

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1141**

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**Introduced by Senator Negrete McLeod**

February 18, 2010

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An act to amend Sections 21670, 21670.1, 21670.4, 21675.1, 21678, and 21679 of, ~~and~~ to add Sections 21679.3 and 21689 to, and to repeal Section 21677 of, the Public Utilities Code, relating to airports.

LEGISLATIVE COUNSEL'S DIGEST

SB 1141, as amended, Negrete McLeod. Airports: airport land use commissions.

(1) The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of airports and the area surrounding airports within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of an airport and the public in general. The act requires each county in which there is an airport served by a scheduled airline, with certain exceptions, to establish an airport land use commission. Existing law additionally requires each county in which there is an airport operated for the benefit of the public to establish an airport land use commission, but authorizes the board of supervisors of a county, upon making certain findings, to declare that the county is exempt from establishing an airport land use commission. Existing law requires that an airport land use commission include in its membership, 2 persons having expertise in aviation, as defined.

This bill would revise the definition of a person having expertise in aviation.

(2) Existing law provides that, notwithstanding the above-described requirements, if the board of supervisors and the city selection committee of mayors in the county responsible for appointing a commission each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission pursuant to the act, and a commission need not be formed in that county.

This bill would require that a planning body designated in accordance with these provisions be a countywide body.

(3) Under existing law, the board of supervisors of a county and each affected city in that county may make a determination that proper land use planning can be accomplished by the county and the affected cities, in which case an airport land use commission need not be formed. If a commission is not formed pursuant to these provisions, existing law requires the supervisors of the county and each affected city, subject to the review and approval of the Division of Aeronautics, to provide for the preparation of the airport land use compatibility plan, among other things.

The bill would additionally allow a city in which an airport is located to assume the planning responsibilities of an airport land use commission if, prior to January 1, 2011, the board of supervisors of a county and city council of any city in which an airport was located made a determination that the proper land use planning could be accomplished by the city and other requirements are met.

(4) Under existing law, the general plan or special plans of a local agency, including a city, county, or special district, are required to be consistent with the airport land use compatibility plan, and each local agency whose general plan or plans includes areas covered by an airport land use compatibility plan is required to submit a copy of its plan, any amendment, any zoning ordinance, and any building regulation, to the airport land use commission, unless exempted, or to the designated body performing planning as an alternative to the airport land use commission. If the plan, amendment, zoning ordinance, or building regulation is inconsistent with the airport land use compatibility plan, the airport land use commission or designated body is required to notify the local agency, and the local agency is required to have a hearing to reconsider its plan or action.

Under existing law, a public agency owning any airport within the boundaries of an airport land use compatibility plan may overrule an airport land use commission’s action or recommendation affecting an airport within the jurisdiction of that public agency, after a hearing, by a 2/3 vote of its governing body, except the County of Marin, which may overrule by a majority vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes of protecting public health, safety, and welfare, minimizing the public’s exposure to excessive noise, and minimizing safety hazards within areas around the public airport.

This bill would repeal the authority of the County of Marin to overrule an airport land use commission’s action or recommendation affecting an airport within the county by a majority vote.

(5) This bill would authorize the division to establish an Airport Land Use Commission Establishment Fund and allocate to that fund certain moneys under its control. The bill would require the division, when it determines that funding is sufficient, to inform counties that do not have an operating airport land use commission of the availability of funds for start-up costs, and would authorize the division to grant fund moneys to counties that apply for funding. The bill would require a county that accepts funding to establish an airport land use commission or designate an appropriate countywide body for that purpose within 12 months, and would prohibit the division from providing further funding to any county that fails to comply with the deadline. The bill would prohibit the division from making payments from the existing Aeronautics Account to any public entity located within a county without an operating airport land use commission or designated planning body in certain circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21670 of the Public Utilities Code is  
2 amended to read:  
3 21670. (a) The Legislature hereby finds and declares that:  
4 (1) It is in the public interest to provide for the orderly  
5 development of each public use airport in this state and the area  
6 surrounding these airports so as to promote the overall goals and  
7 objectives of the California airport noise standards adopted

1 pursuant to Section 21669 and to prevent the creation of new noise  
2 and safety problems.

3 (2) It is the purpose of this article to protect public health, safety,  
4 and welfare by ensuring the orderly expansion of airports and the  
5 adoption of land use measures that minimize the public's exposure  
6 to excessive noise and safety hazards within areas around public  
7 airports to the extent that these areas are not already devoted to  
8 incompatible uses.

9 (b) In order to achieve the purposes of this article, every county  
10 in which there is located an airport which is served by a scheduled  
11 airline shall establish an airport land use commission. Every  
12 county, in which there is located an airport which is not served by  
13 a scheduled airline, but is operated for the benefit of the general  
14 public, shall establish an airport land use commission, except that  
15 the board of supervisors of the county, after consultation with the  
16 appropriate airport operators and affected local entities and after  
17 a public hearing, may adopt a resolution finding that there are no  
18 noise, public safety, or land use issues affecting any airport in the  
19 county that require the creation of a commission and declaring the  
20 county exempt from that requirement. The board, in this event,  
21 shall transmit a copy of the resolution to the Director of  
22 Transportation. For purposes of this section, "commission" means  
23 an airport land use commission. Each commission shall consist of  
24 seven members to be selected as follows:

25 (1) Two representing the cities in the county, appointed by a  
26 city selection committee comprised of the mayors of all the cities  
27 within that county, except that if there are any cities contiguous  
28 or adjacent to the qualifying airport, at least one representative  
29 shall be appointed therefrom. If there are no cities within a county,  
30 the number of representatives provided for by paragraphs (2) and  
31 (3) shall each be increased by one.

32 (2) Two representing the county, appointed by the board of  
33 supervisors.

34 (3) Two having expertise in aviation, appointed by a selection  
35 committee comprised of the managers of all of the public airports  
36 within that county.

37 (4) One representing the general public, appointed by the other  
38 six members of the commission.

1 (c) Public officers, whether elected or appointed, may be  
2 appointed and serve as members of the commission during their  
3 terms of public office.

4 (d) Each member shall promptly appoint a single proxy to  
5 represent him or her in commission affairs and to vote on all  
6 matters when the member is not in attendance. The proxy shall be  
7 designated in a signed written instrument which shall be kept on  
8 file at the commission offices, and the proxy shall serve at the  
9 pleasure of the appointing member. A vacancy in the office of  
10 proxy shall be filled promptly by appointment of a new proxy.

11 (e) A person having an “expertise in aviation” means a person  
12 who, by way of education, training, business, experience, vocation,  
13 or avocation has acquired and possesses particular knowledge of,  
14 and familiarity with, the function, operation, and role of airports.

15 (f) It is the intent of the Legislature to clarify, for the purposes  
16 of this article, that special districts, school districts, and community  
17 college districts are included among the local agencies that are  
18 subject to airport land use laws and other requirements of this  
19 article.

20 SEC. 2. Section 21670.1 of the Public Utilities Code is  
21 amended to read:

22 21670.1. (a) Notwithstanding any other provision of this  
23 article, if the board of supervisors and the city selection committee  
24 of mayors in the county each makes a determination by a majority  
25 vote that proper land use planning can be accomplished through  
26 the actions of an appropriately designated countywide body, then  
27 the body so designated shall assume the planning responsibilities  
28 of an airport land use commission as provided for in this article,  
29 and a commission need not be formed in that county.

30 (b) A body designated pursuant to subdivision (a) that does not  
31 include among its membership at least two members having  
32 expertise in aviation, as defined in subdivision (e) of Section 21670,  
33 shall, when acting in the capacity of an airport land use  
34 commission, be augmented so that body, as augmented, will have  
35 at least two members having that expertise.

36 (c) (1) Notwithstanding subdivisions (a) and (b), and  
37 subdivision (b) of Section 21670, if the board of supervisors of a  
38 county and each affected city in that county each makes a  
39 determination that proper land use planning pursuant to this article

1 can be accomplished pursuant to this subdivision, then a  
2 commission need not be formed in that county.

3 (2) If the board of supervisors of a county and each affected  
4 city makes a determination that proper land use planning may be  
5 accomplished and a commission is not formed pursuant to  
6 paragraph (1), that county and the appropriate affected cities having  
7 jurisdiction over an airport, subject to the review and approval by  
8 the Division of Aeronautics of the department, shall do all of the  
9 following:

10 (A) Adopt processes for the preparation, adoption, and  
11 amendment of the airport land use compatibility plan for each  
12 airport that is served by a scheduled airline or operated for the  
13 benefit of the general public.

14 (B) Adopt processes for the notification of the general public,  
15 landowners, interested groups, and other public agencies regarding  
16 the preparation, adoption, and amendment of the airport land use  
17 compatibility plans.

18 (C) Adopt processes for the mediation of disputes arising from  
19 the preparation, adoption, and amendment of the airport land use  
20 compatibility plans.

21 (D) Adopt processes for the amendment of general and specific  
22 plans to be consistent with the airport land use compatibility plans.

23 (E) Designate the agency that shall be responsible for the  
24 preparation, adoption, and amendment of each airport land use  
25 compatibility plan.

26 (3) The Division of Aeronautics of the department shall review  
27 the processes adopted pursuant to paragraph (2), and shall approve  
28 the processes if the division determines that the processes are  
29 consistent with the procedure required by this article and will do  
30 all of the following:

31 (A) Result in the preparation, adoption, and implementation of  
32 plans within a reasonable amount of time.

33 (B) Rely on the height, use, noise, safety, and density criteria  
34 that are compatible with airport operations, as established by this  
35 article, and referred to as the Airport Land Use Planning Handbook,  
36 published by the division, and any applicable federal aviation  
37 regulations, including, but not limited to, Part 77 (commencing  
38 with Section 77.1) of Title 14 of the Code of Federal Regulations.

1 (C) Provide adequate opportunities for notice to, review of, and  
2 comment by the general public, landowners, interested groups,  
3 and other public agencies.

4 (4) If the county does not comply with the requirements of  
5 paragraph (2) within 120 days, then the airport land use  
6 compatibility plan and amendments shall not be considered adopted  
7 pursuant to this article and a commission shall be established within  
8 90 days of the determination of noncompliance by the division  
9 and an airport land use compatibility plan shall be adopted pursuant  
10 to this article within 90 days of the establishment of the  
11 commission.

12 (d) (1) Notwithstanding subdivisions (a) and (b), and  
13 subdivision (b) of Section 21670, if, prior to January 1, 2011, the  
14 board of supervisors of a county and the city council of any city  
15 in which an airport was located each made a determination that  
16 proper land use planning pursuant to this article could be  
17 accomplished pursuant to this subdivision, that city may assume  
18 the planning responsibilities of an airport land use commission as  
19 provided for in this article for an affected airport, if all of the  
20 following conditions are met:

21 (A) The affected airport is certified by the Federal Aviation  
22 Administration of the United States Department of Transportation  
23 pursuant to Part 139 (commencing with Section 139.1) of Title 14  
24 of the Code of Federal Regulations.

25 (B) The affected airport has a noise compatibility program in  
26 effect approved by the Federal Aviation Administration pursuant  
27 to Part 150 (commencing with Section 150.1) of Title 14 of the  
28 Code of Federal Regulations.

29 (C) The affected airport is owned and operated by an agency  
30 that is headquartered in a county other than the county in which  
31 the airport is located.

32 (2) If the board of supervisors of a county and a city council  
33 made a determination pursuant to paragraph (1), the city council,  
34 subject to the review and approval by the Division of Aeronautics  
35 of the department, shall do all of the following:

36 (A) Adopt processes for the preparation, adoption, and  
37 amendment of the airport land use compatibility plan for each  
38 airport that is served by a scheduled airline or operated for the  
39 benefit of the general public.

1 (B) Adopt processes for the notification of the general public,  
2 landowners, interested groups, and other public agencies regarding  
3 the preparation, adoption, and amendment of the airport land use  
4 compatibility plans.

5 (C) Adopt processes for the mediation of disputes arising from  
6 the preparation, adoption, and amendment of the airport land use  
7 compatibility plans.

8 (D) Adopt processes for the amendment of general and specific  
9 plans to be consistent with the airport land use compatibility plans.

10 (E) Designate the agency that shall be responsible for the  
11 preparation, adoption, and amendment of each airport land use  
12 compatibility plan.

13 (3) The Division of Aeronautics of the department shall review  
14 the processes adopted pursuant to paragraph (2), and shall approve  
15 the processes if the division determines that the processes are  
16 consistent with the procedure required by this article and will do  
17 all of the following:

18 (A) Result in the preparation, adoption, and implementation of  
19 plans within a reasonable amount of time.

20 (B) Rely on the height, use, noise, safety, and density criteria  
21 that are compatible with airport operations, as established by this  
22 article, and referred to as the Airport Land Use Planning Handbook,  
23 published by the division, and any applicable federal aviation  
24 regulations, including, but not limited to, Part 77 (commencing  
25 with Section 77.1) of Title 14 of the Code of Federal Regulations.

26 (C) Provide adequate opportunities for notice to, review of, and  
27 comment by, the general public, landowners, interested groups,  
28 and other public agencies.

29 (4) If the city has not complied with the requirements of  
30 paragraph (2) by January 1, 2011, the affected airport is subject  
31 to the airport land use commission within 90 days of the  
32 determination of noncompliance by the division.

33 (e) A commission need not be formed in a county that has  
34 contracted for the preparation of airport land use compatibility  
35 plans with the Division of Aeronautics under the California Aid  
36 to Airports Program (Chapter 4 (commencing with Section 4050)  
37 of Title 21 of the California Code of Regulations), Project  
38 Ker-VAR 90-1, and that submits all of the following information  
39 to the Division of Aeronautics for review and comment that the

1 county and the cities affected by the airports within the county, as  
2 defined by the airport land use compatibility plans:

3 (1) Agree to adopt and implement the airport land use  
4 compatibility plans that have been developed under contract.

5 (2) Incorporated the height, use, noise, safety, and density  
6 criteria that are compatible with airport operations as established  
7 by this article, and referred to as the Airport Land Use Planning  
8 Handbook, published by the division, and any applicable federal  
9 aviation regulations, including, but not limited to, Part 77  
10 (commencing with Section 77.1) of Title 14 of the Code of Federal  
11 Regulations, as part of the general and specific plans for the county  
12 and for each affected city.

13 (3) If the county does not comply with this subdivision on or  
14 before May 1, 1995, then a commission shall be established in  
15 accordance with this article.

16 (f) (1) A commission need not be formed in a county if all of  
17 the following conditions are met:

18 (A) The county has only one public use airport that is owned  
19 by a city.

20 (B) (i) The county and the affected city adopt the elements in  
21 paragraph (2) of subdivision (e), as part of their general and specific  
22 plans for the county and the affected city.

23 (ii) The general and specific plans shall be submitted, upon  
24 adoption, to the Division of Aeronautics. If the county and the  
25 affected city do not submit the elements specified in paragraph (2)  
26 of subdivision (e), on or before May 1, 1996, then a commission  
27 shall be established in accordance with this article.

28 SEC. 3. Section 21670.4 of the Public Utilities Code is  
29 amended to read:

30 21670.4. (a) As used in this section, "intercounty airport"  
31 means any airport bisected by a county line through its runways,  
32 runway protection zones, inner safety zones, inner turning zones,  
33 outer safety zones, or sideline safety zones, as defined by the  
34 department's Airport Land Use Planning Handbook and referenced  
35 in the airport land use compatibility plan formulated under Section  
36 21675.

37 (b) It is the purpose of this section to provide the opportunity  
38 to establish a separate airport land use commission so that an  
39 intercounty airport may be served by a single airport land use

1 planning agency, rather than having to look separately to the airport  
2 land use commissions of the affected counties.

3 (c) In addition to the airport land use commissions created under  
4 Section 21670, or the alternative planning undertaken pursuant to  
5 subdivisions (c) or (d) of Section 21670.1, for their respective  
6 counties, the boards of supervisors and city selection committees  
7 for the affected counties, by independent majority vote of each  
8 county's two delegations, for any intercounty airport, may do either  
9 of the following:

10 (1) Establish a single separate airport land use commission for  
11 the airport. The airport land use commission shall consist of seven  
12 members to be selected as follows:

13 (A) One representing the cities in each of the counties, appointed  
14 by that county's city selection committee.

15 (B) One representing each of the counties, appointed by the  
16 board of supervisors of each county.

17 (C) One from each county having expertise in aviation,  
18 appointed by a selection committee comprised of the managers of  
19 all the public airports within that county.

20 (D) One representing the general public, appointed by the other  
21 six members of the commission.

22 (2) Designate an existing appropriate countywide entity as that  
23 airport's land use commission pursuant to subdivision (a) or (b)  
24 of Section 21670.1.

25 SEC. 4. Section 21675.1 of the Public Utilities Code is  
26 amended to read:

27 21675.1. (a) Until a commission adopts an airport land use  
28 compatibility plan, a city or county shall first submit all actions,  
29 regulations, and permits within the vicinity of a public airport to  
30 the commission for review and approval. Before the commission  
31 approves or disapproves any actions, regulations, or permits, the  
32 commission shall provide public notice in the same manner as the  
33 city or county is required to provide for those actions, regulations,  
34 or permits. As used in this section, "vicinity" means land that will  
35 be included or reasonably could be included within the airport land  
36 use compatibility plan. If the commission has not designated an  
37 airport influence area for the airport land use compatibility plan,  
38 "vicinity" means land within two miles of the boundary of a public  
39 airport.

1 (b) The commission may approve an action, regulation, or permit  
2 if it finds, based on substantial evidence in the record, all of the  
3 following:

4 (1) The commission is making substantial progress toward the  
5 completion of the airport land use compatibility plan.

6 (2) There is a reasonable probability that the action, regulation,  
7 or permit will be consistent with the airport land use compatibility  
8 plan being prepared by the commission.

9 (3) There is little or no probability of substantial detriment to  
10 or interference with the future adopted airport land use  
11 compatibility plan if the action, regulation, or permit is ultimately  
12 inconsistent with the airport land use compatibility plan.

13 (c) If the commission disapproves an action, regulation, or  
14 permit, the commission shall notify the city or county. The city or  
15 county may overrule the commission, by a two-thirds vote of its  
16 governing body, if it makes specific findings that the proposed  
17 action, regulation, or permit is consistent with the purposes of this  
18 article, as stated in Section 21670.

19 (d) If a city or county overrules the commission pursuant to  
20 subdivision (c), that action shall not relieve the city or county from  
21 further compliance with this article after the commission adopts  
22 the airport land use compatibility plan.

23 (e) If a city or county overrules the commission pursuant to  
24 subdivision (c) with respect to a public use airport that the city or  
25 county does not operate, the operator of the airport is not liable  
26 for damages to property or personal injury resulting from the city's  
27 or county's decision to proceed with the action, regulation, or  
28 permit.

29 (f) A commission may adopt rules and regulations that exempt  
30 any ministerial permit for single-family dwellings from the  
31 requirements of subdivision (a) if it makes the findings required  
32 pursuant to subdivision (b) for the proposed rules and regulations,  
33 except that the rules and regulations may not exempt either of the  
34 following:

35 (1) More than two single-family dwellings by the same applicant  
36 within a subdivision prior to June 30, 1991.

37 (2) Single-family dwellings in a subdivision where 25 percent  
38 or more of the parcels are undeveloped.

39 SEC. 5. Section 21677 of the Public Utilities Code is repealed.

1 SEC. 6. Section 21678 of the Public Utilities Code is amended  
2 to read:

3 21678. With respect to a public use airport that a public agency  
4 does not operate, if the public agency pursuant to Section 21676  
5 or 21676.5 overrules a commission’s action or recommendation,  
6 the operator of the airport shall be immune from liability for  
7 damages to property or personal injury caused by or resulting  
8 directly or indirectly from the public agency’s decision to overrule  
9 the commission’s action or recommendation.

10 SEC. 7. Section 21679 of the Public Utilities Code is amended  
11 to read:

12 21679. (a) In any county in which there is no airport land use  
13 commission or other body designated to assume the responsibilities  
14 of an airport land use commission, or in which the commission or  
15 other designated body has not adopted an airport land use  
16 compatibility plan, an interested party may initiate proceedings in  
17 a court of competent jurisdiction to postpone the effective date of  
18 a zoning change, a zoning variance, the issuance of a permit, or  
19 the adoption of a regulation by a local agency, that directly affects  
20 the use of land within one mile of the boundary of a public airport  
21 within the county.

22 (b) The court may issue an injunction that postpones the  
23 effective date of the zoning change, zoning variance, permit, or  
24 regulation until the governing body of the local agency that took  
25 the action does one of the following:

26 (1) In the case of an action that is a legislative act, adopts a  
27 resolution declaring that the proposed action is consistent with the  
28 purposes of this article stated in Section 21670.

29 (2) In the case of an action that is not a legislative act, adopts a  
30 resolution making findings based on substantial evidence in the  
31 record that the proposed action is consistent with the purposes of  
32 this article stated in Section 21670.

33 (3) Rescinds the action.

34 (4) Amends its action to make it consistent with the purposes  
35 of this article stated in Section 21670, and complies with either  
36 paragraph (1) or (2), whichever is applicable.

37 (c) The court shall not issue an injunction pursuant to  
38 subdivision (b) if the local agency that took the action demonstrates  
39 that the general plan and any applicable specific plan of the agency

1 accomplishes the purposes of an airport land use compatibility  
2 plan as provided in Section 21675.

3 (d) An action brought pursuant to subdivision (a) shall be  
4 commenced within 30 days of the decision or within the appropriate  
5 time periods set by Section 21167 of the Public Resources Code,  
6 whichever is longer.

7 (e) If the governing body of the local agency adopts a resolution  
8 pursuant to subdivision (b) with respect to a public use airport that  
9 the local agency does not operate, the operator of the airport shall  
10 be immune from liability for damages to property or personal  
11 injury from the local agency's decision to proceed with the zoning  
12 change, zoning variance, permit, or regulation.

13 (f) As used in this section, "interested party" means any owner  
14 of land within two miles of the boundary of the airport or any  
15 organization with a demonstrated interest in airport safety and  
16 efficiency.

17 SEC. 8. Section 21679.3 is added to the Public Utilities Code,  
18 to read:

19 21679.3. (a) "Fund" means the Airport Land Use Commission  
20 Establishment Fund established pursuant to subdivision (b).

21 (b) The division may establish an Airport Land Use Commission  
22 Establishment Fund and allocate to that fund moneys under its  
23 control, including, but not limited to, existing grant funds and  
24 federal funds, if the division determines that the use of the moneys  
25 for the purposes of this section is consistent with state and federal  
26 law.

27 (c) When the division determines that funding is sufficient, the  
28 division shall inform counties that do not have an operating airport  
29 land use commission of the availability of funds for airport land  
30 use commission start-up costs, and may grant fund moneys for  
31 that purpose to counties that apply for funding.

32 (d) A county that accepts funding pursuant to this section shall  
33 establish an airport land use commission or designate an  
34 appropriate countywide body for that purpose within 12 months  
35 of that acceptance. The division shall not provide further funding  
36 pursuant to this section to any county that has accepted funding  
37 and failed to comply with this subdivision.

38 SEC. 9. Section 21689 is added to the Public Utilities Code,  
39 to read:

1 21689. (a) If the division determines that funding is sufficient  
2 and informs counties that do not have an operating airport land  
3 use commission of the availability of funds for airport land use  
4 commission start-up costs pursuant to subdivision (c) of Section  
5 21679.3, except for funding from the Airport Land Use  
6 Commission Establishment Fund pursuant to that section, no  
7 payment shall be made from the Aeronautics Account to any public  
8 entity located within a county without an operating airport land  
9 use commission, operating countywide alternative planning body  
10 designated pursuant to subdivision ~~(e)~~ (a), (b), or (d) of Section  
11 21670.1, or operating alternative planning body designated by  
12 statute in Section 21670.2 or 21670.3.

13 (b) The prohibition in subdivision (a) does not apply to a public  
14 entity in a county that has applied for funding to establish an airport  
15 land use commission pursuant to Section 21679.3, so long as the  
16 county has not exceeded the 12-month period in subdivision (d)  
17 of that section, to establish a commission following acceptance of  
18 funding.