EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

JUL 14 2017

GL#34-17-736
Speaker Benjamin J.F. Cruz

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Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 97-34 (LS), **"AN ACT TO *AMEND* SECTIONS 1 AND 2 OF PUBLIC LAW 33-192, RELATIVE TO AN ADDITIONAL OPTION FOR EGRESS SIZING IN THE INTERNATIONAL FIRE CODE AND THE INTERNATIONAL BUILDING CODE; AND TO *ADD* A NEW SUBSECTION TO SECTION 202 AND A NEW SUBSECTION 308.6 TO SECTION 308 OF THE 2009 INTERNATIONAL FIRE CODE ADOPTED BY GUAM, RELATIVE TO DEFINING AND PROHIBITING SKY LANTERNS ON GUAM,"** which was signed into law on July 13, 2017, as **Public Law 34-31.**

Senseramente,

EDDIE BAZA CALVO

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 97-34 (LS), "AN ACT TO *AMEND* SECTIONS 1 AND 2 OF PUBLIC LAW 33-192, RELATIVE TO AN ADDITIONAL OPTION FOR EGRESS SIZING IN THE INTERNATIONAL FIRE CODE AND THE INTERNATIONAL BUILDING CODE; AND TO *ADD* A NEW SUBSECTION TO SECTION 202 AND A NEW SUBSECTION 308.6 TO SECTION 308 OF THE 2009 INTERNATIONAL FIRE CODE ADOPTED BY GUAM, RELATIVE TO DEFINING AND PROHIBITING SKY LANTERNS ON GUAM,"** was on the 30th day of June 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 03 day of July 2017, at 2:10 o'clock P .M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUL 13 2017

Public Law No. 34-31

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 97-34 (LS)
As corrected by the Prime Sponsor;
and amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* SECTIONS 1 AND 2 OF PUBLIC LAW 33-192, RELATIVE TO AN ADDITIONAL OPTION FOR EGRESS SIZING IN THE INTERNATIONAL FIRE CODE AND THE INTERNATIONAL BUILDING CODE; AND TO *ADD* A NEW SUBSECTION TO SECTION 202 AND A NEW SUBSECTION 308.6 TO SECTION 308 OF THE 2009 INTERNATIONAL FIRE CODE ADOPTED BY GUAM, RELATIVE TO DEFINING AND PROHIBITING SKY LANTERNS ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that since the enactment of Public Law 33-192, it has been discovered that a lack of

flexibility for the Guam Fire Department and the Department of Public Works has occurred in the application of the 2015 sections of the Guam Fire Code and the Guam Building Code, as adopted in that public law. The restrictive language in Public Law 33-192 does not allow the flexibility to apply the updated 2015 version of the sections of the International Fire and International Building Codes specified in Public Law 33-192 to construction that occurred prior to December 14, 2016. For this reason, amendments need to be made to Sections 1 and 2 of Public Law 33-192.

I Liheslaturan Guåhan further finds that amendments need to be made to the 2009 International Fire Code, which was adopted in part by Public Laws 30-199 and 33-192. Due to the popularity in some foreign countries and the United States of releasing sky lanterns with an open flame to commemorate or memorialize events, it is imperative that Guam take action to define and ban this practice in order to prevent wildfires and even structural fires that may start with the release of sky lanterns. The International Code Council has given the opinion that "sky lanterns contain an open flame used to heat the air inside the device to make it airborne. Once airborne, these devices are subject to winds and other atmospheric conditions so that the location and landfall is completely unknown and uncontrolled by the user. Obviously, uncontrolled open flame devices descending out of the sky have significant potential to start wildfires and structural fires."

Sky lanterns are now banned in thirty (30) states, including Hawaii, as they are a safety hazard. Due to Guam's frequent windy or dry weather conditions, dry vegetation, and wood and tin structures, sky lanterns need to be defined and banned on Guam.

Section 2. Section 1 of Public Law 33-192 is *amended* to read:

"**Section 1. Means of Egress Sizing, International Fire Code (additional option).** Sections 1005 and 1030.2 of the 2009 International Fire Code, as adopted by Public Law 30-199, may be disregarded as a whole, provided

they are replaced by all of Sections 1005, 604.6, 901.9, and 1031.2 of the 2015 International Fire Code."

Section 3. Section 2 of Public Law 33-192 is *amended* to read:

"**Section 2. Means of Egress Sizing, International Building Code (additional option).** Section 1005 of the 2009 International Building Code, as adopted by Public Law 30-199, may be disregarded as a whole, provided it is replaced by all of Section 1005 of the 2015 International Building Code."

Section 4. Definition of Sky Lantern. A new subsection is *added* to Section 202 (General Definitions) of the 2009 International Fire Code, as adopted by § 73111 of Chapter 73, Title 10, Guam Code Annotated, to read:

"SKY LANTERN. An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne."

Section 5. Prohibition on Release of Sky Lanterns. A new Subsection 308.6 is *added* to Section 308 (Open Flames) of the 2009 International Fire Code, as adopted by § 73111 of Chapter 73, Title 10, Guam Code Annotated, to read:

"308.6 Sky Lanterns. No person shall release or cause to be released an untethered or tethered sky lantern. No person shall sell or import sky lanterns."

Section 6. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid, or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.