The bill didn't make it. It got defeated. He couldn't get it done, much to the consternation of the governor and the advocates of a water plan fund.

Despite my misgivings, and I know I'm making this a little bit personal, but this is I guess what we're doing here.

RB: That's okay.

JH: I went to the governor and I said, “Governor, I think we can get that bill passed.” I said, “Here's my plan.” I had a written plan. I had details with a notebook full of process and letters and a timeline. It was to bring all of the key interest groups and legislators together outside the legislative process and negotiate a compromise plan. He said, “Let's do it.”

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Well, it was already the end of the session. So, we implemented our strategy to get a compromise plan at the end of the session, and we brought together all of the key players. We got every airplane that the state owned—Wildlife and Parks, the governor's office, KU, K State, whoever had an airplane, and we sent them out all over the state and picked up the chairpersons and minority leaders of the key committees and the speaker of the house and the president of Senate. We took them to the Johnson County Executive Airport, and we negotiated a bill to fund the state water plan. There was 100 percent consensus among those leaders to do that. I'll never forget watching them all walking back to their airplanes on the tarmac after that meeting was over, and how good I felt to have seen that accomplished.

They came back for the veto session, and the compromise bill was introduced. The bill passed the House without opposition of any consequence. Then it went to the Senate, and the bill started to languish in the Senate. The committee that had jurisdiction wasn't holding any meetings, and people began to get nervous.

So, people started to contact the chairman of the committee and couldn't get a clear picture as to what his intentions were. But as the days passed, it became clear that the chairman of the committee had no intention of hearing the bill.

RB: Who was this?

JH: His name was Ross Doyen, a powerful man. He was in the midst of his last couple of days as a member of the State Senate, and he was upset about a lot of things, not the least of which he had been deposed by his own members from a leadership position, and he had some negative feelings. I don't want this to be about Ross Doyen, but even though we were at complete odds on this issue, I worked with Ross over the years. I liked him a lot. I enjoyed working with him, but he was tough as nails. If he had made up his mind about something, he was—you weren't just going to just run over him.

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But it got to the point where there was just a short period of time left to get the water plan fund bill passed. Down the street in a private office was the former governor John Carlin, calling all of his Democrat friends in the Senate, encouraging them to pass the bill. And up on the third floor was the Republic governor Hayden calling his friends and Republicans to pass the bill. If you ever saw anything done that was bipartisan, that was it. They were working hand in glove together to get this done.

They got it down to where they thought they might have the votes on the last day of the session, but they weren't sure. In order to get it to a vote, it had to be passed out by the committee. So the president of the Senate reached into Ross's committee, pulled the bill out of committee jurisdiction, made it a bill on the agenda of the committee of the whole Senate, held a hearing on the floor of the Senate, got a recommendation for approval passage from the Senate committee as the whole of a whole, and then put it on the calendar for a vote.

They held the vote. The vote was 20 in favor, 19 against. In the Kansas Senate, the rules are you have to have a Constitutional majority. So, it had to be 21 and not 20 in favor of it, and we only had 20 votes. There was one member of the State Senate that was not present. That was Gus Bogina from Kansas City. He was home recuperating from heart surgery. The president of the Senate made a call of the Senate. That means they shut the doors and lock them, lock everybody in. They sent the Highway Patrol to Kansas City to get Senator Bogina. They brought him back down the Kansas Turnpike at what he says was 120 miles an hour.

I'll never forget. I was in the chambers at the time. The sergeant-at-arms unlocked the back door of the Senate chambers, opened them up, and Senator Bogina stepped inside and yelled at the top of his voice, “I vote aye!” There was a big cheer that went up. It was partly from the people who were in favor of passing the bill and the rest of it was people who wanted to go to the bathroom.

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That day we got the funding plan, the water plan approved on the last hours of the legislature. An hour or so later, I was in the office down the hall enjoying our success with the governor's staff, and there was a knock at the door. Someone went to answer the door and came back and said, “Senator Doyen wants to see you, Joe.”

So, I went out into the hall, and there was Senator Doyen. He said, “I just want you to know one thing.” He said, “The only way you got the votes to pass that bill was the governor traded you for them. So, I hope you're prepared to start looking for another job.” He turned around and walked away, and I've never seen him since. I never saw him again.

A member of the governor's staff went immediately down the hall to the governor's office and came back and said, “The governor said he never did do such a thing.”

RB: I love that Gus Bogina story. It's like something out of a movie. Driving down the turnpike and him walking in there is like something you'd see in *Mr. [Smith] Goes to Washington* or something.

JH: It was very dramatic, and to get him out of bed, to get him there was something else.

RB: In my memory, he was a pretty tough legislator. In my memory, he could hold hearings and sit there without using the bathroom longer than anybody I ever knew. But the other part of all of that story, Joe, is obviously this is a huge priority to bring all these people, to fly them in and develop a consensus, to go to this much work and to have a former governor and a current governor work the phones that hard. Clearly this issue was of extreme importance and a very high priority to an awful lot of people at that point.

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JH: For several years. And this was kind of the culmination of that process that started back in the mid-seventies with Bob Bennett and three governors working, one after the other, on the same goals to get the common objectives accomplished. I've been in Kansas government over fifty years in and out. It never worked anybody better than it did in those days when it was bipartisan, and you had people in those offices who were there for the right reasons.

RB: To do something good.

JH: That's right.

RB: And some of the things that you talked about have come to pass in terms of that fund being raided for other purposes.

JH: Sure.

RB: And it's impossible to imagine that same sort of priority for water today. That's not even part of the conversation as far as I can tell.

JH: I'm glad you brought it up. People have asked me before. You're not asking me this question, but I'm going to give you my opinion on it. What we did in the seventies and eighties could not be replicated today. The circumstances do not exist that made it possible, period, end of story. The type of bipartisanship and selfless leadership and commitment to the public good, it's just not visible in the process today like it was in those days. We need to get that back. Someday we will. It will come back.

RB: No question, not just water, but the state in general is poorer as a result. Let's talk about a couple of things, maybe a little more positive take on all of that, which is now that you've got this period to look back, you've talked about the planning process and your role and other folks'

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role in that. What accomplishment have you had in that process do you take the most satisfaction in?

JH: The most significant thing I accomplished was being at the right place at the right time. I was on my way out the door with my briefcase packed to go to KU to teach when a governor intercepted me and said, “Would you be interested in staying to do something for me?”

Well, it happened to be something that his predecessor was committed to, he was committed to, his successor was committed, the legislative leaders were committed to. Public administrators don't get a chance like that very often, but you've got to be at the right place at the right time. You can't take credit for it. That is the absolute truth. It was pure opportunity that presented itself that was my most significant accomplishment.

RB: In some respects, you were just at the right place at the right time, but you also came in with a background that, in some respects, is very different from a lot of people that have dealt with water issues over the years. You're not an irrigator, and you're not an engineer like a chief engineer. You're, in effect, an administrator. You've come in with a different set of backgrounds but with a very sort of deliberate planning focus that is unusual, it seems like now.

JH: I applied basic management principles to the job, and that worked for me. My theory, as simple as it sounds, is that you cannot ever separate planning from management.

RB: What does that mean?

JH: That means that if you have a planning agency that just plans, you're wasting your time. What you've got to have is planning has to be an integral function of the management process. The management process I've always defined in simple terms is to plan, organize, implement,

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operate, evaluate. Planning is right there on that continuum, and it's the evaluation loopback to continue the planning that makes planning important.

So, we didn't approach planning as planning to create a plan. We created a planning process to be part of the management process. That's why it's continuous and integrated and used by the Basin Advisory Committees and the Natural Resources Cabinet managers. It was all part of the process.

We never treated planning as something that was a goal in of itself. The process was the important thing, not the product.

RB: But a lot of that implementation is done by agencies other than the Water Office like DWR and KDHE. You spoke earlier about the culture, a little bit of sort of a silo mentality that they were all sorts of stand-alone entities. Do you think that culture is different today as a result of that process?

JH: Yes. One of the things we did, for example, to help overcome it—this is one of the things you can do when the governor's your boss and wants you to get it done—is that we physically moved several of the agencies from where they were into the same building. So, they would have to see each other every day.

When I was secretary of Health and Environment for four years, I never had a meeting with the Agriculture secretary, the Conservation Commission. As a matter of fact, I never had a meeting with a water official in four years, never. I never talked to them. That’s how isolated we were.

RB: Was Health and Environment out at Forbes [Field, the former air force base south of Topeka] at that time?

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JH: Yes, we were. So, I knew when I went into that job one of the problems was the physical proximity didn't make any sense. So, the first thing we did was move the Water Office into the building right down the hall from the Division of Water Resources. David Pope and I became neighbors. He was metaphorically one of the best neighbors I ever had in my fifty-year career. He was outstanding in his efforts to try to be cooperative and collaborative, even though his so-called power and authority was having to be shared, he was the type of person that had the ability to do it right. We had the Conservation Commission right there in the same building with us, and it really began to work much better when people were together physically.

RB: Let me ask you a question, a little bit about this local control issue in terms of looking back now. That was what the Groundwater Management Districts were created—that was one of the driving pieces of philosophy behind this. Has that worked?

JH: Well, I'm not sure. I'd have to give some thought to that. Can you phrase that in any different way?

RB: As I look at it from a distance, they have certainly enacted some programs such as basically water metering in a lot of cases out of local efforts.

JH: Yes.

RB: They're very good at monitoring waste or seeing what is going on on the ground to be able to try to treat people fairly. They could see things because they were right there that maybe not everybody could see. But in terms of, say, a reduction in use of water out of the Ogallala, it looks to me like they've been far less successful with the one exception fairly recently of the creation of this LEMA [Local Enhanced Management Area] out in northwestern Kansas, really under the leadership of Wayne Bossert, who you brought up originally. In terms of dealing with depletion issues, it looks to me like they've been much less successful.

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JH: I'm stalling around because I really don't want to answer your question. It goes back to their origins and the origin of the irrigation movement in western Kansas and the mentality that existed at the time. It all got started when the predominant philosophical framework for development in this part of the world was the Manifest Destiny, which meant mine it, use, and move on. It didn't have anything to do with protection or anything. It was a resource to be monetized.

So, when we started developing water resources in western Kansas, it was a resource that was viewed by a large percentage of the population as a resource that needed to be monetized. The issue was not environmental protection. It was not sustainability. It was just use it and make money, and just like a gold mine, when you were done, leave the tailings and move on to another site.

Farmers figured it out in a hurry that they couldn’t do that because they couldn't take their land with them. They had to stay there with their land regardless of what happened to the water, and they became much more conscientious in a very short period—between World War II and the 1970s is when they figured it all out. They overcame the ridiculous myths like the Ogallala was an underground river that had an endless supply of melted snow from the Rocky Mountains. I mean, that stuff was still being discussed in the seventies. They knew better. They knew they had to do something different.

But even with all of that reality to deal with, they still were focused on farming as an economic enterprise and water as a valuable input that was essential for the type of farming that was producing the maximum profit for their efforts. So, the GMDs were never oriented towards a primary goal of environmental protection and sustainability. They were oriented towards representing the interest of their boards, their owners, the agriculture people. You can't take that away from them. That's what they were there for. They were created as a political entity

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by people who got involved in politics who were intent on protecting their vested interests. They did a lot of good things, but they did not become champions of conservation.

RB: I had this conversation with Wayne Bossert at one time, and it goes to the heart of this local versus state control. Wayne said to me, “It's really hard to shut somebody down from irrigation when you've got to drink coffee with them every morning.”

JH: Yes. He worked for them. They were a political entity made up of agricultural interest to protect the agriculture. Everybody knew that. I never felt like there was anything wrong with that. It wasn't a secret, but I never expected them to become champions of conservation.

What they did do very cleverly was that they embraced efficiency in the form of conservation. In a sense that is a form of conservation, but it wasn't in order to save water. It was in order to make water last longer.

RB: I have said that to people over and over again. Efficiency is not the same as saving water. They are two very different things. Everybody always scratches their heads when they first say that, but as you walk them through it, yes, nobody is going to argue with efficiency. That doesn't necessarily translate into less water use.

JH: That's right. Not the long run.

RB: As you look back at this point, is there something that you wish you had a do-over on?

JH: Well, you know, first of all, I've got to admit I'm not the type of person that dwells on mistakes. I'm completely willing to accept my own mistakes, but I don't want to live with them for the rest of my life. I just learn from them and move on. So, my experience in this field was pretty short. It happened at a period of time where so much happened and got done that I

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found very fulfilling. I am very pleased with what got done. I hope I've made the point clear, if I haven't, let me just have the luxury of making it one more time. I didn't do that much. It was the situation and the leaders that were in place that created this opportunity, and then they hired this guy over here to come in and do some of this stuff, but the conceptual planning, the political power was all invested into this enterprise long before I became part of it.

RB: Obviously as we go through this process, we're going to talk to some of those other people, but I have a suspicion that while they may agree with some of what you say, I do think that with the planning background that you brought to this process, you didn't just happen to be at the right place at the right time. You also brought skills that were instrumental in making some of those things happen.

JH: Well, I did use what I had learned. I had been in the management business for a long time. I built over a half a dozen brand new organizations from the ground up. I was the first employee in most of them. So, I had an idea of what it took to go from conceptual idea to operation on the ground. But it still wouldn't be possible without an environment that created the opportunity for you to be successful in.

RB: And also to build on that a little bit, we've talked before about this arc of the level of interest of the time period when you were so intimately involved with all this stuff, and then it drops off with the political process of electing some leadership that didn't see it as a high priority. Where are we on that arc now? Are we still sliding down? Are we headed back up?

JH: We're kind of plateaued and just kind of idling along in my opinion. I know this is on film, and I'm going to have to answer for whatever I say, but there has not been a commitment towards protecting and managing the water resources from the state of Kansas in place since the Hayden administration left office. A clear line of demarcation was with the Finney administration. I was still on the job when Governor Finney was elected. I sat there for several

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months, waiting to hear from her. I never heard from her. I never talked to her about her interest in that sort of thing. Finally, the opportunity presented itself for me to leave, and I left, and that was it.

She appointed someone as director of the Water Office who was a very junior level person in the agency. When she left office, and Governor Graves took over, he appointed a political person, not a person with any leadership or management experience. There was never any evidence of any expectation that it was a priority in either one of those administrations.

When Governor Sebelius took office, she was committed to focusing on water issues. I had just retired from KU and she asked me to go back to the Water Office and take over from an acting director. I couldn't make a commitment to do the job permanently so we worked out a plan where I would run the KWO [Water Office] until we could recruit a qualified permanent director. Tracy Streeter, who was Executive Director of the Conservation Commission was ultimately appointed by the Governor. He was well qualified and did some good work, but water was no longer a priority in the legislature and was not a priority in the public eye. Thus, opportunities to enhance water policy were limited. The Sebelius administration shifted focus from policy to management. The Natural Resources Committee of the Cabinet was established and provided an unprecedented level of coordination and management of the water related agencies.

Then the Brownback administration, they talked a lot about water, and they did some things, but it was never again back to the level of intensity and commitment that we had in a large part because that level of interest isn't in the legislature anymore. It's just not there. They're on to other things. I mean, it's competing with education and abortion and some other things that water just isn't a priority.

RB: Along with that has been the destruction of bipartisanship that has contributed to it.

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JH: Yes.

RB: As long as that's the case, and that doesn't seem to be getting any better. It seems to get worse. It's difficult to imagine that both sides are going to coalesce around much of anything.

JH: Like I say, I'm not a critic of anyone who's come along in the past that has been responsible for water planning for what they did or didn't do. I know that they couldn't have done what needed to be done without a political environment that would support them, and this wasn't there.

RB: Well, that may be a good place to stop. It feels like we've covered a lot of territory. There are a couple of things that I think I'd like to talk to you about at some point, but I think it would be good to save those for another time and maybe, as we go through this process, come back and visit it again, if you're willing to do that and have the benefit of talking to some other players and getting some other perspectives.

So, with that, I do appreciate your candor in this process, Joe, and your willingness to take on most of those questions.

JH: When you get past eighty, you don't worry about much.

RB: Thank you very much.

[End of File B]

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