



ONDO STATE
FISCAL
RESPONSIBILITY
LAW 2017

	<p>A LAW FOR THE PRUDENT MANAGEMENT OF ONDO STATE'S RESOURCES, TO ENSURE LONG-TERM MACRO-ECONOMIC STABILITY OF THE STATE'S ECONOMY, SECURE GREATER ACCOUNTABILITY AND TRANSPARENCY IN FISCAL OPERATIONS WITHIN A LONG TERM PLAN AND MEDIUM TERM FISCAL POLICY FRAMEWORK, AND THE ESTABLISHMENT OF A FISCAL RESPONSIBILITY COMMISSION TO ENSURE ACHIEVEMENT OF THE STATE'S ECONOMIC OBJECTIVES AND OTHER MATTERS CONNECTED THEREWITH.</p> <p>Commencement (August 2017)</p> <p>Enacted by Ondo State House of Assembly.</p>
<p>Interpretation</p>	<p style="text-align: center;">PART 1 INTERPRETATION AND APPLICATION</p> <p>1. In this Law –</p> <p>“Appropriation Law” means a Law passed by the State House of Assembly or Local Government Council authorizing spending from the Consolidate Revenue Fund and includes a Supplementary Appropriation Law.</p> <p>“Appropriation Bill” means a proposed Appropriation Law.</p> <p>“Arms of Government” means the Ondo State Executive, Legislature and Judiciary.</p> <p>“Borrowing” includes any financial obligation arising from:</p> <ul style="list-style-type: none"> (I) Any loan including principal, interest and charges on such loans; (ii) Deferred payment for property, goods or services by any of the entities to which this Law apply; (iii) Bonds, debentures, notes or similar instruments; (iv) Letters of credit and reimbursement obligations in

respect thereto;

(v) Trade or banker's acceptance;

(vi) Capitalized amount of obligations under leases entered into primarily as a method of raising financing or of financing the acquisition of the asset leased;

(vii) Agreements providing for swaps, selling rates, ceiling and floor rates, contingent participation or other hedging mechanisms with respect to the payment of interest or the convertibility of currency; and

(viii) A conditional sale agreement, capital lease or other title retention agreement;

“Budget Call Circular” means a circular:

(i) requesting the submissions in a prescribed form, of the revenue and expenditure estimates of ministries, extra-ministerial departments, and other executing agencies of Government for the next financial year; and

(ii) giving details, guidelines and instructions on the preparation of the estimates and expenditure in a manner consistent with the medium term developmental priorities set out in the Medium-Term Expenditure Framework;

“Capital Expenditure” means spending on an asset that lasts for more than one financial year and expenses associated with the acquisition of such assets;

“Concessional terms” means terms of the loan at an interest rate not exceeding 5 percent;

“Consolidated debt” means the aggregate of the outstanding financial obligations of Government including those of its Ministries, Departments, Extra Ministerial Departments, Agencies at any point in time arising from:

- (I) Loans including principal, interest, all charges and fees for obtaining such loans;
- (ii) Deferred payment for property, goods or services;
- (iii) Bonds, debentures, notes or similar instruments;
- (iv) Letters of credit and reimbursement obligations with respect thereto;
- (v) Guarantees;
- (vi) Trade or banker's acceptances;
- (vii) Capitalized amounts of obligations under leases entered into primarily as a method of raising financing or of financing the acquisition of the asset leased;
- (viii) Agreements providing for swaps, ceiling rates, ceiling and floor rates, contingent participation or other hedging mechanisms with respect to the payment of interest or the convertibility of currency; and
- (ix) A conditional sale agreement, capital lease or other title retention agreement.

“ Commission” means the Fiscal Responsibility Commission;

“Cost-benefit Analysis” means an analysis that compares the cost for undertaking a service, project or programme and compares the cost with the benefits that citizens are likely to derive from it;

“Fiscal Risk Appendix” means an explanatory attachment that

provides a set of indicators that can be used to measure local fiscal risk;

“Fiscal Risk Target” provides numerical target for each risk indicator with basis of which a fiscal entity can be considered fiscally healthy;

“Fiscal Year” has the meaning ascribed by the Constitution;

“Fiscal Policy Objectives” means the goals set by Government for attaining set targets for a given period;

“Government” means the government of Ondo State or a Local Government in Ondo State.

“Government Business Entities” means commercialized public enterprises and or statutory corporations that generate revenue and fund their operations;

“Governor” means the Governor of Ondo State;

“Long Term Plan” means a development plan of at least 21 years to be revised every five years.

“Ministries, Departments and Agencies” means government Ministries, Departments, Extra Ministerial Departments, Offices, Institutions and Agencies from all arms of government and shall include all government owned corporations, educational institutions, Boards and all public Bodies.

“Medium-Term Expenditure Framework” means the document referred to and the content of which is enumerated in Section 19 of this Law;

“Month” means calendar month reckoned according to the Gregorian calendar.

“Net Debt” means the Consolidated Debt less what is owed to

Government and its MDAs at any point in time;

“Person” includes both natural and juristic persons.

“Proceeds of corrupt enrichment” includes money, assets, negotiable instruments or where the proceeds or benefit has been converted to a form different from its original nature, then the converted form. e.g where money got from corrupt enrichment was used to purchase a house, the house shall be regarded as the proceed of the corrupt enrichment.

“Public Debt Securities” means public debt represented by securities issued by the State and Local Governments;

“Public Expenditure” means financial outlays other than those resulting into debt reduction for the State, its MDAs or Local Government;

“Public Revenue/Revenue” includes all moneys that accrue to the State or a Local Government or State MDAs:

“Quarter” means one quarter of a financial year and quarterly shall be construed accordingly;

“Recurrent Expenditure” means normal overhead and administrative expenses and personnel cost including salaries, emoluments and other benefits of employees;

“Refinancing of Debt Securities” means issuance of securities to repay an existing debt;

“State” means Ondo State of Nigeria;

“Tax Revenue Projections” means the projected collectible tax or revenue within a particular planning period; and

“Tiers of Government” means the State and Local Governments in Ondo State.

<p>Functions of the Commission</p>	<p>constitution, as it were, having regard to the public interest, the interest of justice and the need to prevent abuse of legal process.</p> <p>5. The Commission shall:</p> <ul style="list-style-type: none"> (a) Monitor and enforce the provisions of this law and by so doing promote with respect to the state the economic objectives contained in section 16 of the constitution; (b) Disseminate such standard practices including international good practice that will result in greater efficiency in the allocation and management of public expenditure, revenue collection, debt control and transparency in fiscal matters; (c) Undertake fiscal and financial studies analysis and diagnosis and disseminate the result to the general public; (d) Make rules for carrying out its functions under this law; (e) Perform any other functions that is consistent with, or incidental and supplementary to the promotion of the objectives of this law, but without prejudice to the exercise of constitutional powers vested over public funds as well as other extant legislations such as the Public finance (Control and Management) law, the Ministry of finance incorporated, amongst others. <p>(2) The Commission shall be independent in the performance of its day to day functions and as such shall not be subject to directives and control.</p>
<p>Expenditure of the Commission</p>	<p>6. (1) The State House of Assembly shall approve the establishment of a fund to be maintained by the Commission from which shall be defrayed all expenditure incurred by the Commission.</p> <p>(2) There shall be credited to the fund established</p>

Composition of the Commission

pursuant to subsection (1) of this section, the budgetary allocation from the state government and grants from any other sources

(3) which must also be appropriated accordingly by the state legislature.

COMPOSITION OF THE COMMISSION

7. A Chairman who shall be the chief Executive and Accounting Officer of the Commission;

I) One member representing:

a) The organized private sector

b) The Civil Society engaged in causes relating to probity, transparency and good governance;

c) The organized labour, provided that the members representing each group shall be chosen from a list of three nominees recommended to the Governor by each group;

d) A representative of the State Ministry of Finance not below the rank of a Director;

e) A representative of the State Ministry of Justice;

f) A representative of the State Ministry of Economic Planning and Budget not below the rank of a Director;

g) One member to represent each of the three Senatorial District;

h) A representative of Board of Internal Revenue not below the rank of Director.

i) A representative of Debt Management Department not below the rank of Director;

ii) All members of the Commission shall be persons of

**Vacation from
Office of a Member**

Service seconded to it as may in the opinion of the Commission be expedient and necessary for the proper and efficient performance of the functions of the Commission;

- (d) Determine the terms and conditions of service in the Commission, including disciplinary measures for the employees of the Commission;
- (e) Subject to the existing guidelines on salaries and wages in the State, fix the remuneration, allowances and benefits of the employees of the Commission.
- (f) Do other things, which in its opinion are necessary to ensure the efficient performance of the functions of the Commission;
- (g) Regulate its proceedings and make standing orders with respect to the holding of its meetings, notices to be given, the keeping of minutes of its proceedings and such other matters as the Commission may, from time to time determine.

10. (1) Notwithstanding the provision of Section 12 of this Law a member shall cease to hold office if:-

- (a) he becomes bankrupt or makes compromise with his creditors;
- (b) he is convicted of a felony or any offence involving dishonesty, corruption or fraud.
- (c) he becomes incapable of discharging the functions of his office either by reason of infirmity of mind or body;
- (d) the Governor is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office and is consequently removed by the Governor from office;
- (e) he has been found guilty of violation of the code of

<p>Salaries and Allowances</p> <p>Annual Report of the Commission</p>	<p>conduct or gross misconduct in relation to his duties;</p> <p>(f) he resigns his appointment by a notice under his hand addressed to the Governor; or</p> <p>(g) in the case of a person who becomes a member by virtue of the office he occupies he ceases to hold such office for whatever reason</p> <p>(2) Where a vacancy occurs in the membership of the Commission. It shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, provided that the successor shall represent the same interest as his predecessor.</p> <p>11. (1) There shall be paid to the Chairman of the Commission such salaries, allowances and benefits as the Governor may from time to time determine.</p> <p>(2) There shall be paid to other members of the Commission such sitting allowances and benefits as the Governor may from time to time determine.</p> <p>12. The Commission shall prepare and submit to the House of Assembly not later than 30th June in each financial year, a report of its activities including all cases of contravention of the Law investigated during the preceding financial year and shall include in the report a copy of its audited account for the preceding financial year.</p>
<p>Functions of the Fiscal Responsibility Commission</p>	<p>13. The Commission shall:</p> <p>(a) Monitor and enforce the provisions of this law and by so doing promote with respect to the state the economic objectives contained in section 16 of the constitution;</p> <p>(b) Disseminate such standard practices including international good practice that will result in greater efficiency in the allocation and management of public expenditure, revenue collection, debt control</p>

	<p>and transparency in fiscal matters;</p> <ul style="list-style-type: none"> (c) Undertake fiscal and financial studies analysis and diagnosis and disseminate the result to the general public; (d) Make rules for carrying out its functions under this law; (e) Regularly disseminate such standard good practices whether international or national that will result in greater efficiency in the allocation and management of public finance, expenditure, revenue collection, debt control and transparency in fiscal matters. (f) Undertake and or supervise the conduct of fiscal and financial studies, analysis and diagnosis and disseminate the result to the public, as well as develop and implement knowledge and skill improvement programmes for the State and Local government Public Service on fiscal management issues. (g) Establish, maintain and keep regularly updated a fiscal management portal that will serve as a definitive source of fiscal management information for the public. (h) Approve general policy and guidelines for the discharge of the functions of the Department, for implementation by the Department and staff. (i) Make regulations for carrying out all related functions by all Ministries, Departments, and Agencies(MDAs), corporations, persons, Commissions, authorities and Public bodies under the Law including stipulating formats, contents and time-lines for report of Ministries, Departments, Agencies(MDAs) Commissions and Public bodies to the Commission. (j) Perform any other functions that is consistent with,
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	<p>or incidental and supplementary to the promotion of the objectives of this law, but without prejudice to the exercise of constitutional powers vested over public funds as well as other extant legislations such as the Public finance (Control and Management) law, the Ministry of finance incorporated, amongst others.</p>
<p>Cessation of Commission Membership</p>	<p>CESSATION OF MEMBERSHIP</p> <p>14. (1) Notwithstanding the provision of Section 4 of this Law, a member of the Commission shall cease to hold office or be removed by the Governor if:</p> <ul style="list-style-type: none"> (a) he becomes bankrupt or makes a compromise with his creditors; (b) he is convicted by a court of law (whether in Nigeria or elsewhere) of any offence involving dishonesty, corruption or fraud; (c) he is found wanting by an administrative panel (whether in Nigeria or elsewhere) of any misconduct involving dishonesty, corruption or fraud; (d) he becomes incapable of carrying out the functions of his office either by reason of infirmity of mind or body; (e) he has been found guilty of violation of the Code of Conduct contained in the Constitution of the Federal Republic of Nigeria or wanting of a serious misconduct in relation to the performance of his duties as a member of the Commission; (f) he resigns his appointment by a notice under his hand, addressed to the Governor; or <p>(2) Where a vacancy occurs in the membership of the Commission, it shall be filled up by the appointment of a successor who meets the qualification requirements</p>

	<p>to hold the office on a new tenure.</p> <p>(3) Appointments to membership of the Ondo State Fiscal Responsibility Commission shall not be based on quota but merit.</p>
<p>Establishment of Ondo State Joint Planning Council</p> <p>Chairman and Vice Chairman of the Council</p> <p>Membership of the Council</p>	<p style="text-align: center;">PART III</p> <p style="text-align: center;">ESTABLISHMENT OF THE STATE JOINT PLANNING COUNCIL TO UNDERTAKE LONG TERM PLANNING</p> <p style="text-align: center;">ONDO STATE JOINT PLANNING COUNCIL</p> <p>15. (1) The Ondo State Joint Planning Council is hereby established as the body charged with the responsibility for producing Long Term Development Plans for Ondo State.</p> <p>(2) The Ondo State Joint Planning Council shall be chaired by the Governor with the Commissioner responsible for Economic Planning and Budget as its Vice Chairman.</p> <p>(3) The Vice Chairman shall act and exercise the powers and perform the duties of the Chairman in his absence.</p> <p>(4) The Ministry responsible for Economic Planning and Budget shall serve as secretariat to the Council.</p> <p>(5) Other members of the Council shall include:</p> <p>(I) Permanent Secretary, Ministry of Economic Planning and Budget who shall be the Secretary.</p> <p>(ii) Permanent Secretary Ministry of Finance.</p> <p>(iii) The Head of the Debt Management Department.</p> <p>(iv) Directors of Planning, Research and Statistics of Ministries, Departments and Agencies (MDAs) in the State.</p>

<p>Local Government Planning Council</p>	<p>(v) Heads of Budget, Planning, Research and Statistics Departments of the 18 LGAs in the State..</p> <p>(vi) Representatives of all the public tertiary institutions in the State, each nominated on the basis of their expertise.</p> <p>(vii) Two representatives of the Ministry of Local Government which must include the Director Planning Research and Statistics.</p> <p>(vii) Two representatives of Civil Society Organizations operating in the State to be appointed by the Commissioner for Economic Planning.</p> <p>(viii) Two representatives of organized private sector organizations in the state appointed by the Governor.</p> <p>(ix) Such other persons as the Chairman on account of their expertise may opt to join the Council.</p> <p>(6) The Joint Planning Council shall soon after being convened, consider and approve a work structure and operational processes which may include work Commissions and specific roles for members and or group of members and timelines for delivery of specific assignments.</p> <p>LOCAL GOVERNMENT PLANNING COUNCIL</p> <p>16. (1) A Local Government Planning Council is hereby established for every Local Government in Ondo State.</p> <p>(2) The Local Government Planning Council shall be Chaired by the Local Government Chairman with the supervisory Councilor in-charge of budget and planning who shall be the Vice Chairman.</p> <p>(3) The Vice Chairman shall act as Chair in the absence of the Chairman.</p>
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<p>Convening the Council</p>	<p>(4) The Local Government Department of Planning, Research and Statistics shall be the Secretariat of the Local Government Planning Council and the Director of the Department shall be its Secretary.</p> <p>(5) There shall be a qualified representative of every ward in the Local Government appointed by the Chairman into the Local Government Planning Council.</p> <p>17. (1) The Governor shall not later than four calendar months from the commencement of this Law appoint external members of and convene the State Joint Planning Council.</p> <p>(2) The ministry responsible for planning and budget as the Secretariat of the Council shall endeavor to provide the skills required to consultatively articulate Long Term Development Plans either from amongst its staff or selected external experts.</p> <p>(3) The secretariats shall provide guidelines, formats, technical expertise, administrative control and co-ordination in support of the entire planning process at both State and Local Government levels.</p> <p>(4) The secretariat may at any time on contract or other terms co-opt any expert that it may require in providing needed support for the Council.</p>
<p>Timeline for developing the Long Term Plan</p>	<p>18. (1) The Joint Planning Council shall not later than 14 calendar months from the date when the Council is first convened by the Governor develop an Ondo State Long-Term Development Plan of at least 21 years.</p> <p>(2) This plan shall set forth the broad development goals, achievable and measurable objectives, concrete strategies, plans and resource requirements, expected results for attaining them for the next 21 years or more from the date of approval.</p>
<p>Revision of the Plan</p>	<p>(3) Ondo State Long-Term Development Plans shall be</p>

<p>Synergy with LGA Long Term Plans</p>	<p>consultatively developed and regularly revised every five years by the State Joint Planning Council at the State level and the Local Government Planning Councils at the Local Government levels.</p> <p>(4) The development plans to be produced and approved by the State Joint Planning Council shall take account and as much as is possible achieve synergy with the development objectives set out in the local governments long term development plans in a manner that encourages synergy and supports an inclusive management and development of Ondo State economy and other affairs.</p> <p>(5) The Local Government long term development plans shall reflect the areas of comparative economic or social advantages of each Local Government and encourage partnership and cooperative development amongst Local Governments in Ondo State.</p>
<p>Consultations for development of the Long Term Plan</p>	<p>(6) The consultations for development of a long term development plan under this Law must, as much as is practicable, involve consultations with all segments of the State, private and public and for each Local Government all communities in the Local Government.</p> <p>(7) The Long Term Development Plans at both the State and Local Government levels shall, in addition to other objectives, be focused on achieving the development objectives set out in Section 16 of the 1999 constitution.</p>
<p>Implementation of Ondo State Long Term Plans</p>	<p>19. (1) The Ondo State Medium-Term Plan shall be derived from the State Long-Term Development Plan, it shall include Medium Term Sector Strategies and be the vehicle for implementation of the Long Term Development Plan.</p> <p>(2) Every Medium Term Plan document shall indicate evidence that it is derived from the State Long Term Development Plan.</p>

**Medium-Term
Expenditure
Framework**

PART IV

**STATE MEDIUM-TERM EXPENDITURE FRAMEWORK
(MTEF)**

20. (1) The State Governor shall subject to the regulations –
- (a) Cause to be prepared and laid before the House of Assembly, for its consideration, a Medium-Term Expenditure Framework for the next three financial years derived from the State`s Long-Term Development Plan not later than six months from the commencement of this law; and
 - (b) thereafter, subject to the regulations but not later than the end of August in each year cause to be prepared and laid before the State House of Assembly for consideration, the Medium-Term Expenditure Framework for the next three financial years derived from the State`s Long-Term Development Plan.
- (2) The State House of Assembly shall consider and approve the draft Medium-Term Expenditure Framework so laid before it, before the end of September in each year.
- (3) The State House of Assembly shall approve by a simple majority vote the Medium-Term Expenditure Framework.
- (4) Nothing in this Law shall prevent the Governor from presenting to the state House of Assembly a budget prepared based on a Medium –Term Expenditure Framework which is yet to be approved by the State House of Assembly.
- (5) Where the Governor presents a budget to the Assembly before approval is given to the relevant Medium-Term Expenditure Framework, the Assembly shall consider and if thought fit approve both.

Contents of MTEF

(6) The Medium-Term Expenditure Framework shall contain:

(a) a Macro-economic Framework setting out the macro-economic projections for the next three financial years, the underlying assumptions for these projections and an evaluation and analysis of the macro-economic projections for the preceding three financial years;

(b) a Fiscal Strategy Paper setting out:

(i) the State Government's medium-term financial objectives,

(ii) the policies of the State Government for the medium term relating to taxation, recurrent (non-debt) expenditure, debt expenditure, capital expenditure, borrowings and investments, and or other liabilities.

(iii) the strategic economic, social and developmental priorities of the State for the next three financial years,

(iv) an explanation of how the financial objectives, strategic, economic, social and developmental priorities and fiscal measures set out pursuant to sub-paragraphs (i), (ii) and (iii) of this paragraph (b) relate and comply with the economic objectives set out in the Ondo State Long-Term Development Plan, and Section 16 of the Constitution and

(c) An expenditure and revenue framework setting out:

(i) estimates of aggregate revenues for the State for each financial year based on the predetermined Commodity Reference Price, tax and other revenue projections,

(ii) aggregate expenditure projection for the State for each financial year in the next three financial

	<p>years,</p> <p>(iii) aggregate capital expenditure floor for the State for each financial year in the next three financial years.</p> <p>(d) The estimates and expenditures provided for under Paragraph (c) above shall be based on reliable and consistent data certified by appropriate authorities and be:</p> <p>(i) targeted at achieving the macro-economic projection set out in subsection (3) (a) of this Section.</p> <p>(ii) consistent with and derived from the underlying assumptions contained in the macro-economic framework, the objectives, policies, strategic priorities and explanations in the Fiscal Strategy Paper.</p> <p>(e) a Consolidated Debt Statement setting out and describing the fiscal significance of the debt liability of the State Government, with such details on each borrowing as principal sum borrowed, interest accruing, principal and interest already paid, amount outstanding in each case, debt servicing requirement for the next three years, projects in respect of which borrowing was incurred, levels of its implementation and measures to reduce any such liability; and</p> <p>(f) A statement describing the nature and fiscal significance of all contingent liabilities and quasi-official activities and measures to offset the crystallization of such liabilities.</p>
	<p>AGGREGATE EXPENDITURE CEILING</p> <p>21. (1) Aggregate expenditure and the aggregate amount appropriated by the House of Assembly for each financial year shall not be more than the estimated</p>

	<p>(b) seek inputs from the following:</p> <p>(I) All Ministries, Departments and Agencies (MDAs), especially, the Ministries of Finance, Board of Internal Revenue, Debt Management Department etc;</p> <p>(ii) Civil society organizations;</p> <p>(iii) Organized Labor within the State;</p> <p>(iv) House of Assembly;</p> <p>(v) All Chambers of Commerce and Industry, Mines and Agriculture and similar private sector organizations in Ondo State; and</p> <p>(vi) Any other relevant statutory body or interests groups as the Commission may by a directive or its regulations determine or the Commissioner may desire to consult.</p> <p>(c) Consider and reflect in the Medium Term Expenditure Framework, as may be deemed appropriate, the inputs of the bodies and persons referred to in paragraphs (a) and (b) of this subsection.</p>
<p>Publication of Medium-Term Framework in State Gazette</p>	<p>PUBLICATION OF THE MTEF IN THE STATE GAZETTE</p> <p>23. (1) The Commissioner responsible for Economic Planning and Budget shall cause the Medium-Term Expenditure Framework, as approved by the House of Assembly, to be published in the State Official Gazette and website within one month of approval, prior to this publication, copies of the approved MTEF shall be made available to all Ministries and Extra Ministerial departments.</p> <p>(2) The Ministry responsible for Economic Planning shall as soon as this Law is enacted develop and disseminate to all Ministries, Departments and Agencies (MDAs) templates for collation of economic and budget data and information.</p>

	<p>(3) The Ministry responsible for Economic Planning and Budget shall in accordance with regulations made hereunder and not later than five months after the end of each financial year, collate, analyze and publicly disseminate economic data and information relating to the preceding year.</p> <p>(4) The submitted information and data in the stipulated templates shall be collated and analyzed by the Ministry and the timelines for submission shall be as set out in the regulations made by the Commission from time to time, which shall at all times cover all relevant economic and social indicators required for economic planning.</p> <p>(5) It shall be a misconduct sanctionable under the Ondo Public Finance Management Law for any person who has responsibility to collect and report on economic or social data and information required under this Law or regulations made pursuant to this Law to the ministry responsible for economic planning and budget or the Fiscal Responsibility Commission, to fail completely or partially to do so, without lawful excuse.</p> <p>(6) A complaint on this account by any person including the Commission and any other complaints of administrative misconduct under this Law shall be determined in accordance with the Ondo State Public Finance Management Law.</p>
<p>Adjustment to MTEF</p>	<p>ADJUSTMENTS TO THE MTEF</p> <p>24. The Governor may only cause adjustments to be made to the Medium Term-Expenditure Framework approved by the House of Assembly, in order to effect:</p> <p>(a) correction of manifest error; and</p> <p>(b) changes in the fiscal indicators which in the opinion of the Governor, are significant.</p>

Local Government Sectorial Plans and Projections

PART V

LOCAL GOVERNMENT SECTORIAL PLANS AND PROJECTIONS

25. (1) The Supervisory Councilor in-charge of budget and planning supported by the Director of Planning and the Treasurer in each Local Government Area shall be responsible for preparing sectorial plans and projections for the next three years derived from the Local Government Long-Term Development Plan.
- (2) In developing its three years sectorial plans each Local Government shall seek inputs and consult their stakeholders including citizens and community groups, business associations and other Local Governments.
- (3) The Local Government Sectorial Plans and three years projections shall be reviewed annually and shall contain and be accompanied by such information and documents as may be required in the regulations and template issued from time to time by the Commission.
- (4) The Chairman of the Local Government shall, prior to presenting the annual budget for the consideration of the Local Government Council, lay before the Council the sectorial plans and projections for the next three years and such accompanying documents as the Commission may from time to time stipulate.
- (5) The Ministry responsible for Economic Planning and budget in conjunction with the ministry responsible for Local Government shall provide co-ordination and supervise Local Governments to ensure:
- (a) timely development of their Sectorial plans and projections.
- (b) that the projections are derived from the Local Government Long-Term Plan

	<p>(c) that the projections have relevant content required by the regulations made by the Commission.</p> <p>(d) that there is synergy between the various Local Government sectoral plans amongst themselves and with the State Medium-Term Plans.</p>
<p>The Budget Process</p>	<p style="text-align: center;">PART VI</p> <p style="text-align: center;">THE ANNUAL BUDGET</p> <p style="text-align: center;">THE BUDGET PROCESS</p> <p>26. (1) The Ministry in-charge of Economic Planning and Budget shall have the responsibility for issuing annual budget calendar and coordinating, preparing and harmonizing the different estimates of revenue and expenditure of all Ministries and Extra-Ministerial Departments, Agencies, Institutions, Corporations etc in the State.</p> <p>(2) The Ministry responsible for Economic Planning and Budget shall, not later than the 1st of August in each financial year issue budget call circulars for the next financial year to all relevant Offices, Ministries, Departments and Agencies (MDAs) etc.</p> <p>(3) All Ministries, Departments, and Agencies (MDAs) shall submit and harmonize their estimates of revenue and expenditure with the Ministry responsible for planning and budget not later than a date to be set by the annual budget calendar which shall be issued by the Ministry responsible for Economic Planning and Budget not later than the end of March each year..</p> <p>(4) The Budget call circulars issued shall comply fully with the projections in the Medium-Term Expenditure Framework laid before the Executive Council for consideration at this time. Every Ministry or Extra-Ministerial Department shall upon approval of the</p>

Medium-Term Expenditure Framework by the State House of Assembly, quickly consult the Ministry responsible for planning and budget to ensure that its proposed budget estimates are in line with the stipulations of the Medium-Term Expenditure Framework approved.

- (5) Each Ministry, Extra-Ministerial Department or Agency shall submit to the Ministry responsible for economic planning and budget along with its budget, initiatives for improving its internally generated revenue and any other such document or information that the Commission or ministry may from time to time require.
- (6) The State Executive Council shall consider and approve the Budget for Submission to the State House of Assembly not later than the end of October in each year.
- (7) Estimated revenue part of the budget to be submitted to the House, shall be broken down by the Executive Arm of Government into monthly collection targets, including a separate description of measures to improve tax collection and combat tax fraud and evasion.
- (8) Every Ministry, Department, Agency (MDA) or public body shall ensure that its budget process shall be opened to public participation, and as much as is practicable make available the budget call circular to and consult all its stakeholders including citizens groups and businesses for inputs to its budget proposals.
- (9) Nothing in this Law shall prevent a Ministry, Extra-ministerial Department or Agency from beginning to articulate its Medium-Term Expenditure Plan and the Budget earlier than required by this Law, regulations or budget calendars issued pursuant to this Law.

Annual Budget to be derived from MTEF Framework

ANNUAL BUDGET TO BE DERIVED FROM MEDIUM TERM EXPENDITURE FRAMEWORK

27. Notwithstanding anything to the contrary contained in this Law or any other Law, the Medium-Term Expenditure Framework shall be the basis for the estimates of revenue and expenditure required to be laid before the State House of Assembly under Section 121 (1) of the Constitution.
28. The sectoral and compositional distribution of the estimates of the expenditure referred to in section 26 of this Law shall be consistent with the medium term developmental priorities set out in the Medium Term Expenditure Framework.

Document to accompany Annual Budgets

ANNUAL BUDGET TO BE ACCOMPANIED BY CERTAIN DOCUMENTS

29. The estimates of revenue and expenditure (in this Law referred to as the "Annual Budget") for each year shall be accompanied by:
- (a) a copy of the underlying revenue and expenditure profile for the next two subsequent years;
 - (b) a report setting out actual and budgeted revenue and expenditure and detailed analysis of the performance of the budget for 18 months up to June of the preceding financial year;
 - (c) a revenue framework broken down into monthly collection targets prepared on the basis of the predetermined revenue projection as contained in Medium-Term Expenditure Plan;
 - (d) measures on cost, cost control and evaluation of result of programmes financed with budgetary resources;
 - (e) a fiscal target appendix derived from the underlying Medium-Term Expenditure Framework setting out the following targets for that financial year:

	<p>(i) Target inflation rate.</p> <p>(ii) Target fiscal account balances.</p> <p>(iii) Any other development target deemed appropriate.</p> <p>(f) a Fiscal Risk Appendix evaluating the fiscal and other related risks to the annual budget and specifying measures to be taken to prevent the occurrence of such risks.</p>
<p>Local Government Budget</p>	<p style="text-align: center;">PART VII</p> <p style="text-align: center;">LOCAL GOVERNMENT BUDGETS</p> <p>30. (1) Notwithstanding Section 42 of the Ondo State Local Government Administration Law or any other provisions thereof. The Chairman of every Local Government shall cause to be prepared and laid before the Council, not later than the end of October in each year, estimates of Revenue and Expenditure of the Local Government Area for the next financial year.</p> <p>(2) The estimates of revenue and expenditure to be laid before the Local Government Legislative Council by the Local Government Chairman shall be derived from the three years sectoral plans and be focused on achieving the development goals and objectives contained in the Local Government's Long-Term Development Plan.</p> <p>(3) The Local Government Council shall consider and approve estimates of revenue and expenditure (budget) of the Local Government for the next financial year on or before the 31st of December in each year.</p> <p>(4) If the budget has not been passed or come into operation at the commencement of any financial year, the Local Government Treasurer may authorize by</p>

	<p>warrant the issue from the funds of the Local Government such money as is necessary for carrying on the services of the Government at a level not exceeding the level of those services prevailing in the previous financial year for a period of six months or until the Appropriation Bye-Law comes into operation, whichever is earlier.</p>
<p>Preparation and submission of estimates of revenues and expenditure by Corporations</p>	<p style="text-align: center;">PART VIII</p> <p style="text-align: center;">BUDGETARY PLANNING OF GOVERNMENT BUSINESS ENTITIES AND OTHER RELATED AGENCIES</p> <p style="text-align: center;">PREPARATION OF REVENUE ESTIMATES AND EXPENDITURES BY GOVERNMENT BUSINESS ENTITIES OTHERWISE CALLED CORPORATIONS E.T.C</p> <p>31. (1) All State Government Corporations, (referred to in this Law as “the Corporations”), shall, not later than 6 months from the commencement of this Law, and in every financial year thereafter, not later than the end of the second quarter of every year, cause to be prepared and submitted to the Commissioner responsible for Economic Planning and Budget their estimates of revenue and expenditure for the next three financial years.</p> <p>(2) Each of the bodies referred to in subsection (1) of this section shall submit to the relevant Commissioner not later than the end of August or such other deadline stipulated in the regulations in each financial year:</p> <p style="padding-left: 40px;">(a) an annual budget derived from the estimates submitted in pursuance of subsection (1) of this section; and</p> <p style="padding-left: 40px;">(b) projected operating surplus which shall be prepared in line with acceptable accounting practices</p> <p>(3) The relevant Commissioner shall with any appropriate revisions, when necessary, cause the estimates</p>

<p>Operation Surplus and General Reserve Fund by Corporation</p>	<p>submitted in pursuance of subsection (2) of this section to be attached as appendix to the Appropriation Bill to be submitted to the House of Assembly.</p> <p>OPERATING SURPLUS AND GENERAL RESERVE FUND</p> <p>32. (1) Notwithstanding the provisions of any written law governing a corporation otherwise called Government Business Entity, each Government Business entity listed in schedule 1 to the Ondo State Public Finance Management Law shall establish a general reserve fund and shall allocate thereto at the end of each financial year, one-fifth of its operating surplus for the year.</p> <p>(2) The balance of the operating surplus shall be paid into the State Treasury not later than one month following the statutory deadline for publishing each corporation's accounts.</p> <p>(3) The corporations reserve account shall be run strictly in accordance with regulations made from time to time by the Commission.</p>
<p>Classification of Corporations' Operating Surplus</p>	<p>CLASSIFICATION OF GOVERNMENT BUSINESS ENTITIES/CORPORATIONS' OPERATING SURPLUS</p> <p>33. (1) The Corporation's surplus shall be classified as a State Treasury Revenue.</p> <p>(2) Where the result of a corporation's operations is a deficit, the deficit shall be classified as the corporation's loss for the fiscal year, and the head of the corporation shall upon publication of the corporations audited account provide explanation in writing to the Commission why its operations has resulted in a deficit, and the Commission shall upon reviewing such a submission provide an opinion to the Governor on the performance of the corporation and its Accounting Officer.</p> <p>(3) Each Government Business Entity shall not later than</p>

<p>Cessation of Application to Corporations</p>	<p>three months after the end of its financial year prepare and publish its audited financial reports in accordance with standards required by the Ondo State Public Finance Management Law.</p> <p>CESSATION OF APPLICATION TO GOVERNMENT BUSINESS ENTITIES</p> <p>34. The provisions of this Law with respect to Government Business entities shall cease to apply to any of the corporations from the date of privatization.</p>
<p>Annual Cash Plan</p>	<p style="text-align: center;">PART V</p> <p style="text-align: center;">BUDGETARY EXECUTION AND ACHIEVEMENT OF TARGETS</p> <p style="text-align: center;">ANNUAL CASH PLAN</p> <p>35. (1) The State Government shall cause to be drawn up in each financial year, and not later than 21 days after passage of the budget, an Annual Cash Plan which shall be prepared by the Office of the Accountant-General of the State.</p> <p>(2) The Annual Cash Plan may be prepared in advance of the financial year, setting out projected monthly cash flows and shall be revised periodically to reflect actual cash flows.</p> <p>(3) The Accountant-General shall make publicly available the annual cash plan within 21 days of passage of the enactment of the Appropriation Law..</p> <p>(4) The Accountant-General shall, within 40 days of the enactment of the Appropriation Law, prepare and publish a disbursement schedule derived from the Annual Cash Plan for the purpose of implementing the Appropriation Law.</p> <p>36. The sums appropriated for a specific purpose in the</p>

Power to Restrict Further Financial Commitments

Appropriation Law shall be used solely for that specific purpose.

POWER TO RESTRICT FURTHER FINANCIAL COMMITMENTS

37. (1) Notwithstanding any other provisions of this Law, where by the end of three months after the enactment of the Appropriation Law, the Commissioner responsible for Finance determines that the targeted revenues may be insufficient to fund the heads of expenditure in the Appropriation Law, the Commissioner responsible for Finance shall, within the next 30 days of such determination, take appropriate measures to restrict further commitments and financial operations according to the criteria set in the Fiscal Risk Appendix.
- (2) Where the target revenue are re-established, either in part or in full, the appropriations for which further commitments were restricted shall be restored proportionately.
- (3) The provisions of the subsections (1) and (2) of this section shall not apply to expenditure which is a direct charge on the Consolidated Revenue Fund of the State.

Tax Expenditure and Grant of Tax Relief

TAX EXPENDITURE AND GRANT OF TAX RELIEF

38. (1) Any proposed tax expenditure shall be accompanied by an evaluation of its budgetary and financial implications in the year it becomes effective and in the three subsequent years, and shall only be approved, if it does not adversely impair the revenue estimates in the annual budget or if it is accompanied by countervailing measures during the period mentioned in this subsection through revenue increasing measures such as tax rate raises and expansion of the tax base.
- (2) The provisions of this section shall not apply to:

Monitoring and Report on Implementation of Appropriation Law

(a) changes in the rates of the taxes mentioned in section 163 of the Constitution; and

(b) debt cancellation in an amount lower than the cost of collection.

(3) Any proposed tax waivers shall be accompanied by an evaluation of its budgetary and financial implications in the year it becomes effective and for subsequent years, as well as any expected benefits to the state that will result from the waiver and how these were arrived at.

MONITORING AND REPORT ON IMPLEMENTATION OF APPROPRIATION LAW

39. (1) The Commissioner responsible for finance, shall monitor and evaluate the implementation of the Annual Budget with respect to revenue to meet the annual cash plan and disbursement schedule, and monthly advise the Ministry responsible for Economic Planning and Budget and the Commission, in writing, of actual revenue inflow and ability of government to meet up with the cash plan and disbursement schedules set out.

(2) The Ministry responsible for Economic Planning and Budget shall monitor and evaluate the implementation of the Annual Budget with respect to all disbursements and expenditures and assess the attainment of all fiscal targets and produce detailed quarterly budget implementation reports thereon to be made public.

(3) The budget implementation report of the Ministry responsible for Economic Planning and Budget shall be widely published and be available for free downloads on the state website and the websites of the Commission not later than 30 days after the end of each quarter, if no other deadline is provided for in the Regulations.

	<p>maintain macro-economic stability.</p> <p>(7) The Commission shall not later than one year from its inauguration, and subject to this Law, issue guidelines regarding the procedure for investment of State and Local Governments funds.</p>
<p>Conditions for Increasing Government Expenditure</p>	<p style="text-align: center;">PART VIII</p> <p style="text-align: center;">PUBLIC EXPENDITURE</p> <p style="text-align: center;">CONDITIONS FOR INCREASING GOVERNMENT EXPENDITURE</p> <p>41. (1) All government proposals that will result in the creation, expansion or improvement in government action which will result in an expenditure increase shall be accompanied by:</p> <p style="padding-left: 40px;">(a) an estimate of the budgetary or financial impact in the year it becomes effective and in the two subsequent years; and</p> <p style="padding-left: 40px;">(b) a statement by the body or person requesting for the expenditure, stating that the increase is consistent with the budget.</p> <p>(2) All legislative bills that will result in creation or expansion or improvement in government action which will result in an expenditure increase shall be accompanied by:</p> <p style="padding-left: 40px;">(a) an estimate of the budgetary or financial impact in the year it becomes effective and in the two subsequent years; and</p> <p style="padding-left: 40px;">(b) a statement by the body or person requesting for the law proposing how the estimated expenditure may be financed.</p> <p>(3) The provisions of this section shall not apply to</p>

<p>Conditions for Increasing Personnel Expenditure</p> <p>Compliance of all Contracts to Regulations and Guidelines</p>	<p>expenditures of such low value that it may be deemed inconsequential.</p> <p>CONDITIONS FOR INCREASING PERSONNEL EXPENDITURE</p> <p>42. The granting of any advantage or increase of remuneration, the creation of posts or allocation of career structures and admission of personnel on any account by persons, bodies and entities to which this Law applies, shall only be effected if, there is prior budgetary allocation sufficient to cover the estimated expenditure.</p> <p>ALL CONTRACTS TO COMPLY WITH REGULATIONS AND GUIDELINES</p> <p>43. All contracts with regard to the execution of annual budget shall comply with the law, regulations and guidelines on:</p> <p>(a) public procurement and award of contracts; and</p> <p>(b) due process and certification of contracts.</p>
<p>Framework for Debt Management</p> <p>Limits on Consolidated Debt of the State and Local Government</p>	<p>PART IX</p> <p>DEBT AND INDEBTEDNESS</p> <p>44. Subject to the Fiscal Responsibility Act, 2007 and the Ondo State Debt Management Department Law, the State and any Local Governments in Ondo State shall borrow for only capital expenditure or human development.</p> <p>LIMITS ON CONSOLIDATED DEBT OF THE STATE AND LOCAL GOVERNMENTS</p> <p>45. (1) The Ondo State Debt Management Department shall enforce compliance with overall limits for the amounts of consolidated debt of the State and Local Governments set in accordance with section 42 of the</p>

**Verifying Compliance
with Specified Limits**

Fiscal Responsibility Act 2007, provided that in the absence of such a limit the State House of Assembly shall after consultation with the Ondo State Fiscal Responsibility Commission and the Ondo State Debt Management Department prescribe limits for the amounts of consolidated debt of the State and Local Governments.

- (2) Outstanding judgment debts not paid shall be considered as part of the consolidated debts for the purpose of application of the respective limits set in pursuance of this section.
- (3) For the purpose of verifying compliance with the limits specified pursuant to this section, the Ondo Fiscal Responsibility Commission shall, in consultation with the Ondo State Debt Management Department, at the end of each quarter determine the amount of the consolidated debt of the State and each Local Government.
- (4) The Ondo State Debt Management Department shall publish, on a quarterly basis, a notice to the effect that the State or a Local Government has exceeded the limits of consolidated debt, indicating the amount by which the limit was exceeded.
- (5) Where at the end of any quarter, the consolidated debt of the State or Local Government exceeds the respective limits, it shall, in accordance with the Fiscal Responsibility Act 2007, be brought within the limit, not later than the end of the three subsequent quarters with a minimum of 25% reduction in the first quarter.
- (6) Violators of the limits specified pursuant to this section shall:
 - (a) be prohibited from borrowing from internal or external sources, except for the refinancing of existing debts; and
 - (b) bring the debt within the established limits by

<p>Debt Servicing</p>	<p>restricting funding commitments accordingly.</p> <p>(7) Where non-compliance with the limit specified pursuant to this section persist after the time limited by subsection (5) of this section, the affected tier of Government shall not receive grants from any other Government in the Federation, and the Fiscal Responsibility Commission shall, after evaluation of the situation, publicly issue an advisory to the particular government on how best to bring its finances into compliance and such prescriptions of the Commission shall be binding.</p> <p>DEBT SERVICING</p> <p>46. (1) Servicing of debts shall be the direct responsibility of the Government that incurred the debt.</p> <p>(2) The cost of servicing Local Government Loans guaranteed by the State shall be deducted at source from the debtor Local Government's share of revenue from the State Joint Allocation Account Commission.</p>
<p>Conditions for Borrowing and Verification of Compliance Limits</p>	<p>PART X</p> <p>BORROWING</p> <p>CONDITIONS FOR BORROWING AND VERIFICATION OF COMPLIANCE LIMITS</p> <p>47. (1) The State Government, its Ministries, Departments, Agencies and Corporations, and or Local Governments desirous of borrowing shall, specify the purpose for which the borrowing is intended and present to the Ondo State Debt Management Department a cost-benefit analysis detailing the economic and social benefits of the purpose to which the intended borrowing is to be applied.</p> <p>(2) Subject to the Fiscal Responsibility Act, 2007, the Ondo State Debt Management Office Law and without</p>

**Access to Information
and Internal and
External Debts**

prejudice to subsection (1) of this section, each borrowing by both the State and Local Governments shall comply with the following conditions:

- (a) The existence of prior authorization in the Appropriation or other Law for the purpose for which the borrowing is to be utilized; and
 - (b) The proceeds of such borrowing shall solely be applied towards long-term capital expenditures or for purposes of human development.
 - (c) The borrowing shall be at reasonably low interest rate and have long amortization period.
 - (d) Other conditions for borrowing applicable to the State
- (3) Nothing in this section shall be construed to authorize borrowing in excess of the limits set pursuant to Section 42 of the Fiscal Responsibility Act 2007.
- (4) The Ondo State Debt Management Department shall verify on a quarterly basis, compliance with the limits and conditions for borrowing by each Government in the State, and maintain collaborative relationship with the Debt Management Office at the Federal level.
- (5) The Debt Management Department shall maintain comprehensive, reliable and current manual and electronic database of internal and external public debts, and the public shall have free access to the information, except only that requesters shall bear the cost of duplication of manual information requested.

**Lending by Financial
Institutions or Persons**

LENDING BY FINANCIAL INSTITUTIONS OR PERSONS

48. (1) All persons, banks and financial institutions shall request and obtain documentary proof of compliance with the provisions of this Law and the Ondo State Public Finance Management Law before lending to any arm of government, Ministry, Extra Ministerial

<p>Power of Commissioner Prospective to give Guarantees</p> <p>Counter Guarantee by Propective Borrower or Debtor</p> <p>Requirements for Counter Guarantee</p>	<p>Department, Agency, or Local Government in the State to which this law applies in accordance with the Fiscal Responsibility Act 2007.</p> <p>(2) Any loan granted to any arm of the State Government or any Local Government, Ministry, Extra Ministerial Department, Body or Agency to which this law applies by any financial institution in contravention of this Law, the Ondo State Public Finance Management Law and the Ondo State Debt Management Law shall be unlawful and un-enforceable in law.</p> <p>POWER OF COMMISSIONER TO GIVE GUARANTEES</p> <p>49. (1) Subject to the provisions of this Part, the Commissioner of Finance may, with the approval of the State Executive Council, give guarantees on behalf of a Local Government, Ministry, Extra-Ministerial Department, Agency, or public body in the State intending to borrow from any source.</p> <p>(2) Any guarantee given by the Commissioner shall be conditional upon the provision of a counter guarantee by the prospective borrower or debtor in an amount equal to or higher than the guarantee obligation; provided that there are no overdue obligations from the prospective borrower or debtor to the State Government, and such guarantee shall also be in compliance with the following:</p> <p>(a) the counter-guarantee shall only be accepted from the prospective borrower; and</p> <p>(b) the counter-guarantee required by the State Government from the prospective borrower, may consist in the appropriation of any revenue accruable to the borrower from the Joint Revenue Account or any other viable revenue source and the guarantor shall be authorized to retain such revenue or a portion of it and to use the amount to repay overdue debts.</p>
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<p>Fiscal Transparency</p> <p>MDAs and LGA Internet Web Portals</p> <p>Public Access to Information</p> <p>No inhibition on Access to information</p>	<p style="text-align: center;">PART XI</p> <p style="text-align: center;">TRANSPARENCY AND ACCOUNTABILITY</p> <p style="text-align: center;">FISCAL TRANSPARENCY</p> <p>50. (1) The State Government shall ensure that its fiscal and financial affairs are conducted in a transparent manner and accordingly ensure full and timely disclosure and wide publication of all its transactions and decisions, particularly those involving public revenues and expenditures and their implications for its economy in accordance with the Freedom of Information Act, 2011.</p> <p>(2) Subject to the provisions of sub-section (1) of this section, and regulations to be made from time to time by the Commission, all Ministries, Extra Ministerial Departments, Agencies and Local Governments shall maintain internet web portals where all their information including fiscal and financial reports, the approved annual budget, implementation reports, individual MDA performance reports and in the case of the Auditor-General, the reports of audited accounts of State shall be published.</p> <p>(3) All Ministries, Extra Ministerial Departments, Agencies and Local Governments shall maintain hard copies of information found on their portals and they shall be open and freely accessible to the public provided that any person who requires copies or certified copies of documents shall bear the cost of copying or certification if required.</p> <p>(4) The House of Assembly shall ensure transparency during the preparation and discussion of the Medium-Term Expenditure Framework, Annual Budget and the Appropriation Bills.</p> <p>(5) No official secrets law, rule or practice shall operate or be invoked or relied upon by any person to deny, limit or in any way negatively affect the exercise of the right to information conferred by this Law or the Freedom of</p>
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Information Act, 2011 upon any person, group of persons, institution, body, agency etc.

PUBLICATION OF AUDITED ACCOUNTS AND REPORTS ON AUDIT QUERIES

Public of Audited Accounts

51. (1) The Auditor-General of the State and the Local Government shall audit and publish comprehensive audited accounts of all the governments and other entities to which this Law applies not later than 6 months after the end of each financial year.

Audit Queries

(2) The Permanent Secretary and or Accounting Officer in each Ministry, Department, Agency and or Local Government in the state shall, not later than 9 calendar months following the commencement of this Law and thereafter, not later than the end of May in each preceding year, compile and submit to the State Auditor-General or Local Government Auditor-General as the case may be, steps taken to remedy all audit queries raised concerning the previous year.

(3) Failure of the Accounting Officer to compile and submit to the Auditor General steps taken to remedy audit queries and or failure to take steps to remedy audit queries shall constitute a misconduct sanctionable in accordance with the Ondo State Public Finance Management Law

(4) Pursuant to the report referred to in subsection (2) of this section, the State Auditor-General and the Local Government Auditor-General shall;

(a) prepare within thirty days and submit to the House of Assembly comments on propriety of actions taken and recommendations for further action by Ministries, Departments, Agencies and Local Governments, and or

b) issue a complaint for misconduct against the Accounting Officer and or any other personnel revealed to be complicit to the Civil Service

<p>Publication of Report on Budget Execution</p>	<p>Commission to be determined in accordance with the Ondo State Public Finance Management Law</p> <p>(5) The publication of general standards for the consolidation of public accounts shall be the responsibility of the Office of the Accountant-General of the State.</p> <p>PUBLICATION OF REPORT ON BUDGET EXECUTION</p> <p>52. (1) The Commissioner responsible for Economic Planning and Budget shall not later than 35 days after the end of each quarter, submit to the Commission and publish a state budget execution report in such form as may be prescribed by the Commission.</p> <p>(2) The Commission shall issue a format for the quarterly and annual budget implementation reports and the Ministry responsible for Planning and Budget shall in the budget calendar issue deadlines for Ministries, Departments and Agencies to submit their individual quarterly and annual reports to the Ministry responsible for Economic Planning and Budget.</p> <p>(3) The Permanent Secretary of each ministry shall ensure that its Ministry's budget implementation report is submitted to the Ministry responsible for Economic Planning within the time stipulated by the Commission.</p> <p>53. The Commissioner responsible for Economic Planning and budget shall, not later than 3 months after the end of each financial year, cause a consolidated budget execution report showing implementation against physical and financial performance targets to be published for dissemination to the public and submission to the House of Assembly for consideration.</p>
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<p>Administrative Misconduct</p>	<p style="text-align: center;">PART X11</p> <p style="text-align: center;">CIVIL INFRACTIONS</p> <p>54. (1) It shall be an administrative misconduct for any person, without lawful excuse, to fail to perform a duty imposed upon or assigned to him or the office which he occupies under this Law.</p> <p>(2) It shall be an administrative misconduct for any person to fail to retire sums granted to him or his office for official purposes at the end of a financial year.</p> <p>(3) It shall be an administrative misconduct for any person to fail, without reasonable excuse, or to refuse to give information to another or submit a report upon a request made in the performance of function imposed by this Law.</p> <p>(4) Enquiry into and sanctions against administrative misconduct provided for in this Law or that may be provided for in the Regulations made from time to time by the Commission shall be in accordance with the Ondo State Public Finance Management Law.</p>
<p>Offences and Penalties</p>	<p style="text-align: center;">PART XIII</p> <p style="text-align: center;">ENFORCEMENT</p> <p style="text-align: center;">OFFENCES AND PENALTIES</p> <p>55. (1) Any person who willfully, whether directly or indirectly, hinders or obstructs another from performing the functions or duties imposed by this Law, or willfully directs or guides a subordinate to fail to perform functions or duties imposed by this Law commits an offence and shall upon conviction be punishable with a term of imprisonment of not less than six calendar months or a fine not less than N200,000.00 (Two Hundred Thousand Naira) or to both fine and imprisonment.</p>

Giving False Information in response to a request

Any person who knowingly gives false information to another person, in response to a request made either in the performance of a function imposed by this Law or in the exercise of right to (2) information conferred by this Law, commits an offence and shall upon conviction be punishable by a term of imprisonment of not less than six calendar months or fine not less than N200,000.00 (Two Hundred Thousand Naira) or to both fine and imprisonment.

Borrowing in Contravention of the Law

(3) Any person(s) who procures a loan for a Ministry, Department, Agency or any other entity to which this Law applies contrary to the provisions of this Law and any other relevant laws commits an offence and shall upon conviction be punishable with imprisonment for a term not less than one calendar year or with a fine not less than N1,000,000.00 (One Million Naira) or with both fine and imprisonment.

(4) Where an infraction is committed in performance of the functions of a Ministry, Extra Ministerial Department, Agency or Local Government, the Political as well as the administrative Head shall be responsible, except the Administrative Head can show that he was not consulted or that when consulted he provided contrary written advice to the Political Head or the political head can show that he did not approve the action

Infractions in MDAs and LGAs

(5) Any person or public officer who being in a position fails to comply with the provisions of Section 31(1, 2& 3) of this Law commits an offence and shall upon conviction, be punishable by one (1) year imprisonment and or a fine of not less than N500,000.00 (five hundred thousand Naira only) or with both fine and imprisonment.

(6) Any person who whilst an Accounting Officer of a Government Business Entity fails to comply with Section 32(3) of this Law commits an offence and shall on conviction be punishable by one (1) year

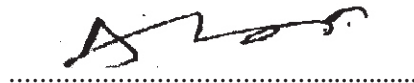
	<p>imprisonment and or a fine of not less than N500,000.00 (five hundred thousand Naira only) for every month that the account is not audited, submitted and or published or with both fine and imprisonment.</p> <p>(7) Any person or public office holder who fails or causes or conspires with another to act in breach of Sections 35 of this law commits an offence and shall on conviction be punishable with one (1) year imprisonment and or a fine of not less than N1,000,000.00 (One Million Naira only) or with both fine and imprisonment.</p> <p>(8) Any person who contravenes any provision in Section 39 of this Law commits an offence and shall upon conviction be punishable with a prison term of not less than one year without option of a fine.</p> <p>(9) A court trying an offence under this Law shall have the power to at its discretion order full restitution to the state of any sums or value lost as a consequence of the action and or omission of any person charged before it.</p>
<p>Miscellaneous Retirement Funds</p>	<p style="text-align: center;">PART XIII</p> <p style="text-align: center;">MISCELLANEOUS PROVISIONS</p> <p>56. Subject to the Ondo State Public Finance Management Law, every sum budgeted for and released for an activity other than capital projects, but which remained unused at the end of the financial year shall, not later than fourteen days from the end of the financial year, be retired to the State or Local Government Treasury, whichever is appropriate.</p> <p>57. Subject to the Ondo State Public Finance Management Law, every sum budgeted for capital projects, released but which remained unused at the end of the financial year shall be administered in accordance with the financial instructions.</p>

<p>Government Securities as Collateral to Guarantee Loans</p>	<p>58. Government securities listed on the Stock Exchange, may be offered as collateral to guarantee loans or other financial transactions under this Law for their economic values as determined by the Ministry of Finance.</p>
<p>Restriction on Utilization of Proceeds of Sale of Public Assets e.t.c</p>	<p>59. The proceeds derived from the sale or transfer of public properties and rights over public assets shall not be used to finance recurrent expenditure, provided that, such proceeds may be used to liquidate existing liabilities directly charged against such properties or assets.</p>
<p>Technical and Financial Assistance to LGAs by the State Government</p>	<p>60. The State Government may provide technical and financial assistance to Local Governments in the modernization of their tax, financial, budget and asset administration in their implementation of this Law.</p> <p>61. All communication relating to issues subject matter of this Law shall be in writing, and all civil servants and or political appointees charged with any aspect of functions relating to this Law shall ensure that records are created and kept for all meetings, recommendations, decisions, actions contemplated or taken pursuant to this and the Ondo State Public Finance Management Law.</p>
<p>Sanctions for Conviction</p>	<p>62. Any person convicted of an offence under this Law shall in addition to other sanctions provided be disqualified from holding public office for a period of ten years from the date of conviction. Conviction for an offence under this Law shall be a basis for dismissal of a civil servant.</p> <p>63. Every function imposed on a Commissioner under this Law, in the absence of the Commissioner, shall be performed by the Permanent Secretary of such Ministry, Department or Agency and in the absence of both, by the next highest-ranking officer in the ministry, department or agency .</p>
<p>Citation</p>	<p>64. This Law may be cited as the Ondo State Fiscal Responsibility Law, 2017.</p>

This printed impression has been carefully compared by me with the Bill which has been passed by the Ondo State House of Assembly and found by me to be the true copy of the said Bill:



Rt. Hon. Bamidele David Oleyelogun
Speaker, Ondo State House of Assembly



Adeyelu Michael Bode
Clerk of the House of Assembly

GOVERNOR'S ASSENT

I hereby signify my assent to this Bill

GOVERNOR'S SEAL



Arakunrin Oluwarotimi Akeredolu
Governor of Ondo State of Nigeria

Dated this 7th day of August 2017.

