

TOWARDS MORE EFFECTIVE REGIONAL
PLANNING LEGISLATION IN KANSAS

by

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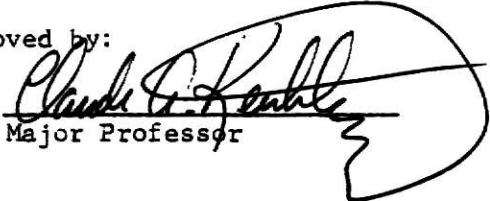
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Appreciation is expressed to the late Professor Leland R. Edmonds whose untimely death occurred during the writing of this report. His original draft of the proposed legislation was the key for this document.

Chapter 1

REGIONALISM AND REGIONAL PLANNING IN THE UNITED STATES

The concept of regionalism or regional planning is by no means a new one, either nationally or in the State of Kansas. One of the earliest examples in the United States was the Tennessee Valley Authority established in the 1930's. The reasons for its inception were centered around the need for coordinating the great number of local jurisdictional units located in the Tennessee River Valley so as to better attack the many existing problems effecting the river and its surroundings. The main idea behind regionalism was then and still is, coordination on an areawide or regional basis.¹

Recent development and growth in our nation and state have caused officials at all levels of government to become aware of problems which are no longer restricting themselves to the set of boundaries of cities, counties and states. The problems stem from changes in the conomic, social and political aspects of the rural settings creating problems in transportation, economic development, environmental control, law enforcement, health protection and services, and many other activities which agglomerations of people require.

Another problem faced by cities and counties is the ever-rising cost of governmental services. With the need and the cost of these services rising to new levels, officials are forced to seek new and more suitable means of financing them and making sure that the money that is spent is not wasted or

¹Leland R. Edmonds, A Guide for the Establishment and Operation of Regional Planning Commissions in Kansas (unpublished, Topeka: Kansas Department of Economic Development, November, 1973), p. A-1.

unnecessarily spent.

REGIONS AND REGIONAL PLANNING

Regions are defined in many different ways. The National Association of Regional Councils (NARC) writes:

"A region may be defined as a group of neighboring local communities whose residents are joined as a unit economically, socially and geographically but lack governmental unity."²

Another definition describes regions as being the entire nation as an area where "people share a common destiny, common traditions, common natural resources, similar work habits, interrelated economic and leisure activities, a common language, and are served by the same federal government."³

The word region, thus, means many things to many people. Especially in the field of planning, this word has become a very elusive one with many definitions having been given. However, included among the many definitions of "region" are the following basic components:

1. All regions are geographic areas whether delineated for geographic purposes or not. This means that an economic development district is just as much a "region" by definition as is a water resources or conservation district.

²National Association of Regional Councils, Action Through Intergovernmental Cooperation (Washington, D.C.: National Association of Regional Councils, February, 1974), p. 1.

³Flint Hills Regional Advisory Committee, Regional Planning in The Kansas Flint Hills: the Report of the Governor's Flint Hills Regional Planning Advisory Committee (Topeka: Kansas Department of Economic Development, February, 1974), p. 19.

2. The area has common aspects of life, i.e., common language, common traditions, common economical trends, common natural resources and a common form of government.
3. The basic purpose of a region is to bring the space, resources, and problems of the given area into the control of the public interest.

For the purposes of this discussion, the region is defined as a group of local governmental units, both county and city, who share similar needs and problems, resources, development, and operating at the substate, multi-county level.

During the 1950's and 1960's the Federal Government played the key role as the major force behind substate regional planning efforts. At this time the federal people saw the need to coordinate planning programs under the direction of Federal agencies on a larger base because of the ever-increasing number of such programs.

One of the first moves in that decade was the Housing Act of 1954. Under Section 701 (d) of the act, funds were provided on a matching basis for comprehensive planning in metropolitan areas. The act found its first revision in 1959 when a definition of comprehensive planning was added along with an emphasis on physical planning and capital improvements.⁴ That same year the Housing and Home Finance Agency and the Bureau of Public Roads began efforts to encourage metropolitan planning.

⁴ Advisory Commission on Intergovernmental Relations, Substate Regionalism and the Federal System, Vol I, Regional Decision Making: New Strategies for Substate Districts (Washington, D.C.: U.S. Government Print-Office, October, 1973), p. 52.

The 1960's were ushered in by another revision to the Housing Act which required an open space plan to be developed before funds would be issued. In 1962 the Federal-Aid Highway Act was passed for transportation programs. The Urban Mass Transportation Act followed in 1964. All these new programs began to loosen the old restrictions of the outlook on regional planning as exemplified in the next revision of the Housing and Urban Development Act of 1965. The following year other programs similar in their views came out in the Demonstration Cities and Metropolitan Development Act of 1966, and the development of Comprehensive Health Planning Councils by the Department of Health, Education and Welfare.⁵

By this time the proliferation of new federal agencies for planning organized under Federal guidelines had expanded enormously. Complaints were being received about federal agencies ignoring or changing existing state districts. Little or no effort, it seemed, was being made by these new agencies to coordinate with existing state agencies. In March of 1966, Senator Edmund Muskie presented the findings of the Senate sub-committee of intergovernmental relations to the Congress. Upon that occasion he stated:

"We found substantial competing and overlapping of Federal programs, sometimes as a direct result of legislation and sometimes as a result of empire building. Similar competition and duplication were found at the State and local levels. We learned that too many Federal aid officials were not interested in, and in fact are even hostile to coordinating programs within and between departments, and that they are reluctant to encourage coordination and planning at State and local levels. These conditions frequently and predictably result in confusion and conflicting requirements which discourage State and Local participation, and adversely affect the administrative structure and fiscal organization in these jurisdictions....

"The picture, then, is one of too much tension and

⁵Ibid.

conflict rather than coordination and cooperation all along the line of administration."⁶

Following this study by the Senate Subcommittee, the Advisory Commission on Intergovernmental Relations (ACIR) recommended that all federal agencies be required to not only recognize but work with state organized agencies already in existence.⁷ President Johnson responded to this also by issuing a memorandum calling for coordination of these programs. In that memorandum the President wrote:

"Comprehensive planning covering wide areas is a promising and extremely important beginning to the solution of critical state, metropolitan, and regional problems. It is essential that it be done well....

"At the federal level, we must co-ordinate our efforts to prevent conflict and duplication among federally assisted comprehensive planning efforts....

"Boundaries for planning and development districts assisted by the Federal government should be the same and be consistent with established State planning districts and regions. Exceptions should be made only where there is clear justification."⁸

This memorandum resulted in the issuance of Circular A-80 through the Bureau of the Budget.

The year 1968, however, holds the most important position in regards to

⁶U.S., Congress, Senate, Senator Edmund Muskie reporting the findings of the Senate Subcommittee on Intergovernmental Relations, 89th Cong., 2nd sess., March, 1966, Congressional Record, Vol 112, p. 6834.

⁷James L. Sundquist, Making Federalism Work (Washington, D.C.: The Brookings Institution, 1969), p. 162.

⁸President Lyndon B. Johnson, "Memorandum from the President on Coordination for Development Planning," Office of the White House Press Secretary, (September 2, 1966).

regional planning and the Federal Government. Two very significant occurrences took place which really placed regional planning in a whole new perspective. The first of these was the Housing and Urban Development Act of 1968. Under this act, funds were provided to encourage area-wide planning extending beyond the metropolitan area into multijurisdictional areas. In addition, funds were provided for rural planning districts theretofore left out under 701 Planning Assistance.⁹

The second important event of 1968 was passed by Congress in the form of the Intergovernmental Cooperation Act of 1968. This act gave the President the authority to "establish the formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development."¹⁰ As a result of this act the Circular A-95 from the Office of Management and Budget was issued to supersede Circular A-80 in July of 1969. Under Circular A-95, which is the basis for the system of state and regional clearinghouses, specific policies were set up for the coordination of Federally assisted programs. The main objectives of Circular A-95 are:

1. To encourage state and local initiative and ability in developing comprehensive planning;
2. To eliminate duplication and competition among planning efforts at various levels of government;
3. To promote state designation of planning districts

⁹ ACIR, Substate Regionalism and the Federal System, Vol I, p. 52.

¹⁰ U.S., Congress, House, Senate, Intergovernmental Cooperation Act of 1968, Public Law 90-577, Section 401 (a).

compatible with the planning needs of all governmental units.¹¹

THE PROBLEM OF COORDINATION

Up to this point in time the constantly recurring theme was the problem of "coordination and cooperation." Federal, state and local agencies all felt threatened by the other in terms of which agencies could and would tell the others what they were to do in their areas of jurisdiction.

At the Federal level, what had basically taken place was a confusion in terms of who had such power. The Director of the Office of Economic Opportunity had power "to assist the President in coordinating the antipoverty efforts of all Federal agencies."¹² The Secretary of Housing and Urban Development was "to assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban community, suburban, or metropolitan development."¹³ The Secretary of Agriculture was to identify "programs of agricultural and rural area development which require the cooperation of various Federal departments and agencies for their effective solution, and...convene meetings...for the exchange of information needed to achieve coordination...."¹⁴ The Secretaries of Labor, HEW and Commerce had similar duties and responsibilities which called for them to search for coordination and cooperation between Federal agencies and departments involved with their

¹¹Office of Management and Budget, Circular A-95, (July 24, 1969), Part II.

¹²James L. Sundquist, Making Federalism Work, p. 21.

¹³Ibid. ¹⁴Ibid., p. 22.

particular programs.¹⁵ All in all there was some attempt at coordination, but no one was ever assigned the power or authority to form a system of coordination leaving the effort divided among the various departments.¹⁶

Sundquist records in his book, Making Federalism Work:

"By 1967 more than a dozen types of federally initiated, locally coordinating structures could be counted. OEO had its community action agencies (CAA's); HUD, its city demonstration agencies (CDA's)...; Agriculture, its resource and conservation development (RC&D) projects...; Commerce, its economic development districts (EDD's)...; Labor, its cooperative area manpower planning system (CAMPS)...; and HEW, its comprehensive area health planning agencies."¹⁷

Charles E. Lindblom suggests that coordination could denote "desired or valued relationships among policies," but in this context it is subject to objection because of built-in controversy in the case of complex policy decisions.¹⁸ Lindblom thus makes his definition of coordination as:

"A set of interdependent decisions is coordinated if each decision is adapted to the others in such a way that for each adjusted decision, the adjustment is thought to be better than no adjustment in the eyes of at least one decision maker."¹⁹

This coordination is thus one of process, as Sundquist describes it-- a coordination of "consultation, sharing of information, and negotiation among equals."²⁰

¹⁵Ibid., pp. 22-23. ¹⁶Ibid., p. 23. ¹⁷Ibid., p. 25.

¹⁸Charles E. Lindblom, The Intelligence of Democracy (New York: The Free Press, 1965), p. 23.

¹⁹Ibid., p. 24.

²⁰James L. Sundquist, Making Federalism Work, p. 17.

However, coordination can also be viewed in terms of results. In these terms, "coordination means consistency, harmony, mutual reinforcement, the absence of conflict and duplication."²¹

Thus, Sunquist concludes:

"Given all these usages of the word, the objective of coordination has come to embrace in public discussion a wide range of improvements in inter-agency, inter-government, inter-program, and inter-project relationships --- indeed, almost any change in organization, relationships, policies, practices, projects or programs that will resolve whatever conflict or hiatus in the federal-state-local chain of relationships the uses of the term may happen to be concerned with."²²

REGIONAL PLANNING ORGANIZATIONS

It was through the need for coordination and cooperation that the concept of councils of governments and other locally formed regional planning organizations saw its greatest growth. It was recognized that "through the planning process, conflicts (could) be defined early and resolved before, rather than after, programs (went) into operation."²³ The Council of Governments or related planning body was a means of assuring more effective planning and its implementation without creating another level of government.

The term "regional council" covers a broad range of organizational types including councils of governments, regional planning commissions, development councils and/or districts, and economic development councils and/or districts. The criteria used by NARC in identifying regional councils are:

1. Multi-jurisdictional local government representation

²¹Ibid., p. 18. ²²Ibid., p. 19. ²³Ibid.

on its governing body;

2. A multi-purpose or multi-functional program;
3. Legal status to receive public funds;
4. Full-time staffing with a work program.²⁴

The main purpose of a council is "to bring together an area's government officials to discuss, study and adopt cooperative programs to meet common needs."²⁵ This concept means that if the membership of a voluntary , advisory council of cooperating elected officials makes recommendations concerning the area's planning problems, these policies and plans will have a better chance of being implemented.

Most councils of governments are created and organized in relation to specific Federal requirements set up under certain programs. These bodies, when so organized, are then eligible for Federal dollars for their planning programs. Some of these bodies and their specific requirements include:

1. HUD 701 Area Planning Organizations (APO) with a Council composition of 2/3 elected officials and 1/3 non-elected members representing at least 75% of the area involved.
2. Comprehensive Health Planning 314(b) Councils which require that the council be made up of 51% users of

²⁴ National Association of Regional Councils, 1974 Directory (Washington, D.C.: National Association of Regional Councils, February 1974), pp. i-ii.

²⁵ National Association of Regional Councils, Action Through Inter-governmental Cooperation, p. 2.

health services and 49% providers of health services, i.e., doctors, nurses, hospital administrators, etc.

3. Economic Development Districts (EDD) which require (1) a majority of local officials, including at least one such official from each unit of local government in the area, (2) other members representing principal economic interests in the district, and (3) members from minority groups.
4. Law Enforcement Assistance or Criminal Justice Planning Agencies which require members from both local and general purpose governments, and members from criminal justice agencies.²⁶

The Advisory Commission on Intergovernmental Relations reported recently on the growth of regional councils.²⁷ The following are summary statements of items reported in that report:

1. The growth of regional councils has been directly influenced by Federal legislation enactments. Plate I shows the growth graphically.²⁸
2. Organization and structure of regional councils resembles

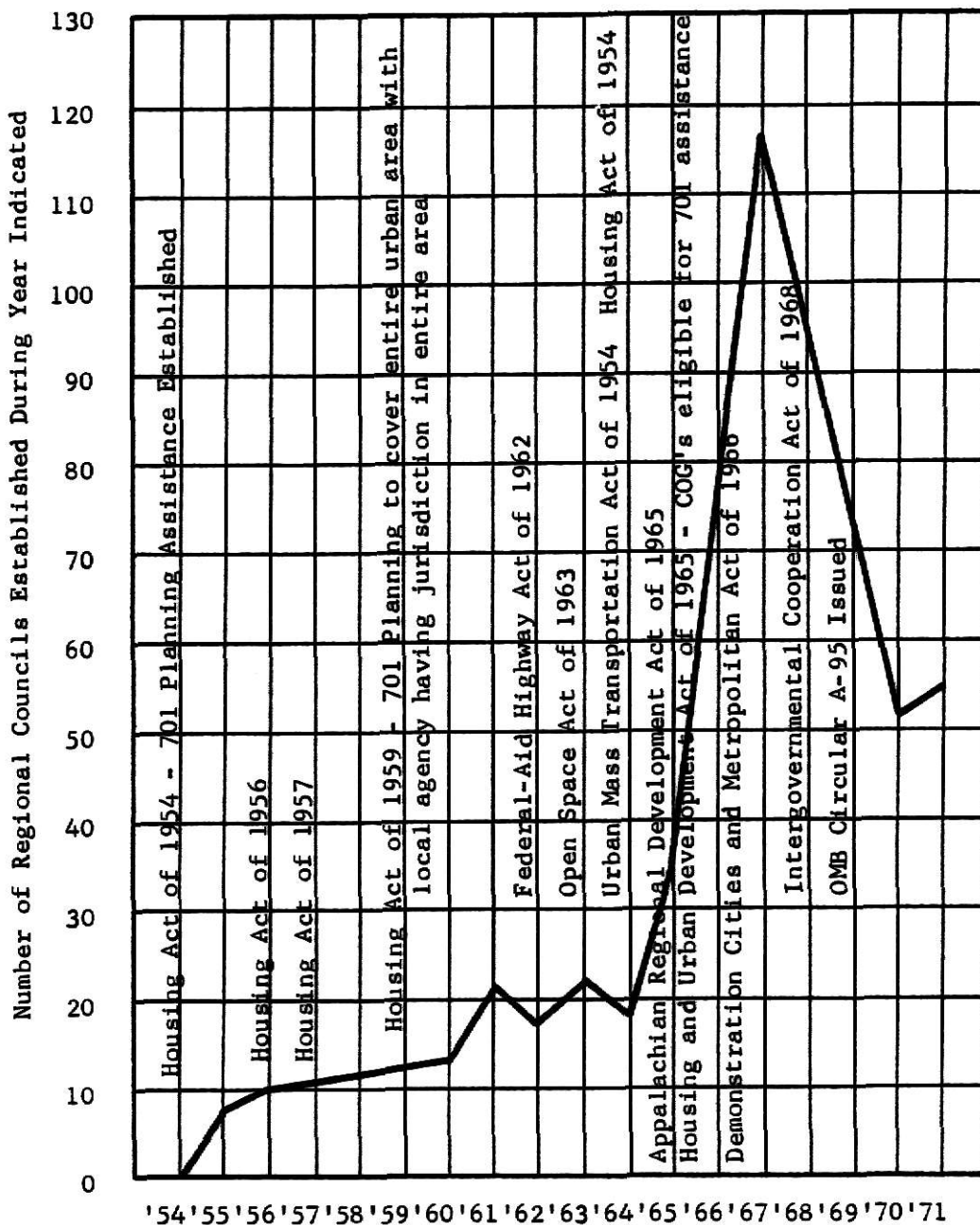
²⁶Leland R. Edmonds, A Guide for the Establishment of Regional Planning Commissions, pp. 1-2 - 1-7.

²⁷ACIR, Substate Regionalism and the Federal System, Vol. 1.

²⁸Ibid., p. 76.

PLATE I

ANNUAL GROWTH RATES OF REGIONAL COUNCILS, BY
FEDERAL PROGRAM ENACTMENTS 1954 - 1971



Pre-1954
Total = 39

Y E A R

Source: ACIR, Substate Regionalism and the Federal System, Vol. I.

closely the legal and political systems of local government which are within their jurisdictional area. The jurisdiction of the councils of governments has been established in many different ways in the various states using them. In 1972, the legal basis for regional councils was as follows:²⁹

TABLE I
LEGAL BASIS OF REGIONAL COUNCILS: 1972

Type of Legal Basis	Number of Respondents	Percent
Regional Planning Agency Act	124	41
Council of Governments Act	45	15
Nonprofit Corporation	17	6
Interlocal Agreement Act or Joint Exercise of Powers Act	34	11
Specific State Law Creating Particular Agency	26	9
Economic Development Agency Act	10	3
Local Planning Act	5	2
Interstate Compact	5	2
Metropolitan Planning Act	3	1
Other General Enabling Legislation	19	6
Voluntary Agreement	12	4
Total	300	100

3. Membership, representation and voting as established by the by-laws of each individual regional council involved showed a great variation. In 1972, the typical council had 19 municipal and 5 county government members. Sixty-one regional councils had members of school districts with 56 having members from other special districts.³⁰ In terms of voting, only 11 percent of the regional councils

²⁹Ibid., p. 79. ³⁰Ibid., p. 80.

had adopted voting formula that weighted the representatives votes as to population or other criteria. The following table relates what types of voting formulae were used in 1972 by regional councils:³¹

TABLE II

GENERAL ASSEMBLY AND EXECUTIVE
COMMITTEE REPRESENTATION/VOTING APPORTIONMENT
FORMULAE: 1972

Representation/Voting Formulae	General Assembly		Executive Committee	
	<u>No. of Respondents</u>	<u>%</u>	<u>No. of Respondents</u>	<u>%</u>
Each member government has an equal number of representatives or votes	126	50	90	49
Each member government has representatives or votes in proportion to its population	29	11	20	11
Combination of the above	41	16	30	16
Other	<u>57</u>	<u>23</u>	<u>44</u>	<u>24</u>
Total	<u>253</u>	<u>100</u>	<u>184</u>	<u>100</u>

4. Funding of regional councils in 1972 was mainly from Federal dollars with local contributions for match growing in most cases. Some councils were also receiving private contributions and some generated funds through completed projects or interest from invested monies. The following table shows formulae for local

³¹Ibid., p. 82.

contributions used by regional councils in
1972:³²

TABLE III

LOCAL GOVERNMENT FINANCIAL CONTRIBUTION
FORMULAE: 1972

Type of Contribution Formula	Number of Respondents	Percent
Each member government contributes equally	9	3
Member governments contribute equally by type of jurisdiction	8	3
Member governments contribute on a per capita basis	161	58
Combination of above	29	10
Use of assessed valuations	35	13
Other	<u>37</u>	<u>13</u>
Total	279	100

The use of regional, multicounty agencies is no longer a new innovation in the solution to governmental problems. As a growing reality, many federal, state and local officials have recognized the need for such a concept. However, the system is lacking in many areas, both nationally, and in the State of Kansas. It is the purpose of the remaining chapters, therefore, to discuss where regionalism and regional planning are in Kansas, what role do Federal programs really play in Kansas, and what changes in legislation would help the problem further.

³²Ibid., p. 90.

Chapter 2

REGIONAL PLANNING IN KANSAS

Regional planning in the State of Kansas found its early beginnings in 1934. Under the administration of Governor Alf M. Landon, a report was completed which described "the urgent physical-economic-social problems with particular emphasis on land-use, transportation, water, conservation and flood control."³³ The report was compiled during the depression years and, because of limited funds, was never really completed in its original scope. In terms of planning, however, recommendations were made which have had broad ramifications even to the present time. It was recommended in that "planning legislation for the creation of a State planning authority, new laws for county planning and zoning, city planning, housing and county parks"³⁴ be developed. Most important to regional planning, however, were the numerous charts, maps and inventories of all significant natural, economic and demographic resources by areas in the state.

Because of the home rule precedence, little was really accomplished beyond city or county lines in planning. Only those projects which were specifically aimed at areas beyond local jurisdictional boundaries (highways, water projects, etc.) reached the larger area of planning. It was not until the 1960's, as was the case with the nation, that Kansas really saw meaningful steps being taken in terms of regional planning.

³³As quoted in Kansas Department of Economic Development, Regional Delineation of Kansas (Topeka: Kansas Department of Economic Development, July, 1966), p. 29.

³⁴Ibid., p. 30

In 1962, a study was done which expanded on the 1934 report. The report, as it turned out, studied the same ten sectors as the 1934 study but in light of current progress.³⁵ These ten areas were agriculture, education and research, financial resources, government, manufacturing and industry, mineral and water resources, population and labor, recreation and culture, trades and services, transportation and utilities.³⁶ Each sector was to be studied and then all were to be projected in terms of their expected growth to 1975.

The study, "though aiming at projections, did not put together its various sectors into an aggregative picture of the potential future development of the State."³⁷ With such a projection requiring a multi-dimensional approach³⁸ each sector could not be accurately or meaningfully projected thus leaving each area of study a single report without any meaning in terms of the future.

The projections fell short, but the 1962 study provided insight to many important considerations. Among them were the establishment of the Kansas Department of Economic Development, an Office of Economic Analysis, and Economic Finance Authority, a Vocational Education program and authorization for research into related areas.³⁹

ECONOMIC DEVELOPMENT

Kansas set about to establish an economic development plan and program in 1964. Under the direction of the newly formed Kansas Department of Economic Development (KDED) the plan was to cover three phases. Phase I was

³⁵ Ibid., p. 32. ³⁶ Ibid. ³⁷ Ibid.
³⁸ Ibid. ³⁹ Ibid.

concerned with:

1. Identifying goals, problems, opportunities and programs which provided the framework for state governmental operations.
2. Preparation of data and ideas to be used in future planning.
3. Preparation of studies dealing with critical areas of development for the future.⁴⁰

Phase II was to concern itself "with specific kinds of plan development for which there (was) an immediate need and on which basic work was sufficiently advanced to permit such development."⁴¹ It was under this phase that the Kansas Department of Economic Development designated the Center for Community Planning Services at Kansas State University to perform a study for delineation of the state into "planning regions." As stated in that report, it was the objective of the study "to provide for statistical regions for analysis purposes, planning regions within which state-wide planning may proceed, political regions within which various State and Federal government agencies may conduct the necessary dialogue with local government to assure proper recognition of the needs of the citizenry, and administrative areas of various governmental programs."⁴²

The "Regional Delineation of Kansas" was completed in the fall of 1966 and amended in 1967. However, in the final phase of the Economic Development

⁴⁰ Kansas Department of Economic Development, Economic Development Plan--Phase III Prospectus (Topeka: Kansas Department of Economic Development, October, 1967), p. 1

⁴¹ Ibid.

⁴² KDED, Regional Delineation of Kansas, p. 1.

Program, which was to be a combination of Phases I and II, the program recommendations on regional planning read:

"Studies prepared in Phase I have demonstrated that the regional concept is sound. They have concluded that there are numerous benefits to be obtained from the development of regional planning agencies and preparation of regional plans. . . .⁴³

THE DELINEATION OF KANSAS REGIONS

Although the original delineation study was complete in 1966, no action was taken towards formal adoption of those regions until early in the 1970's. During that time a few federal programs had been adopted state-wide and boundaries for them had been set. Among these were the Comprehensive Health Planning Agencies in 1966, and the Sunflower Resource Conservation and Development Project in 1967.⁴⁴

During the better part of 1970, meetings, public hearing, private consultations and interviews were conducted and held all over the State in regards to the new proposed regions. Sentiments were heard and noted. Pros and cons from both public officials and private citizens were listened to and their opinions discussed. Finally, on February 15, 1971, Governor Robert Docking signed the Executive Order declaring the delineation of the planning regions. In summarized form the "Executive Order Relating to the Intergovernmental Cooperation Act of 1968, Public Law 90-577, and the Establishment of Planning Development Districts Within the State of Kansas" including the fol-

⁴³ KDED, Phase III Prospectus, p. 55.

⁴⁴ Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas (Topeka: Kansas Department of Economic Development, August, 1974), pp. 55 and 73.