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Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 366-30 (COR) "AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA)", which I signed into law on May 17, 2010 as Public Law 30-146.

Sins eru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0464
5/19/10
125

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 366-30 (COR), "AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA)", was on the 3rd day of May, 2010, duly and regularly passed.




Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of May, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

MAY 17 2010

Public Law No. P.L. 30-146

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

Bill No. 366-30 (COR)

As substituted by the Committee on Economic Development,
Health & Human Services and Judiciary, and amended on the Floor.

Introduced by:

T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA).

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

2 **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan Guåhan* to
3 waive immunity from suit relative to GWA's Thirty Million Dollar (\$30,000,000)
4 loan for funding reserve accounts, the moratorium project, and other purposes
5 approved by the Guam Public Utilities Commission and the Guam Consolidated

1 Commission on Utilities, and to waive immunity from suit relative to the guaranty
2 for said loan provided by the Government of Guam.

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

5 **“Section 29. General Fund Guarantee for the Guam**
6 **Waterworks Authority Loan.** The government of Guam hereby
7 guarantees all payments due for a maximum ten (10) year term that would be
8 due under the Thirty Million Dollar (\$30,000,000) credit facility issued by
9 the Guam Economic Development Authority on behalf of the Guam
10 Waterworks Authority (GWA) authorized under §14235 of Article 2 of
11 Chapter 14 of Title 12, Guam Code Annotated, for the purpose of securing a
12 Thirty Million Dollar (\$30,000,000) loan to provide funds for the
13 Moratorium Project, fund certain reserve accounts and other purposes
14 approved by the Consolidated Commission on Utilities. This Guarantee is a
15 general obligation of the government of Guam, subject to the full faith and
16 credit of the government of Guam. The Guarantor consents to any and all
17 extension of time and waiver or modification of obligations guaranteed
18 hereunder. Notwithstanding the provision of Chapter 6 of Title 5 of the
19 Guam Code Annotated, the government of Guam hereby waives immunity
20 from any suit or action in contract upon the loan and guaranty but does not
21 waive sovereign immunity as to the personal liability of elected or
22 appointed officials and employees of the government of Guam.”

23 **Section 3. Severability.** *If* any of the provisions of this law or its
24 application to any person or circumstance is found to be invalid or contrary to law,
25 such invalidity shall *not* affect other provisions or applications of this law which

- 1 can be given effect without the invalid provisions or application, and to this end
- 2 the provisions of this law are severable.