

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 09-0332.01 Richard Sweetman

**SENATE BILL 09-031**

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**SENATE SPONSORSHIP**

**Heath,**

**HOUSE SPONSORSHIP**

**Riesberg,**

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**Senate Committees**

Local Government and Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF THE CLEAN TECHNOLOGY DISCOVERY**  
102             **EVALUATION GRANT PROGRAM, AND MAKING AN**  
103             **APPROPRIATION THEREFORE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates the clean technology discovery evaluation grant program (program) in the Colorado office of economic development (office) for the purpose of improving and expanding the development of new clean technology discoveries at higher education research institutions (research institutions). Requires the office to administer the program and the director of the office to consult with a Colorado-based clean technology

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
February 25, 2009

SENATE  
Amended 2nd Reading  
February 24, 2009

industry association in implementing the program.

Specifies that the program shall provide grants to research institutions for clean technology research projects. Specifies the eligibility criteria for the program and reporting requirements for both the grantees and the office. Creates the clean technology discovery evaluation cash fund for the costs associated with implementing and administering the program.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. Article 48.5 of title 24, Colorado Revised Statutes,  
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 24-48.5-111. Clean technology discovery evaluation grant  
5 program - clean technology research - definitions - evaluation - fund  
6 - repeal. (1) Legislative declaration. (a) THE GENERAL ASSEMBLY  
7 FINDS THAT:

8 (I) ADDITIONAL RESOURCES ARE NEEDED TO ASSIST IN IMPROVING  
9 AND ACCELERATING THE EVALUATION PROCESS FOR CLEAN TECHNOLOGY  
10 RESEARCH DISCOVERIES TO DETERMINE THE BEST DISPOSITION OF THESE  
11 DISCOVERIES;

12 (II) THE PROCESS OF ADVANCING CLEAN TECHNOLOGY RESEARCH  
13 DISCOVERIES TOWARD COMMERCIALIZATION NEEDS TO BE ACCELERATED  
14 TO SUPPORT THE DEVELOPMENT OF NEW CLEAN TECHNOLOGY PRODUCTS  
15 AND SERVICES IN COLORADO;

16 (III) THE DEVELOPMENT OF PRODUCTS AND SERVICES FROM CLEAN  
17 TECHNOLOGY RESEARCH DISCOVERIES THAT ORIGINATE IN COLORADO'S  
18 RESEARCH INSTITUTIONS WILL CREATE NEW CLEAN TECHNOLOGY  
19 COMPANIES AND ADDITIONAL PRIMARY JOBS IN COLORADO; AND

20 (IV) THE STATE SHOULD DEDICATE RESOURCES TO SUPPORT  
21 PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY INDUSTRY AND  
22 RESEARCH INSTITUTIONS TO BUILD INFRASTRUCTURE THAT SUPPORTS THE

1 COMMERCIALIZATION OF CLEAN TECHNOLOGY PRODUCTS AND SERVICES.

2 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN  
3 THE BEST INTEREST OF THE STATE'S ECONOMIC GROWTH TO DEDICATE  
4 FINANCIAL RESOURCES TO FACILITATE THE DEVELOPMENT OF NEW CLEAN  
5 TECHNOLOGY RESEARCH DISCOVERIES IN COLORADO AND PROMOTE  
6 COLORADO-BASED CLEAN TECHNOLOGY.

7 (2) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT  
8 OTHERWISE REQUIRES:

9 (a) "CLEAN TECHNOLOGY COMPANY" MEANS A COMPANY THAT IS  
10 LOCATED IN COLORADO AND PRODUCES OR DEVELOPS ONE OR MORE  
11 CLEAN TECHNOLOGY PRODUCTS OR SERVICES.

12 (b) "CLEAN TECHNOLOGY PRODUCTS OR SERVICES" MEANS:

13 (I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING  
14 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL  
15 ENERGY-GENERATION TECHNOLOGIES;

16 (II) PRODUCTS AND TECHNOLOGIES USED IN RENEWABLE ENERGY  
17 DEPLOYMENT AND GENERATION ON A COMMERCIAL SCALE;

18 (III) PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE EFFICIENT  
19 STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR

20 (IV) PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN  
21 IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS  
22 AND TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE  
23 GASES, WATER, AND WASTE.

24 (c) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED  
25 RESEARCH THAT LEADS TO THE DEVELOPMENT OF CLEAN TECHNOLOGY  
26 PRODUCTS OR SERVICES.

27 (d) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE

1 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

2 (e) "EARLY-STAGE CLEAN TECHNOLOGY COMPANY" MEANS A  
3 CLEAN TECHNOLOGY COMPANY THAT:

4 (I) HAS RECEIVED LESS THAN FIVE MILLION DOLLARS FROM  
5 GRANTS AND THIRD-PARTY INVESTORS;

6 (II) EMPLOYS FIFTY OR FEWER PERSONS; AND

7 (III) HAS ITS HEADQUARTERS LOCATED IN COLORADO.

8 (f) "FUND" MEANS THE CLEAN TECHNOLOGY DISCOVERY  
9 EVALUATION CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

10 (g) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT  
11 IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS RESPONSIBLE  
12 FOR TECHNOLOGY TRANSFER AND THAT ARRANGES FOR THE SALE OR  
13 LICENSURE OF A CLEAN TECHNOLOGY RESEARCH PROJECT TO A PRIVATE  
14 ENTITY.

15 (h) "PROGRAM" MEANS THE CLEAN TECHNOLOGY DISCOVERY  
16 EVALUATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS  
17 SECTION.

18 (i) "RESEARCH INSTITUTION" MEANS A PUBLIC OR PRIVATE,  
19 NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED AND OPERATING  
20 IN COLORADO.

21 (3) **Program.** (a) THERE IS HEREBY CREATED IN THE COLORADO  
22 OFFICE OF ECONOMIC DEVELOPMENT THE CLEAN TECHNOLOGY DISCOVERY  
23 EVALUATION GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND  
24 EXPANDING THE DEVELOPMENT OF CLEAN TECHNOLOGY DISCOVERIES  
25 WITH THE INTENT OF ACCELERATING THE DEVELOPMENT OF NEW CLEAN  
26 TECHNOLOGY PRODUCTS AND SERVICES. THE COLORADO OFFICE OF  
27 ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE

1 DIRECTOR SHALL CONSULT WITH A COLORADO-BASED CLEAN  
2 TECHNOLOGY INDUSTRY ASSOCIATION IN IMPLEMENTING THE PROGRAM,  
3 WHICH IMPLEMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,  
4 REVIEWING PROGRAM GRANT APPLICATIONS AND MONITORING AND  
5 EVALUATING THE GRANTEES AND THE CLEAN TECHNOLOGY RESEARCH  
6 PROJECTS.

7 (b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF  
8 TECHNOLOGY TRANSFER, EARLY-STAGE CLEAN TECHNOLOGY COMPANIES,  
9 AND PRIVATE ENTITIES. THE GRANTS SHALL BE PAID FROM MONEYS  
10 APPROPRIATED TO THE FUND. THE GRANTS SHALL BE PROVIDED IN  
11 AMOUNTS OF:

12 (I) NO MORE THAN FIFTY THOUSAND DOLLARS FOR EACH OFFICE OF  
13 TECHNOLOGY TRANSFER THAT IS AWARDED A GRANT FOR A RESEARCH  
14 PROJECT; AND

15 (II) NO MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS FOR  
16 EACH EARLY-STAGE CLEAN TECHNOLOGY COMPANY THAT IS AWARDED A  
17 GRANT. THE TOTAL SUM OF MONEYS AWARDED AS GRANTS FROM THE  
18 PROGRAM TO AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY SHALL NOT  
19 EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS.

20 (c) IN PROVIDING GRANTS TO OFFICES OF TECHNOLOGY TRANSFER  
21 AND EARLY-STAGE CLEAN TECHNOLOGY COMPANIES PURSUANT TO  
22 PARAGRAPH (b) OF THIS SUBSECTION (3), THE PROGRAM SHALL PROVIDE  
23 THE GRANTS AS FOLLOWS:

24 (I) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED TO  
25 THE FUND SHALL BE USED TO PROVIDE GRANTS TO OFFICES OF  
26 TECHNOLOGY TRANSFER FOR CLEAN TECHNOLOGY RESEARCH PROJECTS.

27 (II) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED

1 TO THE FUND SHALL BE USED TO PROVIDE GRANTS TO EARLY-STAGE CLEAN  
2 TECHNOLOGY COMPANIES.

3 (d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE  
4 ANY MONEYS TRANSFERRED TO THE FUND THAT ARE NOT USED TO PROVIDE  
5 GRANTS AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION  
6 (3) TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY  
7 INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD AND MAINTAIN  
8 INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN  
9 TECHNOLOGY PRODUCTS OR SERVICES, WHICH INFRASTRUCTURE MAY  
10 INCLUDE, BUT NEED NOT BE LIMITED TO, THE COLORADO RENEWABLE  
11 ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101. IF THE COLORADO  
12 RENEWABLE ENERGY AUTHORITY RECEIVES MONEYS FROM THE FUND, THE  
13 AUTHORITY SHALL INCLUDE IN ITS RESEARCH EFFORTS AT LEAST ONE  
14 RESEARCH PROJECT THAT IS DEVOTED TO THE DEVELOPMENT OF  
15 TECHNOLOGY OR DEVICES THAT PROMOTE THE INNOVATIVE USE OR  
16 DISPOSAL OF RECYCLED WASTE TIRES.

17 (e) IN APPLYING FOR A GRANT UNDER THE PROGRAM FOR A CLEAN  
18 TECHNOLOGY RESEARCH PROJECT, AN OFFICE OF TECHNOLOGY TRANSFER  
19 SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT  
20 ALL OF THE FOLLOWING:

21 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT  
22 THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN  
23 TECHNOLOGY PRODUCTS OR SERVICES;

24 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS  
25 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE  
26 PROGRAM; AND

27 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE

1 PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING  
2 FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE  
3 DISPOSITION OF THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES THAT  
4 RESULTS FROM THE PROJECT.

5 (f) IN APPLYING FOR A GRANT FROM THE PROGRAM FOR A  
6 COMMERCIALIZATION PURPOSE THAT IS DESCRIBED IN SUBPARAGRAPH (II)  
7 OF PARAGRAPH (c) OF THIS SUBSECTION (3), AN EARLY-STAGE CLEAN  
8 TECHNOLOGY COMPANY SHALL SUBMIT TO THE COLORADO OFFICE OF  
9 ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

10 (I) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE  
11 PROJECT FOR WHICH THE EARLY-STAGE CLEAN TECHNOLOGY COMPANY IS  
12 APPLYING FOR A GRANT IS SUFFICIENT TO ENHANCE THE  
13 COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR  
14 SERVICES; AND

15 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS  
16 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE  
17 PROGRAM, WHICH SOURCE CONSISTS ENTIRELY OF OTHER GRANTS OR  
18 CONTRIBUTIONS FROM THIRD-PARTY INVESTORS.

19 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR  
20 SHALL AWARD THE GRANTS.

21 (h) A GRANT RECIPIENT SHALL USE A GRANT AWARDED UNDER THE  
22 PROGRAM ONLY TO ADVANCE A NEW RESEARCH DISCOVERY TOWARD  
23 COMMERCIALIZATION AND NOT TO SUPPORT BASIC RESEARCH.

24 (i) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN  
25 TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS  
26 RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF  
27 TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO

1 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO  
2 OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO  
3 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

4 (4) Policies - reporting. (a) ON OR BEFORE SEPTEMBER 1, 2009,  
5 THE DIRECTOR SHALL ESTABLISH POLICIES FOR THE PROGRAM THAT  
6 INCLUDE, BUT NEED NOT BE LIMITED TO:

7 (I) THE PROCEDURES AND TIMELINES BY WHICH AN OFFICE OF  
8 TECHNOLOGY TRANSFER OR AN EARLY-STAGE CLEAN TECHNOLOGY  
9 COMPANY MAY APPLY FOR A GRANT;

10 (II) CRITERIA FOR DETERMINING THE GRANT AMOUNTS; AND

11 (III) A REPORTING REQUIREMENT FOR GRANT RECIPIENTS THAT  
12 REQUIRES, AT A MINIMUM, EACH OFFICE OF TECHNOLOGY TRANSFER THAT  
13 RECEIVES A GRANT UNDER THE PROGRAM OR ITS DESIGNEE TO PRESENT ITS  
14 CLEAN TECHNOLOGY RESEARCH PROJECT TO ELEMENTARY AND  
15 SECONDARY SCHOOL SCIENCE TEACHERS WHO ARE EMPLOYED IN THE  
16 GEOGRAPHIC REGION IN WHICH THE CLEAN TECHNOLOGY PRODUCTS OR  
17 SERVICES ARE BEING DEVELOPED.

18 (b) ON OR BEFORE APRIL 15, 2010, AND ON OR BEFORE APRIL 15  
19 EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A REPORT TO THE  
20 BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF  
21 REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY  
22 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,  
23 SUMMARIZING THE CLEAN TECHNOLOGY RESEARCH PROJECTS AND  
24 DESCRIBING THE EARLY-STAGE CLEAN TECHNOLOGY COMPANIES THAT  
25 RECEIVED FUNDING UNDER THE PROGRAM IN THE PRECEDING YEAR. AT A  
26 MINIMUM, THE REPORT SHALL SPECIFY THE FOLLOWING INFORMATION:

27 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN

1 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY  
2 COMPANY FROM THE PROGRAM AND A DESCRIPTION OF EACH CLEAN  
3 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY  
4 COMPANY;

5 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH  
6 PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY APPLIED THE  
7 FUNDING RECEIVED FROM THE PROGRAM; AND

8 (III) THE RESULTS ACHIEVED BY EACH CLEAN TECHNOLOGY  
9 RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY,  
10 INCLUDING BUT NOT LIMITED TO:

11 (A) IDENTIFIABLE MONETARY RETURNS TO THE GRANT RECIPIENT  
12 AND OTHER PARTIES SINCE THE RECEIPT OF THE GRANT; AND

13 (B) THE NUMBER OF JOBS THAT HAVE DIRECTLY AND INDIRECTLY  
14 RESULTED FROM THE RESEARCH PROJECT.

15 (5) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE  
16 TREASURY THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND  
17 THAT SHALL CONSIST OF MONEYS THAT ARE CREDITED TO THE FUND FROM  
18 MONEYS COLLECTED FROM THE WASTE TIRE RECYCLING FEE PURSUANT TO  
19 SECTION 25-17-202 (1) (a) (V), C.R.S. THE MONEYS IN THE FUND SHALL  
20 BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO  
21 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT FOR THE DIRECT AND  
22 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE  
23 PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE  
24 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS  
25 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE  
26 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED  
27 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS

1 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN  
2 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE  
3 GENERAL FUND OR ANOTHER FUND.

4 (b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE  
5 UP TO FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE  
6 FUND FOR THE ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM.

7 (6) Repeal. THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

8 SECTION 2. 25-17-202 (1) (a), Colorado Revised Statutes, is  
9 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

10 **25-17-202. Waste tire recycling development fee - cash fund**  
11 **created - definition - repeal. (1) (a) (V) ON AND AFTER THE EFFECTIVE**  
12 **DATE OF THIS SUBPARAGRAPH (V), AN ADDITIONAL FEE OF ONE DOLLAR**  
13 **AND SEVENTY-FIVE CENTS SHALL BE COLLECTED ON ANY WASTE MOTOR**  
14 **VEHICLE TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK**  
15 **WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS. IN ADDITION, THE FEE**  
16 **IMPOSED BY THIS SUBPARAGRAPH (V) SHALL BE COLLECTED ON ANY**  
17 **TRUCK TIRES, INCLUDING TIRES ON TRUCK TRACTORS, TRAILERS, AND**  
18 **SEMITRAILERS WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT**  
19 **THAT NO FEE SHALL BE COLLECTED FOR TIRES THAT ARE RECAPPED OR**  
20 **OTHERWISE REPROCESSED FOR USE. NOTWITHSTANDING THE PROVISIONS**  
21 **OF SUBSECTION (3) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT**  
22 **THE MONEYS COLLECTED FROM THE FEE IMPOSED BY THIS SUBPARAGRAPH**  
23 **(V) TO THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND**  
24 **CREATED IN SECTION 24-48.5-111 (5), C.R.S.**

25 **SECTION 3. Appropriation. In addition to any other**  
26 **appropriation, there is hereby appropriated, out of any moneys in the**  
27 **clean technology discovery evaluation cash fund created in section**

1 24-48.5-111 (5) (a), Colorado Revised Statutes, not otherwise  
2 appropriated, to the office of the governor, economic development  
3 programs, for the clean technology discovery evaluation grant program,  
4 for the fiscal year beginning July 1, 2009, the sum of five million dollars  
5 (\$5,000,000) cash funds and 1.0 FTE, or so much thereof as may be  
6 necessary, for the implementation of this act.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.