

## **LEGISLATION APPROVAL RATES AND DEVOLVED COUNTY GOVERNMENT SERVICE DELIVERY IN SELECTED COUNTIES IN KENYA**

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**International Academic Journal of Arts and Humanities (IAJAH) | ISSN 2520-4688**

**Received:** 17<sup>th</sup> August 2024

**Published:** 22<sup>nd</sup> August 2024

Full Length Research

**Available Online at:** [https://iajournals.org/articles/iajah\\_v1\\_i4\\_296\\_313.pdf](https://iajournals.org/articles/iajah_v1_i4_296_313.pdf)

**Citation:** Masenge, D. O., Muna, W., Kiruthu, F. (2024). Legislation approval rates and devolved county government service delivery in selected counties in Kenya. *International Academic Journal of Arts and Humanities*, 1(4), 296-313.

## **ABSTRACT**

Modern Parliamentary Systems of Government envisage administrative accountability to the legislative arm, which means general legislative control over the Government. Legislative control involves the detailed examination of government policies, which may cover both the formulation stage before a policy/law is adopted and policy/law evaluation after the policy gets implemented to ascertain its level of efficiency and acceptability by the public. The main objective of the research was to examine legislature approval rates and its effect on devolved governments service delivery in County governments in Kenya. The research's target population was 331 respondents, which included: County secretaries, executive committee members, County Assembly speakers, Chief officers, county assembly members, Opinion Leaders, Civil society delegations, and County political party leaders. The study sample size was 259 of the study population. The study employed Yamane's formula (1969) to determine the sample size. The theory of separation of powers and the structural-functionalist approach was used to inform the research. Data was presented using bar graphs, tables, chats, and histograms. Nine party officials, two county secretaries, and two county assembly speakers were interviewed for the study. Expert opinion was used to evaluate the validity of the study instrument, while Cronbach's Alpha was used to assess the study instrument's reliability. Descriptive and inferential statistical techniques were used to analyze the data. Correlation and regression analysis was done to establish the relationship between the variables. Quantitative data was analysed using multi-linear regression approaches and Pearson

correlation analysis. Stepwise regression was used to analyze the moderating variable. The study then presented quantitative data using tables and figures. Qualitative data was organized based on the themes of the study, analysed using content analysis, and then reported in continuous prose. The legislative approval rate accounted for 3.8% of county government service delivery in Kisii and Meru counties, While the remaining percentage catered for other exogenous factors. Besides, the results (sig. =0.034,  $r=0.194$ ) indicate a weak but significant relationship between legislation approval rate and county service delivery in Kisii and Meru counties. Finally, the study recommended that county assembly leadership and the executive should ensure legislation fate is seamless to avoid unnecessary delays. The assembly and executive should maintain the principles of separation of powers. These concepts can be implemented by strengthening the legislative process, increasing its efficacy and efficiency, cutting down on bureaucratic red tape, and simplifying decision-making.

## **INTRODUCTION**

Bellani et al (2020) underscore that the legislation approval rate in parliament, Senate, or county assembly is adversely affected by the Interest Group's lobbying efforts, which can be the minority side of the Assembly, positive by the executive's lobbying campaign. The majority group in the Assembly or political party is interested in the said law/policy. Therefore, the legislative process is compared to a contest in which the government's and interest groups' efforts are expenses related to obtaining votes to support or disapprove the proposed legislation or policy. To maintain equilibrium, the Government must compromise on its ideal package by putting forth more of the Interest Group's desired policies and less of their oppositional ones. (Block, 2022)

Donovan, Kellstedt, Key, and Lebo (2020) affirm that low legislation approval rates can obstruct provision of amenities by the county governments through many means. Party-political stalemate or a lack of consensus among the legislative body (political gridlock) may cause delays in approving important laws necessary to efficiently facilitate governmental duties, such as strategic plans, budgets, and policy revisions. The controller of Budget report on the implementation of the Kisii county supplementary budget presented to it on 22/2/2024 stated that the animosity between the majority and minority groups in the assembly, executive dominance, and alterations of the budget estimates by the executive after approval by the county assembly before presenting it to the controller of budget for action contravened the law and governing principles of the financial management act of 2013, which does not allow the executive to do any changes to the budget after approval by the county assembly, triggered a fresh budget cycle delaying all government expenditure including paying salaries. This agrees with Ochieng (2019), who shares the same view that low legislative approval rates can hinder the delivery of government services by causing delays, incomplete implementation, uncertainty, wasted resources, corruption, and a lack of accountability.

On this basis, Burgess and Tarr (2022) set an example of the U.S., where the executive and the Legislature (Interest Group), who can be the opposition party or minority in the assembly, participate in a legislative manner over the enactment of projected reforms. The two arms should put more effort to advance their winning probability. It is, therefore, assumed that the efforts used by both sides are various activities done to gain more votes in their favor (Obi, 2019). From the perspective of the interest group, lobbying is accomplished through publishing newspaper ads and other promotional materials, hiring lobby groups, planning street demonstrations, and contributing to campaigns. On the contrary, the government must attempt to engage in discussions and negotiations with lawmakers to sway public opinion in their favor. This will then affect the legislators' constituents, who must cast their votes. (Skowronek & Orren, 2020).

The Kenyan Constitution was framed so that legislation was broken down into three cadres or houses of representation: the National Assembly, Senate, and Assemblies at county level. The parliament Assemblies are majorly delegated to legislate matters of the national government, and more powers were delegated to them to function in that regard. In contrast, the Senate and

the County Assemblies, on the other hand, were made to legislate and defend interests of devolved administrations. countywide, a policy /law is formulated by the executive and presented to the county assembly for approval by either the whole house or a select assembly committee Ngigi and Busolo (2019).

Ambasa (2019) postulates that political party interests primarily influence legislation approval rates in most county governments in Kenya. He further notes that public participation in the policies at both the formulation and evaluation stages determines the approval rate by the public, who are the direct consumers of the laws and policies. The idea of veto power is another distinguishing factor in control dynamics between executive and Legislature that determines legislation passage late in county assemblies. (Jombo, 2019). Veto refers to a constitutionally provided power that allows the executive branch to bargain for the legislative outcomes it wants, particularly regarding laws and policies approved by the county assembly.

The governor, acting on behalf of the executive branch, is mandated under the Kenyan constitution to give his or her assent to legislation passed by the county assembly. Therefore, the governor has the authority to either refuse to provide his consent altogether or return the laws to the County Assembly for revision if he does not favour them. By using the County Government Act of 2012. On the other hand, the County Assembly may override the Executive veto and avoid the Executive's assent by enacting the laws with the support of a two-thirds majority of its members. The fact that the Governor can apply his veto power to block legislative outcomes and the rationality that the Legislature can override the Governor's veto calls for moderation and cooperation on both sides of the divide. According to Jombo (2016), the "veto is a vital instrument of negotiating a compromise on the erratic interests of the legislative and executive to increase legislation approval rates, enhancing service delivery" in a government with a divided but shared authority structure. This study examined the impact of legislative-executive connections on devolved government service delivery in Kenya using legislation

County Assemblies are considered crucial county government bodies for ensuring that all social classes and sectors are represented. More than any other government organization, it counts people with the broadest range of interests and perspectives among its members. Stated differently, each member of the County Assembly is chosen to represent one of the county's several county Assembly wards, but County Assembly serves people of county by protecting as well as upholding their welfare and interests. A member of the county assembly is chosen to represent the interests and well-being of the residents in his ward, not to speak for himself. (Nyarangi,2023).

### **Problem Statement**

Handling executive and legislative relationships is seen as one of the impediments towards high legislative approval rates in county governments in Kenya. A political contest between the executive and county assembly has always ensured, in varying degrees, that both arms exercise their legally granted powers through ways that create consequences and repercussions for policy approval rates in county governments in Kenya (Ouma,2021).

The relationship between the two arms has been characterized by legislation gridlocks, partisan polarization, role conflict, mutual suspicion, acrimony, political mistrust, political rivalry, political party disciplinary processes, and Impeachment motions targeted toward the executive and county assembly speakers hindering efficient and effective service delivery (Musiega et al, 2023).

Particularly, peculiarities of executive-legislative relations cases of serious impulse have been witnessed in Nairobi, Makueni, Murang'a, Wajir, Kiambu, Kisii, Meru, and Nyamira counties. In contrast, minor frictions have been witnessed in Kericho, Siaya, Elgeyo Marakwet, and Samburu counties. (Nyarangi & Wangare, 2023).

Different cases presented various scenarios and backgrounds. What then informed dis-similar designs? Is it political alignments existing among the county assemblies and executive? Or is it the individual interests of the players? Can the forces within and outside the county assemblies and its near setting impact their legislative roles? If it happens to be yes, under what state(s)? how do these factors advance disharmonious and harmonious executive-legislative relationships within context of county administrations in Kenya? Subsequently, this research attempted propping into the legislature approval rates and devolves government service delivery in Kenya's Kisii and Meru County governments by providing empirical responses to these questions.

## **LITERATURE REVIEW**

According to Mutisya (2017), legislation is the highest policy-making level, where legal provisions to various spheres of public life are enacted into law. The legislative branch as a government body advocates for the common and collective interests of citizens through lawmaking and oversight duties over the operations of the executive branch. Thus, a legislative assembly comprises elected officials who make, approve, and change laws. The legislative power of the residents of Kisii and Meru counties is vested in the respective county assemblies with elected representatives from County Assembly Wards.

County Assemblies are considered crucial county government bodies for ensuring that all social classes and sectors are represented. More than any other government organization, it counts people with the broadest range of interests and perspectives among its members. Stated differently, each member of the County Assembly is chosen to represent one of the county's several county Assembly wards, but County Assembly serves people of county by protecting as well as upholding their welfare and interests. A member of the county assembly is chosen to represent the interests and well-being of the residents in his ward, not to speak for himself. (Nyarangi,2023). Furthermore, this is regarded an important duty in County governments since it bears the prevalent concept of governance of the people, by the people, and for the people. The constitution mandates county assemblies to enact laws, policies, and bills presented to them by the executive and oversee the executive is promoting a responsible and democratic type of governance.

Mutisya (2017) argues that some legislatures have failed or have been weak in exercising the constitutional mandate of approving laws/policies due to influence from either their political

parties or the executive due to political party's interests, conflict of interest, and manipulation by the executive in their urge to safeguard their sphere of interest and power. Similarly, the executive tends to control legislators to balance supremacy favor them. Because they seek implementing political decisions with the minimal amount of interference from county assembly monitoring, viewed as a possible obstacle

### **Theoretic Review**

The research was anchored on two theories. These comprised theory of power separation as well as the structural-functionalist approach.

### **Theory of Separating Powers**

The concept of power separation has its roots in the writings of philosophers dating back to the 6th century AD. These philosophers, such as Aristotelian philosopher Polybius, Roman philosopher Cicero, and the French philosopher Machiavelli, argued that mixed systems of one, the few, and the many are the most effective in the real world, as they result in the establishment of a system of control. The doctrine of power separation is a crucial feature of any sound working political system. This was first postulated by Montesquieu (1689-1755), who postulates that relationship is designed in that the same individual must not be allowed to be involved in more than one of the three arms of administration, one administration arm ought not inhibit the functions of the other and that one arm of government must not execute the roles of the other administrative arms. (Jacobs 2019).

Montesquieu argued that the separation of powers should be governed by the trials polita principle, which necessitates a formal separation between legislative, judicial, and executive branches. This principle depends on personnel, which says that the same person should not serve in more than one of the three branches of the government. This principle is also supported by the principle of separation of functions, which states that each organ should not interfere with or assume the role of the other to achieve a balance between the three branches.

This theory was essential to this research, as it provided a comprehensive insight into the extent to which the executive and legislative branches of government in Kenya are distinct from one another and their respective terms of reference as mandated by the 2010 Kenyan Constitution. Kenyan citizens have entrusted the legislative, executive, and judicial branches of government at the national, county, and local government levels, respectively (Kabau (2013). It further postulated how the executive and county assembly should work cordially without stepping on each other's mandate. The theory, too, acted as an essential guide to unlocking the factors that hinder or promote legislative approval rates in county administrations in urge improving service delivery and management and implementation of policies that spurs development in Kisii and Meru county governments in Kenya.

### **Structural-Functionalist approach**

Almond (1969) introduced the structural-functionalist approach, which sought to provide uniform and integrated explanations applicable to all elements of a political system. As per scholars such as Almond, structural-functional examination requires all political structures to fulfill certain essential functions; the other hand determines which structure meets those functions (Almond, Peter, 2005). In this regard, Almond proposed an approach to study of

political structures that considers not only the structural elements of organizations nonetheless also roles within the organization.

In structural functionalist approach, County government is seen as a social structure, and the executive and the legislature are parts of a system or government that perform specific tasks (Barney, 2014). The legislature makes laws, but the executive makes them happen. This highlights the necessity of the executive and county assemblies' mutual interdependence through functional interactions within the policy process. Although the executive and county assembly may differ in their personnel and functions, they work together as governance institutions to maintain county governments. As an open system, these relationships are affected by both internal and external factors, as well as the existence of a legitimate force that holds them together. The association between the administrative and legislative arms, interactions between the two, and association between the two in terms of amenity provision and policy formulation are fundamental to the functioning of county governments.

### **RESEARCH METHODOLOGY**

This study used both descriptive survey and explanatory study design. Descriptive research is undertaken to provide the study a describe or profile related to aspects of the phenomena of interest from an individual, industry-oriented, organization, organizational, or different perspectives (Abe & Monisola, 2014). A descriptive survey design facilitated the study by providing accurate aspects, happenings, and circumstances regarding the variables (Fellows & Liu, 2021).

On the same note, explanatory study design defines quantitatively the degree to which variables are associated (Mugenda & Mugenda, 2003). Conversely, it is utilized in studies that establish causal relationships between variables. Explanatory study designs provided cause-and-effect relationships between variables (Asenahabi, 201

**Table 1 Age and Gender Respondents**

	<b>Gender</b>	<b>Frequency</b>	<b>Per cent</b>	<b>Cumulative Percent</b>
Valid	Male	147	80.7	80.7
	Female	35	19.3	100.0
	<b>Total</b>	<b>182</b>	<b>100.0</b>	

*Source: field data (2020)*

Of the 182 valid questions, 147 were completed by men (representing 80.7%), while 35 women, representing 19.3%, administered 35. This indicates the gender imbalance in Kenya's county appointments. Additionally, it demonstrates that contrary to the Kenyan Constitution's (2010) recommendations, fewer women hold elective and nominative positions in selected counties. This result is consistent with Amondi, Otieno, and Iteyo (2015), who found that while women in Kenya participate in elective leadership roles, they are still underrepresented in positions of power and leadership, generally in politics.

**Table 2 Respondents' County of Residence/Work**

	<b>County</b>	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Valid	Kisii	96	53	53
	Meru	86	47	100.0
	<b>Total</b>	<b>182</b>	<b>100.0</b>	

*Source: Field data (2020)*

According to the results above, 53.0% of respondents worked in Meru County, while 47.0% did so in Kisii County. To guarantee that the respondents are chosen from the two counties (Kisii and Meru Counties) of this study, this data was collected for representational purposes. This survey revealed the respondents' county of work, as tabulated in Table 4.3 below.

**Table 3 Respondents' Position at County**

	<b>Respondents</b>	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
	Member County Assembly	94	51.7	51.7
	Civil Society leaders	19	10.6	62.3
	Council of Elders	24	13.1	75.4
	County Workers Union	12	6.6	82
	Chief Officer	11	6.0	88
	CECM	9	4.9	92.9
	Contractors Association	13	7.1	100
	<b>Total</b>	<b>182</b>	<b>100</b>	

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### **Respondents' Work Experience**

The study respondents' years of service and associated experiences were determined, as shown in Table 4 below.

**Table 4: Respondents' Work Experience**

		<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Valid	Less than 1 year	131	72.3	72.3
	1-5	35	19.3	91.6
	5-10	16	8.4	100.0
	<b>Total</b>	<b>182</b>	<b>100.0</b>	

*Source: Field Data (2023)*



According to the statistics, 72.3% of respondents had worked for less than a year, 19.3% had worked for between one and five years, and 8.4 percent had worked for five years or more. Most of the respondents had one year of experience, as the results above demonstrated. This pattern is connected to the fresh political wave that affected the choice of candidates for office Nyarangi, (2023). There have been new appointments due to the changing regimes in Kisii and Meru counties.

### **Respondents’ Position at County**

According to the survey, 51.7% of all respondents were county assembly members, 10.6% were civil society leaders, the Council of Elders was 13.1%, County Workers Union was 6.6%, the Contractors Association was 7.1, and CECM was 4.9 % while chief officers and county engineers were 6.0 % of the respondents. This study was satisfied that the respondents were sufficiently representative to supply the data required.

*Table 5: Respondents’ Position at County*

<b>Respondents</b>	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Member County Assembly	94	51.7	51.7
Civil Society leaders	19	10.6	62.3
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### **Legislation approval rate and county service delivery**

The study examined the Legislation approval rate on county service delivery in Kisii and Meru counties in Kenya using measures of central tendency as shown in Table 6.

**Table 6 Legislation approval rate and county service delivery**

*Table 6 Regression Analysis*

<b>Statement</b>	<b>N</b>	<b>Mean</b>	<b>SD</b>
Members of the County assembly get oriented well immediately after elections on their legislation roles	182	3.53	.904
Members of the County assembly execute their roles with the uttermost integrity	182	3.92	.903
Most members of the county assembly are driven by personal interests in the legislation process instead of public interest	182	3.49	1.119
Members of county assembly are easily compromised to pass or shoot down bills	182	3.59	1.171
Assembly staff lack the pre-requisite capacity to conduct legislative research	182	3.37	1.177
Most laws and policies enacted by county assemblies attract high approval rates from the public.	182	2.48	1.032

County assemblies meet specific timelines in approving policies and projects before them	182	3.22	1.129
County assemblies are making laws to fight the executive as opposed to statutes needed to spur development	182	3.18	1.047
County assembly formulates laws based on up-to-date scientific data to inform their decisions and legislative actions.	182	2.41	1.115
<b>Valid N (listwise)</b>			182

*Source: Field Data (2023)*

The findings showed that respondents, at a mean of 3.53 and standard deviation of 0.904, agreed that county assembly members get oriented well immediately after elections on their legislation roles. This statement implies that, according to survey respondents in Kisii and Meru counties, members of county assemblies get oriented well on their specific roles immediately after being elected to the county assembly. The respondents generally agreed, as seen by the mean score of 3.53, that the members of county assemblies receive the required orientation on their roles. The standard deviation of 0.904 indicates that the replies were not very varied and were rather consistent. Generally, individuals who took part in the study believed that the orientation given to the members of county assemblies is enough to make them legislate informed laws and policies geared towards sparing economic development and enhancing service delivery. These findings are in line with Yogo and Ngo (2018), who opined that most citizens and members of the county assembly lack a sense of duty among MCAs, a lack of personal values and conviction for oversight, and the absence of public pressure weakened political will for legislative oversight.

Similarly, when key informants were asked if members of county assemblies are taken through the required orientation geared towards having requisite knowledge of their duties in the legislative process in counties, individuals interviewed (county assembly speakers) strongly responded in the affirmative. Interviewee **001** supplemented:

*The first step immediately after elections is to ensure that members of the county assembly are taken through various laws and standing orders. This builds in them the required knowledge and skills to handle the day-to-day management of the assembly and bolsters their conduct in the assembly.*

Similarly, Interviewee **003** agrees that proper orientation should be a priority for the county assembly members to build a robust legislative process. Interviewee **003** revealed:

*[...] With proper orientation of roles, most members of county assemblies are expected to maintain high standards of integrity and follow the stipulated laws to ensure they achieve sound representation, oversight, and legislation.*

Fagbadebo and Francis (2016) opine that the members of the legislature must orient themselves well about their oversight power, which is a statutory responsibility that emboldens the legislature ‘to ensure an effective, efficient, and frugal executive.’ According to them, oversight serves as a measure of accountability in devolved governments. Through a procedure of constant review of government programs and policies, they reason, the citizenry is ‘presented with an opportunity to assess service delivery of government’ (Fagbadebo and Francis, 2016).

At a mean of 3.92 and a standard deviation of 0.903, the respondents also agreed that Members of the County assembly lack integrity in executing their legislative roles. The finding means that based on the responses of the survey participants, the average score given to the notion that Members of the County assembly lack integrity in executing their legislative roles was 3.92 out of 5. The findings indicate that the respondents, on average, believe that most members of the county assembly usually conduct oversight roles against the Leadership and Integrity Act No.19 of 2012, which states that “A state officer shall avoid being in a situation where personal interests conflict or appear to conflict with the state officer’s public official duties.”

The standard deviation of 0.903 indicates some variability in the responses, though not widely spread, suggesting that most respondents agree with the statement. This finding is congruent with Hermanto and Mas's (2021) assertion that objectivity and impartiality in decision-making on legislation positively affect the acceleration of national development, especially in developing countries. Similarly, County Assembly Speakers and County Secretaries concur that elected officials must uphold high standards of integrity to enhance sound legislation.

. Interviewee **004** opined that:

*Commitment in service, competence and suitability, objectivity, and impartiality are expected to be upheld by members of county assemblies in the entire process of legislation. By achieving all this, we will expect high legislation approval rates of policies and laws enacted by county assemblies in Kenya. High approval rates support a unified front on quality service delivery. The presence of unethical behaviors in public service is perplexing, as the delivery of public services should ideally be a reflection of the degree to which moral aspects of ethical practices are maintained.*

Additionally, Interviewee **001** adds that:

*Members of county assemblies are expected to behave honourably even when no one is pushing them to do so. High integrity should be exercised in their debates and during the voting process in the assemblies. They should, too, exercise integrity in the proper spending of money allocated to them.*

Unethical practices often destroy important components of social capital, without which the county governance cannot work appropriately. Therefore, nowadays it has become a moral to the count governments that all social sectors often address and resolve the unethical challenges they face. Ogola, Sikalieh, and Linge (2017) highlight the want for County governments to educate a culture of ethics in governance as a pre-condition for the enhancement of economic and political governance, hence better growth.

Further, from their responses at the mean of 3.49 and SD of 1.119, the respondents stated that most county assembly members are driven by personal interests in the legislation process instead of public interest. The statement means that, on average, the respondents in a survey rated the extent to which county assembly members prefer personal interests in the legislation process instead of public interest as 3.49 on a scale of 1 to 5, whereby 1 implies strongly disagree and on the other hand 5 implies strongly agree. The standard deviation of 1.119 shows that the responses were somewhat spread out, with some respondents often strongly agreeing while others strongly disagreeing. The finding suggests that most members of county assemblies prefer personal interest in the legislative process more than the public interest, which is seen as a potential impediment to a smooth legislation process in the county assembly.

This finding corresponds with the Council of Governors' observation that most decisions made in the county assemblies are motivated by personal interests from both the executive and county assembly members, which seriously hinders the smooth running of county governments in Kenya. (CoG, 2023). Besides, Shale (2021) outlines that interest-based decisions have become a permanent feature of Lesotho's political environment, with the battle for supremacy and the ability to influence decision-making processes ranking among the main reasons why there are disagreements inside the main political parties extending to parliament versus executive's interests. In concurrence, Interviewee **005** stated that:

*[...] Members of county assemblies and those in the executive have their interests and agendas, which they seek to advance through the government. [...] This often manifests in the control of both the legislative and executive branches, and this can lead to conflict when the two branches disagree on how to proceed on a particular issue. [...] If the executive branch is controlled by people with diverse personal interests and different priorities and governance approaches, we expect disagreements, power struggles, and even gridlock in the government.*

Regarding the same, Interviewee **002** added:

*[...] Each member of the county assembly always has specific personal interests that they seek to advance. These interests may be ideological, economic, or political. [...] In the end, these diverse interests' conflict, creating a gridlock. Balancing personal and public interests has greatly challenged achieving desirable service delivery.*

Additionally, the respondents, based on their responses at the mean of 3.59 and SD of 1.171, stated that county assembly members are easily compromised in passing or shooting down bills. The mean of 3.59 suggests that, on average, the respondents believed that members of the county assembly are somewhat easily compromised to pass or shoot down bills. The standard deviation of 1.171 shows that some variability in responses, with other respondents believing that members of the county assembly are very easily compromised and others believing that they are not very easily compromised. The finding indicates some concern among the respondents about the susceptibility of county assembly members to outside pressures. These results are consistent with Chaplin (2020), who argues that while parliamentary privilege is defined by the level of autonomy required to carry out the constitutional function of parliament, political corruption has eaten away at that autonomy by compromising lawmakers to take certain positions or vote in particular ways.

. Interviewee **007** agrees to state:

*Generally speaking, various factors, including political allegiances, lobbying, public opinion, individual interests, party discipline, and ethnic alignments, can impact the county assembly's legislative process. These elements occasionally can result in concessions or impact vote choices.*

Additionally, however, Interviewee **002** noted:

*[...] Not all county assembly members are willing to compromise; many work hard to defend their morals and ideals when voting on legislation. [...] Assembly systems frequently have checks and balances to guarantee that MCAs work in the best interest of their wards and the county.*

Moreover, the respondents said that assembly staff lacks the pre-requisite capacity to conduct legislative research having a 3.7 mean and SD of 1.177. This finding suggests that the respondents, on average, ambivalently rated the capacity of assembly staff to conduct legislative research as low, with a mean score of 3.37 out of 5. Also, the standard deviation of 1.177 shows some variability in the responses. Therefore, some respondents may have rated the capacity of assembly staff as very low, while others may have rated it as moderately low. Therefore, this finding suggests that most respondents believe that assembly staff lack the prerequisite capacity to conduct effective legislative research. This finding implies significant flaws in the effectiveness of legislative processes, as legislative research is an essential part of the law-making process.

The findings are incongruent with Sharvari and Kulkarni (2019) argument that in this competitive world, organizations (county assemblies included) employers a complaining about the lack of pre-requisite soft skills, such as communication skills, interpersonal skills, adaptability, leadership skills, research skills, teamwork and collaboration skills, positive attitude, behavioral skills, empathy, passion, accountability, critical observation, conflict resolution, assertiveness, and emotional intelligence and strong work ethics, which is inhibiting them from meeting county service delivery goals. Interviewee 008 expressed their opinion based on qualitative data obtained through interviews:

*Assemblies' staff could lack adequate knowledge to do their duties [...]. However, local assembly staff must be able to conduct legislative research to support their elected representatives' work effectively. [...] If staff lack the necessary skills and knowledge, providing training and professional development opportunities may be helpful to build their capacity.*

Similarly, the respondents disagree that most laws and policies enacted by county assemblies attract high approval rates from the public, with a mean of 2.48 and SD of 1.032. This finding can be interpreted that most policies and laws enacted by county assemblies receive low ratings from the public. The mean of 2.48 indicates that the average response leans towards disagreement or a neutral stance, whereas the standard deviation of 1.115 indicates some response variability. This means some respondents can strongly disagree or agree, while others are more neutral.

The findings are consistent with Marine (2015) findings that the defective and unconstitutional regulations being formulated at counties lack public approval and support due to a lack of proper public participation. Interviewee **004** confirmed:

*Some policies and laws enacted by county governments lack adequate public support due to insufficient public participation and interference by various state and non-state actors. This hinders smooth service delivery to a greater extent.*

Interviewee **006** opined that:

*Laws and policies that are enacted must follow the public participation process because it's a constitutional requirement. However, to a certain extent, political interests superseded best practices in public participation and policy formulation processes, contributing to low approval rates. [...] It is also important for citizens to hold their MCAs accountable and demand that they work together in formulating policies that affect them to represent their constituents effectively.*

Besides, some respondents, having a mean of 3.22 and SD of 1.129, stated that County assemblies meet specific timelines in approving policies and projects before them. This showed some worth neutral stand, meaning that, to a certain extent, not all policies and projects are approved in a timely manner by the assemblies. Furthermore, the respondents said county assemblies make laws to fight the executive instead of laws needed to spur development, with a mean of 3.18 and SD of 1.047.

The respondents are generally ambivalent about whether county assembly members focus more on thwarting the administration than promoting development, as shown by the mean score of 3.18 (out of a maximum of 5.0). Also, the standard deviation of 1.047 proposes some variation in the respondents' perceptions, with some believing that county assembly members are more focused on thwarting the executive or promoting growth than others. This outcome is often consistent with Koop, Reh, and Bressanelli (2018) findings, who found that in many political systems, legislators are loyal to several different principals who vie for their support. Consequently, legislators may be forced to make compromises while voting to enact laws and shape policy.

The respondents also said that county assemblies created laws based on scientific facts specific facts with a mean of 2.41 and SD of 1.115. This finding can be interpreted that the respondents have a relatively minimal level of agreement with the report that the county assembly formulates laws based on scientific facts. The mean of 2.41 indicates that the average response leans towards disagreement or a neutral stance, while the standard deviation of 1.115 suggests some variability in the responses. This means that some respondents may strongly disagree or agree, while others are more neutral in their opinion. This conclusion, however, runs counter to Windholz's (2020) assertion that bringing together political leaders and technical specialists increases the likelihood of evidence-based decision-making and decreases the likelihood of misunderstanding and miscommunication. Correspondingly, when qualitative data was sought on whether county assemblies make laws to fight the executive as opposed to laws needed to spur development and their opinion on laws begged on scientific facts, Interviewee **003** noted:

*It is not uncommon for the legislative branch of county government to create laws and policies that may sometimes appear to oppose the executive branch of county government. This is because the county assembly has a separate role and responsibility in the county government: to provide checks and balances to the executive branch's actions. The county assembly is responsible for creating laws, while the executive branch enforces those laws. It is healthy for there to be a level of tension between the two branches of government, as it ensures that neither branch becomes too powerful and that the*

*county government operates in the best interest of the people.*

However, Interviewee **009** cautioned that:

*Although the county assembly has the authority to enact laws, its main goal should not be penalizing the government's executive branch but ensuring efficient service delivery throughout the county.*

**Regression Analysis**

The first objective studied the effect of legislation approval rate on county service delivery in Kenya. To achieve this, the research tested the hypothesis:

H<sub>01</sub>: Legislation approval rate has no statistically significant effect on county government service delivery in Kenya.

Model:  $Y = \beta_0 + \beta_1 X_1$

Table 7 presents regression weights and standard errors of estimates.

*Table 7 Model Summary on Legislation approval rate and county service delivery*

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.194 <sup>a</sup>	.038	.029	.60424

a. Predictors: (Constant), Legislation approval rate

*Source: Field Data (2023)*

The determination coefficient (R<sup>2</sup>=0.038) revealed in Table 4.16 showed that the legislation approval rate accounted for 3.8% of county service delivery in Kisii and Meru counties, leaving 96.8% to be accounted for by exogenous aspects. The correlation between perceptions of legislation approval rate and county service delivery in Kisii and Meru counties was weak but positive (R=.194). This is in line with Oni (2015) who postulates that despite the existence of separation of the powers, roles and personnel of the legislature and executive, the two arms are supposed to institute harmonious inter-organ relations and ensure smooth coordination and minimal role conflict and ambiguity in their ultimate role of ensuring quality public service delivery (Oni, 2015). In addition, the research examined the model's goodness of fit using ANOVA, and the results are presented in Table 4.15.

*Table 1.8 ANOVA on legislation approval rate and county service delivery*

Model	Sum of Squares	Df	Mean Square	F	Sig.
1 Regression	1.671	1	1.671	4.577	.034 <sup>b</sup>
Residual	42.718	181	.365		
Total	44.389	182			

*Source: Field Data (2023)*

The regression output (F=4.577; df=1; sig=.034<0.05) revealed that the parameters used to measure legislation approval rate were suitable for predicting county service delivery as the output established a difference among the itemized means. These outcomes permitted the study to continue with hypothesis testing.

The hypothesis was then tested by running a simple linear regression. The rejection or acceptance was based on p-value where p<0.05 was accepted and vice versa. The outcomes of this test are revealed in Table 9.

*Table 9 Coefficients for legislation approval rate and county service delivery*

Model	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
1 (Constant)	2.243	.374		5.995	.000
Legislation approval rate	.228	.106	.194	2.139	.034

*Source: Field Data (2023)*

The findings ( $\beta = .228$ ,  $t = 2.139$ ,  $p = 0.034 < 0.05$ ) demonstrated that legislation approval rates play a significant role in county government service delivery in Kenya. The null hypothesis was, thus, rejected, and the alternative hypothesis was supported at  $\alpha = 0.034$ . The model equation derived from the results is therefore,  $Y = 2.243 + 0.228 X_1$  where  $Y$  - county public service delivery,  $X_1$  - Legislation approval rate,  $e$  - error term

## **Discussion**

The study assessed the impact of legislation approval rate on county service delivery in Kisii and Meru counties. The findings of descriptive statistics demonstrated that the legislation approval rate contributed to the county service delivery in Kisii and Meru counties. The result indicated that political party interests, the capacity of county assemblies' members, and the quality of county assembly bills affect county service delivery in Kenya. The correlation analysis displayed a weak positive and statistically relationship between the legislation approval rate and county service delivery. This result denotes that a change in the legislation approval rate influenced some variation in the level of county service delivery. As the legislation approval rate increases, county service delivery is improved, and vice versa. The regression analysis outcome showed that the legislation approval rate had a direct influence as it was statistically important (a P-value of 0.034 was less than 0.05). This analysis determined that legislation approval rates significantly enhance county service delivery in Kisii and Meru counties. Due to this, the county assembly leadership and the executive should ensure legislation fate is seamless to avoid unnecessary delays. The assembly and executive should maintain the principles of separation of powers. These concepts can be implemented by strengthening the legislative process, increasing its efficacy and efficiency, cutting down on bureaucratic red tape, and simplifying decision-making. This could hasten the ratification of laws, resulting in quicker policy implementation and better service delivery. The county legislative and executive branches should work together more closely to improve cooperation and communication between the two arms. To enable greater coordination between policy formulation and implementation and eventually enhance service delivery, this can involve holding regular consultative sessions, joint committees, and working groups while keeping the principles of separation of power.

## **Conclusions and Recommendations**

the study concludes that the legislation approval rate significantly impacted county service delivery.



## REFERENCES

- Abe, T., & Monisola, O. J. (2014). Citizen Participation and Service Delivery at the Local Government Level: A Case of Ise/Orun Local Government In Ekiti State, Nigeria. *Journal of Law, Policy and Globalization*, 27, 102-11.
- Almond, G. & G. Bingham P. (1975) *Comparative Politics: A Developmental Approach*. Boston: Little Brown.
- Ambasa, E. (2019). *The influence of executive-legislature Relations on Legislative Oversight in Kenya, 2008-2013* (Doctoral dissertation, University of Nairobi).
- Amondi, I. O., Otieno, O. C., & Iteyo, C. (2015). Women participation in elective leadership positions in Homa Bay Town and Rangwe constituencies of Homa Bay County, Kenya. *American Journal of Social Sciences*, 3(2), 23-32.
- Asenahabi, B. M. (2019). Basics of research design: A guide to selecting appropriate research design. *International Journal of Contemporary Applied Researches*, 6(5), 76-89.
- Bellani, L., Fabella, V. M., & Scervini, F. (2020). Strategic Compromise, Policy Bundling, and Interest Group Power.
- Barney, J. B. (2014). *Gaining and sustaining competitive advantage*. Pearson Higher Ed.
- Block, L. (2022). *Coalition formation versus free riding in rent-seeking contests* (No. 93). Paderborn University, Faculty of Business Administration and Economics.
- Burgess, M., & Tarr, G. A. (2022). Sub-National Constitutions in Federal Systems.
- Chaplin, S. (2020). Protecting parliamentary democracy in “plague” times: Accountability and democratic institutions during the pandemic. *Commonwealth Law Bulletin*, 46(1), 110-123.
- Donovan, K., Kellstedt, P. M., Key, E. M., & Lebo, M. J. (2020). Motivated reasoning, public opinion, and presidential approval. *Political Behavior*, 42, 1201-1221.
- Fellows, R. F., & Liu, A. M. (2021). *Research methods for construction*. John Wiley & Sons.
- Francis, S., & Fagbadebo, O. (2016). Power relations among institutions in Nigeria's Presidential System: Issues and Contentions.
- Jacobs, S. B. (2019). The statutory separation of powers. *Yale LJ*, 129, 378.
- Jombo, O. C. (2019). *Examining the peculiarities of executive-legislative relations in Nigeria's presidential system: insights from selected states in the Fourth Republic, 1999-2015* (Doctoral dissertation).
- Kabau, T., & Ambani, J. (2013). The 2010 Constitution and the Application of international law in Kenya: A case of migration to monism or regression to dualism? *Africa Nazarene University Law Journal*, 1(1), 36-55.
- Koop, C., & Lodge, M. (2014). Exploring the coordination of economic regulation. *Journal of European Public Policy*, 21(9), 1311-1329.
- Marine, J. (2015, October). A Preliminary Comparative Study of Public Participation Acts in Kenya: A Case Study of Meru, Elgeyo Marakwet & Machakos Counties. In

Proceedings of the 38th AFSAAP Conference: 21st Century Tensions and Transformation in Africa, Melbourne (pp. 28-30).

- Mugenda, O. M., & Mugenda, A. G. (2003). *Research Methods: Quantitative and Qualitative Approaches*. Nairobi: African Centre for Technology Studies Press.
- Musiega, A., Nyawira, L., Tsofa, B., Njuguna, R. G., Munywoki, J., Hanson, K. ... & Barasa, E. (2023). Budget monitoring, accountability practices and their influence on the efficiency of county health systems in Kenya: a qualitative case study.
- Mutisya, S. M., Abonyo, J. O., & Senelwa, W. (2019) Influence of Political Parties' Affiliations on County Assemblies' exercise of Oversight authority over County government in Kenya: A case study of Makueni County Assembly.
- Ngigi, S., & Busolo, D. N. (2019). Devolution in Kenya: the good, the bad and the ugly. *Public Policy and Administration Research*, 9(6), 9-21.
- Nyarangi, E. & Wangare, S. (2023, January 9<sup>th</sup>). Meru governor Kawira Mwangaza survives impeachment. <https://www.standardmedia.co.ke/national/article/2001464149/meru-governor-kawira-mwangaza-survives-impeachment>.
- Obi, E. A. (2019). The theory, practice, and current trends in federalism. *Journal of Social Service and Welfare*, 1(1), 10-20.
- Ochieng, J., & Ileri, K. (2022). "The New Sheriffs in Town"! Newspapers Visibility of Kenya's First County Governors. *African Journalism Studies*, 43(1), 34-52.
- Ogola, M. G. O., Sikalieh, D., & Linge, T. K. (2017). The Influence of Individualized Consideration Leadership Behaviour on Employee Performance in Small and Medium Enterprises in Kenya. *International Journal of Business and Social Science*, 8(2).
- Ouma, D. (2021). *County Assemblies and Local Development in Kenya: the Role of Legislation in Selected County Assemblies* (Doctoral dissertation, University of Nairobi).
- Skowronek, S., & Orren, K. (2020). The Adaptability Paradox: Constitutional Resilience and Principles of Good Government in Twenty-First-Century America. *Perspectives on Politics*, 18(2), 354-369.
- Yogo, U. T., & Ngo Njib, M. M. (2018). Political competition and tax revenues in developing countries. *Journal of International Development*, 30(2), 302-322.
- Windholz, E. L. (2020). Governing in a pandemic: from parliamentary sovereignty to autocratic technocracy. *The Theory and Practice of Legislation*, 8(1-2), 93-113.