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Background

The October 11, 2011 Legislative Elections offered Liberians the opportunity to produce a new set of legislators. More than 1000 persons contested for both the 73 seats constitutionally allocated for the House of Representatives and 30 seats for the House of Senate. The elections were highly contested and unquestionably served as a litmus test for citizens to democratically scrutinize both the incumbents and new contestants. Liberia is nurturing a young democracy in which the demand side has not been able to translate its oversight responsibilities into concrete democratic dividend.

In addition, the country is still fragile and the citizens are still faced with both the legacies of corruption and the effect of more than a decade of civil upheavals which massively exacerbated the already non-citizens’ sensitive political environment. Both the 52nd and 53rd Legislature inherited these visibly know social and economic challenges but were both elected on certain sets of political promises. In addition, service in the legislature come with three main statutory responsibilities to the citizenry: Representation, Lawmaking and Oversight. The execution of these mandates has been reinforced by the promulgation of the recent Modernization Plan adopted by the Legislature as a conduit to better serve and represent the citizenry.

Consistent with our form of governance, the Legislature is considered the first branch because it represents the citizenry and a conduit for articulating and voicing the aspirations of citizens. Base on the principle of democracy and representative form of governance, the citizens are under constitutional obligation to exercise oversight and hold the legislature to account on its legislative responsibilities. It is against this backdrop that the LDI is partnering with the National Endowment for Democracy to track the performance of members of the legislature based on its three assigned functions: Representation, Lawmaking and Oversight.

Without any intent of prejudicing any member of the 53rd Legislature, this project seeks to promote political accountability and create the platform for citizens to periodically scrutinize the output of their legislators for better performance. The project objective is therefore linked to the spirit and intent of the legislature’s Modernization Plan on one hand and on the other to the promotion of democratic values and citizens participation in the governance process.

Appendix One

Legislative committees

Article 38 of the Constitution empowers both houses of the Legislature to create standing and sub-committees for the effectively functioning of the legislature. and sub-committees, with the only caveat being that the Committee on Ways, Means, Finance and Budget is required to consist of one senator from each county. Each committee is headed by a Chairperson, appointed by the president pro tempore. In the 52nd Legislature, the twenty-six standing committees were

House of Representatives

Committee on Executive
Committee on Foreign Affairs
Committee on Judiciary
Committee on Rules and Order & Administration
Committee on Ways Means and Finance
Committee on National Security
Committee on Public Accounts and Expenditure
Committee on Gender and Child Development
Committee on Peace, Religious and Reconciliation
Committee on Planning and Economic Affairs
Committee on Commerce and Industries
Committee on Transport
Committee on Education and Public Administration
Committee on Maritime Affairs
Committee on Labour
Committee on Banking and Currency
Committee on Agriculture, Forestry and Fisheries
Committee on Internal Affairs
Committee on Telecommunication
Committee on Information, Broadcasting, Culture and & Tourism
Committee on Investment & Concessions
Committee on Youth & Sports
Committee on Claims and Petitions
Committee on Lands, Natural Resources and Environment
Committee on Health & Social Welfare

Appendix One
The Liberia Legislature is a bicameral legislature - consisting of a Senate, the upper house, and a House of Representatives, the lower house, in the same manner as the United States Congress. Sessions are held at the Capitol Building in Monrovia.

The House contains 73 seats, with each county being apportioned a number of seats based on its population. The Senate has 30 members, with two senators serving from each county. Both House and Senate seats are filled through direct election, with candidates who gain a plurality of the vote winning their contested seats. House members serve a term of six years and senators serve a term of nine years, with sitting members allowed to seek re-election.

Political Parties Composition within the Legislature

House of Representatives

There are twelve political parties represented in the House of Representatives. Of the 73 legislators in the legislature, the Unity Party represents 34% of the membership followed by the Congress for Democratic Change with 13.69%. Independent candidates in the House of Representatives come third accounting for 12.32% of the total membership. National Democratic Party of Liberia of the late Samuel K. Doe got no representation in the House of Representatives. The least represented parties are National Reformation Party 1.36% and the Liberia Transformation Party 1.36% and are both followed by the Movement for Progressive Change with a 2.73% representation.

House of Senate

Only nine political parties are represented in the House of Senate. The Unity Party got the highest number of seats 33.3% and followed by the National Patriotic Party of Liberia with 20%. The Congress for Democratic Change has equal number of representation 10% as Independents in the Senate. The least represented parties are Liberty Party, National Democratic Coalition and National Democratic Party of Liberia with each represented by 3.3% respectively.
Methodology

The data contained in this first plenary session report were gathered through a variety of procedural mechanisms. The project held a two-day validation workshop to review the indicators earlier used in last year’s barometer and to vet other potential indicators based on feedbacks obtained from members of the 52nd legislature and also from citizen groups. Subsequently, a data table was compiled to present the composition of political parties in the House of Representatives and the Senate:

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<th>Seats in Senate</th>
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<tr>
<td>Congress for Democratic Change</td>
<td>CDC</td>
<td>10</td>
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<td>NUDP</td>
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<td>0</td>
</tr>
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<td><strong>Total</strong></td>
<td></td>
<td><strong>73</strong></td>
<td><strong>30</strong></td>
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</table>

The House of Representatives

Of the 36 communications written by members of the House of Representatives, Maryland and Bong Counties took the lead and topped their colleagues with each submitting eight communications to plenary during its first session. Interestingly, 7 of the 8 communications submitted by Maryland County came from Hon. Dr. Bhofal Chambers. Montserrado came next by submitting 7 communications. Other counties submitted communications include; Bassa, Lofa, Grand Gedeh, Nimba and Rivercess counties.

The Senate

Twenty communications came from members of the Senate during the period under review. Sinoe County slightly topped with 6 or 30% of the total communications written. This was followed by Maryland County with 4 communications. Other counties writing the senate plenary during the period included: Montserrado, Bomi, Cape Mount, Nimba, Grand Gedeh and Grand Bassa Counties.

Conclusion

Attendances in plenary sessions and lawmakers’ efforts toward the introduction of new bills have increased during this first session of the 53rd legislature as compared to that of the 52nd. Though the extent to which these bills introduce reflects the views of constituents and impact the lives of every Liberian remains a question, this effort of research is commendable. Efforts are being made to incorporate other aspects of legislators’ oversight responsibility.

Recommendation

Policy

- The House of Representatives should revert to its previous practice of electing heads of leadership committees. These committees include: Executive, Judicial, Rules and order, Foreign Affairs, ways, means, finance and budget and the likes.
- Bureaucratic bottlenecks in information gathering or access to legislative documents are still predominately prevalent at the Senate. We therefore reaffirm our recommendation that the legislature endeavor to translate its legislative modernization commitment which seeks to enhance information flow to the public.
**Lawmaking**

As compared to the first session of the 52\(^{nd}\) legislature, lawmaking efforts appear to be on the increase during the first session of the 53\(^{rd}\) legislature. Lawmakers from across the fifteen political subdivisions of Liberia are now engaging themselves into research-driven activities which have resulted into several new legislation being introduced to plenary during its first session.

**The Senate**

Sinoe County took the lead in the introduction of new legislation during the period under review. Of the 12 new bills recorded by our monitors, Sinoe County introduced 3 or 25\%. Maryland, Bomi and Margibi Counties introduced 2 new bills respectively. All of the two new bills introduced by Margibi County came from Senator Clarice A. Jah. Other counties which introduced only one bill include: Rivercess, Grand Bassa and Bong Counties. Our research did not come across any other legislation from the remaining nine political subdivisions including: Nimba, Cape Mount, Grand Gedeh, Grand Kru, River Gee, Montserrado, Gbarpolu, etc.

**The House of Representatives**

The House of Representatives also saw high desire from its members in the introduction of new pieces of legislation. Our research recorded 28 new bills introduced by individual lawmakers during the period under review. Grand Bassa and Montserrado County took the lead with each introducing 6 new bills respectively. Hon. Byron Brown introduced 5 or the 6 bills from Grand Bassa County. Lofa, Bong, and Bomi Counties came next with each introducing 3 new bills respectively. Other counties introducing new legislation include: Nimba, Rivercess, River Gee, Grand Geded, Grand Kru, Maryland and Margibi counties.

**Oversight**

Besides the various committees through which the legislature exercises its oversight functions, individual lawmakers exercise their oversight on government ministries and agencies through personal communications or letters to plenary. It is by this means members of the legislature draw their colleagues attention to key issues that are either affecting their constituents in particular or the general public in general.

Data collected template was developed and two project staffs recruited to track the plenary and other legislative activities in the Legislature. The current indicators built on previous indicators used to monitor the 52\(^{nd}\) legislature. The indicators were derived from the three basic functions of a lawmaker including: **Representation, Lawmaking and Oversight**. There were specific set of indicators developed under each of the above mentioned responsibilities against which a score was assigned in accordance with a legislator’s performance.

Designed as a consultative and inclusive initiative, leadership of both the upper and lower Houses was consulted through written communications to buy them into the project’s concept and to also introduce the project’s staffs. Two trained researchers have been assigned to both the Lower and Upper Houses to track legislative proceedings. Besides plenary proceeding tracking, our researchers work closely with the offices of the Secretary of the Senate and the office of the Chief Clerk to harmonize data periodically. Our team also collaborates with the research bureau of the legislature to ensure quality assurance of data collected.

Data collected were compiled and scored on a 0 – 10 scale to determine the average performance of a lawmaker during the period under review. Score on each legislator’s performance is derived by calculating the aggregate points attained by a lawmaker against the total cumulative activities attained by all lawmakers based on the indicators developed.

**Data limitation**

A comprehensive monitoring of members of the 53\(^{rd}\) legislature is considered central to the Liberia Democratic Institute if one must objectively appraise the work performance of the legislature and its members. The functions of a legislator goes beyond mere plenary attendance and participation, it encompasses building constituency relations which is also an important aspect of representation. The project original design to field local staffs in the fifteen counties felt short of resource constraints and was therefore confined to only six nearby counties including Montserrado County.

In addition, despite the enactment of an Access to Information Law, there still exist problems associated with freedom to information without necessarily experiencing bureaucratic bottlenecks or being denied access to information through quasi secret sessions. In consequence of this, our researchers do not
have access to information on voting processes on legislative decisions and
neither does the legislature exhibit the practice of making such information
available consistent with its 2010 Legislative Modernization Plan.

There were areas in which the data available to use still remain incomplete
making it difficult to produce a comprehensive report. For example, some of
the legislature’s work is not captured in official records. Our efforts to measure
constituency activities remain hindered by a lack of data on offices, staff,
meeting minutes, local visits and legislative agenda, which the legislature
does not collect.

Finally, we recognize the differences in each legislator’s work in assigning
scores to his/her performance. The constitutional requirements of the Senate
Pro tempore, Speaker and Deputy Speaker of the House of Representatives
make them inherently incomparable to others and prevent them from
participating in plenary debate and fulfilling other duties that those others
lawmakers normally and/or routinely fulfilled.

However, we like to reemphasize that the report card should not be taken in
isolation, nor interpreted as encouragement to vote for or against any
particular Lawmaker rather for what is accurate and objective information
on many of the activities that lawmakers should perform on behalf of their
constituencies, and indeed of all Liberians.

Summary of Findings

Analysis of Sub-performance Indicators of Legislators

I. Representation

   A. Plenary attendance

   Attendance in plenary sessions remains the easiest thing to track throughout
   the data collection process during the period under review. This aspect of
   representation has to do with the number of times a lawmaker was present,
   absent, excused, or announced sick during plenary session. It also captured
   the names of lawmakers who left either immediately after roll call or before
   the end of regular day’s sitting without any granted excused.

   a. Present

   The House of Representatives slightly topped the Senate during this first
   plenary sitting. The House of Representatives scored 88% while the Senate

   plenary attendance with an average score of 91.1% followed by Gbarpolu
   89.5%. Grand Kru County got the least in plenary attendance. The average
   attendance score of both senators was 73.2%. This may be attributed to the
   long period of absent times of former Pro tempent Senator Cletus S. Wotorson
due to his prolong illness leave. As you may notice in the report card, many
lawmakers performance in participation is contrary to their present times in
session. Margibi County got the least in plenary participation. She got 49.55%.
Though Gbarpolu came second in plenary attendance, the county got the
second least score in plenary debate. She got 54.1%. Other counties with
low participation scores include: Montserrado, River Cess, and River Gee
counties. Conversely, Maryland County got the highest participation time in
the Senate. She got 195.15%. This is followed by Sinoe, Bong and Grand
Geded Counties. They got 187.1%, and 138.15% respectively. It is important
to note that Grand Bassa County participation time was not the tabulated
due the role of Senator Gbenzongar Findley as President Pro-tempore.
However, Senator John Whitefield got a very high score in participation. He
got 177.2%.

The House of Representatives

The House also experienced conflicting results between attendance in plenary
sessions and lawmakers’ participation in daily legislative debates. There was
a very huge present times across the fifteen political subdivision as represented
in the House. Grand Cape Mount County topped plenary attendance with
an average score of 98.8% followed by Nimba County with 92.8%. Grand
Bassa came third with a score 91.76%. Sinoe County got the least in plenary
attendance. Grand Cape Mount County who topped (98.8%) in attendance got the least in participation. She got 31.2%. Out of
the 56 sessions held, the three Cape Mount Lawmakers spoke 12, 0 and 6
times respectively. It could safely be said that these lawmakers were only
seen attending plenary daily sittings regularly but made little or no contribution
to decisions taken by that august body during the year under review. Other
counties with low participation scores include: River Gee, 39.9%, Sinoe 46%,
Gbarpolu, 41.7%, Grand Geded, 50.4%, and Nimba, 60.7%.

On the other hand, Grand Bassa County got the highest participation marks
in the House of Representatives. She got 175%. Lofa and Maryland Counties
came next with 161.4% and 156.2% respectively.
these reports came from the Senate while twenty one or 7.7% came from the House of Representatives. 238 or 94.8% of the 251 reports from the Senate were findings from various confirmation proceedings. This indicates the Senate was mainly focus on structuring the government rather than engaging itself into research driven activities.

b. Communication
Legislators mainly express their views, constituents’ views or exercise its oversight function through communicating to their fellow colleagues. This a medium where legislators communicate to their colleagues on priority issues of their concerns by written instruments. During the year under review, there were fifty-nine letters written by individual lawmakers. 20 or 33.8% came from the Senate while 39 or 69.6% came from the House of Representatives. Hon. Bhofal Chambers-CDC, Maryland wrote the highest communication to plenary during the year. He wrote 7 letters. Also, Senator Joseph Nagbe-APD Sinoe wrote the highest communication to the Senate plenary. He wrote 6 letters.

Overall Performance Rating and Analysis

Representation

Representation in plenary session seems to be the most important aspect of legislative work. This is a function that cuts across all the three primary responsibilities of the legislature—Representation, Lawmaking and Oversight. Representation includes all elements of plenary attendance and participation. There is a huge improvement in both the House of Representatives and the Liberian Senate in plenary attendance-present times. However, there are many legislators who attended all or majority of plenary regular sitting but performed poorly in plenary participation. There were twenty five lawmakers who attended more than forty sessions but spoke only twelve times or less. Prominent amongst them is Hon. Manbu Sonii-LP, Cape Mount. He attended 55 of the 56 sessions held but got zero in participation.

County Performance

The Senate
Attendance in plenary sessions appears to be competitive across counties within the Liberian Senate. River Gee county slightly topped the senate scored 84.2% in plenary attendance. Interestingly, plenary attendance seems to appear like a priority for this 53rd legislature. Of the 56 sessions held, forty four Representatives got an average score of “A”, however, only four Representatives attended all and therefore got 100% (see score sheet attached). However, Hon. Tokpa J. Mulbah-CDC, Bong County got the least in plenary attendance. He attended 33 sessions and got 58.9% which is equivalent to a score of “F”. The Senate also saw huge present times of its members during this sitting. 7 of the 30 Senators got “A” in plenary attendance. It is important, however, to acknowledge that other lawmakers got low scores in plenary attendance due to either protracted period of illness or late arrival in plenary based on either by-elections or electoral disputes. Those concern include: Hon. Isaac B. Roland, Maryland-UP, Hon. Mathew Gee ZarZar, Sinoe-UP, Hon. Bill Twehway, Mont-UP, Hon. J. Gabriel Nyenka, Sr., Mont-UP and Sen. Cletus S. Wotorson, Grand Kru-UP

b. Excused
This aspect is tracked either during plenary roll call or by official communication of excuse written by a lawmaker who is requesting said excuse. The House of Representatives got the highest excuse times during the sitting as compare to the Senate. The House got 59 excuse times while the Senate got 53. Speaker J. Alex Tyler got the highest excuse time in the House of Representatives while Sen. Joyce Musu Sumo got the highest in the Senate. They were announced excuse 9 and 6 times respectively.

c. Distant
The legislative term “distant” is a situation in which a lawmaker is away from plenary session either because he has traveled within or out of the country on his/her own accord but notifies plenary of his/her absence though not officially excused. The House topped the Senate in the number of distant times during this period. There were 53 distant times in the Senate and 125 in the House of Representatives. Senator Joyce Musu Sumo-CDC, Mont and Hon. Samuel G. Karmo-UP, Bomi, got the highest distant times. They both were announced distant 5 and 14 times respectively.

Constituency Outreach

I. Participation in plenary debate
Another aspect of legislative representation is participation in plenary debate. This is a means by which lawmakers voice out their thoughts or that of their
constituents by speaking on specific agenda items. As guarantee by the standing rules of both the Senate and House of Representatives, each lawmaker is entitled to speak on a particular issue only once except others would have not spoken yield out their speaking time or sit quietly and watch their colleagues speak repeatedly. Senator Isaac Nyenebo-NDPL, Grand Gedeh, got the highest participation times in the Senate. He spoke 73 times. Similarly, Hon. J. Byron Brown-LP, Bassa got the highest participation times in the House of Representatives. He spoke 78 times. Others with high participation marks include: Hon. Eugene F. Kparka-LP, Lofa, 70 times, and Hon. Bhofal Chambers-CDC, Maryland, 69 times.

Conversely, Hon. Mambu M. Sonii-LP, Cape Mount got zero in plenary participation. Others with low participation times include: Hon. Samuel Worleh-NUDP, Nimba, Charles Bardyl-UP River Gee, and Hon. Jeremiah McCaulay-NDC, Sinoe. They all spoke only 2 times. Others include Hon. Bill Corneh-NPP, Bong and Hon. Prince Tokpah-NUDP, Nimba. They both spoke 3 and 4 times respectively. Senator Joyce M. F. Sumo-CDC Mont got the least in participation in the Senate. She spoke 13 times. Others with low participation times include Senators George Tamba Tengbeh and Edward Boakai Dagoseh. They both spoke 14 times only.

Lawmaking

Bills may originate in either the House or the Senate with the exception of revenue bills, which Article 34(d)(i) requires to originate in the House. Bills originating in the House, including revenue bills, may be amended by the Senate and sent back to the House. Both chambers are required to pass the same bill in order for it to be sent to the president for signature or veto. If differences exist in the two versions passed by the House and the Senate, a conference committee made up of members of both chambers may be formed to negotiate a single bill for passage by the chambers.

Lawmaking effort seems to be on the increase at this 53rd legislature. Newly elected lawmakers are now engaging in research activities that promote the introduction of bills, whether or not these bills are inclusive of the issues that affect their respective constituents, are a question that remains unanswered.

A. Bill introduced

Our research recorded a total of sixty one new bills and four petitions introduced. 35 or 57.7% came from the House of Representatives, 11 or need legislative action or actions. During the period under review, there were four petitions recorded. 3 or 75% of said petitions came from the public while 1 or 25% came from a former member of the legislature. See appendix two

II. Oversight

House of Representatives

Legislative oversight is one of the most important functions of a lawmaker. This is a medium through which lawmakers hold all line ministries and agencies accountable to the general public. As guarantee by article three of the Liberia Constitution which provides for a three separate and coordinate branches of government for sole of ensuring checks and balances, the legislature exercises its checking power on the Executive and Judiciary through its oversight functions. Though this could be done in variety of ways including; phone calls, legislator's visit to said agencies, as well as inviting heads ministries and agencies to plenary sessions, our monitors were only able to track two but very major oversight functions. These include: committee reports with signatures and letters written by individual lawmakers.

During the period under review, there were 39 communications written by legislators requesting explanation from heads of public agencies and ministries on the management of public money or authority. Representative Chambers got the highest oversight rating 17.9% and followed by Thomas Fallah and J. Byron Brown.

While the LDI acknowledges the relevance of all other issues written for by legislators, the Institute observes that Representative Chambers’ communications focused more on direct human development and people-centered policy matters that could trigger measurable impacts on the lives of the masses.

a. Committee Reports With Signatures

Globally, all legislative bodies work through various standing and leadership committees. These committees are structured in such a way that captures every functionary of national government and exercise direct oversight on their respective assignees. During the period under review, there were two hundred seventy two reports with signature recorded. 251 or 92.27% of
As guarantee by the Constitution and legislative standing rules, the public may at any point petition the legislature and present issues which they believe the citizenry which convey a request(s) or message(s) for legislative action. These are legislative instruments that usually emanate from the legislature received a total of four petitions from citizens during the period under review. D. Petitions

The legislature received a total of four petitions from citizens during the period under review. These are legislative instruments that usually emanate from the citizenry which convey a request(s) or message(s) for legislative action. As guarantee by the Constitution and legislative standing rules, the public may at any point petition the legislature and present issues which they believe
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<th>Letters</th>
<th>Participation</th>
<th>Bills</th>
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