

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 1002 - 6 11 9: 29 - De

Bill No. 366-30 (COR)

Introduced by:

T.C. Ada 

**AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101
RELATIVE TO INCLUDING A WAIVER OF IMMUNITY
FOR BONDS ISSUED BY THE GUAM WATERWORKS
AUTHORITY**

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

2 **Section 1. Legislative Findings and Intent.** It is the intention of *I Liheslaturan Guåhan*
3 to waive immunity from suit relative to GWA's \$30 million loan for funding reserve
4 accounts, the moratorium project and other purposes approved by the Guam Public
5 Utilities Commission and the Guam Consolidated Commission on Utilities, as well as the
6 guarantee for said loan provided by the Government of Guam.

7 **Section 2.** Section 29 of Public Law 30-101 is amended to read as follows:

8 "Section 29. The government of Guam hereby guarantees all payments due for a
9 maximum ten (10) year term that would be due under the Thirty Million Dollar
10 (\$30,000,000) credit facility issued by the Guam Economic Development Authority on
11 behalf of the Guam Waterworks Authority (GWA) authorized under §14235 of Article 2
12 of Chapter 14 of Title 12, Guam Code Annotated, for the purpose of securing a Thirty
13 Million Dollar (\$30,000,000) loan to provide funds for the Moratorium Project, fund
14 certain reserve accounts and other purposes approved by the Consolidated Commission
15 on Utilities. This Guarantee is a general obligation of the government of Guam, subject
16 to the full faith and credit of the government of Guam. The Guarantor consents to any

1 and all extension of time and waiver or modification of obligations guaranteed hereunder.
2 Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5 of the
3 Guam Code Annotated, the government of Guam hereby waives immunity from any suit
4 or action in contract upon the loan and guaranty but does not waive sovereign immunity
5 as to the personal liability of elected or appointed officials and employees of the
6 Government of Guam."

7 **Section 3. Severability.** If any of the provisions of this law or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall not
9 affect other provisions or applications of this law which can be given effect without the
10 invalid provisions or application, and to this end the provisions of this law are severable.