



Territory of Guam  
Territorio de Guam

OFFICE OF THE GOVERNOR  
URISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

RECEIVED  
APR 4, 1994  
LEGISLATIVE SECRETARY

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 4/15/94  
TIME: 5:10  
RECD BY: [Signature]

The Honorable Joe T. San Agustin  
Speaker  
Twenty Second Guam Legislature  
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed herewith is Substitute Bill No. 670 which I have signed into law as Public Law 22-83.

I have signed this measure because of the importance of assuring the structural integrity of buildings on Guam. However, I am concerned about the amendments made in Section 4 of the bill to the Criminal and Correctional Code regarding giving bribes to public servants.

In the last sentence of amended 9 GCA §49.30 the Legislature raised the criminal penalty for a person offering or agreeing to offer a bribe as follows:

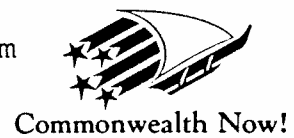
A person is guilty of a felony of the first degree if he offers or agrees to offer any benefit to a public servant as consideration for such public servant's performance of an official function.

This provision is inconsistent with 9 GCA §49.20 which makes such conduct a third degree felony as follows:

§49.20. **Giving of Bribes; Defined & Punished.** A person is guilty of a felony of the third degree if he offers, confers upon, or agrees to confer upon a public servant any benefit as consideration for his performance of an official function.

I request that the Legislature amend either 9 GCA §49.20 or §49.30 to define and provide punishment for giving bribes. If it is the Legislature's intention to increase the criminal sanctions in this area then there may be other provisions of Chapter 49 of the Criminal and Correctional Code, "Governmental Bribery, Other Unlawful Influence and Related Offenses", which may have to be amended.

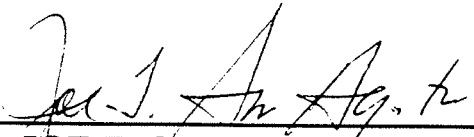
Cordially,  
[Signature]  
JOSEPH F. ADA,  
Governor of Guam  
220633



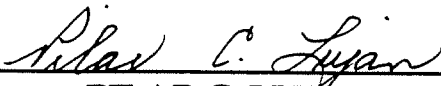
TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

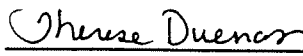
This is to certify that Substitute Bill No. 670 (LS), "AN ACT TO ADD SUBSECTIONS (d) AND (e) TO §66403, TITLE 21, GUAM CODE ANNOTATED, TO REQUIRE SPECIAL INSPECTIONS AND STRUCTURAL OBSERVATIONS FOR THE CONSTRUCTION OF HIGH-RISE STRUCTURES; AND TO AMEND §49.30 OF TITLE 9, GUAM CODE ANNOTATED, TO MAKE IT A FELONY OF THE FIRST DEGREE FOR A BUILDING INSPECTOR TO ACCEPT A BRIBE," was on the 18th day of February, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

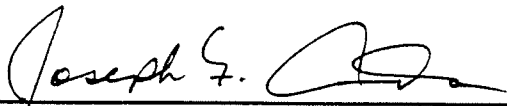
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

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This Act was received by the Governor this 23rd day of February, 1994, at  
3:59 o'clock ? .M.

  
\_\_\_\_\_  
Theresa Duenos  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: March 3, 1994

Public Law No. 22-83

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 670 (LS)

As amended by the Committee on General  
Governmental Operations and Micronesian Affairs,  
as substituted by the Committee on Rules, and  
as further substituted on the floor.

Introduced by:

V. C. Pangelinan  
T. S. Nelson  
T. C. Ada

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H. D. Dierking  
M. D. A. Manibusan  
C. T. C. Gutierrez  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
P. C. Lujan  
D. Parkinson  
E. D. Reyes  
J. T. San Agustin  
F. E. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
F. P. Camacho  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ADD SUBSECTIONS (d) AND (e) TO §66403,  
TITLE 21, GUAM CODE ANNOTATED, TO REQUIRE  
SPECIAL INSPECTIONS AND STRUCTURAL  
OBSERVATIONS FOR THE CONSTRUCTION OF  
HIGH-RISE STRUCTURES; AND TO AMEND §49.30  
OF TITLE 9, GUAM CODE ANNOTATED, TO MAKE IT  
A FELONY OF THE FIRST DEGREE FOR A BUILDING  
INSPECTOR TO ACCEPT A BRIBE.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2           **Section 1. Legislative findings.** The Legislature finds that the Building  
3 Law of Guam has not kept pace with the types of structures that are being  
4 built on island, specifically, multi-storied buildings. This has become readily  
5 apparent when damage assessments were conducted in the aftermath of the  
6 temblor that struck the island on August 8, 1993. Under this Building Law,  
7 special inspections for high-rise structures are **not** required by the Building  
8 Inspection Section of the Department of Public Works. Special inspections  
9 procedures and building standards have been adopted in the 1991 edition of  
10 the Uniform Building Code under sections 305, 306 and 307 to ensure that  
11 high-rise structures are built according to specifications designed to ensure  
12 the structural integrity of multi-storied buildings. The Legislature finds it  
13 desirable to incorporate these same protections into Guam's Building Law  
14 and wishes to direct the Department of Public Works to implement a program  
15 to provide special inspections and the necessary structural observations  
16 during the construction of multi-story buildings to ensure compliance with the  
17 building standards and codes as set out in the Building Law of Guam.

18           The Legislature further finds that providing statutory authority and  
19 enforcement responsibilities to the Building Inspection Section of the  
20 Department of Public Works would ensure strict enforcement of and  
21 compliance with the Building Law of Guam and protect the safety and  
22 welfare of owners, developers, engineers and architects as well as of the  
23 general public.

24           **Section 2.** Subsection (d) is hereby added to §66403 of Title 21, Guam  
25 Code Annotated, to read:

1           "(d) **Inspections: general.** All construction or work for which  
2 a permit is required shall be subject to inspection by the building  
3 official and all such construction or work shall remain accessible and  
4 exposed for inspection purposes until approved by the building  
5 official. In addition, certain types of construction shall have  
6 continuous inspection as specified in Sections 305, 306 and 307 of the  
7 1991 edition of the Uniform Building Code promulgated by the  
8 International Conference of Building Officials (the "UBC"), which  
9 sections are hereby incorporated by reference in the Building Law of  
10 Guam, except that subsections (d) and (e) of subparagraph (c) of said  
11 Section 306 of the UBC permitting the waiver of special inspections,  
12 and periodic special inspections, respectively, are not included in the  
13 incorporation of such section in the Building Law of Guam and shall  
14 not be so incorporated except by specific statute."

15           **Section 3.** Subsection (e) is hereby added to §66403, Title 21, Guam  
16 Code Annotated, to read:

17           "(e) Whenever the UBC used by the government of Guam in  
18 this §66403 pursuant to this Chapter is updated, the Department of  
19 Public Works is authorized to adopt such changes subject to the  
20 promulgation of rules, procedures required under the Administrative  
21 Adjudication Law; provided, however that the Department of Public  
22 Works can modify the UBC in matters not involving structural  
23 integrity but where Guam's particular conditions require such  
24 modifications, including but not limited to typhoon-proofing wooden  
25 buildings."

26           **Section 4.** §49.30 of Title 9, Guam Code Annotated, is hereby amended  
27 to read:

1           “§49.30. Receiving and giving bribes; defined & punished;  
2           **building inspectors.** A public servant is guilty of a felony of the third  
3           degree if he solicits, accepts or agrees to accept any benefit from  
4           another person as consideration for his performance of an official  
5           function; **provided**, however, that if such public servant is a building  
6           inspector, performing in his capacity as a building inspector, under  
7           the Building Law of Guam, he is guilty of a felony of the first degree.  
8           A person is guilty of a felony of the first degree if he offers or agrees  
9           to offer any benefit to a public servant as consideration for such  
10          public servant’s performance of an official function.”

# TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

6

Date: 2/18/94

## VOTING SHEET (AS REVISED)

Bill No. 670  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 21 0 0



# SENATOR TED S. NELSON

CHAIRMAN

Committee on General Governmental Operations and Micronesia Affairs  
Twenty-Second Guam Legislature

January 3, 1994

**VICE CHAIRPERSON:**

Committee on Housing  
and Community  
Developments

**MEMBER:**

Committee on Rules

Committee on Ways  
and Means

Committee on Water  
Utilities, Electronic  
Communications

Committee on Economic-  
Agricultural Development,  
and Insurance

Honorable Joe T. San Agustin  
Speaker  
22nd Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

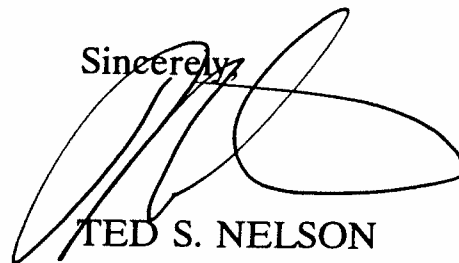
The Committee on General Governmental Operations and Micronesia Affairs, to which was referred **Bill No. 670** (*An Act to add Subsections (d), (e), (f) and (g) to Section 66403 of Article 4 Title 21 of the Guam Code Annotated to require special inspections and structural observation for high-rise structures*) has had the same consideration and now wishes to report back the same with the recommendation to **do pass as amended**:

The Committee votes are as follows:

To do pass	<u>12</u>
Not to pass	<u>0</u>
To report out only	<u>1</u>
To place in inactive file	<u>0</u>

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,



TED S. NELSON

Enclosures

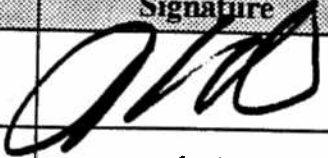


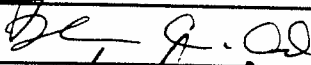

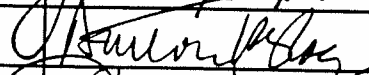
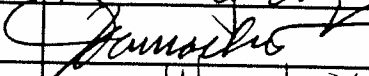
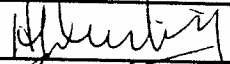

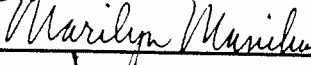
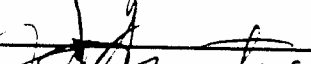
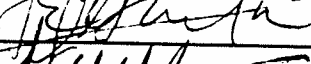



**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS**  
Twenty-Second Guam Legislature

**VOTE SHEET ON BILL NO. 670 as Amended**

*An Act to add Subsections (d), (e), (f) and (g) to Section 66403 of Article 4 Title 21 of the Guam Code Annotated to require special inspections and structural observation for high-rise structures.*

**RECOMMENDATION TO DO PASS AS AMENDED**

Committee Members	Signature	To Do Pass	Not to Pass	To Report Out Only	To Place in the Inactive File
Senator Ted S. Nelson <i>Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Edward D. Reyes <i>Vice-Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Joe T. San Agustin <i>Ex-Officio Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Thomas C. Ada		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator J. George Bamba		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Anthony C. Blaz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Felix P. Camacho		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Herminia D. Dierking		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carl T.C. Gutierrez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Marilyn D.A. Manibusan		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Vicente C. Pangelinan		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Francis E. Santos		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Thomas V.C. Tanaka		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TWENTY-SECOND GUAM LEGISLATURE  
(First) Regular Session

Bill No. 670

Introduced by:

As amended by

Committee on GGO&MA

V.C. Pangelinan

T.S. Nelson

T.G. Ada

*M. Magubansen*

AN ACT TO ADD SUBSECTIONS (d), (e), (f) AND (g) TO SECTION 66403 OF ARTICLE 4 TITLE 21 OF THE GUAM CODE ANNOTATED TO REQUIRE SPECIAL INSPECTIONS AND STRUCTURAL OBSERVATION FOR HIGH-RISE STRUCTURES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Findings. The Legislature finds that Guam's  
3 Building Code has not kept pace with the type of structures that are being  
4 built on island, specifically multi-storied buildings. This has become  
5 readily apparent when damage assessments were conducted in the  
6 aftermath of the August 8, 1993 temblor that struck the island. Under  
7 Guam's Building Code, special inspections for high rise structures are not  
8 require by the Building Inspection Section of the Department of Public  
9 Works. Special inspections procedures and building standards have been  
10 adopted in the 1991 edition of the Uniform Building Code under sections  
11 305, 306 and 307 to ensure high rise structures are built according to  
12 specifications designed to ensure the structural integrity of multi-storied  
13 buildings. The Legislature finds it desirable to incorporate these same  
14 protections into Guam's Building Code and wishes to direct the Department  
15 of Public Works to implement a program to provide special inspections and  
16 the necessary structural observation during the construction of multi-story  
17 buildings to ensure compliance of the building standards and codes as set  
18 out in the Guam Building Law.

19 The Legislature further finds that providing statutory authority and  
20 enforcement responsibilities to the Building Inspection Section of the  
21 Department of Public Works would ensure strict enforcement of and  
22 compliance of the Guam Building Law and protect the safety and welfare of  
23 owners, developers, engineers and architects as well as the general public.

1        **Section 2.** A new subsection (d) is hereby added to § 66403 of  
2 Article 4, Chapter 66, Title 21, Guam Code Annotated, to read:

3        **"(d). Inspections; general.** All construction or work for  
4 which a permit is required shall be subject to inspection by the  
5 building official and all such construction or work shall remain  
6 accessible and exposed for inspection purposes until approved  
7 by the building official. In addition, certain types of  
8 construction shall have continuous inspection as specified in  
9 subsection (e) of this section.

10        Approval as a result of an inspection shall not be  
11 construed to be an approval of a violation of the provisions of  
12 this title. Inspections presuming to give authority to violate or  
13 cancel the provisions of this code shall not be valid.

14        It shall be the duty of the permit applicant to cause the  
15 work to remain accessible and exposed for inspection purposes.  
16 Neither the building official nor the jurisdiction shall be liable  
17 for expense entailed in the removal or replacement of any  
18 material required to allow inspection.

19        A survey of the lot may be required by the building  
20 official to verify that the structure is located in accordance with  
21 the approved plans.

22        **2. Inspection Record Cards.** Work requiring a permit  
23 shall not be commenced until the permit holder or an agent of  
24 the permit holder shall have posted or otherwise made  
25 available an inspection record card such as to allow the  
26 building official to conveniently make the required entries  
27 thereon regarding inspection of the work. This card shall be  
28 maintained available by the permit holder until final approval  
29 has been granted by the building official.

30        **3. Inspection Requests.** It shall be the duty of the  
31 person doing the work authorized by a permit to notify the  
32 building official that such work is ready for inspection. The  
33 building official may require that every request for inspection  
34 be filed at least one (1) working day before such inspection is  
35 desired. Such request may be in writing or by telephone at the  
36 option of the building official.

1 It shall be the duty of the person requesting any  
2 inspections required by this title to provide access to and  
3 means for inspection of such work.

4 **4. Approval Required.** Work shall not be done  
5 beyond the point indicated in each successive inspection  
6 without first obtaining the approval of the building official.  
7 The building official, upon notification, shall make the  
8 requested inspections and shall either indicate that portion of  
9 the construction is satisfactory as completed, or shall notify the  
10 permit holder or an agent of the permit holder wherein the  
11 same fails to comply with this code. Any portions which do not  
12 comply shall be corrected and such portion shall not be covered  
13 or concealed until authorized by the building official.

14 There shall be a final inspection and approval of all  
15 building and structures when completed and ready for  
16 occupancy and use.

17 **5. Required Inspections.** Reinforcing steel or  
18 structural framework of any part of any building or structure  
19 shall not be covered or concealed without first obtaining the  
20 approval of the building official.

21 The building official, upon notification, shall make the  
22 following inspections:

23 **a) Foundation inspection.** To be made after  
24 excavations for footings are complete and any required  
25 reinforcing steel is in place. For concrete foundations, any  
26 required forms shall be in place prior to inspection. All  
27 materials for the foundation shall be on the job, except where  
28 concrete is ready mixed in accordance with Standard No. 26-13  
29 of the Uniform Building Code ("U.B.C."), the concrete need not be  
30 on the job. Where the foundation is to be constructed of  
31 approved treated wood, additional inspections may be required  
32 by the building official.

33 **b.) Concrete slab or under-floor inspection.** To be  
34 made after all in-slab or under-floor building service  
35 equipment, conduit, piping accessories and other ancillary

1 equipment items are in place, but before any concrete is placed  
2 or floor sheathing installed, including the subfloor.

3 c.) **Frame inspection.** To be made after the roof, all  
4 framing, fire blocking and bracing are in place and all pipes,  
5 chimneys and vents are complete and the rough electrical,  
6 plumbing, and heating wires, pipes and ducts are approved.

7 d.) **Lath or gypsum board inspection.** To be made  
8 after all lathing and gypsum board interior and exterior, is in  
9 place, but before any plastering is applied or before gypsum  
10 board joints and fasteners are taped and finished.

11 e.) **Final Inspection.** To be made after finish grading  
12 and the building is completed and ready for occupancy.

13 6. **Other Inspections.** In addition to the called  
14 inspections specified in subitem 5., above, the Building Official  
15 may make or require other inspections of any construction  
16 work to ascertain compliance with the provisions of this code  
17 and other laws which are enforced by the Department.

18 7. **Reinspections.** A reinspection fee may be assessed  
19 for each inspection or reinspection when such portion of work  
20 for which inspection is called is not complete or when  
21 corrections called for are not made.

22 This subitem is not to be interpreted as requiring  
23 reinspection fees the first time a job is rejected for failure to  
24 comply with the requirements of this title, but as controlling  
25 the practice of calling for inspections before the job is ready for  
26 a special inspection or reinspection.

27 Reinspection fees may be assessed when the inspection  
28 record card is not possible or otherwise available on the work  
29 site, the approved plans are not readily available to the  
30 inspector, for failure to provide access on the date for which  
31 inspections are requested, or for deviating from plans requiring  
32 the approval of the building official.

33 To obtain a reinspection, the applicant shall file an  
34 application therefor in writing on a form furnished for that  
35 purpose and pay the reinspection fee in accordance with Table

1 No. 3-A of the U.B.C. 1991 edition or as set forth in the fee  
2 schedule adopted by the Department.

3 In instances where reinspection fees have been assessed,  
4 no additional inspection of the work will be performed until  
5 the required fees have been paid.

6 **Section 3.** A new subsection (e) is hereby added to §66403 of  
7 Article 4, Chapter 66, Title 21, Guam Code Annotated, to read:

8 **(e) Special Inspections; general.** 1. In addition to the  
9 inspections required by subsection (d) of this section, the owner or the  
10 engineer or architect of record acting as the owner's agent shall employ  
11 one (1) or more special inspectors who shall provide inspections during  
12 construction on the following types of work:

13 **a) Concrete.** During the taking of test specimens and placing of  
14 reinforced concrete. (See Item 1) below for shotcrete.)

15 **EXCEPTIONS:** 1. Concrete for foundations conforming to minimum  
16 required of Table No.29-A or for Group R, Division 3 or Group M, Division  
17 1. Occupancies of the U.B.C. 1991 edition; **provided**, the building official  
18 finds that a special hazard does not exist.

19 2. For foundation concrete when the structural design is based on an no  
20 greater than 2,500 pounds per square inch ("psi").

21 **b) Bolts installed in concrete.** Prior to and during the placement  
22 of concrete around bolts when stress increases permitted by Footnote No.5  
23 of Table No.26-E or Section 2624 (b) of the U.B.C. 1991 edition are utilized.

24 **c) Special moment-resisting concrete frame.** As required by  
25 Section 2625 (j) of the U.B.C. 1991 edition.

26 **d) Reinforcing steel and prestressing steel tendons.**

27 1. During all stressing and grouting of tendons in prestressed  
28 concrete.

29 2. During placing of reinforcing steel and prestressing tendons for all  
30 concrete required to have special inspection by Item 1.

31 **EXCEPTIONS:** The special inspector need not be present  
32 continuously during placing of reinforcing steel and prestressing tendons;  
33 **provided**, that the special inspector has inspected for conformance with  
34 the approved plans prior to the closing of forms or the delivery of concrete  
35 to the job site.

1 e) **Welding.** 1. **Special moment -resisting steel frames.** As  
2 required by Section 2710 (k) of the U.B.C. 1991 edition.

3 2. All structural welding, including welding of reinforcing steel.

4 **EXCEPTIONS:** 1. When welding is done in an approved fabricator's  
5 shop.

6 2. When approved by the building official, single-pass fillet welds when  
7 stressed to less than 50 percent of allowable stresses and floor and roof  
8 deck welding and welded studs when used for structural diaphragm or  
9 composite systems may have periodic inspections in accordance with sub  
10 item 5 of (e) of this code. For periodic inspection, the inspector shall check  
11 qualifications of welders at the start of work and then make final  
12 inspection of all welds for compliance prior to completion of welding.

13 **6. High-strength bolting.** As required by U.B.C. Standard No. 27-7.

14 **EXCEPTIONS:** The special inspector need not be present during the  
15 entire installation and tightening operation, for shear/bearing-type  
16 connections when threads are not required by design to be excluded from  
17 the shear plane; **provided**, that prior to the start of bolting, the surfaces  
18 and the bolt size and type are inspected for conformance to plans and  
19 specifications. Additionally, at the completion of all bolting, the inspector  
20 shall determine that plies have been brought into snug contact.

21 **g) Structural masonry.** During preparation of masonry wall  
22 prisms, sampling and placing of all masonry units, placement of  
23 reinforcement, inspection of grout space, immediately prior to closing of  
24 cleanouts, and during all grouting operations.

25 **EXCEPTIONS:** 1. Special inspection need not be provided when  
26 design stresses have been adjusted to permit noncontinuous inspection. 2.  
27 For closed-end hollow-unit masonry where there is no more than 1,500 psi  
28 for concrete units or 2,600 psi for clay units and cleanouts are provided at  
29 the bottom course of every grout pour at each vertical bar, special  
30 inspection for placing units may be performed on a periodic basis in  
31 accordance with sub item 5 of Subsection (e) of this section. 3. For open-  
32 end hollow-unit masonry where cleanouts are provided at the bottom  
33 course of every grout pour at each vertical bar, special inspection for  
34 placing units may be performed on a periodic basis in accordance with said  
35 sub item 5.

1           **h) Reinforced gypsum concrete.** When cast-in-place Class B  
2 gypsum concrete is being mixed and placed.

3           **i) Insulating concrete fill.** During the application of insulating  
4 concrete fill when used as part of a structural system.

5           **EXCEPTIONS:** The special inspections may be limited to an initial  
6 inspection to check the deck surface and placement of reinforcing. The  
7 special inspector shall supervise the preparation of compression test  
8 specimens during this initial inspection.

9           **j) Spray-applied fireproofing.** As required by U.B.C. Standard  
10 No.43-8.

11           **k) Piling, drilled piers and caissons.** During driving and testing  
12 of piles and construction of cast-in-place drilled piles or caissons. See  
13 Items 1a) and b) of subsection (e) of this section for concrete and  
14 reinforcing steel inspection.

15           **l) Shotcrete.** During the taking of test specimens and placing of all  
16 shotcrete and as required by Section 2621 (j) and (k) of the U.B.C 1991  
17 edition.

18           **EXCEPTIONS:** Shotcrete work fully supported on earth, minor repairs and  
19 when, in the opinion of the building official, no special hazard exists.

20           **m) Special grading, excavation and filling.** During earth-work  
21 excavations, grading and filling operations inspections to satisfy  
22 requirements of Chapter 29 and Appendix Chapter 70 of the U.B.C 1991  
23 edition.

24           **n) Special Cases.** Work which, in the opinion of the Building  
25 Official, involves unusual hazards or conditions.

26           **2. Special Inspector.** The special inspector shall be a qualified  
27 person who shall demonstrate competence, to the satisfaction of the  
28 Building Official, for inspection of the particular type of construction or  
29 operation requiring special inspection.

30           **3. Duties and Responsibilities of the Special Inspector.**

31 The special inspector shall observe the work assigned for conformance  
32 with the approved design drawings and specifications. The special  
33 inspector shall furnish inspections reports to the Building Official, the  
34 engineer or architect of record, and other designated persons. All  
35 discrepancies shall be brought to the immediate attention of the contractor



1 for corrections, then, if uncollected, to the proper design authority and to  
2 the Building Official.

3 The special inspector shall submit a final signed report stating  
4 whether the work requiring special inspection was, to the best of the  
5 inspector's knowledge, in conformance with the approved plans and  
6 specifications and the applicable workmanship provisions of this title.

7 **4. Waiver of Special Inspection.** The Building Official may  
8 waive the requirement for the employment of a special inspector if the  
9 construction is of a minor nature.

10 **5. Periodic Special Inspection.** Some inspections may be made  
11 on a periodic basis and satisfy the requirements of continuous inspection,  
12 provided this periodic scheduled inspection is performed as outlined in the  
13 project plans and specifications and approved by the Building Official.

14 **6. Approved Fabricators.** Special inspections required by this  
15 section and elsewhere in this code shall not be required where the work is  
16 done on the premises of a fabricator registered and approved by the  
17 Building Official to perform such work without special inspection. The  
18 Certificate of Registration shall be subject to revocation by the Building  
19 Official if it is found that any work done pursuant to the approval is in  
20 violation of this title. the approved fabricator shall submit a Certificate of  
21 Compliance that the work was performed in accordance with the approved  
22 plans and specifications to the Building Official and to the engineer or  
23 architect of record. The approved fabricator's qualifications shall be  
24 contingent on compliance with the following:

25 a) The fabricator has developed and submitted a detailed  
26 fabrication procedural manual reflecting key quality control procedures  
27 manual shall be by an approved inspection or quality control agency.

28 b) Verification of the fabricator's quality control capabilities, plant  
29 and personnel as outlined in the fabrication procedural manual shall be by  
30 an approved inspection or quality control agency.

31 c) Periodic plant inspections shall be conducted by an approved  
32 inspection or quality control agency to monitor the effectiveness of the  
33 quality control program.

34 d) It shall be the responsibility of the inspection or quality control  
35 agency to notify the approving authority in writing of any change to the  
36 procedural manual. Any fabricator approval may be revoked for just

1 cause. Reapproval of the fabricator shall be contingent on compliance with  
2 quality control procedures during the past year."

3 **Section 4.** a new subsection (f) is hereby added to §66403,  
4 Article 4, Chapter 66, Title 21, Guam Code Annotated, to read:

5 **"(f) Structural observation.** Structural observation shall be  
6 provided in Seismic Zone No. 3 or 4 when one of the following condition  
7 exists: 1) The structure is defined in Table No. 23-K as Occupancy Category  
8 I, II or III of the U.B.C. 1991 edition, or 2) The structure is required to  
9 comply with Section 1807 of the U.B.C. 1991 edition or 3) Construction  
10 inspection as defined in Section 302 (c), Item 2 of the U.B.C. 1991 edition is  
11 required, or 4) When such observation is specifically required by the  
12 Building Official.

13 The owner shall employ the engineer or architect responsible for the  
14 structural design, or another engineer or architect designated by the  
15 engineer or architect responsible for the structural design to perform  
16 structural observation as defined in Section 420 of the U.B.C. 1991 edition.  
17 The engineer or architect shall submit a statement in writing to the  
18 Building Official stating that the site visits have been made and whether or  
19 not any observed deficiencies have been corrected to conform to the  
20 approved plans and specification, or to revised details approved by the  
21 Building Official."

22 **Section 5.** A new subsection (g) is hereby added to Section 66403,  
23 Article 4, Chapter 66, Title 21, Guam Code Annotated to read:

24 **"(g)** When ever the Uniform Building Code used by the Government  
25 of Guam pursuant to this Chapter is updated, the Department of Public  
26 Works is authorized to adopt these changes subject to the promulgation of  
27 rule and procedure required under the Administrative Adjudication Act.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS  
TWENTY-SECOND GUAM LEGISLATURE  
155 Hessler Street, Agana, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 670 AS AMENDED**

*An Act to add Subsections (d), (e), (f) and (g) to Section 66403 of Article 4 Title 21 of the Guam Code Annotated to require special inspections and structural observation for high-rise structures.*

**COMMITTEE MEMBERS:**

Chairman: Ted S. Nelson  
Vice-Chairman: Edward D. Reyes  
Ex-Officio Member: Speaker Joe T. San Agustin

Thomas C. Ada  
Herminia D. Dierking  
Carl T.C. Gutierrez  
Vicente C. Pangelinan  
Francis E. Santos

J. George Bamba  
Anthony C. Blaz  
Felix P. Camacho  
Marilyn D.A. Manibusan  
Thomas V.C. Tanaka

**GENERAL GOVERNMENTAL OPERATIONS & MICRONESIAN AFFAIRS  
COMMITTEE REPORT  
ON  
BILL 670**

An act to add Subsection (d), (e), (f) and (g) to Section 66403 of Article 4, Chapter 66, Title 21, Guam Code Annotated, to require special inspections and structural observation for high-rise structures.

**I. OVERVIEW**

The Committee on General Governmental Operations and Micronesia Affairs having oversight responsibilities concerning the Department of Public Works and been referred Bill 670, conducted a public hearing on Monday, December 6, 1993 at 1:30 PM in the Legislative Public Hearing Room in Agana. Chairman Ted Nelson presided and the following members were present: Senator Vicente C. Pangelinan and Senator Thomas C. Ada.

**A. Intent.**

The intent of Bill 670 is to require special inspections and structural observation for high-rise structures to ensure that high-rise structures are built according to specifications required by Guam's Building Code in order to ensure the integrity of multi-storied buildings. The Bill calls for providing statutory authority and enforcement responsibilities to the Building Inspection Section of the Department of Public Works to undertake strict enforcement of and compliance with the Guam Building law and protect the safety and welfare of owners, developers, engineers and architects as well as the general public.

**II. SUMMARY OF TESTIMONY**

MR. JACK JONES testified orally in favor of Bill 670 with a few suggestions. Mr. Jones stated, "it's long overdue we need to do this, the special inspections are very, very important and may in fact relate directly to some of the more significantly damaged buildings. But in this we would like to encourage the Legislature to cross reference the Building Code as much as possible and not rephrase it or recopy it in, because the Uniform Building Code is something that is going to be with us for a long time, it has been cross referenced before many, many times and we find that when it gets copied or when almost copied that in a few years it only causes confusion, so we would like to make that suggestion. The second item is in the part where you have stiffened up on the masonry requirements, we certainly want to support the stiffening up of the masonry requirements, but some of these probably have gone to far and once again the requirements in the Uniform Building Code are probably fine, but to require

clean outs on every cell is probably over doing it, unless, that's the case where somebody has gone too high or where the contractor has requested to use a special method in placing them in, but otherwise that's, if they only go four or five feet in height, six to eight blocks, then that should not be necessary, unless you run into a problem".

Also offering oral testimony MR. RONALD O. HAMBURGER Mr, Sr., former Chairman of the Seismology Committee which works with the international conference of building officials and developing the seismic resistance provisions of the Uniform Building Code. Mr. Hamburger stated, "I am very pleased that this Bill 670 is before you and that you are considering adoption of mandatory special inspection requirements for major construction here on the island, I can tell you as a person who has been active in writing the structural provisions of the code, that it is our feeling that appropriate inspection and provision of a structure that is constructed the way it was intended by the architectural engineering team is probably the most important thing that you can do to protect the safety and also the economic interest of your citizens over the next years." Mr. Hamburger further stated, "I would like to second Mr. Jones's recommendations that you consider as much as possible referencing directly the Uniform Building Code provisions for inspection, because I feel that these provide you a benefit in that the code being updated on a regular basis insures that you are keeping up with the state of the art as recommended by practitioners around the United States and prevents you from overlooking something as the Codes change over the years".

Building Permit Administrator for the Department of Public Works, MR. JESUS NINETE, also testified in favor of Bill 670 stating, "inspection function is one of the most important aspects to the building department operation along with the plan review operation. The building law of Guam does specify inspection but, it does not list the types of inspections to be performed, with Bill 670 it list the type of inspection to be performed and it will be a requirement for continuous or periodic inspection for certain types of work, while in the building law it only specifies inspection, it does not list the inspection for the stages of the construction."

MR. ED BORJA's testimony is as follows: Good afternoon Senator, committee members. I just want to testify in favor of Bill 670. My name is Ed Borja from the Department of Public Works. I am an engineer with the building permit section. I just want to state that I am in favor of this bill. It provides us with the tools that we need to have alot of control more or less, in high-rise construction. It gives us the communication, it fills the communication gaps between us, the designers and the construction workers, so this is really a big plus to our enforcement and administration of the Building Code on Guam. Thank You.

Also present and in favor of Bill 670, MR. BENIGNO PALOMO, Director, Department of Public Works. In oral testimony Director Palomo stated, "I do

support very strongly the passage of this bill, it's really needed and we have noticed the need for this deal when we have the 8.1 earthquake on August 8th and I think with the passage of this bill, of course with consideration of these two gentlemen to my right, I think that they brought up a very good point, but the bill in itself we strongly support and help the Legislature as soon as possible."

### III. FINDINGS AND RECOMMENDATIONS

The Committee finds that the inspection function is one of the most important aspects of the Building Permit Section of the Department of Public Works designed to ensure the integrity of buildings being built on island particularly, multi-storied buildings. The existing Building Code of Guam does specify the requirement for inspection of buildings under construction but does not list the types of inspections to be performed.

Bill 670 requires detailed list of the type of inspections to be performed on a continuous or periodic basis in addition to strengthening the enforcement authority of the Building Permit Section.

The General Governmental Operations & Micronesian Affairs Committee wishes to report Bill 670 out of Committee with a recommendation TO DO PASS as amended.



## MEMORANDUM

Committees:

CHAIRPERSON:

Rules

VICE CHAIRPERSON:

Ways & Means

MEMBER:

Economic-  
Agricultural  
Development,  
and Insurance

Education

Electrical  
Power and  
Consumer  
Protection

Federal and  
Foreign Affairs

General  
Governmental  
Operations and  
Micronesian Affairs

Health,  
Ecology and  
Welfare

Judiciary  
and  
Criminal Justice

Tourism and  
Transportation

Youth, Senior  
Citizens and  
Cultural Affairs

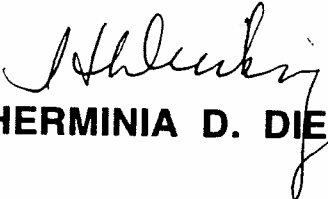
Attachments

**TO:** Chairperson, Committee on General Governmental  
Operations and Micronesian Affairs

**FROM:** Chairperson, Committee on Rules

**SUBJECT:** Bill 670

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience. Please note that the previous referral dated 10/12/93, was inadvertently transmitted to the Committee on Housing and Community Development.

  
**HERMINIA D. DIERKING**

cc: Chairperson, Committee on Economic-Agricultural Development & Insurance  
(Please note change of referral mentioned above).

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 670

Introduced by:

V. C. Pangelinan  
T. S. Nelson  
T. C. Ada

AN ACT TO ADD SUBSECTIONS (d), (e) AND (f) TO §66403 OF ARTICLE 4, CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, TO REQUIRE SPECIAL INSPECTIONS AND STRUCTURAL OBSERVATION FOR HIGH-RISE STRUCTURES.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2           **Section 1. Legislative findings.** The Legislature finds that Guam's  
3 Building Code has not kept pace with the type of structures that are being  
4 built on island, specifically multi-storied buildings. This has become readily  
5 apparent when damage assessments were conducted in the aftermath of the  
6 August 8, 1993 temblor that struck the island. Under Guam's Building Code,  
7 special inspections for high-rise structures are not required by the Building  
8 Inspection Section of the Department of Public Works. Special inspections  
9 procedures and building standards have been adopted in the 1991 edition of  
10 the Uniform Building Code under §§305, 306 and 307 to ensure that high-rise  
11 structures are built according to specifications designed to ensure the  
12 structural integrity of multi-storied buildings. The Legislature finds it  
13 desirable to incorporate these same protections into Guam's Building Code  
14 and wishes to direct the Department of Public Works to implement a program



1 to provide special inspections and the necessary structural observation during  
2 the construction of multi-story buildings to ensure compliance with  
3 appropriate building standards and codes as set out in the Guam Building  
4 Law.

5 The Legislature further finds that providing statutory authority and  
6 enforcement responsibilities to the Building Inspection Section of the  
7 Department of Public Works will ensure strict enforcement of and compliance  
8 with the Guam Building Law and protect the safety and welfare of owners,  
9 developers, engineers and architects as well as the general public.

10 Section 2. A new subsection (d) is hereby added to §§66403 of Article 4,  
11 Chapter 66, Title 21, Guam Code Annotated, to read:

12 "(d) 1. **Inspections; general.** All construction or work for  
13 which a permit is required shall be subject to inspection by the  
14 building official and all such construction or work shall remain  
15 accessible and exposed for inspection purposes until approved by the  
16 building official. In addition, certain types of construction shall have  
17 continuous inspection as specified in subsection (e) of this section.

18 Approval as a result of an inspection shall not be construed to  
19 be an approval of a violation of the provisions of this title.  
20 Inspections presuming to give authority to violate or cancel the  
21 provisions of this code shall not be valid.

22 It shall be the duty of the permit applicant to cause the work to  
23 remain accessible and exposed for inspection purposes. Neither the  
24 Building Official nor the jurisdiction shall be liable for expense  
25 entailed in the removal or replacement of any material required to  
26 allow inspection.

1           A survey of the lot may be required by the Building Official to  
2 verify that the structure is located in accordance with the approved  
3 plans.

4           **2. Inspection: record cards.** Work requiring a permit shall not  
5 be commenced until the permit holder or an agent of the permit  
6 holder shall have posted or otherwise made available an inspection  
7 record card such as to allow the Building Official to conveniently  
8 make the required entries thereon regarding inspection of the work.  
9 This card shall be maintained available by the permit holder until  
10 final approval has been granted by the Building Official.

11           **3. Inspection: requests.** It shall be the duty of the person  
12 doing the work authorized by a permit to notify the Building Official  
13 that such work is ready for inspection. The Building Official may  
14 require that every request for inspection be filed at least one (1)  
15 working day before such inspection is desired. Such request may be  
16 in writing or by telephone at the option of the Building Official.

17           It shall be the duty of the person requesting any inspections  
18 required by this title to provide access to and means for inspection of  
19 such work.

20           **4. Approval required.** Work shall not be done beyond the point  
21 indicated in each successive inspection without first obtaining the  
22 approval of the Building Official. The Building Official, upon  
23 notification, shall make the requested inspections and shall either  
24 indicate that portion of the construction is satisfactory as completed,  
25 or shall notify the permit holder or an agent of the permit holder  
26 wherein the same fails to comply with this code. Any portions which

1 do not comply shall be corrected and such portion shall not be  
2 covered or concealed until authorized by the Building Official.

3 There shall be a final inspection and approval of all building  
4 and structures when completed and ready for occupancy and use.

5 **5. Required inspections.** Reinforcing steel or structural  
6 framework of any part of any building or structure shall not be  
7 covered or concealed without first obtaining the approval of the  
8 Building Official. The Building Official, upon notification, shall  
9 make the following inspections:

10 a) **Foundation inspection.** To be made after excavations  
11 for footings are complete and any required reinforcing steel is in  
12 place. For concrete foundations, any required forms shall be in  
13 place prior to inspection. All materials for the foundation shall be  
14 on the job, except where concrete is ready mixed in accordance  
15 with Standard No. 26-13 of the Uniform Building Code  
16 ("U.B.C."), the concrete need not be on the job. Where the  
17 foundation is to be constructed of approved treated wood,  
18 additional inspections may be required by the Building Official.

19 b) **Concrete slab or under-floor inspection.** To be made  
20 after all in-slab or under-floor building service equipment,  
21 conduit, piping accessories and other ancillary equipment items  
22 are in place, but before any concrete is placed or floor sheathing  
23 installed, including the subfloor.

24 c) **Frame inspection.** To be made after the roof, all  
25 framing, fire blocking and bracing are in place and all pipes,  
26 chimneys and vents are complete and the rough electrical,  
27 plumbing, and heating wires, pipes and ducts are approved.

1                   d) **Lath or gypsum board inspection.** To be made after all  
2 lathing and gypsum board interior and exterior, is in place, but  
3 before any plastering is applied or before gypsum board joints and  
4 fasteners are taped and finished.

5                   e) **Final inspection.** To be made after finish grading and the  
6 building is completed and ready for occupancy.

7                   6. **Other inspections.** In addition to the called inspections  
8 specified in subitem 5., above, the Building Official may make or  
9 require other inspections of any construction work to ascertain  
10 compliance with the provisions of this code and other laws which are  
11 enforced by the Department.

12                  7. **Reinspections.** A reinspection fee may be assessed for each  
13 inspection or reinspection when such portion of work for which  
14 inspection is called is not complete or when corrections called for are  
15 not made.

16                  This subitem is not to be interpreted as requiring reinspection  
17 fees the first time a job is rejected for failure to comply with the  
18 requirements of this title, but as controlling the practice of calling for  
19 inspections before the job is ready for a special inspection or  
20 reinspection.

21                  Reinspection fees may be assessed when the inspection record  
22 card is not possible or otherwise available on the work site, the  
23 approved plans are not readily available to the inspector, for failure  
24 to provide access on the date for which inspections are requested, or  
25 for deviating from plans requiring the approval of the Building  
26 Official.

1 To obtain a reinspection, the applicant shall file an application  
2 therefor in writing on a form furnished for that purpose and pay the  
3 reinspection fee in accordance with Table No. 3-A of the U.B.C. 1991  
4 edition or as set forth in the fee schedule adopted by the Department.

5 In instances where reinspection fees have been assessed, no  
6 additional inspection of the work will be performed until the required  
7 fees have been paid."

8 Section 3. A new subsection (e) is hereby added to §66403 of Article 4,  
9 Chapter 66, Title 21, Guam Code Annotated, to read:

10 "(e) **Special inspections: general.** 1. In addition to the  
11 inspections required by subsection (d) of this section, the owner or the  
12 engineer or architect of record acting as the owner's agent shall  
13 employ one (1) or more special inspectors who shall provide  
14 inspections during construction on the following types of work:

15 a) **Concrete.** During the taking of test specimens and  
16 placing of reinforced concrete. (See Item 1) below for shotcrete.)  
17 **EXCEPTIONS:** 1. Concrete for foundations conforming to  
18 minimum required to Table No. 29-A or for Group R, Division 3 or  
19 Group M, Division 1 Occupancies of the U.B.C. 1991 edition;  
20 provided, that the Building Official finds that a special hazard  
21 does not exist. 2. For foundation concrete when the structural  
22 design is based on an no greater than 2,500 pounds per square inch  
23 ("psi").

24 b) **Bolts installed in concrete.** Prior to and during the  
25 placement of concrete around bolts when stress increases  
26 permitted by Footnote No. 5 of Table No. 26-E or Section 2624 (b)  
27 of the U.B.C. 1991 edition are utilized.

1                   c) **Special moment-resisting concrete frame.** As required by  
2 Section 2625 (j) of the U.B.C. 1991 edition.

3                   d) **Reinforcing steel and prestressing steel tendons.**

4                   1. During all stressing and grouting of tendons in  
5 prestressed concrete.

6                   2. During placing of reinforcing steel and prestressing  
7 tendons for all concrete required to have special inspection by  
8 Item 1.

9                   **EXCEPTIONS:** The special inspector need not be present  
10 continuously during placing of reinforcing steel and prestressing  
11 tendons; **provided**, that the special inspector has inspected for  
12 conformance with the approved plans prior to the closing of  
13 forms or the delivery of concrete to the job site.

14                  e) **Welding.**

15                  1. **Special moment-resisting steel frames.** As required by  
16 Section 2710 (k) of the U.B.C. 1991 edition.

17                  2. All structural welding, including welding of  
18 reinforcing steel.

19                  **EXCEPTIONS:** 1. When welding is done in an approved  
20 fabricator's shop. 2. When approved by the building official,  
21 single-pass fillet welds when stressed to less than 50 percent of  
22 allowable stresses and floor and roof deck welding and welded  
23 studs when used for structural diaphragm or composite systems  
24 may have periodic inspections in accordance with subitem 5 of  
25 subsection (e) of this section. For periodic inspection, the  
26 inspector shall check qualifications of welders at the start of work

1 and then make final inspection of all welds for compliance prior to  
2 completion of welding.

3 f) **High-strength bolting.** As required by U.B.C. Standard  
4 No. 27-7. **EXCEPTIONS:** The special inspector need not be  
5 present during the entire installation and tightening operation,  
6 for shear/bearing-type connections when threads are not required  
7 by design to be excluded from the shear plane; provided, that  
8 prior to the start of bolting, the surfaces and the bolt size and type  
9 are inspected for conformance to plans and specifications.  
10 Additionally, at the completion of all bolting, the inspector shall  
11 determine that plies have been brought into snug contact.

12 g) **Structural masonry.** During preparation of masonry  
13 wall prisms, sampling and placing of all masonry units, placement  
14 of reinforcement, inspection of grout space, immediately prior to  
15 closing of cleanouts, and during all grouting operations.

16 **EXCEPTIONS:** 1. Special inspection need not be provided  
17 when design stresses have been adjusted to permit noncontinuous  
18 inspection. 2. For closed-end hollow-unit masonry where there  
19 is no more than 1,500 psi for concrete units or 2,600 psi for clay  
20 units and cleanouts are provided at the bottom course of every  
21 grout pour at each vertical bar, special inspection for placing units  
22 may be performed on a periodic basis in accordance with subitem  
23 5 of subsection (e) of this section. 3. For open-end hollow-unit  
24 masonry where cleanouts are provided at the bottom course of  
25 every grout pour at each vertical bar, special inspection for  
26 placing units may be performed on a periodic basis in accordance  
27 with said subitem 5.

1           h) **Reinforced gypsum concrete.** When cast-in-place Class  
2 B gypsum concrete is being mixed and placed.

3           i) **Insulating concrete fill.** During the application of  
4 insulating concrete fill when used as part of a structural system.  
5 **EXCEPTIONS:** The special inspections may be limited to an  
6 initial inspection to check the deck surface and placement of  
7 reinforcing. The special inspector shall supervise the preparation  
8 of compression test specimens during this initial inspection.

9           j) **Spray-applied fireproofing.** As required by U.B.C.  
10 Standard No. 43-8.

11           k) **Piling, drilled piers and caissons.** During driving and  
12 testing of piles and construction of cast-in-place drilled piles or  
13 caissons. See subitems 1 a) and 1 b) of subsection (e) of this section  
14 for concrete and reinforcing steel inspection.

15           l) **Shotcrete.** During the taking of test specimens and  
16 placing of all shotcrete and as required by Section 2621 (j) and (k)  
17 of the U.B.C. 1991 edition. **EXCEPTIONS:** Shotcrete work fully  
18 supported on earth, minor repairs and when, in the opinion of the  
19 Building Official, no special hazard exists.

20           m) **Special grading, excavation and filling.** During earth-  
21 work excavations, grading and filling operations inspections to  
22 satisfy requirements of Chapter 29 and Appendix Chapter 70 of  
23 the U.B.C. 1991 edition.

24           n) **Special cases.** Work which, in the opinion of the Building  
25 Official, involves unusual hazards or conditions.

26           2. **Special inspector.** The special inspector shall be a qualified  
27 person who shall demonstrate competence, to the satisfaction of the



1 Building Official, for inspection of the particular type of construction  
2 or operation requiring special inspection.

3 **3. Duties and responsibilities of the special inspector.** The  
4 special inspector shall observe the work assigned for conformance  
5 with the approved design drawings and specifications.

6 The special inspector shall furnish inspections reports to the  
7 Building Official, the engineer or architect of record, and other  
8 designated persons. All discrepancies shall be brought to the  
9 immediate attention of the contractor for corrections, then, if  
10 uncorrected, to the proper design authority and to the Building  
11 Official.

12 The special inspector shall submit a final signed report stating  
13 whether the work requiring special inspection was, to the best of the  
14 inspector's knowledge, in conformance with the approved plans and  
15 specifications and the applicable workmanship provisions of this  
16 title.

17 **4. Waiver of special inspection.** The Building Official may  
18 waive the requirement for the employment of a special inspector if  
19 the construction is of a minor nature.

20 **5. Periodic special inspection.** Some inspections may be made  
21 on a periodic basis and satisfy the requirements of continuous  
22 inspection, provided this periodic scheduled inspection is performed  
23 as outlined in the project plans and specifications and approved by  
24 the Building Official.

25 **6. Approved fabricators.** Special inspections required by this  
26 section and elsewhere in this code shall not be required where the  
27 work is done on the premises of a fabricator registered and approved

1 by the Building Official to perform such work without special  
2 inspection. The Certificate of Registration shall be subject to  
3 revocation by the Building Official if it is found that any work done  
4 pursuant to the approval is in violation of this title. The approved  
5 fabricator shall submit a Certificate of Compliance that the work  
6 was performed in accordance with the approved plans and  
7 specifications to the Building Official and to the engineer or architect  
8 of record. The approved fabricator's qualifications shall be  
9 contingent on compliance with the following:

10 a) The fabricator has developed and submitted a detailed  
11 fabrication procedural manual reflecting key quality control  
12 procedures manual shall be by an approved inspection or quality  
13 control agency.

14 b) Verification of the fabricator's quality control  
15 capabilities, plant and personnel as outlined in the fabrication  
16 procedural manual shall be by an approved inspection or quality  
17 control agency.

18 c) Periodic plant inspections shall be conducted by an  
19 approved inspection or quality control agency to monitor the  
20 effectiveness of the quality control program.

21 d) It shall be the responsibility of the inspection or quality  
22 control agency to notify the approving authority in writing of any  
23 change to the procedural manual. Any fabricator approval may  
24 be revoked for just cause. Reapproval of the fabricator shall be  
25 contingent on compliance with quality control procedures during  
26 the past year."

1           **Section 4.** A new subsection (f) is hereby added to §66403, Article 4,  
2 Chapter 66, Title 21, Guam Code Annotated, to read:

3           **"(f) Structural observation.** Structural observation shall be  
4 provided in Seismic Zone No. 3 or 4 when one of the following  
5 conditions exists: 1) The structure is defined in Table No. 23-K as  
6 Occupancy Category I, II or III of the U.B.C. 1991 edition, or 2) The  
7 structure is required to comply with Section 1807 of the U.B.C. 1991  
8 edition or 3) Construction inspection as defined in Section 302 (c),  
9 Item 2 of the U.B.C. 1991 edition is required, or 4) When such  
10 observation is specifically required by the Building Official.

11           The owner shall employ the engineer or architect responsible  
12 for the structural design, or another engineer or architect designated  
13 by the engineer or architect responsible for the structural design to  
14 perform structural observation as defined in Section 420 of the  
15 U.B.C. 1991 edition. The engineer or architect shall submit a  
16 statement in writing to the Building Official stating that the site  
17 visits have been made and whether or not any observed deficiencies  
18 have been corrected to conform to the approved plans and  
19 specifications, or to revised details approved by the Building  
20 Official."

NOV 03 '93

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 670 (LS)

Introduced by:

V. C. Pangelinan  
T. S. Nelson  
T. C. Ada

AN ACT TO ADD SUBSECTIONS (d), (e) AND (f) TO §66403 OF ARTICLE 4, CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, TO REQUIRE SPECIAL INSPECTIONS AND STRUCTURAL OBSERVATION FOR HIGH-RISE STRUCTURES.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2           **Section 1. Legislative findings.** The Legislature finds that Guam's  
3 Building Code has not kept pace with the type of structures that are being  
4 built on island, specifically multi-storied buildings. This has become readily  
5 apparent when damage assessments were conducted in the aftermath of the  
6 August 8, 1993 temblor that struck the island. Under Guam's Building Code,  
7 special inspections for high-rise structures are not required by the Building  
8 Inspection Section of the Department of Public Works. Special inspections  
9 procedures and building standards have been adopted in the 1991 edition of  
10 the Uniform Building Code under §§305, 306 and 307 to ensure that high-rise  
11 structures are built according to specifications designed to ensure the  
12 structural integrity of multi-storied buildings. The Legislature finds it  
13 desirable to incorporate these same protections into Guam's Building Code  
14 and wishes to direct the Department of Public Works to implement a program

1 to provide special inspections and the necessary structural observation during  
2 the construction of multi-story buildings to ensure compliance with  
3 appropriate building standards and codes as set out in the Guam Building  
4 Law.

5 The Legislature further finds that providing statutory authority and  
6 enforcement responsibilities to the Building Inspection Section of the  
7 Department of Public Works will ensure strict enforcement of and compliance  
8 with the Guam Building Law and protect the safety and welfare of owners,  
9 developers, engineers and architects as well as the general public.

10 Section 2. A new subsection (d) is hereby added to §§66403 of Article 4,  
11 Chapter 66, Title 21, Guam Code Annotated, to read:

12 "(d) 1. **Inspections; general.** All construction or work for  
13 which a permit is required shall be subject to inspection by the  
14 building official and all such construction or work shall remain  
15 accessible and exposed for inspection purposes until approved by the  
16 building official. In addition, certain types of construction shall have  
17 continuous inspection as specified in subsection (e) of this section.

18 Approval as a result of an inspection shall not be construed to  
19 be an approval of a violation of the provisions of this title.  
20 Inspections presuming to give authority to violate or cancel the  
21 provisions of this code shall not be valid.

22 It shall be the duty of the permit applicant to cause the work to  
23 remain accessible and exposed for inspection purposes. Neither the  
24 Building Official nor the jurisdiction shall be liable for expense  
25 entailed in the removal or replacement of any material required to  
26 allow inspection.

1           A survey of the lot may be required by the Building Official to  
2 verify that the structure is located in accordance with the approved  
3 plans.

4           **2. Inspection: record cards.** Work requiring a permit shall not  
5 be commenced until the permit holder or an agent of the permit  
6 holder shall have posted or otherwise made available an inspection  
7 record card such as to allow the Building Official to conveniently  
8 make the required entries thereon regarding inspection of the work.  
9 This card shall be maintained available by the permit holder until  
10 final approval has been granted by the Building Official.

11           **3. Inspection: requests.** It shall be the duty of the person  
12 doing the work authorized by a permit to notify the Building Official  
13 that such work is ready for inspection. The Building Official may  
14 require that every request for inspection be filed at least one (1)  
15 working day before such inspection is desired. Such request may be  
16 in writing or by telephone at the option of the Building Official.

17           It shall be the duty of the person requesting any inspections  
18 required by this title to provide access to and means for inspection of  
19 such work.

20           **4. Approval required.** Work shall not be done beyond the point  
21 indicated in each successive inspection without first obtaining the  
22 approval of the Building Official. The Building Official, upon  
23 notification, shall make the requested inspections and shall either  
24 indicate that portion of the construction is satisfactory as completed,  
25 or shall notify the permit holder or an agent of the permit holder  
26 wherein the same fails to comply with this code. Any portions which

1 do not comply shall be corrected and such portion shall not be  
2 covered or concealed until authorized by the Building Official.

3 There shall be a final inspection and approval of all building  
4 and structures when completed and ready for occupancy and use.

5 **5. Required inspections.** Reinforcing steel or structural  
6 framework of any part of any building or structure shall not be  
7 covered or concealed without first obtaining the approval of the  
8 Building Official. The Building Official, upon notification, shall  
9 make the following inspections:

10 a) **Foundation inspection.** To be made after excavations  
11 for footings are complete and any required reinforcing steel is in  
12 place. For concrete foundations, any required forms shall be in  
13 place prior to inspection. All materials for the foundation shall be  
14 on the job, except where concrete is ready mixed in accordance  
15 with Standard No. 26-13 of the Uniform Building Code  
16 ("U.B.C."), the concrete need not be on the job. Where the  
17 foundation is to be constructed of approved treated wood,  
18 additional inspections may be required by the Building Official.

19 b) **Concrete slab or under-floor inspection.** To be made  
20 after all in-slab or under-floor building service equipment,  
21 conduit, piping accessories and other ancillary equipment items  
22 are in place, but before any concrete is placed or floor sheathing  
23 installed, including the subfloor.

24 c) **Frame inspection.** To be made after the roof, all  
25 framing, fire blocking and bracing are in place and all pipes,  
26 chimneys and vents are complete and the rough electrical,  
27 plumbing, and heating wires, pipes and ducts are approved.

1           d) **Lath or gypsum board inspection.** To be made after all  
2 lathing and gypsum board interior and exterior, is in place, but  
3 before any plastering is applied or before gypsum board joints and  
4 fasteners are taped and finished.

5           e) **Final inspection.** To be made after finish grading and the  
6 building is completed and ready for occupancy.

7           **6. Other inspections.** In addition to the called inspections  
8 specified in subitem 5., above, the Building Official may make or  
9 require other inspections of any construction work to ascertain  
10 compliance with the provisions of this code and other laws which are  
11 enforced by the Department.

12           **7. Reinspections.** A reinspection fee may be assessed for each  
13 inspection or reinspection when such portion of work for which  
14 inspection is called is not complete or when corrections called for are  
15 not made.

16           This subitem is not to be interpreted as requiring reinspection  
17 fees the first time a job is rejected for failure to comply with the  
18 requirements of this title, but as controlling the practice of calling for  
19 inspections before the job is ready for a special inspection or  
20 reinspection.

21           Reinspection fees may be assessed when the inspection record  
22 card is not possible or otherwise available on the work site, the  
23 approved plans are not readily available to the inspector, for failure  
24 to provide access on the date for which inspections are requested, or  
25 for deviating from plans requiring the approval of the Building  
26 Official.



1           To obtain a reinspection, the applicant shall file an application  
2 therefor in writing on a form furnished for that purpose and pay the  
3 reinspection fee in accordance with Table No. 3-A of the U.B.C. 1991  
4 edition or as set forth in the fee schedule adopted by the Department.

5           In instances where reinspection fees have been assessed, no  
6 additional inspection of the work will be performed until the required  
7 fees have been paid."

8           **Section 3.** A new subsection (e) is hereby added to §66403 of Article 4,  
9 Chapter 66, Title 21, Guam Code Annotated, to read:

10           **"(e) Special inspections: general.** 1. In addition to the  
11 inspections required by subsection (d) of this section, the owner or the  
12 engineer or architect of record acting as the owner's agent shall  
13 employ one (1) or more special inspectors who shall provide  
14 inspections during construction on the following types of work:

15           a) **Concrete.** During the taking of test specimens and  
16 placing of reinforced concrete. (See Item 1) below for shotcrete.)

17           **EXCEPTIONS:** 1. Concrete for foundations conforming to  
18 minimum required to Table No. 29-A or for Group R, Division 3 or  
19 Group M, Division 1 Occupancies of the U.B.C. 1991 edition;  
20 **provided,** that the Building Official finds that a special hazard  
21 does not exist. 2. For foundation concrete when the structural  
22 design is based on an no greater than 2,500 pounds per square inch  
23 ("psi").

24           b) **Bolts installed in concrete.** Prior to and during the  
25 placement of concrete around bolts when stress increases  
26 permitted by Footnote No. 5 of Table No. 26-E or Section 2624 (b)  
27 of the U.B.C. 1991 edition are utilized.

1                   c) **Special moment-resisting concrete frame.** As required by  
2 Section 2625 (j) of the U.B.C. 1991 edition.

3                   d) **Reinforcing steel and prestressing steel tendons.**

4                   1. During all stressing and grouting of tendons in  
5 prestressed concrete.

6                   2. During placing of reinforcing steel and prestressing  
7 tendons for all concrete required to have special inspection by  
8 Item 1.

9                   **EXCEPTIONS:** The special inspector need not be present  
10 continuously during placing of reinforcing steel and prestressing  
11 tendons; **provided**, that the special inspector has inspected for  
12 conformance with the approved plans prior to the closing of  
13 forms or the delivery of concrete to the job site.

14                  e) **Welding.**

15                  1. **Special moment-resisting steel frames.** As required by  
16 Section 2710 (k) of the U.B.C. 1991 edition.

17                  2. All structural welding, including welding of  
18 reinforcing steel.

19                  **EXCEPTIONS:** 1. When welding is done in an approved  
20 fabricator's shop. 2. When approved by the building official,  
21 single-pass fillet welds when stressed to less than 50 percent of  
22 allowable stresses and floor and roof deck welding and welded  
23 studs when used for structural diaphragm or composite systems  
24 may have periodic inspections in accordance with subitem 5 of  
25 subsection (e) of this section. For periodic inspection, the  
26 inspector shall check qualifications of welders at the start of work

1 and then make final inspection of all welds for compliance prior to  
2 completion of welding.

3 f) **High-strength bolting.** As required by U.B.C. Standard  
4 No. 27-7. **EXCEPTIONS:** The special inspector need not be  
5 present during the entire installation and tightening operation,  
6 for shear/bearing-type connections when threads are not required  
7 by design to be excluded from the shear plane; **provided,** that  
8 prior to the start of bolting, the surfaces and the bolt size and type  
9 are inspected for conformance to plans and specifications.  
10 Additionally, at the completion of all bolting, the inspector shall  
11 determine that plies have been brought into snug contact.

12 g) **Structural masonry.** During preparation of masonry  
13 wall prisms, sampling and placing of all masonry units, placement  
14 of reinforcement, inspection of grout space, immediately prior to  
15 closing of cleanouts, and during all grouting operations.

16 **EXCEPTIONS:** 1. Special inspection need not be provided  
17 when design stresses have been adjusted to permit noncontinuous  
18 inspection. 2. For closed-end hollow-unit masonry where there  
19 is no more than 1,500 psi for concrete units or 2,600 psi for clay  
20 units and cleanouts are provided at the bottom course of every  
21 grout pour at each vertical bar, special inspection for placing units  
22 may be performed on a periodic basis in accordance with subitem  
23 5 of subsection (e) of this section. 3. For open-end hollow-unit  
24 masonry where cleanouts are provided at the bottom course of  
25 every grout pour at each vertical bar, special inspection for  
26 placing units may be performed on a periodic basis in accordance  
27 with said subitem 5.

1           h) **Reinforced gypsum concrete.** When cast-in-place Class  
2 B gypsum concrete is being mixed and placed.

3           i) **Insulating concrete fill.** During the application of  
4 insulating concrete fill when used as part of a structural system.  
5 **EXCEPTIONS:** The special inspections may be limited to an  
6 initial inspection to check the deck surface and placement of  
7 reinforcing. The special inspector shall supervise the preparation  
8 of compression test specimens during this initial inspection.

9           j) **Spray-applied fireproofing.** As required by U.B.C.  
10 Standard No. 43-8.

11          k) **Piling, drilled piers and caissons.** During driving and  
12 testing of piles and construction of cast-in-place drilled piles or  
13 caissons. See subitems 1 a) and 1 b) of subsection (e) of this section  
14 for concrete and reinforcing steel inspection.

15          l) **Shotcrete.** During the taking of test specimens and  
16 placing of all shotcrete and as required by Section 2621 (j) and (k)  
17 of the U.B.C. 1991 edition. **EXCEPTIONS:** Shotcrete work fully  
18 supported on earth, minor repairs and when, in the opinion of the  
19 Building Official, no special hazard exists.

20          m) **Special grading, excavation and filling.** During earth-  
21 work excavations, grading and filling operations inspections to  
22 satisfy requirements of Chapter 29 and Appendix Chapter 70 of  
23 the U.B.C. 1991 edition.

24          n) **Special cases.** Work which, in the opinion of the Building  
25 Official, involves unusual hazards or conditions.

26          2. **Special inspector.** The special inspector shall be a qualified  
27 person who shall demonstrate competence, to the satisfaction of the

1 Building Official, for inspection of the particular type of construction  
2 or operation requiring special inspection.

3 **3. Duties and responsibilities of the special inspector.** The  
4 special inspector shall observe the work assigned for conformance  
5 with the approved design drawings and specifications.

6 The special inspector shall furnish inspections reports to the  
7 Building Official, the engineer or architect of record, and other  
8 designated persons. All discrepancies shall be brought to the  
9 immediate attention of the contractor for corrections, then, if  
10 uncorrected, to the proper design authority and to the Building  
11 Official.

12 The special inspector shall submit a final signed report stating  
13 whether the work requiring special inspection was, to the best of the  
14 inspector's knowledge, in conformance with the approved plans and  
15 specifications and the applicable workmanship provisions of this  
16 title.

17 **4. Waiver of special inspection.** The Building Official may  
18 waive the requirement for the employment of a special inspector if  
19 the construction is of a minor nature.

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21 on a periodic basis and satisfy the requirements of continuous  
22 inspection, provided this periodic scheduled inspection is performed  
23 as outlined in the project plans and specifications and approved by  
24 the Building Official.

25 **6. Approved fabricators.** Special inspections required by this  
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27 work is done on the premises of a fabricator registered and approved

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6 was performed in accordance with the approved plans and  
7 specifications to the Building Official and to the engineer or architect  
8 of record. The approved fabricator's qualifications shall be  
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11 fabrication procedural manual reflecting key quality control  
12 procedures manual shall be by an approved inspection or quality  
13 control agency.

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15 capabilities, plant and personnel as outlined in the fabrication  
16 procedural manual shall be by an approved inspection or quality  
17 control agency.

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19 approved inspection or quality control agency to monitor the  
20 effectiveness of the quality control program.

21 d) It shall be the responsibility of the inspection or quality  
22 control agency to notify the approving authority in writing of any  
23 change to the procedural manual. Any fabricator approval may  
24 be revoked for just cause. Reapproval of the fabricator shall be  
25 contingent on compliance with quality control procedures during  
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5 conditions exists: 1) The structure is defined in Table No. 23-K as  
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7 structure is required to comply with Section 1807 of the U.B.C. 1991  
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12 for the structural design, or another engineer or architect designated  
13 by the engineer or architect responsible for the structural design to  
14 perform structural observation as defined in Section 420 of the  
15 U.B.C. 1991 edition. The engineer or architect shall submit a  
16 statement in writing to the Building Official stating that the site  
17 visits have been made and whether or not any observed deficiencies  
18 have been corrected to conform to the approved plans and  
19 specifications, or to revised details approved by the Building  
20 Official."