

ADAMAWA STATE PLANNING COMMISSION BILL, 2019



ADAMAWA STATE OF NIGERIA

	<p>BE IT enacted by the Adamawa State House of Assembly as follows:</p> <p>1. This Bill may be cited as the Adamawa State Planning Commission Bill. 2019 and shall come into operation on the..... day of2019.</p>	<p>Citation and commencement</p>
	<p>2. In this Bill unless the context otherwise requires.</p> <p>“Attorney-General” means the Attorney-General of the State;</p> <p>“Chairman” means the Chairman of the Commission;</p> <p>“Commission” means the Adamawa State Planning Commission established under Section 3 of this Bill;</p> <p>“Financial Year” means a period of twelve months commencing on 1st January;</p> <p>“Governor” means the Executive Governor of the State.</p> <p>“Member” means a member of the Commission;</p> <p>“Secretary” means the Secretary of the Commission;</p> <p>“Repealed Edict” means Adamawa State Planning Commission Edict 1999,</p> <p>“State” means Adamawa State of Nigeria.</p>	<p>Interpretation</p>
	<p>3. (1) There is hereby established for the State a body to be known as the Adamawa State Planning Commission.</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common Seal and may sue or be sued in its corporate name.</p> <p>(3) The Commission shall be structured into seven departments for the effective discharge of its functions as follows:</p> <ul style="list-style-type: none"> (i) Finance and Accounts, (ii) Human Resource Management (iii) Donor Support and Coordination Department; (iv) Monitoring and Evaluation (v) Plans, Research and Projects; (vi) Service delivery and Improvement Department (vii) Secretarial and Legal Services <p>(4) Each of the department shall be headed by a Director appointed from within the State Civil Service with relevant qualification and cognate experience</p>	<p>Establishment of Commission</p>
	<p>4. (1) The Commission shall consist of the following members: -</p> <ul style="list-style-type: none"> (a) The Governor as Chairman; (b) The Secretary to the State Government or the Deputy Governor as alternate Chairman (c) The Chairman of the Commission as Deputy Chairman (d) Two part-time members representing both employer’s association and labour union; and (e) Two other members appointed on merit; <p>(2) In addition, the Commission shall have the following ex-officio members-</p>	<p>Members of Commission</p>

	<p>(a) The Commissioner of Finance</p> <p>(b) The commissioner of Agriculture;</p> <p>(c) The commissioner of Commerce and Industry;</p> <p>(d) The Commissioner of works;</p> <p>(e) The Commissioner of Justice; and</p> <p>(f) Representative of Local Government Council Chairman</p> <p>(3) The members of the Commission shall be appointed by the Governor</p> <p>(4) The Deputy Chairman shall be a Commissioner of cabinet rank and full-time Chief Executive of the Commission with relevant qualification</p> <p>(5) The Secretary shall be of Permanent Secretary rank in the State Civil Service.</p>	
Object of commission	<p>5. The objects of the Commission shall be-</p> <p>(a) to coordinate the formulation and implementation of government policies and programs as contained in annual plans, budgets, medium term expenditure framework and perspective plans at State and local Government levels;</p> <p>(b) to determine and advice on policies that will best promote unity among all citizens living within the State;</p> <p>(c) to enhance the efficiency, accountability and transparency of public sector spending and general State economic and financial management;</p> <p>(d) to ensure social justice and human welfare at all levels of the society;</p> <p>(e) to draw up from time to time, state economic priorities and programmes and map out implementation strategies; and</p> <p>(f) to focus on key state development issues and suggest ways for their efficient resolution;</p> <p>(g) to coordinate all activities of national and international Non-Governmental Organisations and other development partners operating in the State to align their programs and proposed interventions, activities and interventions with the general developmental framework of the State and curtail their proliferation.</p>	
Function of commission	<p>6. (1) The function of the Commission shall be: -</p> <p>(a) to formulate and prepare long-term, medium term and short-term fiscal development plans for the State and local Government Councils in consultations with institutions, agencies and organs of the government of the State charged with the responsibilities for economic planning and revenue collection and coordinate, the implementation of such plans.</p> <p>(b) Prepare and monitor the implementation of capital budget in order to assess progress of projects execution and set broad guidelines for the recurrent budget.</p> <p>(c) To manage foreign and internal economic cooperation activities including grants and technical assistance.</p> <p>(d) to organize the identification of both, abandon and on-going projects in the State and ascertain the cause of abandonment, prioritise and find out the stage of completion of each project and advise the Government accordingly and where necessary monitor and supervise the completion of such projects.</p> <p>(e) Formulation and evaluation of manpower development policies and strategy of the State.</p> <p>(f) To establish a State database containing information on projects.</p>	

	<p>(g) The Commission shall carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on the Commission under this Bill.</p>	
	<p>7. (1) for the attainment of object and the discharge of its functions under this Bill, the Commission shall have power to: -</p> <p>(a) provide assistance, guidance and registration and act as clearing house for programmes and activities of national and international Non-governmental organization and donor development partners in the State;</p> <p>(b) request for and receive from national and international Non-Governmental organizations and development partners in the State quarterly report of their activities and also meet with them at least once every quarter to discuss on planned activities and way forward;</p> <p>(c) open and operate bank account in its corporate name in any reputable commercial bank of its choice;</p> <p>(d) request for and obtain from any Governmental agency or private institution, statistical data or relevant information under this Bill.</p> <p>(e) draw attention of the Governor to policies and programs that are being hampered and sabotaged with a view to correct the anomaly.</p> <p>(f) direct Ministries or appropriate agencies with the Governor's approval not to release funds for project not approved by the Commission.</p> <p>(g) issue guidelines and circulars on developmental plans, preparations, control and implementation;</p> <p>(h) issue performance certificates in respect of projects for the purpose of budgetary and financial settlement:</p> <p>(i) require any person to appear before the Commission:-</p> <p>(i) to discuss matters which the Commission deemed necessary for the due discharge of its duties under this Bill:</p> <p>(ii) to give evidence that will assist the Commission in the discharge of its functions under this Bill,</p> <p>(iii) to prescribe action along a given course for any government agency for the attainment of identified State objective. and</p> <p>(j) Do anything, which in the opinion of the Commission, will facilitate the carrying out of its functions and discharge of its objects under this Bill.</p>	<p>Powers of Commission</p>
	<p>8. (1) There shall be appointed by the Government, an Executive Chairman to the Commission who shall be the Chief Executive Officer and responsible for the day to day running of the affairs of the Commission.</p> <p>(2) The Executive Chairman shall be an Economist, preferably bias in development planning or related field with vast experience in public sector development planning or related activities.</p> <p>(3) The Commission may appoint such number of persons to be employees as It may deem fit through the State Civil Service Commission and shall create a pool of planning officers to be posted to ministries, departments and agencies subject to the approval of the Governor</p>	<p>Staff of Commission</p>

Condition of Service	<p>9. (1) The commission shall develop and submit to the Government Condition of service in-line with research institutes salary covering remunerations, fringe benefits, pension and other benefits which would enable it attract and retain high quality manpower for approval.</p> <p>(2) The Governor may after consultation with the Civil Service Commission of the state approve scheme and condition of service for the staff of the commission which shall include provision as to retirement benefits of employees and contract officers.</p>	
Tenure of office	<p>10 (1) The Executive Chairman shall hold office for a period of five years and may be eligible for re-appointment for another period of five years.</p> <p>(2) A member other than ex-officio member shall serve for an initial term of four years renewable for another term of four years.</p> <p>(3) A member may at any time by notice in writing addressed to Governor through the Executive Chairman, resign his appointment.</p> <p>(4) The Executive Chairman shall notify the Governor of any vacancy occurring in the membership of the Commission.</p> <p>(5) Where any member of the Commission is incapacitated by illness or any other cause from performing the functions of his office, the Governor may appoint another person to act in his office until the member is able to resume the performance of his functions.</p>	
Vacancies	<p>11. No act or proceedings of the Commission shall be invalid by reason of vacancy among its membership or by reason of any defect in the appointment of any member or a person not being a member has participated in the meeting of the commission.</p>	
Removal of any member	<p>12. The Governor may at any time remove any member from office for reasonable cause and in the public interest, however such removal shall be without prejudice to the rights of the member to any benefits that may have accrued as a result of the removal.</p>	
Meeting and proceedings	<p>13. (1) The Commission may meet at such times and places as may be necessary for the discharge of its functions under this Bill but shall meet not less than four times in a year.</p> <p>(2) At any meeting of the Commission, the Chairman shall preside and, in his absence,, the members present shall select one of their members to preside.</p> <p>(3) Every question at a meeting of the Commission shall be decided by a simple majority of the members present and voting on the question and in the event of an equality of votes, the Chairman of the meeting shall have a second or casting vote.</p> <p>(4) The quorum at any meeting of the Commission shall be a simple majority of the members present.</p> <p>(5) The Commission shall have power to regulate its proceedings and may make Standing Orders for that purpose</p> <p>(6) Where Standing Orders made under sub-section (5) of this Section provide for the Commission to co-opt persons who are not member of the Commission, such person(s) may attend the meeting of the Commission and advise it on any matter referred to them but shall not count towards a quorum and shall not be entitled to vote on any question at any meeting of the commission.</p>	
	<p>14. (1) The Commission may appoint one or more Committees to advise it on the exercise or performance of its function under this Bill, and shall have power to regulate the proceedings of such Committees.</p> <p>(2) Any decision of a Committee appointed by the Commission shall have no effect until it is ratified by the commission.</p>	Committees of Commission

	<p>15. (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.</p> <p>(2) There shall be paid and credited to the fund established pursuant to Sub Section (1) of this Section-</p> <p>(a) such moneys as may, from time to time be appropriate by way of budgetary provision by the state;</p> <p>(b) such money as may be lent or granted to the Commission by the government of the Federation or the State.</p> <p>(c) all funds raised for the purposes of the Commission by ways of gifts, Loan, grant-in-aid, lest memory disposition or otherwise:</p> <p>(d) all subscriptions. fees and charges for services rendered or publications made by the commission; and</p> <p>(e) all assets that may, from time to time, accrue to the Commission under the provisions of this or any other Law of the State.</p> <p>(3) The fund shall be managed in accordance with financial instructions rules or procedures governing State expenditure and control and such rules or procedures shall in particular contain provisions-</p> <p>(a) specifying the manner in which the assets of the Commission are to be held and regulating the making of payment into and out of the fund; and</p> <p>(b) requiring the keeping of proper accounts and records for the purpose of the fund.</p>	Fund of the Commission
	<p>16. The Commission may from time to time apply the proceeds of the fund established pursuant to Section 15 of this Bill to-</p> <p>(a) defray the cost of administration of the Commission: and</p> <p>(b) the payment of salaries, fees and other remuneration allowances, pensions and gratuities payable to members or employees of the Commission.</p>	Expenditure of Commission
	<p>17. The Governor may stipulate conditions for the award of contracts by the Commission.</p>	Award of Contract.
	<p>18. The Commission may with the approval of the Governor borrow such money as it may require in the exercise of the functions conferred upon it under this Bill.</p>	Barrowing Powers.
Annual Estimates and Account	<p>19. (1) The Commission shall, not later than the 31st October each ever submit to the Governor through the Ministry of Finance an estimate of its expenditure, and income during the next succeeding financial year.</p> <p>(2) The Commission shall keep proper accounts in respect of each year and proper records in relation thereto and shall cause its account to be audited not later than three months after the end of the year by the State Auditor-General.</p>	
Commission to Provide Secretariat	<p>20. For the purposes of achieving maximum administrative efficiency and budgetary control for the State, the commission shall serve as the secretariat for the following bodies.</p> <p>(a) the State Manpower Committee;</p> <p>(b) the State Monitoring and Evaluation;</p> <p>(c) the State Project implementation</p> <p>(d) the State Donor Supports/Development Intervention.</p>	

Relationship with other bodies	21. The Commission shall maintain liaison with the private sector. Universities, Research Institutes, Non-government organization and other bodies may be useful in promoting plan formulation, implementation and acceptability.	
Annual Report	22. The Commission shall prepare and submit to the Governor not later than 30 th June each year a report in such form as he may direct <i>on</i> the activities of the Commission during the preceding year and shall include in such report a copy of the audited accounts of the Commission for that year and the report of the Auditor's General.	
Powers of the Governor to give Directives	23. Subject to the provisions of this Bill. the Governor may give to the Commission directives of a generally or specific nature relating generally to matters of policy with regards to the exercise by the Commission of its powers and it shall be the duty of the Commission to comply with such directives.	
Regulation	24. The Commission may, with the approval of the Governor, make regulations for the purposes of giving effect to the provisions of this Bill.	
Miscellaneous provisions	25. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under Seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorized in that behalf by the Commission. (2) Any member of the Commission or of a Committee thereof, who has a personal interest in any contract or arrangement entered into, or propose to be considered by the commission or a committee thereof, shall forthwith disclose his interest to the commission or committee, as the case may be and shall not vote on any question relating to such contract or arrangement.	
Common Seal	26. (1) The Common Seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution. (2) Any document purporting to be a document duly executed under the seal of the Commission shall be a document received in evidence and shall, unless the contrary is proved, be deemed to be so executed.	
	27. No member, Officer, agent or servant of the Commission shall be personally liable for any act of commission or omission done in the discharge of this lawful duties or exercise of his lawful authority under the provision of this Bill.	
	28. (1) In any suit the Government may at any stage of the proceedings be represented in Court by the Attorney-General or any other legal practitioner authorized by him. (2) For the purpose of this section includes action or any civil proceedings however commenced but does not include criminal proceedings.	
	29. The Adamawa State Planning Commission Edict, 1999 is hereby repealed;	
	30. (1) All offices and officers, departments and committee or any other body established under or appointed by virtue of the provisions of the repealed Edict, shall continue to exist as if established or appointed by virtue or under this Bill. (2) Subject to the provision of this Bill, all rights, obligations, assets and liabilities or any proprietary interests immediately before the coming into force of this Bill vested in the repealed Edict shall without further assurance be vest in the Commission.	

	(3) Subject to the provision of this Bill, every contract entered into by or under the provision of the repealed Edict including contract of employment shall continue to have effect and subsist as if entered into under or pursuant to the provisions of this Bill.	

MADE AT YOLA THIS.....DAY OF.....,2019.

ALHAJI AHMADU UMARU FINTRI
Executive Governor,
Adamawa State

EXPLANATORY NOTE

(The note does not form part of this Bill and has no legal effect, but it is intended to explain its purpose)

The Bill establishes the State Planning Commission to, among other things, determine and advise the State Government on matters relating to the State Development and overall management of the economy. The Bill seeks to promote State and Local Government consensus, mobilization and the attainment of self-reliance and sustainable development with social justice.

