

The Water & Sewer Corporation Act of 2010, RPPL 8-31 2011

PALAU

**RPPL No. 8-31
(Passed as Senate Bill No. 8-153, SD2, HD3)**

AN ACT

To establish and empower the Palau Water and Sewer Corporation as an independent government owned utility with the functions of managing, operating and providing water and sewer services; and for other related purposes.

**THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA
KELULAU DO ENACT AS FOLLOWS:**

Section 1. Short title.

This Act may be cited as AThe Water & Sewer Corporation Act of 2010.@

Section 2. Findings.

The Olbiil Era Kelulau finds that the adequate provision, maintenance, and improvement of water and sewer services in the Republic of Palau are vital to the economy, health, and environment of the Republic. The Olbiil Era Kelulau further finds that the provision of reliable water and sewer services at a reasonable cost would best be provided through the auspices of a new public corporation.

Section 3. Water & Sewer corporation established. There is hereby established an autonomous public corporation wholly owned by the Palau National Government to be known as the APalau Water & Sewer Corporation@ or APWSC@.

Section 4. Legal capacity. In the performance of its duties, the PWSC may exercise all powers normally exercised by a corporation, including but not limited to, the following:

A. To adopt and amend bylaws governing the conduct of its business and the exercise of its powers;

B. To sue and be sued in its corporate name;

C. To adopt, alter, and use a corporate seal;

D. To acquire, in any lawful manner, real, personal, or mixed property, either tangible or intangible; and to exercise any and all rights incident to the ownership of such property;

E. To acquire and take over in any lawful manner the ownership or management of the business, property, assets, and liabilities of any entity including the various state governments of Palau, relating to water and sewer systems;

F. To borrow or raise money by any lawful means and to issue corporate bonds on such security and upon such terms as may from time to time be deemed necessary for the establishment, improvement, and maintenance of water and sewer systems;

G. To hire, retain and terminate the services of employees, agents, attorneys, auditors, and independent contractors upon such terms and conditions as it may deem appropriate; and

H. To do all such other acts which are incidental, proper, and necessary to accomplish the duties and functions of the PWSC.

Section 5. Functions and duties of the PWSC.

The PWSC shall:

A. Take over complete control and operation of the existing National Government water and sewer systems within the Republic;

B. Meet the standards applying to the quality of water supplied by the PWSC, and the operation of the water and sewer systems under law;

C. Operate and manage such systems in accordance with acceptable commercial practices, treating all users and customers of such systems equally in accordance with this Act;

D. Require all customers to pay for services provided;

E. Prepare and institute plans for the feasibility, establishment, maintenance, and improvement of water and sewer systems in the Republic;

F. Establish five year strategic operational and financial plans to guide the PWSC, the President, and the Olbiil Era Kelulau in water and sewer matters;

G. Train and improve the skills of the PWSC=s employees in their respective fields;

H. Establish and implement a commercially sound rate and fee structure for water and sewer customers which meets the needs of the corporation to maintain and improve its operations in an economically feasible and sustainable manner.

(1) For the first three (3) years of the PWSC=s existence all rates and fee structures, and rate and fee structure increases, for water and sewer customers shall be submitted to the Olbiil Era Kelulau for its review.

(2) Upon the receipt of a proposed rate or fee structure, or a rate or fee structure increase, the Olbiil Era Kelulau shall pass a resolution either approving or disapproving the rate or fee structure, or rate or fee structure increase, within thirty (30) days. Where the Olbiil Era Kelulau fails to pass a resolution within thirty (30) days, the proposed rate or fee structure or increase shall be deemed to have been approved by the Olbiil Era Kelulau and shall become effective.

I. Invest all surplus revenues of the PWSC in the establishment, maintenance, and improvement of its water and sewer systems;

J. Secure loans and other funds for the purposes of establishing, improving, and maintaining the water and sewer systems and related infrastructure and facilities;

1. Exception: So long as PWSC remains a wholly owned government corporation, the maximum amount of all loans agreed to by PWSC shall not exceed twenty million dollars (\$20,000,000); and

2. Where PWSC seeks to enter into a loan that will cause the total amount of debt owed by PWSC to exceed twenty million dollars (\$20,000,000) then all loans of PWSC shall be subject to the scrutiny and approval of both houses of the Olbiil Era Kelulau until the total debt owed by PWSC falls below twenty million dollars (\$20,000,000).

K. Adopt and enforce rules for the effective operation of the water and sewer systems and for the collection of water and sewer fees and other debts owed the PWSC;

L. Employ professional technicians or experts for the management of the PWSC, and for the purposes of establishing, maintaining, and improving the water and sewer systems including, but not limited to, auditing, accounting and collection services;

M. Cooperate with other entities, governmental or private, to achieve the purposes of the PWSC, and to maximize the use of its infrastructure and facilities for purposes consistent with the operations of the PWSC;

N. Establish and maintain a twenty-four hours---seven days a week emergency hotline to receive emergency telephone calls from users and establish a customer

service office and public telephone line to answer customer questions and complaints;

O. Implement water conservation programs and measures to promote the efficient and sustainable use of Palau=s water resources;

P. Encourage and require the responsible use of Palau=s water resources; and

Q. Perform any other functions and duties as may be prescribed by law.

Section 6. Operations of the PWSC; General Powers. The PWSC shall have such powers as are necessary or incidental to the proper operation of its water and sewer systems, and for the performance of its functions and duties, and these powers shall include the power and authority to:

A. Acquire, construct, maintain and operate facilities, plants, equipment and infrastructure associated with the supply of water and the related activities of the PWSC, including the development of reservoirs and other water storages;

B. Erect works, and install any necessary equipment, machinery and plants for the purpose of treating water and for any other purpose related to the functions and duties of the PWSC;

C. Draw water from lakes, streams, waterfalls, rivers, wells, bores and any other source of water in accordance with the law;

D. Enter upon and break up any soil or surface on any roads or other public land and excavate and sink trenches, and do all other such things that are necessary for making, altering, cleaning, repairing, maintaining and improving any pipe, fitting, valve or related object in accordance with the law;

E. Erect or make use of ventilating grids and such other works and things for the efficient sanitary drainage of any locality, or for the supply of water thereto;

F. Utilize any natural watercourse for the discharge of overflows from any of its facilities, in accordance with the law;

G. Purchase or otherwise acquire and maintain such personal and real property, easements and rights of way as are necessary for the operation of its water and sewer systems;

H. Require the certification or registration of qualified contractors to perform work on the water and sewer systems, including the making of connections and any modifications to the systems;

I. Engage contractors from the private sector to undertake work for the PWSC, subject to PWSC=s supervision and inspection of the work so undertaken;

J. Provide relevant specialist advice and technical services on a commercial basis;

K. Hire out plants or equipment of the PWSC;

L. Ration or differentially allocate the supply of water, particularly during times of shortage;

M. Recover the capital cost of supplying water or other services to particular premises on such terms and conditions as the Board determines;

N. Investigate any failure to comply with this Act, or any act that affects the ability of the PWSC to provide services under this Act, and to take such steps as it considers necessary to secure compliance with this Act or to prevent interference with the activities of the PWSC;

O. Make policies, procedures, standards, codes of practice and practice directions relating to any work intended to form part of, or to be directly or indirectly connected to any systems or works of the PWSC;

P. Prescribe certain plumbing and associated hardware as being restricted for the exclusive use of the PWSC or prohibited from sale, where such restriction or prohibition is necessary to ensure that the systems or works of the PWSC are not tampered with or otherwise adversely affected;

Q. Refuse permission to connect to any works of the PWSC, any work which has been carried out in any way which contravenes a policy, procedure, standard or code of practice made or set by the PWSC, and to require the disconnection of any such work; and

R. Exercise the powers provided by the Underground Utility Damage Prevention Act (37 PNC " 501-511) as operator of the water and sewer systems, and exercise the rights and powers vested in the Director of Public Works under the Sewer Use Act (34 PNC Chap. 12).

Section 7. Operations of the PWSC; Regulations.

A. The President may from time to time make such regulations as are necessary for giving full effect to this Act; for conserving the water resources; and for ensuring that the PWSC can effectively manage, protect and operate its water and sewer systems and perform its functions and duties and exercise its powers under this Act.

B. Regulations made under this section may repeal and replace the Utility Regulations 1986.

Section 8. Transfer of employees and assets.

A. At a time nominated by the President, such persons as the President determines who were employed by the Palau National Government immediately prior to the commencement of this Act and who were engaged in the performance of any functions to be undertaken by the PWSC, shall be transferred to the PWSC on terms no less favorable than those they were entitled to immediately prior to the commencement of this Act.

B. The PWSC may make arrangements with the Palau National Government for the temporary transfer of any government employee to the PWSC.

C. All persons employed by or transferred to the PWSC shall be employed in accordance with the personnel systems approved by the Board of the PWSC, and are subject to the direction and control of the Chief Executive Officer.

D. The President shall, by Executive Order, approve the transfer to the PWSC of water and sewer facilities, installations, premises, equipment, and related property of the Palau National Government which has been used for or in connection with the operation of water and sewer systems and the provision of water and sewer services prior to the commencement of this Act.

E. All legal formalities associated with the legal transfer of property ordered to be transferred to the PWSC under this section shall be effected as soon as an Executive Order is made to that effect, and without charge to the PWSC.

F. The PWSC shall receive and assume ownership of all working capital, cash, accounts receivable (but not the accounts payable), books, records, files, maps, and other rights, obligations, assets (but not the liabilities), agreements and privileges pertaining to the property owned, used or derived by the Palau National Government for the provision of water and sewer services prior to the commencement of this Act.

G. The President shall inform the Olbiil Era Kelulau of all transfers made under the authority of this section.

Section 9. Board of Directors; Qualifications; Appointment; Removal.

A. The administration and management of the PWSC shall be controlled and its corporate powers exercised by a Board of Directors.

B. The Board shall consist of five (5) members, who shall be appointed by the President with the advice and consent of the Senate of the Olbiil Era Kelulau.

C. The Board members shall have at minimum a college degree and/or appropriate business or professional work experience.

D. The President may nominate persons for appointment to the Board of the PWSC at any time prior to or after the effective date of this Act.

E. The President shall nominate a replacement for appointment to a vacancy on the Board within forty-five (45) days of the vacancy.

F. A vacancy exists when a Board member:

1. dies;

2. resigns;

3. Is removed; or

4. is incapacitated or disabled.

G. The President shall have the power to remove a Board member for cause or in the event the Board member is incapacitated or disabled. The terms Aincapacitated@ or Adisabled@ as used herein refer to the physical or mental

condition of a Board member which renders the member unfit or unable to perform the duties of the position.

H. No Board member may hold office in the Olbiil Era Kelulau or be an employee of the PWSC.

Section 10. Board of Directors; Term; Organization.

A. Members shall serve for a term of three (3) years. Board members may be reappointed and shall serve until their successor has been appointed.

B. Within seven (7) days after at least two (2) of the Board members are confirmed, the Board shall hold its first organizational meeting and shall elect from among its members a Chairman and Vice Chairman. The Chairman shall preside over all meetings of the Board and in the Chairman's absence, the Vice Chairman shall preside. The bylaws of the Board shall provide who may preside at Board meetings in the absence of these officers. During its first organizational meeting, the first confirmed Board member shall preside as Chairman until a Chairman is elected.

C. The Chief Executive Officer shall be an ex-officio Board member without voting rights.

Section 11. Board of Directors; Removal of Board Members. Cause to remove a Board member exists whenever any of the following occur:

A. Unexcused absence from three (3) consecutive Board meetings;

B. Misconduct during the transaction of the Board's business or neglect of duty;

C. Being incapacitated or disabled; or

D. Any other good cause.

Section 12. Board of Directors; Meetings; Quorum; Record.

A. Regular meetings of the Board shall be held not less than once per calendar quarter and at such other times and places as shall be determined by the bylaws or by a majority of the Board members.

B. A special meeting may be called by the Chairman or by petition of a majority of the Board members pursuant to notice as shall be provided in the bylaws.

C. A majority of the Board membership shall constitute a quorum for the transaction of business of the Board.

D. The Chief Executive Officer shall ensure that full and accurate minutes of all meetings of the Board are maintained and preserved.

Section 13. Board of Directors; Compensation.

A. Board members who are not employees of the National Government or of a state government shall be paid \$50.00 per day and Board members who are employees of the National Government or a state government shall be paid \$25.00 per day, while engaged in the business of the PWSC; provided, however, that no Board member shall be paid more than \$250.00 per quarter.

B. Members of the Board shall be entitled to per diem at established National Government rates when traveling on the business of the PWSC.

Section 14. Chief Executive Officer of the PWSC.

A. The Board, by a majority vote, shall appoint a Chief Executive Officer (CEO). The compensation, term of office, and other pertinent matters relating to the CEO shall be set by the Board.

B. The CEO shall manage the day-to-day operations of the PWSC; shall be responsible to the Board in carrying out such duties and functions as are assigned by the Board and the bylaws; and shall, in accordance with policies established by the Board, retain, direct and terminate the services of PWSC employees.

C. The CEO may be removed by the Board by a majority of the Board members.

D. The CEO shall have at least the following minimum qualifications:

1. a college degree in business or public administration, engineering, or a related field; and

2. three (3) years of utility or business management experience.

Section 15. Chief Financial Officer.

A. The CEO shall appoint, with the concurrence of the Board, a Chief Financial Officer (CFO). The compensation, term of office, and other pertinent matters relating to the CFO shall be set by the Board.

B. The CFO shall discharge the duties and responsibilities relating to the financial affairs of the PWSC and shall receive and disburse all funds of the PWSC, and shall perform other duties as may be assigned by the Board.

C. The CFO shall serve under the direct supervision of the CEO.

D. The CFO shall have at least the following minimum qualifications:

1. a college degree in business, accounting, or a related field; and
2. three (3) years of related work experience.

Section 16. Budget preparation. In consultation with the CEO, the CFO shall prepare by March 1 of each year the PWSC fiscal year budget. In preparing the budget the CFO shall consider anticipated capital and operational expenditures and anticipated revenues. The PWSC shall use the same fiscal calendar as the Palau National Government. The budget shall indicate the operational, capital, and maintenance requirements of the PWSC that shall be met with the anticipated revenues or outside financial assistance including surplus revenues.

Section 17. Budget support.

A. The PWSC may seek and accept appropriations from the Palau National Government and may receive grants or other financial assistance from sources outside of the Republic as are necessary to supplement revenue and to provide for the establishment, operation, maintenance, and improvement of water and sewer services in the Republic.

B. In accordance with government financial and budgetary processes, operating subsidies shall be paid by the Palau National Government to the PWSC in accordance with its financial commitments and obligations relating to the establishment and operations of the PWSC.

Section 18. Accounting and records.

A. The CEO shall ensure that a computerized accounting system is established and implemented.

B. The Board and the CEO shall ensure that the CFO prepares proper and complete books of accounts reflecting all incomes, expenditures, assets, and liabilities of the PWSC.

C. The Board, not later than sixty (60) sixty[sic] days after the close of each fiscal year, shall submit to the President and the Olbiil Era Kelulau a complete report showing PWSC activities during the fiscal year, the present financial status and condition of the PWSC, a financial accounting of any funds provided by the Palau National Government to the PWSC, and such other matters as the Board deems appropriate, or as requested by the President.

D. The Board shall appoint a certified public accountant to audit the financial records of the PWSC annually and transmit a copy of the audit report to the President and to the Olbiil Era Kelulau.

E. The Public Auditor may audit the financial records of the PWSC. The PWSC shall cooperate fully with the Public Auditor and provide all requested financial records.

Section 19. Debts and obligations of the PWSC.

A. Unless otherwise expressly provided by law or contract, the debts and obligations of the PWSC shall not be debts or obligations of the Palau National Government, nor shall the Palau National Government be responsible for any such debts or obligations.

B. The debts and obligations incurred by the Palau National Government pursuant to its water and sewer responsibilities prior to the establishment and operation of the PWSC shall remain the debts and obligations of the Palau National Government.

Section 20. Tax liability. The PWSC exists and operates solely for the benefit of the public and shall be exempt from all national and state taxes, or fees, specifically including any charges for easements across or under public lands, and from all state government regulation or control. Employees, suppliers, independent contractors, partners of, or joint venturers with the PWSC shall not be exempt from their respective tax obligations or applicable fees. The PWSC shall be liable for any contributions to the social security system, pension plan and employee health insurance required by law.

Section 21. Water and sewer rates.

A. The initial rates to be charged by the PWSC for water and sewer shall be the rates charged by the Palau National Government on the date this Act becomes effective.

B. The initial water and sewer rates shall be automatically adjusted in accordance with the government's financial commitments and obligations relating to the establishment of the PWSC.

C. Water rates shall be assessed on the basis of quality and volume of water used. Sewer rates shall be assessed on the basis of usage and the manner of such usage. Customers may be classified for the purpose of assessing water and sewer rates in accordance with this policy.

D. All subsequent rates and all regulations pertinent to the water and sewer systems and services of the PWSC shall be adopted by the Board of PWSC only after public hearings following public notice published and posted as herein provided. The rates adopted by the Board of the PWSC must be sufficient to enable the PWSC to pay and discharge all maintenance and operating expenses of the water and sewer systems (including depreciation), as well as any indebtedness of the PWSC.

E. Prior to the adoption of new or amended rates or regulations, or the repeal of any rate or regulation (Action@), the PWSC shall give at least thirty (30) calendar days notice of its proposed action by posting written notice at the President's Office, at the Judiciary Building, at the Olbiil Era Kelulau, and at the Post Office. The notice shall also be read over T8AA Radio at least four times daily on ten (10) consecutive business days within the first twenty-five (25) days after it is posted. Such notice shall be posted and read in English and Palauan and shall include the following:

1. a short statement of either the terms or substance of the proposed action together with a brief description of the subject and issues involved;

2. reference to the legal authority under which the action is proposed;

3. when, where, and how interested persons may present their views thereon; and

4. where copies of the proposed action will be available for reading or distribution to the public.

F. The PWSC shall make copies of each proposed action available for reading at its main office and shall afford all interested persons the opportunity to submit data, views, or arguments in writing.

G. The PWSC Board shall conduct a public hearing on a proposed action and shall fully consider all written and oral submissions concerning the proposed action.

H. After having complied with the provisions of this section the Board of the PWSC shall adopt or reject the action and shall issue a concise statement of the basis upon which it has acted. Actions adopted by the Board of the PWSC shall thereafter be filed with the Office of the President and shall become effective upon the date of such filing.

I. The CEO shall compile, index, and maintain all written rates and regulations of the PWSC in effect and shall promptly supplement or revise such rates and regulations as adopted, amended or repealed.

J. The PWSC shall be exempt from the provisions of Chapter 1, Title 6 of the Palau National Code, the so-called Administrative Procedures. Act. @

Section 22. Other charges for water and sewer services.

A. The Board of the PWSC may approve a scale of fees and charges for connections to water or sewer systems, approvals or permits given by the PWSC, inspections of works done to a water or sewer system, disposal of septic sludges and sanitary wastes, or any other matter associated with the provision of water and sewer services and the operation of water and sewer systems.

B. The PWSC may impose a charge for any other service that it provides and such charges may be determined by the Board, or by the Chief Executive Officer if the Board has made no applicable determination.

C. The Board may approve the imposition of charges on commercial premises and businesses for any use made of the PWSC systems for waste disposal, including charges for disposal of sewage through the sewer systems, and for disposal or treatment at associated facilities.

Section 23. No exemption for PWSC employees. No free or discounted water or sewerage service may be provided to any employee of the PWSC.

Section 24. Protections for the PWSC; no claim for failure of supply etc.

A. The PWSC shall not be liable to any person for any loss or damage suffered by that person, and no person shall have a claim against the PWSC, where there is an increase, diminution, or discontinuance in the supply of water or any other service provided by the PWSC, or where there is a diminution in the quality of water:

1. Caused by accident, drought or other natural phenomenon or other unavoidable cause;

2. Caused by the PWSC acting in good faith in the proper exercise of its functions;
or

3. Resulting from the exercise by the PWSC of a power under this Act.

B. Where the PWSC intends to do any act which is likely to increase, diminish or discontinue the supply of water or any other service, or to diminish the quality of water supplied to any premises, the PWSC shall, if practicable, give 24 hours notice in the Palauan and English languages of such intention to the consumers likely to be affected.

C. The PWSC shall not be liable for, and no person shall have a claim against the PWSC in respect of, any loss or damage arising from the escape of water from the works of the PWSC.

D. An officer, employee, or agent of the PWSC shall not be under any civil liability arising from the performance in good faith of any power or duty provided for by this Act.

Section 25. Offenses against this Act.

A. For the purposes of this section, the term Apollutant@ means any liquid, gaseous or solid substance that contaminates the water so as to change the physical or chemical condition of it in such a manner as to make the water unclean, noxious,

offensive or impure, or so as to be detrimental to the health, safety, or welfare of persons using, consuming or residing in the vicinity of the water.

B. Any person who knowingly and willfully:

1. discharges or introduces any pollutant into a water system of the PWSC or any water source used by the PWSC for the water it supplies, or who causes or permits another person to so discharge or introduce a pollutant; or

2. tampers, interferes with or damages any pipes, fittings or appliances forming part of a water supply or sewer system so as to interfere with the supply or service, or who causes or permits another person to so tamper, interfere or damage; then

3. Such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for a period of not more than one year, or fined not less than \$100.00 nor more than \$1,000.00 per day of violation, or both.

C. Any person who makes an unauthorized connection to any water or sewer system operated by the PWSC, or who causes any other person to make an unauthorized connection to any water or sewer system operated by the PWSC, shall be guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for a period of not more than one year, or fined not less than \$100.00 nor more than \$1,000.00 per day of violation, or both.

D. Any person who negligently commits any of the offenses set forth in subsection b. of this section, or who knowingly and willfully violates any regulation, rule, permit, order, standard or code of practice adopted and applying hereunder, shall be

guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$100.00 per day of violation.

E. Any person who commits any offense which involves the unlawful taking of water from a system operated by the PWSC shall be liable to pay for the water unlawfully taken, as assessed by the PWSC, at a penalty rate determined by the Board.

Section 26. Takings and Compensation.

A. Pursuant to Article XII, Section 7, of the Constitution, where the National Government, through PWSC exercises the Eminent Domain power of the National Government to expropriate private land for a public purpose of PWSC, the owner of the private land shall be justly compensated for such a taking.

B. Subsection (a) shall apply to any person who, by virtue of being the first to establish a home in an area, establishes the first water or sewer pipeline or procures an easement for which a water or sewer pipeline may later lie in that area; such a person shall be justly compensated if the water or sewer line, or easement is later used by PWSC to provide a water or sewer line to persons who later move to the same area.

Section 27. Severability. If any provision of this Act shall be held invalid, such invalidity shall not affect the other provisions of the Act that can be given effect without such invalid provision, and to this extent, the provisions of this Act are severable.

Section 28. Amendment. Section 3413(e) of Title 24 of the Palau National Code, as amended by RPPL 8-9, RPPL 8-18, RPPL 8-29 is hereby amended to create new subsections A(g)@ and A(h)@ as follows:

(d) Within thirty days . . .

(e) The funds collected . . .

(f) Because the . . .

(g) All funds collected from the Environmental Protection Departure Fee (AGreen Fee@) in Fiscal Year 2011 are hereby authorized to be appropriated and are hereby appropriated for purposes of and in accordance with the PAN Act. Because the Protected Areas Network Fund (APANF@) is not fully established and cannot yet disburse revenue collected from the Green Fee to conservation sites according to the PAN Act and State management plans, \$255,820.25 of the Green Fee revenue collected in FY2011 are hereby authorized to be appropriated and are appropriated to several states and/or sites for institutional capacity and development, and implementation of each State=s PAN management plan. These funds shall not lapse at the end of the fiscal year. This amount is to be divided as follows

- (1) \$17,580.00 to Ngarchelong State;
- (2) \$27,500.00 to Ngiwal State;
- (3) \$33,580 to Melekeok State;
- (4) \$43,951.25 to Hatohobei State;
- (5) \$27,169.50 to Aimeliik State;
- (6) \$21,000.00 to Kayangel State;
- (7) \$23,517.00 to Ngaraard State;
- (8) \$28,548.75 to Ngchesar State; and

(9) \$32,973.75 to Ngardmau State.

(h) The amount of \$1.4 million dollars is hereby authorized and appropriated for the purpose of the Republic of Palau fulfilling its commitment under the July 1, 2010 Memorandum of Understanding between the Republic of Palau and The Nature Conservancy, Pertaining to the Micronesia Challenge, to match The Nature Conservancy's payment. The entire amount authorized and appropriated shall come from Green Fee revenue. These funds shall not lapse at the end of the fiscal year.

Section 29. Effective Date.

A. The provisions of this Act shall, after being signed into law by the President or otherwise becoming law without being signed by the President, come into effect by Executive Order of the President to that effect, and the President may order that certain provisions of this Act shall take effect at different times.

B. The President may make any Executive Orders which are consistent with this Act and necessary for its effective implementation, and for the establishment of the PWSC and the commencement of its operations, including arrangements for the engagement of management expertise in the transitional phases.