

Proposal No.: CC-P2-4-21

Assigned to: Commission on Public Finance & Revenue

PROPOSAL TO AMEND CONSTITUTION

To amend Article IX, Section 3(a) of the Constitution of the Federated States of Micronesia to require that the allottee of public funds be the FSM President or Governors or their allottees and that expenditure of public funds be pursuant to development plans.

Section 3.

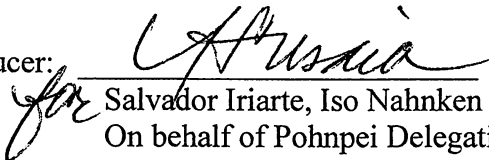
The following powers may be exercise concurrently by Congress and the states:

- (a) To appropriate public funds provided that the allottee of public funds shall be the President, governors or their designees whom all shall follow national development needs or omnibus development plans for the states and other purposes as may be prescribed by statute;

PURPOSE AND INTENT OF AMENDMENT:

The court case of *Udot v. FSM* recognized the evil behind senators controlling public projects. But that ruling technically is not law yet because there is no Appellate Court Decision affirming it. This is the way that the court system works (trial ruling is not law until an appellate decision affirms it), and the senators know this. *Udot* is a trial division ruling that any one judge may deviate if supported by reasonable ruling until affirmed by the Appellate Court. This amendment will fill the missing judicial gap and correct the intent of the separation clause by leaving law-making to Congress and allowing the Executive the all power to implement laws.

Introducer:


for Salvador Iriarte, Iso Nahnken
On behalf of Pohnpei Delegation

Date:

1-14-2020