

# A BILL TO ENACT THE KADUNA STATE BUDGET AND PLANNING LAW

[ ]

Commencement

BE IT ENACTED by the Kaduna State House of Assembly as follows:

Enactment

## PART I PRELIMINARY

1. This Law may be cited as the Kaduna State Budget and Planning Law, 2016.

Short title

2. This Law shall come into operation on the .....day of .....2016.

Commencement

3. In this law:

Interpretation

“Board” means the Economic Planning Board required by Section 7(3) of the Constitution of the Federal Republic of Nigeria (as amended), and established under Section 24 of this Law;

“Chairman” means the Chairman of the Commission, the Chairman of the Board or the Chairman of the Local Government Planning Committee as the context permits;

“Commission” means the Kaduna State Budget and Planning Commission;

“Commissioner” means the Commissioner in the State responsible for Budget and Planning matters;

“Council” means a Local Government Council in the State;

“Governor” means the Governor of Kaduna State;

“Local Government” means a Local Government Area in the State as contained in the First Schedule to the 1999 Constitution (as amended);

“Local Government Planning Committee” means the Committee established under Section 33 of this Law;

“Member” means a member, and includes the Chairman, of the Commission, a member of the Board or a member of the Local

Government Planning Committee as the context permits;

“Secretary” means the Secretary of the Commission, Secretary of the Board or the Secretary of the Local Government Planning Committee as the context permits;

“State” means Kaduna State of Nigeria;

## **PART II**

### **BUDGET AND PLANNING COMMISSION**

4. There is hereby established in the State a Commission to be known as the Kaduna State Budget and Planning Commission which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establishment of  
Commission

5. The functions of the Commission shall be to:

Functions of the  
Commission

- (i) Perform all functions relating to state budget and planning;
- (ii) advice and support Government in the formulation of economic policies;
- (iii) develop, co-ordinate, monitor and evaluate all development plans and strategies for the State;
- (iv) prepare and review annual and multi-year budgets for the State;
- (v) monitor and evaluate State plans and the performance of Ministries, Departments and Agencies;
- (vi) ensure the collection, preservation and analysis of all statistical data in line with the Kaduna State Bureau of Statistical System Law, 2014;
- (vii) co-ordinate and monitor domestic and international donor support, projects and programmes for the benefit of the State;
- (viii) provide guidelines, advice and give support to Ministries, Departments and Agencies in relation to budgeting, planning

monitoring, review and policy implementation;

- (ix) provide State guidance and oversight on Local Government planning, budgeting and economic development;
- (x) ensure Local Government plans and development issues are fully integrated at the State Level;
- (xi) provide a focal point for the coordination and formulation of State economic planning and budgeting policies and programmes;
- (xii) draw up from time to time, State economic priorities and programmes and map out implementation strategies;
- (xiii) enhance the efficiency of public sector spending and general economic management;
- (xiv) ensure that expenditure requests are in line with approved budgetary provisions; and
- (xv) undertake evaluation of the performance of key sectors across the State and make recommendations on areas for improvement.

6. In the discharge of its duties under this Law, the Commission shall have power to:

- (a) demand for and obtain from any government agency or other private body, statistical or other information relevant to the functions of the Commission under this Law;
- (b) Advise the Governor as to the appropriate measures to be undertaken by the appropriate agencies or bodies in order to ensure their conformity with State policies and programmes;
- (c) bring to the attention of the State Executive Council cases of non-compliance or violations of State policies and programmes Ministries, Departments and Agencies;
- (d) prescribe action along a given course for any government agency for the attainment of identified State objectives;

Powers of the  
Commission

- (e) advice to Ministries, Departments and Agencies to withhold funds in relation to projects that have not been approved by the Commission;
- (f) issue guidelines and circulars regarding budget and planning preparation, implementation and control;
- (g) subject to approval of the State Executive Council, appoint, promote and discipline all officers of the Commission including the determination of the conditions of service of its staff and employees; and
- (h) provide advisory services on matters referred to it by any Ministry, Department, Agency or Local Government Council in the State.

7. The Commission shall consist of:

- (a) The Deputy Governor, as Chairman;
- (b) The Commissioner responsible for Budget and Planning matters as Deputy Chairman and he shall be the Chief Accounting/Administrative Officer of the Commission;
- (c) The Commissioners responsible for Finance;
- (d) The Attorney-General and Commissioner for Justice;

- (e) The Commissioner responsible for Local Government Matters;
- (f) The Commissioner responsible for Education matters;
- (g) The Commissioner responsible for Health matters;
- (h) The Commissioner responsible for Works;
- (i) The Commissioner responsible for Commerce and Industry;
- (j) The Commissioner responsible for Rural and Community Development;
- (k) Executive Secretary, Kaduna Investment Promotion Agency;
- (l) The Chairman of the Kaduna State Internal Revenue Service;
- (m) The Special Adviser to the Governor on Economic Matters;
- (n) three (3) qualified economists from the private sector to be appointed by the Governor to serve for a period of four years and may be re-appointed for another term of four years only;
- (o) the Permanent Secretary appointed to assist the Commissioner shall serve as Member/Secretary to the Commission.

Remuneration of  
Members

8. Members of the Commission shall be paid such remunerations and/or allowances as the State Executive Council may approve.

Vacation of Office  
of a Member

9. The office of a member shall become vacant if:

- (a) his tenure of office elapses;
- (b) he resigns by notice in writing to the Governor;
- (c) he is removed from office by the Governor under the provisions of section 10 of this Law.

Removal of Member  
of the Board

10. A member may at any time be removed from office by the Governor on the occurrence of any of the following:

- (a) he becomes bankrupt;
- (b) he is convicted for a felony or any offence involving dishonesty or fraud;

- (c) he becomes of unsound mind or is incapable of carrying out his duties;
- (d) he is guilty of serious misconduct in relation to his duties;
- (e) in the case of a person possessed of professional qualification, he is disqualified from practicing his profession; or
- (f) in the opinion of the Governor, it is in the interest of the Commission that the member be relieved of his membership;

Quorum

11. The quorum for meetings of the Commission shall be a simple majority of the total number of members of the Commission, including the Chairman or Deputy Chairman.

Meetings

12. (1) The Commission shall meet quarterly and as may be considered expedient for the effective discharge of its functions under this law.
- (2) The Chairman shall preside over the meetings of the Commission
- (3) In the absence of the Chairman, members present shall nominate one of them to preside over the meeting.

Secretary to the  
Commission

13. The Secretary shall be responsible for:

- (a) making arrangements for meetings of the Commission;
- (b) preparing agenda for meetings after consultation with the Chairman;
- (c) taking minutes of meetings;
- (d) preparation and submission of regular reports of the Commission to the Governor through the Chairman; and
- (e) any other duties as may be specifically assigned to him by the Commission or the Chairman.

14. The Commission shall subject to the approval of the Governor establish Departments/Units as may be considered necessary for the effective performance of its functions.

Departments/Unit  
the Commission

15. (1) The Commission shall appoint and exercise disciplinary control over its officers and staff.
- (2) The powers vested in the Commission by sub-section (1) of this section shall be exercised in consultation with the State Executive Council.
- (3) The Commission may employ or accept staff/officers on transfer or secondment from the public service of the State, Local Governments or Federal Civil Service in accordance with the procedure applicable to the transfer of such officers.
16. Service in the Commission shall be pensionable service and accordingly officers and persons employed by the Commission shall be entitled to pensions, gratuities and other retirement benefits as are obtainable in the Public Service of the State under the Pension Reform Law, 2016.
17. Conditions of service of staff of the Commission including contract appointments and other conditions shall be as approved by the State Executive Council on the recommendation of the Commission.

Staff Matters

Pensionable Serv

Conditions  
of Service

### **PART III**

### **FINANCIAL PROVISIONS**

18. (1) The Commission shall maintain an account from which shall be defrayed all expenditures incurred by it.
- (2) There shall be paid and credited into the account of the Commission:
- (a) such sums as may be appropriated to it in the budget of the State;
  - (b) all such monies paid to the Commission by way of grants, donations, gifts, fees, subscriptions, interest and royalties;
  - (c) monies raised by way of loans obtained with the prior approval of the State Executive Council and the State House of Assembly; and
  - (d) all other sums which may become payable to the Commission in respect of any matter incidental to the discharge of its functions.

Funds of the  
Commission

Annual Estimates

19. The Commission shall prepare and submit to the Governor each year, an estimate of the income and expenditure of the Commission for the next succeeding year.
20. (1) The Commission shall cause to be kept proper books of accounts and any other financial records in respect of its functions.
- (2) The Commission shall prepare in respect of each financial year statements of account in such forms as the Governor may approve.
21. The Commission shall cause the statement of accounts to be audited not later than six months after the end of each financial year by an Auditor appointed from the list of Auditors approved the Auditor-General of the State.
22. The Commission shall maintain liaison with the private sector, labour unions, universities, research institutions, non-governmental organizations and such other bodies as may be considered expedient in promoting plan formulation, acceptability and implementation.
23. The Commission shall be represented on the boards and governing councils of such bodies as the Governor may decide, including the boards and governing councils in which the former Ministry of Budget and Planning served.

#### **PART IV ECONOMIC PLANNING BOARD**

24. There shall be established the Board envisaged by Section 7(3) of the Constitution of the Federal Republic of Nigeria (as amended) to be known as the Kaduna State Economic Planning Board.
25. The Board shall consist of the:
- (a) Commissioner responsible for Budget and Planning as Chairman;
  - (b) Commissioner for Local Government as Deputy Chairman;
  - (c) Commissioner responsible for Rural and Community Development;
  - (d) Permanent Secretary responsible for Budget and Planning;

- (e) Chairmen of all the Local Government Councils in the State;
- (f) Executive Chairman of the State Universal Basic Education Board;
- (g) General Manager, Kaduna State Agricultural Development Agency;
- (h) Director-General, Kaduna State Rural Water Supply and Sanitation Agency;
- (i) Executive Secretary, Primary Health Care Development Agency;
- (k) Director, Local Government Inspectorate Department; and
- (l) Director responsible for Planning in the Commission to serve as the Secretary of the Board.

26. Whenever in the opinion of the Board it is expedient or desirable to obtain the services or advice of any person on any matter under consideration by the Board, the Board may co-opt such person at such meeting of the Board as may be required, and such person shall have the rights and privileges of a member, save that he shall not be entitled to vote on any question or be counted towards a quorum.

Power to Co-opt  
Persons

27. The functions of the Board shall be to:

Functions of the  
Board

- (a) advise on measures necessary for the co-ordination of the planning efforts and economic programmes of the Local Government Areas in the State;
- (b) ensure effective coordination in the preparation of the Local Government annual and multi-year budgets;
- (c) advise the Local Government Councils in the State on measures necessary for efficient economic planning and budgeting so as to harness the resources of the Local Government Areas for the maximum benefit of the people; and
- (d) undertake studies and produce statistical data to reflect the orderly, progressive and planned economic growth of the State.
- (e) advise the Governor concerning the economic affairs of the Local Government Areas in the State;

Meetings

28. The Board shall hold monthly meetings and submit its conclusions and recommendations to the Commission.

Power to make  
regulations

29. The Board shall have powers to make Standing Orders to regulate its proceedings and those of the Local Government Planning Committees.

Quorum

30. The quorum for meetings of the Board shall be a simple majority of

members, including the Chairman or Deputy Chairman.

31. The Board may appoint *ad hoc* Committees to perform any of its functions in respect of any matter it may consider necessary.

32. Members of the Board shall be paid remunerations and/or allowances as the State Executive Council may approve.

## **PART V THE LOCAL GOVERNMENT PLANNING COMMITTEE**

33. There is established for each Local Government Council in the State a Committee to be known as the Local Government Planning Committee.

34. The Local Government Planning Committee shall consist of:

- (a) the Chairman of the Local Government Council as Chairman;
- (b) the Vice-Chairman of the Local Government Council as Deputy Chairman;
- (c) one representative of the State Council of Chiefs;
- (d) all Supervisory Councilors of the Local Government Council;
- (e) the Chairman of the Local Government Revenue Committee;
- (f) five other persons with requisite knowledge, experience and integrity from the Local Government Area who shall be appointed by the Chairman of the Local Government; and
- (g) the Director responsible for Administration to serve as Secretary to the Committee.

35. The Local Government Planning Committee shall advise the Council on the economic development of the Local Government Area and undertake any other duties as may be assigned to it by the Board.

36. The Local Government Planning Committee may co-opt any person to any of its meetings on such terms as it may consider appropriate, provided that he shall not be entitled to vote on any question or be counted towards a quorum.

37. The Secretary shall be responsible for:

- (a) making arrangements for meetings;
- (b) preparing the agenda for meetings after consultation with the Chairman;
- (c) taking minutes of meetings;

(e) rendition of regular reports of the activities of the Local Government Planning Committee to the Board; and

(e) any other duties that may be assigned by the Board or the Local Government Planning Committee.

38. The quorum at a meeting of the Local Government Planning Committee shall be a simple majority of members including the Chairman and Deputy Chairman.

Quorum

39. Members of the Committee shall be entitled to remunerations and/or allowances as the Local Government Executive Council may approve.

Remuneration of Members

40. A person appointed as a member of the Board or as a member of a Local Government Planning Committee shall remain as a member if:

Tenure of Office

(a) being an ex-officio member he holds the office by virtue of which he is a member of the Board or a member of a Local Government Planning Committee: and

(b) in the case of a person who is a member other than as an *ex-officio* member, for a period of three years and shall be eligible for re-appointment for another period of three years only.

41. The Governor may give to the Board directives of a general nature as to the discharge by the Board of its functions in relation to matters appearing to the Governor to affect the public interest and the Board shall comply with such directives.

Power of the Governor to give Directives

## PART VI

### MISCELLANEOUS

42. The Commission shall prepare and separately prepare and submit to the Governor not later than 30<sup>th</sup> June of each year, a report in such form as he may direct on its activities during the preceding year, and shall include in such report a copy of its audited accounts for that year and the Auditor-General's comments.

Annual reports

43. On the commencement of this law:

(a) the Ministry of Budget and Planning shall cease to exist and its rights, obligations and liabilities shall be vested in the Commission;

Transitional Provisions

(b) the existing technical and professional staff and employees of the Budget and Planning Cadre of the former Ministry of Budget and

Planning shall be deemed to have been transferred to the Commission; and

- (c) the Commission may however transfer out, to any other Ministry, Department or Agency, any staff whose level of competence is adjudged inadequate for coping with his functions in the Commission.

44. (1) The statutory functions, rights, interests, obligations and liabilities of the Ministry of Budget and Planning existing before the commencement of this Law under any contract or instrument shall be deemed to have been assigned to and vested in the Commission.

Savings and trans

(2) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Law were vested in the Ministry of budget and Planning shall by virtue of this Law be vested in the Commission.

45. The Economic Planning Board Law, Cap.48, Laws of Kaduna State 1991 and Paragraph 2 of the First Schedule to the Kaduna State Ministries Restructuring Order, No. 5 of 2015, are hereby repealed.

Repeal

DATED AT KADUNA this.....day of.....2016.

.....  
NASIR AHMAD EL-RUFAI, OFR  
Governor Kaduna State

**EXPLANATORY NOTE:**

(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to establish the Kaduna State Budget and Planning Commission to replace the Ministry of Budget and Planning and to provide for its functions, composition and structure.

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