

REPUBLIC OF KENYA



PARLIAMENT OF KENYA LIBRARY

PARLIAMENT

THE SENATE

	DATE	29/7/2021
	TABLED BY	Chair
	COMMITTEE	Labour & Social Welfare
	CLERK AT THE TABLE	Kawata Muryor

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

TWELFTH PARLIAMENT- FIFTH SESSION

REPORT ON THE COUNTY HALL OF FAME BILL, 2021 (SENATE BILLS NO. 9 OF 2021)

CLERK'S CHAMBERS THE SENATE PARLIAMENT OF KENYA NAIROBI

Approved
28/7/2021

JULY, 2021

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PREFACE

1. The Standing Committee on Labour and Social Welfare was constituted in December, 2017 during the First Session of the Twelfth (12th) Parliament pursuant to the provisions of Senate standing order 212.

The Committee is mandated to consider all matters related to: *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

2. In executing its mandate, the Committee oversees the Ministries of:

- a) Labour and Social Protection;
- b) Public Service and Gender Affairs; and,
- c) Sports, Culture and Heritage.

3. The Committee comprises the following Members:

1. Sen. Sakaja Johnson Arthur, CBS	-Chairperson
2. Sen. Mwaruma Johnes Mwashushe	-Vice Chairperson
3. Sen. Madzayo Stewart Mwachiru	-Member
4. Sen. Mwangi Paul Githiomi	-Member
5. Sen. Kihika Susan Wakarura	-Member
6. Sen. (Dr.) Milgo Alice Chepkorir	-Member
7. Sen. Makori Beatrice Kwamboka	-Member
8. Sen. Shiyonga Naomi Masitsa	-Member
9. Sen. (Dr.) Mwaura Isaac Maigua, CBS	-Member

ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information before it. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions to the matter. Further, the Committee is indebted to the Offices of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report. The Committee also wishes to recognize the commitment and dedication of the staff of the committee that made the work of the Committee and the production of this report possible.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 143 (1), to present and lay on the table of the House the report of the Committee on Labour and Social Welfare on the County Hall of Fame Bill, 2021 (Senate Bills No. 9 of 2021) for consideration by the House.



SIGNED.....

**SEN. JOHNSON SAKAJA, CBS.
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

DATE: 18th June, 2021

1.0 INTRODUCTION

Mr. Speaker Sir,

The County Hall of Fame Bill, 2021 (Senate Bills No. 9 of 2021) originated in the Senate and was published on 8th March, 2021 as an ordinary Bill. The Bill was sponsored by Sen. Kipchumba Murkomen, Senator of Elgeyo Marakwet County.

The Bill was read a first time in the Senate on 11th May, 2021 and committed to the Standing Committee on Labour and Social Welfare pursuant to Standing Order 140 (1).

Pursuant to Article 118 of the Constitution and Standing Order No. 140 (5), of the Senate Standing Order, the Standing Committee of the Senate on Labour and Social Welfare facilitated a virtual public hearing forum that was held on 8th June, 2021 to take into account the views and recommendations of the public while preparing this report.

The Bill seeks to establish a platform through which county governments honour individuals, within the respective counties, who have made significant contributions in any profession or activity.

Paragraph 4(h) of Part 2 of the Fourth Schedule to the Constitution provides that cultural activities, public entertainment and public amenities including sports and cultural activities and facilities some of the functions and powers of county governments.

The Bill therefore proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments.

The Committee, at its meetings held on 2nd June, 2021, 8th June, 2021, 18th June 2021 and 19th June, 2021, deliberated on the Bill and considered the submissions from the public hearing and stakeholders and recommended that the County Hall of Fame Bill, 2021 be adopted subject to the amendments contained in Annex I to be moved at the Committee Stage.

The Bill has been processed by the Committee and is now ready for presentation to the House for consideration.

2.0 OVERVIEW OF THE COUNTY HALL OF FAME BILL, 2021 (SENATE BILLS NO. 9 OF 2021)

2.1 Overview of the Bill

The Bill proposes to establish a hall of fame in each county which shall honour the achievements of exceptional individuals and serve as a repository for the history, heritage and culture of the county. The Bill further seeks to establish, in each county, a selection committee responsible for recommending to the governor the induction of exceptional individuals into the County Hall of Fame. The Bill further contemplates that the hall of fame will be a repository of historical documents and artefacts relating to the culture and heritage of the respective county.

2.2 Consequences of the Bill

The Bill proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognized by county governments. The Bill therefore imposes duties on the county governments to ensure that county governments discharge their functions under the Constitution.

3.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

The Committee put up an advertisement in the local dailies, the Daily Nation and the Standard to seek submissions in written form from the public, on the County Hall of Fame, 2021 on Thursday, 13th May, 2021 as per the copy attached as Annex IV.

The Committee scheduled a public hearing on 8th June, 2021 and received submissions from the Ministry of Sports, Culture and Heritage, the County Assemblies Forum and the Council of Governors as captured in the attached matrix (see Annex II) concerning the County Hall of Fame Bill, 2021.

3.1 Written Submissions in Response to the Advertisement in the Daily Nation dated Thursday, 13th May, 2021.

The Committee received memorandum from the Office of the County Attorney, Busia County Government as follows -

- (a) On the composition of the Selection Committee (S. 6 (d)), these persons should be nominated by the Governor upon advice or in consultation with the County Public Service Board and not the Board, which is already represented.
- (b) On the notification and Public Hearing (S. 14 (b) & (7), in light of Section 14(1) (which governs the procedure after receipt of a petition by a resident), subsection (6) appears to be a repetition, and serves no purpose, and should be deleted. Subsection (7) should therefore be renumbered as subsection (6).
- (c) On the legislation by a County (S. 14 (8), this should be, a separate or stand-alone Section (15). The subsequent sections be renumbered accordingly.
- (d) On the regulations (Section 21), "culture" is a devolved function, the Regulations may be made by the County Executive Committee Member responsible for Culture and Social Services and not the Cabinet Secretary.

3.2 Stakeholder Meeting on the County Hall of Fame Bill, 2021

The Committee met the Ministry of Sports, Culture and Heritage, the County Assemblies Forum and the Council of Governors on Tuesday, 8th June, 2021 at 10.00 am to deliberate on the Bill. Below is the summary of the submissions from the three institutions.

a) Presentation by the Permanent Secretary, Ms. Josephtha Mukobe

1. The Ministry is currently looking at similar legislation which is currently at an advanced stage. The proposal has taken into consideration the Heritage Act, the National Museums Act, the Heroes Act and the Honours Act; and
2. The proposals found in the County hall of Fame have also been provided for in the legislation.

b) Presentation by the Council of Governors

The Council of Governors stated that they had already submitted their memorandum and were in agreement with the contents of the Bill.

c) Presentation by the County Assemblies Forum

The County Assemblies Forum also stated that they had submitted their memorandum and were in agreement with the provisions of the Bill.

Members noted the submissions from the Stakeholders and the Ministry's position and resolved that the legislative process will continue and the Ministry's proposal will also be considered once it is formally submitted to Parliament.

4.0 RECOMMENDATIONS OF THE COMMITTEE

The Committee made the following resolutions recommendations on County Hall of Fame Bill, 2018, (Senate Bill No. 39 of 2018)

To add a new sub clause 9 (3) to read-

“Any member of the selection committee who knowingly refuses to disclose a conflict of interest commits an offence and is liable on conviction, to a fine not exceeding one million shillings”

The Clause should be merged with the Leadership and Integrity Act to provide a clear deterrence for members of the selection committee and ensure they declare conflict of interest.

Annex 1: Proposed Committee Stage Amendments

8th July, 2021

The Clerk of the Senate,
Parliament Buildings,

NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE COUNTY HALL OF FAME
BILL, 2021, SENATE BILLS NO. 9 OF 2021**

NOTICE is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendment to the County Hall of Fame Bill, 2021, Senate Bills No. 9 of 2021, at the Committee Stage -

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

Date: 14th July, 2021.



.....
Sen. Johnson Sakaja, CBS
Chairperson,
The Standing Committee on Labour and Social Welfare.

Annex 2: Matrix of the Public Participation of the County Hall of Fame Bill, 2021

**THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO. 9 OF 2021)**

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
9	County Assemblies Forum (CAF)	<p>Insert new sub clause 9(3) to read—</p> <p>“Any member of the selection committee who knowingly refuses to disclose a conflict of interest commits an offence and is liable on conviction, to a fine not exceeding one million shillings”</p>	The new clause provides a clear deterrence for members of the selection committee and ensure they declare conflict of interest.	<p>Adopted.</p> <p>Merge the same with the Leadership and Integrity Act.</p>
14	CAF	<p>Amend sub clause (8) to read as follows—</p> <p>(8) A County Assembly may enact county specific legislation to provide for —</p> <p>(a) the procedure for the consideration of petitions for induction into a county hall of fame under this Act;</p> <p>(b) the types, categories or classes of persons that may be inducted into a county hall of fame;</p> <p>(c) the precedence to be accorded to different categories of persons inducted into a county hall of fame;</p>	The clause should be specific that County Assemblies may enact county specific legislation.	<p>Not adopted.</p> <p>County government is made up of a county executive and a county assembly..</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>(d) the number of persons who may be inducted into a county hall of fame at a particular time;</p> <p>(e) the procedure for the suspension or revocation of an inductee from the county hall of fame; and</p> <p>(f) the privileges or benefits that shall be accorded to a person who is admitted to a county hall of fame.</p>		

1. The Ministry of Sports, Culture and Heritage through the State Department for Culture & Heritage noted that—
 - (a) Regarding **Clause 2** on the interpretation of the Act with regard to the Cabinet Secretary responsible for matters relating to culture, heritage and state honours; it is our observation that currently the practice is that Cabinet Secretary responsible for matters relating to culture and heritage sits as a member in the National and County Governments Honours Advisory Committee established under 5 of the National Honours Act, 2013. While the said Act recognizes the Cabinet Secretary responsible for national heritage as the implementer, it is domiciled under the Presidency and chaired by the Deputy President.
 - (b) Under **Clause 4(2)(b), (c) and (d)** on the purpose of the County Hall of Fame, the roles assigned in our view are currently undertaken by the Kenya National Archives and Documentation Service, for documents, as well as the National Museums of Kenya under the National Museums and Heritage Act, 2006. Considering that the museum function under Schedule IV of the Constitution is a devolved function, as proposed in the Heritage & Museums Bill, 2021 (published as a Senate Bill on 15th

April 2021) County museums be assigned the responsibility of establishing the Halls of Fame for the preservation of artefacts and heritage relating to county heroes/heroines.

- (c) Existing laws, Public Archives and Documentation Service Act, Cap 19 and the National Museums and Heritage Act, No. 6 of 2006 provide for the preservation of historical public records, artefacts and national heritage. The Ministry has, in alignment to the Constitution 2010, developed the Heritage & Museums Bill, 2021 and the Public Records, Archives and Documentation Bill, 2021 to establish the County museums and a Directorate of County Records and Archives. The Bills are at an advanced stage.
- (d) It is therefore our recommendation that the assigned role of the County Hall of Fame can be addressed adequately in the proposed legislations.
- (e) **Clause 15(1) (b)** regarding establishment of “a register of all documents, information, items and artefacts received for preservation and display in the County Hall of Fame,” it is our proposition that this be addressed by existing institutions as articulated above.
- (f) With regard to Clause 18(1) and (3) on the receipt of artefacts and historical documents, including their preservation; it is our submission that the county museums and archives are well placed to undertake such activities.
- (g) On matters relating to recognition of heroes, the Kenya Heroes Act 2014 creates the National Heroes Council and spells out its functions *inter alia* identifying and recommending national heroes. Further under section 16, on administration of system in the Counties, the provision specifically assigns implementation of the Act to the County Executive Committees established under Article 183 of the Constitution to administer the heroes’ honours system in their respective counties in accordance with the provisions of the Act.
- (h) The Kenya Heroes Act section 26 provides that the Council may establish and maintain Heroes' squares, in such places as it may deem appropriate such a place could be in the counties.
- (i) The Senate Bill contains proposals that can be addressed in existing laws or incorporated in proposed legislation to sufficiently cater for the intended purpose.
- (j) There is therefore need for guidance on how to address areas of duplication of roles that may arise in cognizance of existing laws relating to common interests.

2. The Council of Governors agreed with the content of the Bill.

3. Office of the County Attorney, Busia County Government made the following submissions—
 - (a) On the composition of the Selection Committee (S. 6 (d)), these persons should be nominated by the Governor upon advice or in consultation with the County Public Service Board and not the Board, which is already represented.
 - (b) On the notification and Public Hearing (S. 14 (b) & (7), in light of Section 14(1) (which governs the procedure after receipt of a petition by a resident), subsection (6) appears to be a repetition, and serves no purpose, and should be deleted. Subsection (7) should therefore be renumbered as subsection (6).
 - (c) On the legislation by a County (S. 14 (8), this should be, we humbly submit, a separate or stand-alone Section (15). The subsequent sections be renumbered accordingly.
 - (d) On the regulations (Section 21), as "culture" is a devolved function, the Regulations may be made by the County Executive Committee Member responsible for Culture and Social Services and not the Cabinet Secretary.

LIST OF STAKE HOLDERS

1. The Ministry of Sports, Culture and Heritage through the State Department for Culture & Heritage
2. The Council of Governors
3. The County Assemblies Forum
4. Office of the County Attorney, County Government of Busia.

MINUTES OF THE 39 (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 14TH JULY, 2021, AT 9.30 AM

MEMBERS PRESENT

- | | |
|-------------------------------------|--------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS | - Chairperson |
| 2. Sen. Mwaruma Johnnes | - Vice Chairperson |
| 3. Sen. Kihika Susan Wakarura | - Member |
| 4. Sen. Makori Beatrice Kwamboka | - Member |
| 5. Sen. Masitsa Naomi Shiyonga | - Member |
| 6. Sen. (Dr.) Milgo Alice Chepkorir | - Member |

ABSENT WITH APOLOGIES

- | | |
|----------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru | - Member |
| 2. Sen. Mwangi Paul Githiomi | - Member |
| 3. Sen. (Dr.) Mwaura Isaac, CBS | - Member |

SENATE SECRETARIAT

- | | | | |
|------------------------------|------------------------------------|-----------|-----------|
| 1. Ms. Mary Chesire Services | -Deputy | Director, | Committee |
| 2. Ms. Mwanate Shaban | - Clerk Assistant | | |
| 3. Ms. Marale Sande | - Senior Research Officer | | |
| 4. Mr. Kevin Kibet | - Hansard Officer/ Clerk Assistant | | |
| 5. Mr. Jeremy Chabari | - Legal Counsel | | |
| 6. Mr. Reuben Kimosop | - Senior SAA | | |
| 7. Ms. Fatu Abdi | - Audio officer | | |

MINUTE SEN/SCLSW/164/2021: PRELIMINARIES

The Chairperson called the meeting to order at 9.49 am followed by a word of prayer.

MINUTE SEN/SCLSW/165/2021: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after being proposed by Sen. Susan Kihika, MP. and seconded by Sen. Kwamboka, MP. as follows –

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
1. **Confirmation of Minutes 33, 32, 31 30, 29, 28, 27, 26 and 19;**
2. **Consideration of resolutions of the Report on the Statement by Sen. Fatuma Dullo on Dismissal of Workers by the Ewaso Nyiro North Development Authority;**
3. **Consideration of Committee Stage Amendments of the County Hall of Fame, 2021 Bill, 2021;**
4. **Legislative Business before the Committee**
 - Correspondence

- **Bills**
- **Petition**
- **Statements**

5. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/166/2021: CONFIRMATION OF MINUTES 33, 32, 31 30, 29, 28, 27, 26 AND 19 MEETINGS;

1. The minutes of the 33rd Sitting of the Committee which was an online meeting held on Thursday, 24th June, 2021 at 10:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. Beatrice Kwamboka, MP.

The Secretariat was tasked to send a letter requesting the Retirement Benefits Authority to provide an update on the general health of all the public corporations schemes under their mandate.

2. The minutes of the 32nd Sitting of the Committee which was an online meeting held on Wednesday, 23rd June, 2021 at 9:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. (Dr.) Alice Milgo, MP.
3. The minutes of the 31st Sitting of the Committee which was an online meeting held on Saturday, 19th June, 2021 at 1.00 pm were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
4. The minutes of the 30th Sitting of the Committee which was an online meeting held on Saturday, 19th June, 2021 at 11:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
5. The minutes of the 29th Sitting of the Committee which was an online meeting held on Saturday, 19th June, 2021 at 9.30 a.m. were confirmed as a true record of the Meeting proceedings of the

Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.

6. The minutes of the 28th Sitting of the Committee which was an online meeting held on Friday, 18th June, 2021 at 3.00 p.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
7. The minutes of the 27th Sitting of the Committee which was an online meeting held on Friday, 18th June, 2021 at 11.00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
8. The minutes of the 26th Sitting of the Committee which was an online meeting held on Friday, 18th June, 2021 at 9.30 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
9. The minutes of the 19th Sitting of the Committee which was an online meeting held on Wednesday, 5th May, 2021 at 8:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Naomi Shiyonga, MP.

MINUTE SEN/SCLSW/167/2021: CONSIDERATION OF THE RESOLUTIONS OF THE REPORT ON THE STATEMENT ON THE DISMISSAL OF STAFF BY EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY

Members raised concern on intimidation and victimization of staff in the Ewaso Ng'iro North Development Authority (ENNDA), noting an interdiction letter for one of the staff who appeared before the Committee.

The Committee resolved to add a recommendation cautioning the Authority from intimidating and victimizing staff who had raised complaints against the Authority.

The Committee also resolved to conduct a site visit.

MINUTE SEN/SCLSW/168/2021: CONSIDERATION OF COMMITTEE STAGE AMENDMENTS OF THE COUNTY HALL OF FAME, 2021 BILL, 2021;

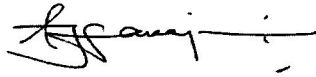
The Committee considered the Committee Stage Amendment on the County Hall of Fame Bill, 2021 and adopted it after being proposed by Sen. (Dr.) Alice Milgo and seconded by Sen. Naomi Shiyonga.

MINUTE SEN/SCLSW/169/2021: CONSIDERATION OF LEGISLATIVE BUSINESS BEFORE THE COMMITTEE

The Committee resolved to move this agenda item to the next housekeeping meeting.

MINUTE SEN/SCLSW/170/2021: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the Chairperson thanked the participants and the meeting was adjourned at 11.10 am.



SIGNATURE:
(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: Thursday, 22nd July, 2021

MINUTES OF THE 31ST MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON SATURDAY, 19TH JUNE, 2021, AT 1.00 PM IN THE MEDUSA 2 CONFERENCE ROOM, ENGLISHPOINT MARINA, MOMBASA COUNTY

MEMBERS PRESENT

1. Sen. Sakaja Johnson Arthur, CBS - **Chairperson**
2. Sen. Mwaruma Johnnes - **Vice Chairperson**
3. Sen. Madzayo Stewart Mwachiru - Member
4. Sen. Mwangi Paul Githiomi - Member
5. Sen. (Dr.) Milgo Alice Chepkorir - Member

ABSENT WITH APOLOGIES

1. Sen. Kihika Susan Wakarura - Member
2. Sen. Makori Beatrice Kwamboka - Member
3. Sen. Masitsa Naomi Shiyonga - Member
4. Sen. (Dr.) Mwaura Isaac, CBS - Member

SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant
2. Mr. Jeremy Chabari - Legal Counsel
3. Mr. Reuben Kimosop - SAA
4. Mr. Frank Mutulu - Media Relations Officer
5. Mr. Ringera Humphrey - Research Officer
6. Ms. Alice Nanyama - Secretary
7. Ms. Fatuma Abdi - Audio Officer
8. Ms. Rita Chidi - Office Assistant

MINUTE SEN/SCLSW/128/2021: PRELIMINARIES

The Chairperson called the meeting to order at 1.00 pm followed by a word of prayer.

MINUTE SEN/SCLSW/129/2021: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after being proposed by Sen. Madzayo and seconded by Sen. Githiomi as follows –

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Consideration and Adoption of the Report of the County Hall of Fame Bill, 2021;**
4. **Consideration and Adoption of the Report on the Persons with Disabilities (Amendment) 2020, Bill; and**
5. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/130/2021: CONSIDERATION AND ADOPTION OF THE REPORT OF THE COUNTY HALL OF FAME BILL, 2021;


The Committee considered the report on the County Hall of Fame Bill, 2021 and adopted it after it was confirmed by Sen. Stewart Madzayo, MP. and seconded by Sen. (Dr.) Alice Milgo, MP.

MINUTE SEN/SCLSW/131/2021: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PERSONS WITH DISABILITIES (AMENDMENT) 2020, BILL;

The Committee considered the report on the Persons with Disabilities (Amendment) Bill, 2020 and adopted it after it was confirmed by Sen. Mwaruma Johnes, MP. and seconded by Sen. Paul M. Githiomi, MP.

MINUTE SEN/SCLSW/132/2021: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 1.45 pm.



SIGNATURE:
(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: Wednesday, 14th July, 2021

MINUTES OF THE 29TH MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON SATURDAY, 19TH JUNE, 2021, AT 9.30 AM IN THE MEDUSA 2 CONFERENCE ROOM, ENGLISHPOINT MARINA, MOMBASA COUNTY.

MEMBERS PRESENT

- | | |
|-------------------------------------|---------------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS | - Chairperson |
| 2. Sen. Mwaruma Johnnes | - Vice Chairperson |
| 3. Sen. Madzayo Stewart Mwachiru | - Member |
| 4. Sen. Mwangi Paul Githiomi | - Member |
| 5. Sen. (Dr.) Milgo Alice Chepkorir | - Member |

ABSENT WITH APOLOGIES

- | | |
|----------------------------------|----------|
| 4. Sen. Kihika Susan Wakarura | - Member |
| 5. Sen. Makori Beatrice Kwamboka | - Member |
| 6. Sen. Masitsa Naomi Shiyonga | - Member |
| 7. Sen. (Dr.) Mwaura Isaac, CBS | - Member |

SENATE SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Mr. Reuben Kimosop | - SAA |
| 4. Mr. Frank Mutulu | - Media Relations Officer |
| 5. Mr. Ringera Humphrey | - Research Officer |
| 6. Ms. Alice Nanyama | - Secretary |
| 7. Ms. Fatuma Abdi | - Audio Officer |
| 8. Ms. Rita Chidi | - Office Assistant |

MINUTE SEN/SCLSW/118/2021: PRELIMINARIES

The Chairperson called the meeting to order at 9.30 am followed by a word of prayer.

MINUTE SEN/SCLSW/119/2021: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after being proposed by Sen. Mwaruma and seconded by Sen. (Dr.) Milgo as follows –

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
- 3. Consideration of amendments to the County Hall of Fame Bill, 2021;**
- 4. Consideration of the amendments to the Persons with Disabilities (Amendments) Bill, 2021; and**
5. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/120/2021:

**CONSIDERATION OF
COMMITTEE AMENDMENTS TO
THE COUNTY HALL OF FAME
BILL, 2021**

The Committee resolved to accept the following amendment by the County Assemblies Forum to the County Hall of Fame Bill, 2021 by inserting a new sub clause 9 (3) to read—

“Any member of the selection committee who knowingly refuses to disclose a conflict of interest commits an offence and is liable on conviction, to a fine not exceeding one million shillings”

MINUTE SEN/SCLSW/121/2021:

**CONSIDERATION OF
COMMITTEE AMENDMENTS TO
THE PERSONS WITH
DISABILITIES (AMENDMENT)
BILL, 2020**

The Committee resolved to accept the following amendments to the Persons with Disabilities (Amendment) Bill, 2020 -

- 1) Under Clause 4, the Committee resolved to rework on provision of resources to cater for training and research for PWDs and ensure that they are provided equitably by amending Clause 2B on the obligations of the National government insert the following paragraphs after (i)—
 - (j) Provide registered professionals with disabilities and their training and research organizations with grants to undertake research, training, mentorship, printing of resource materials, and other projects that promote education, training, and welfare of persons with disabilities.
 - (k) Allocate grants to specialized training and research non-governmental organizations and institutions focusing on persons with disabilities.
 - (l) Ensure equity in the distribution of resources to all categories of disability.
 - (m) Entrench affirmative action to ensure students with disabilities are enrolled in learning institutions at all educational levels.
 - (n) Register and ensure learners with special educational needs and those with disabilities are provided with the National Council for Persons with Disabilities Card.
 - (o) Provide income taxes exemptions to parents of children with disability.
- 2) In the data base under clause 2C (2) (c) it is important to amend to include the gender variable.
- 3) On Clause 12 (2) – Right to equality and non-discrimination, delete ‘reasonable accommodation’ and insert a new sub-clause ‘denial of reasonable accommodation amounts to discrimination on the basis of disability’.
- 4) Amend Clause 14(1) by deleting the word “who is marriageable” between “Every” and “person” and inclusion of the word “**adult**”.
- 5) In Clause 27 insert a sub clause under Clause 27 (3) to provide for the penalty for public service employers who fail to submit their report on

the status of employment of persons with disabilities within their establishments.

- 6) Amend clause 276a by inserting a new sub clause iii 'Providing appropriate support services to employees who have disabilities and need them to deliver results competitively with other employees'
- 7) Insert a new clause 27A -Downsizing as follows— '27A- in the event of an employer undertaking a downsizing exercise, they shall consider the vulnerability of employees with disability and only take such a step if there are no alternative considerations'
- 8) On Clause 30 (2), the Clause should be added 'every person with a disability has the right to access health care based on his/her free and informed consent'.
- 9) Clause 30, amend sub clause 3 by inserting after the word "Facility" the following— "and shall be signed by a designated and gazetted County Medical Officer"
- 10) On Clause 30, delete Clause 30 (5) and (6) of the and replace with the following proposed new sub clause (5) 'Persons with disabilities, including children, have the right to retain their fertility on an equal basis with others'
- 11) Amend the clause 31G by inserting a new sub clause (3) as follows— 'All registration cards shall be issued within 30 days after medical assessment by the respective offices of the Council in the County'
- 12) Include a new sub clause 50- on the Right to public Participation
 - (1) All conveners of public participation forums shall support and facilitate Persons with various categories of disabilities and age to access the location and documents and information in accessible format.
 - (2) This shall include but shall not be limited to sign language interpretation services and braille copies and accessible venues in all public participation.
 - (3) The Conveners shall also ensure that there is an integrated feedback mechanism and tracking of public views given during public participation.

MINUTE SEN/SCLSW/122/2021: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 10.30 am.



SIGNATURE:
(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: Wednesday, 14th July, 2021

**MINUTES OF THE 24TH (ZOOM ONLINE) MEETING OF THE
STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON
WEDNESDAY, 8TH JUNE, 2021, AT 10.00 AM.**

MEMBERS PRESENT

- | | |
|-------------------------------------|---------------------------|
| 1. Sen. (Dr.) Milgo Alice Chepkorir | - Member (Chair) |
| 2. Sen. Mwaruma Johnnes | - Vice Chairperson |
| 3. Sen. Mwangi Paul Githiomi | - Member |
| 4. Sen. Kihika Susan Wakarura | - Member |
| 5. Sen. Makori Beatrice Kwamboka | - Member |
| 6. Sen. Masitsa Naomi Shiyonga | - Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------------|----------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS | - Chairperson |
| 2. Sen. Madzayo Stewart Mwachiru | - Member |
| 3. Sen. (Dr.) Mwaura Isaac, CBS | - Member |

IN ATTENDANCE

1. Josephtha Mukobe - PS, State Department of Culture and Heritage, Ministry of Sports, Culture and Heritage
2. Ms. Jackline Migide - Council of Governors
3. Ms. Christine Magwana - Ministry of Sports, Culture and Heritage

SENATE SECRETARIAT

- | | |
|-----------------------|-------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Mr. Reuben Kimosop | - Senior SAA |
| 4. Ms. Fatuma Abdi | - Audio Officer |

MINUTE SEN/SCLSW/97/ 2021: PRELIMINARIES

The Chairperson called the meeting to order at 10.15 am followed by a word of prayer.

MINUTE SEN/SCLSW/98/2021: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after being proposed by Sen. Naomi Shiyonga, MP. and seconded by Sen. Beatrice Kwamboka, MP. as follows –

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Stakeholder meeting on the County Hall of Fame Bill, 2021 (Senate Bills No. 9 of 2021); and**
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/99/2021: STAKEHOLDER MEETING ON THE COUNTY HALL OF FAME BILL, 2021 (SENATE BILLS NO. 9 OF 2021)

d) Presentation by the PS Mukobe

1. The Ministry is currently looking at similar legislation which is now at an advanced stage. The proposal has taken into consideration the Heritage Act, the National Museums Act, the Heroes Act and the Honors Act; and
2. The proposals found in the County hall of Fame have also been provided for in the legislation.

e) Presentation by the Council of Governors

The Council of Governors stated that they had already submitted their memorandum and were in agreement with the contents of the Bill.

f) Presentation by the County Assemblies Forum

The County Assemblies Forum also stated that they had submitted their memorandum and were in agreement with the provisions of the Bill.

g) Intervention by Members

Members noted the submissions from the Stakeholders and the Ministry's position and resolved that the legislative process will continue and the Ministry's proposal will also be considered once it is formally submitted to Parliament.

MINUTE SEN/SCLSW/100/2021: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 10.53 am.



SIGNATURE:
(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: Saturday, 19th June, 2021

**MINUTES OF THE 23RD (ZOOM ONLINE) MEETING OF THE
STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON
WEDNESDAY, 2ND JUNE, 2021, AT 10.00 AM.**

MEMBERS PRESENT

- | | |
|-------------------------------------|-----------------------------------|
| 1. Sen. Mwaruma Johnnes | - Vice Chairperson (Chair) |
| 2. Sen. Makori Beatrice Kwamboka | - Member |
| 3. Sen. Masitsa Naomi Shiyonga | - Member |
| 4. Sen. (Dr.) Milgo Alice Chepkorir | - Member |
| 5. Sen. Kihika Susan Wakarura | - Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------------|----------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS | - Chairperson |
| 2. Sen. Madzayo Stewart Mwachiru | - Member |
| 3. Sen. Mwangi Paul Githiomi | - Member |
| 4. Sen. (Dr.) Mwaura Isaac, CBS | - Member |

SENATE SECRETARIAT

- | | |
|-----------------------|-------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Mr. Reuben Kimosop | - Senior SAA |
| 4. Ms. Fatuma Abdi | - Audio Officer |

MINUTE SEN/SCLSW/93/ 2021: PRELIMINARIES

The Chairperson called the meeting to order at 10.14 am followed by a word of prayer.

MINUTE SEN/SCLSW/94/2021: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after being proposed by Sen. (Dr.) Alice Milgo, MP. and seconded by Sen. Susan Kihika, MP. as follows –

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
- 3. Briefing on the County Hall of Fame Bill, 2021 (Senate Bills No. 9 of 2021); and**
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/95/2021: BRIEFING ON THE COUNTY HALL OF FAME BILL, 2021 (SENATE BILLS NO. 9 OF 2021)

h) Briefing by the Legal Counsel

1. The County Hall of Fame Bill, 2021 was sponsored by the Sen. Kipchumba Murkomen and was published on 8th March, 2021 as an Ordinary Bill. It was read a First time in the Senate on 11th May, 2021 and later referred to the Senate Standing Committee on Labour and Social Welfare.
2. The principal objective of the Bill is therefore to establish a platform through which county governments honour individuals, within the respective counties, who have made significant contributions in any profession or activity.
3. Paragraph 4(h) of Part 2 of the Fourth Schedule to the Constitution provides that cultural activities, public entertainment and public amenities including sports and cultural activities and facilities some of the functions and powers of county governments.
4. Currently, the National Honours Act, 2013 provides a legal framework for the procedures and mechanisms for conferring of national honours by the President under Article 132(4)(c) of the Constitution nationally.
5. The legal framework for counties to confer county honours is yet to be developed. The Bill therefore proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments
6. The Bill proposes to establish a hall of fame in each county which shall honour the achievements of exceptional individuals and serve as a repository for the history, heritage and culture of the county. The Bill further seeks to establish, in each county, a selection committee responsible for recommending to the governor the induction of exceptional individuals into the county hall of fame. The Bill further contemplates that the hall of fame will be a repository of historical documents and artefacts relating to the culture and heritage of the respective county.
7. The Bill proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments. The Bill therefore imposes duties on the county governments to ensure that county governments discharge their functions under the Constitution.

ii) Intervention by Members

1. Members noted that the Committee had already considered the Bill in 2021 and had been passed by the Senate. It was one of the Bills that had been affected by the Court Ruling in 2019.

2. Members noted that the Stakeholders had requested for more time to submit their memoranda and resolved to invite them on 8th June, 2021 at 10.00 am.

MINUTE SEN/SCLSW/96/2021: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 10.40 am.



SIGNATURE:
(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: Saturday, 19th June, 2021

SPECIAL ISSUE

Kenya Gazette Supplement No. 29 (Senate Bills No. 9)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2021

NAIROBI, 8th March, 2021

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**THE COUNTY HALL OF FAME BILL, 2021
ARRANGEMENT OF CLAUSES**

Clause

PART I – PRELIMINARY

- 1 – Short title.
- 2 – Interpretation.
- 3 – Object of the Act.

**PART II – ESTABLISHMENT OF COUNTY HALL
OF FAME**

- 4 – Establishment of a county hall of fame.
- 5 – Designation of public building.

**PART III – COUNTY HALL OF FAME SELECTION
COMMITTEE**

- 6 – Selection Committee.
- 7 – Functions of the Selection Committee.
- 8 – Meetings of the Selection Committee.
- 9 – Conflict of interest.
- 10 – Secretariat.

**PART IV – INDUCTION INTO THE COUNTY
HALL OF FAME**

- 12 – Persons who may be inducted to the county hall of fame.
- 13 – Petition for induction of a person into the county hall of fame.
- 14 – Notification and public hearing.
- 15 – County hall of fame register.
- 16 – Removal from the county hall of fame.
- 17 – Posthumous induction.

PART V – MISCELLANEOUS PROVISIONS

- 18 – Receipt of historical items or artefacts.
- 19 – Repository of information.
- 20 – Offences.
- 21 – Regulations.

THE COUNTY HALL OF FAME BILL, 2020

A Bill for

AN ACT of Parliament to: establish a county hall of fame in each county as an avenue through which the County Governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity; provide a framework for the preservation of the history, heritage and culture of counties; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

PART I - PRELIMINARY

1. This Act may be cited as the County Hall of Fame Act, 2021. Short title.
2. In this Act, - Interpretation.
 - “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to culture, heritage and state honours;
 - “county executive committee member” means a member of the county executive committee in a County responsible for matters relating to culture and heritage;
 - “county hall of fame” means a roll, in a county, of persons who are judged as being outstanding, exceptional or illustrious; and
 - “Selection Committee” means a county hall of fame Selection Committee established under section 4.
3. The objects of this Act are to — Objects of the Act.
 - (a) provide a framework for the recognition, by counties, of persons who have made significant contributions to the county or to the country; and
 - (b) provide a framework for the preservation of the history, heritage and culture of the county; and
 - (c) provide a basis for the education of members of the public on the history, heritage and culture of the county.

PART II – ESTABLISHMENT OF COUNTY HALL OF FAME

4. (1) Each county may establish a county hall of fame. Establishment of county hall of fame.

- (2) The purpose of a county hall of fame shall be to—
 - (a) honour the achievements of persons who have made significant contributions to the county or to the country;
 - (b) serve as a repository and source of information for members of the public on the history, heritage and culture of the county; and
 - (c) serve as a mechanism for the preservation of historical documents and artefacts relating to the county; and
 - (d) promote the preservation of the prevailing heritage and culture found within the county.

5. (1) A governor may, for the purpose of section 4— Designation of public building.

- (a) erect a county hall of fame site in such manner as the governor may consider appropriate; or
- (b) designate a permanent public site or public building or such part of a permanent public building within the county that the governor may consider appropriate to serve as the county hall of fame.

(2) The county executive committee member shall, in liaison with the Selection Committee, be responsible for the maintenance of the premises in which the county hall of fame is housed.

PART III – COUNTY HALL OF FAME SELECTION COMMITTEE

6. There is established a Selection Committee which shall consist of — County hall of fame selection committee.

- (a) the county executive committee member responsible for culture and heritage who shall be the chairperson;
- (b) the Clerk of the County Assembly;
- (c) the chairperson of the County Public Service Board;

(d) two public officers nominated by the county public service Board.

7. The functions of the Selection Committee shall be to —

Functions of the Selection Committee.

- (a) receive and consider representations from any person, body, association of persons or corporation recommending the induction of a person into the county hall of fame;
- (b) recommend to the governor, on its own motion or on a representation made under paragraph (a), persons who may be considered for induction into the county hall of fame;
- (c) advise the governor on the suitability or otherwise of a person who is proposed for induction into the county hall of fame;
- (d) propose to the governor, the types, classes or categories of inductees into the county hall of fame; and
- (e) perform any other function that may be conferred on it by this Act or any other written law.

8. The Selection Committee shall meet at least two times in each year and shall keep a record of its proceedings which shall be open to the public for inspection.

Meetings of the Selection Committee.

9. (1) A person who has a personal or fiduciary interest in any matter before the Selection Committee, and is present at a meeting of the Selection Committee at which that matter is the subject of consideration shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in the consideration or discussion of, or vote on any question touching such matter.

Conflict of interest.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

10. The county executive committee member shall designate such officers within the department responsible for matters relating to culture to serve as the secretariat to the Selection Committee.

Secretariat.

**PART IV – INDUCTION INTO THE COUNTY
HALL OF FAME**

11. A governor may, on the recommendation of the Selection Committee and in accordance with the provisions of this Act, induct into the county hall of fame –

Induction to the county hall of fame.

- (a) an individual; or
- (b) a body, unit, association of persons or a corporation.

12. (1) A person shall merit to be inducted into the county hall of fame if such person is –

Persons who may be inducted to the county hall of fame.

- (a) a person who exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the county or country;
- (b) a person who has made an exemplary contribution to the county or country in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other field;
- (c) a State officer or public officer who has made an exemplary contribution to the betterment of the county government; or
- (d) a person who has otherwise brought honour, glory or pride to a county.

(2) In making a recommendation for the induction of a person into county hall of fame, the Selection Committee shall take into account –

- (a) the impact that such person has had on the county or country including the social or economic impact of such person's actions;
- (b) the influence the person has had on other persons within the county;
- (c) the personal conduct of such person including the moral behaviour of the person; and
- (d) such other factors as the Selection Committee shall consider appropriate.

13. (1) A resident within a county may submit a petition to the Selection Committee in the respective county for the induction of a person into the county hall of fame.

Petition for the induction of a person into the hall of fame.

(2) A petition shall set out —

- (a) the person proposed to be inducted into the county hall of fame;
- (b) the reasons for the proposed inclusion of the person into the county hall of fame;
- (c) the name, address and proof of residence of the person making the petition; and
- (d) such other information as the Selection Committee may require.

(3) A person shall not submit a petition for his or her own admission into a county hall of fame.

14. (1) Where the Selection Committee receives a petition under section 13, it shall, prior to forwarding its recommendation to the governor, publish and notify the members of the public within the county through such media and platforms established in the County pursuant to section 91 of the County Governments Act as it considers appropriate, the following information —

Notification and public hearing.

No. 17 of 2013.

- (a) the details of the person it intends to induct into the county hall of fame;
- (b) the reasons for the intended induction into the county hall of fame;
- (c) a statement inviting the members of the public to present its views on the intended induction; and
- (d) such other information as it may consider necessary.

(2) The Selection Committee shall invite views of the members of the public on the intended induction into the county hall of fame in the form of written submissions or through oral submissions made at a public forum held by the Selection Committee in such manner as it shall consider appropriate.

(3) The Selection Committee may, in the performance of its functions under this Act, consult with such other persons or bodies as it may consider necessary.

(4) The Selection Committee shall not make a recommendation on whether to induct a person into the county hall of fame unless it has heard and taken into account the views of the members of the public under subsection (2).

(5) The Selection Committee shall, upon considering the petition and any views submitted by a member of the public under subsection (4), submit its recommendations to the governor for the induction of a person into the county hall of fame.

(6) The provisions of this section shall, with such modifications as may be necessary, apply to a petition by a resident of the county for the induction of a person into the county hall of fame.

(7) The governor shall, upon receipt of a recommendation under subsection (6), consider the recommendation and may induct the person recommended into the respective hall of fame.

(8) A county government may enact county specific legislation to provide for —

- (a) the procedure for the consideration of petitions for induction into a county hall of fame under this Act;
- (b) the types, categories or classes of persons that may be inducted into a county hall of fame;
- (c) the precedence to be accorded to different categories of persons inducted into a county hall of fame;
- (d) the number of persons who may be inducted into a county hall of fame at a particular time;
- (e) the procedure for the suspension or revocation of an inductee from the county hall of fame; and
- (f) the privileges or benefits that shall be accorded to a person who is admitted to a county hall of fame.

15. (1) The Selection Committee shall keep and maintain —

- (a) a county hall of fame register consisting of the names of all the persons inducted to the county hall of fame; and

County hall of
fame register.

(b) a register of all documents, information, items and artefacts received for preservation and display in the county hall of fame.

(2) The registers kept under subsection (1) shall be available for inspection by of the public.

16.(1) The governor may, on the advice of the Selection Committee and by notice in the county *Gazette*—

Removal from the county hall of fame.

(a) suspend the induction of a person into the county hall of fame; or

(b) revoke the induction of a person into the county hall of fame.

(2) The governor shall suspend or revoke the induction of a person into the county hall of fame under subsection (1) where —

(a) the inductee engages in conduct that is inconsistent with the conduct expected of an inductee;

(b) the information relied upon in approving the induction of the person into the county hall of fame was inaccurate, misleading or false; or

(c) the inductee commits an offence and is sentenced to a term of imprisonment exceeding six months.

(3) Where the inductee is alive, the governor shall not remove the inductee from the county hall of fame without affording him or her an opportunity to be heard on the matter.

17. A person may be inducted into the county hall of fame or removed from the county hall of fame posthumously.

Posthumous induction.

PART V – MISCELLANEOUS PROVISIONS

18.(1) The Selection Committee may receive historical items or artefacts donated to it for preservation in the county hall of fame.

Receipt of historical items or artefacts.

(2) The Selection Committee shall not accept any item or artefact under subsection (1) unless it has consulted with, and obtained the approval of the county executive committee member.

(3) The artefacts received under subsection (1) shall be preserved in the county hall of fame and shall remain in the hall of fame as part of its permanent collection.

(4) Any item or artefact received under subsection (1) shall be held by the county government on behalf of the Selection Committee.

19. (1) The county hall of fame shall serve as a repository of information regarding persons inducted into the county hall of fame and information on the history, culture and heritage found within the county.

Repository of information.

(2) The information under subsection (1) and such portraits, statues and biographical information regarding persons inducted into the county hall of fame received for display in the hall of fame pursuant to subsection (1) shall be preserved, located and displayed in the hall of fame in such manner as the Selection Committee shall determine.

20. A person who —

Offences.

- (a) falsely represents himself or herself as having been inducted into a county hall of fame;
- (b) receives or solicits, or agrees to receive or solicit a benefit as an inducement or reward for procuring or assisting in the procurement for induction into the hall of fame under this Act; or
- (c) gives or offers, or agrees to give or offer, a benefit as an inducement or reward for procuring or assisting in the procurement for admission into the hall of fame under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

21. The Cabinet Secretary may, with the approval of the Senate, make Regulations for the better carrying out of this Act.

Regulations.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The purpose of the Bill is to provide a means through which exceptional individuals in each County are recognized and honoured by their Counties. The Bill creates a forum by which the County Governments can honour persons who may not necessarily be recognized at the National Level but are heroes and heroines within their respective counties. The Bill therefore appreciates that each County may have a group of persons that it may want to honour at the County level of government. The County Hall of Fame established by this Bill creates a forum for the recognition of such persons.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

Clause 21 of the Bill provides that the county executive committee member in the respective county, shall, with the approval of the County Assembly, make Regulations for the better carrying of the provisions of the proposed law. The Bill however does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The establishment of the County Hall of Fame will enable each county to preserve its history, culture and heritage. The Bill therefore concerns county governments in terms of Articles 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in Part 2 of the Fourth Schedule to the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill proposes the establishment of a county hall of fame for purposes of recognition of individuals who have made significant contributions to their counties. The Bill further proposes that a selection committee shall be established to determine the individuals to be inducted in the county hall of fame. The Bill anticipates that the county hall of fame and the selection committee shall operate within existing structures in the county. In this respect therefore, the Bill does not propose additional expenditure of public funds.

This Bill is therefore not a money Bill within the meaning of Article I 14 of the Constitution.

Dated the 1st December, 2020.

KIPCHUMBA MURKOMEN,
Senator.

REPUBLIC OF KENYA


**TWELFTH PARLIAMENT | FIFTH SESSION
THE SENATE**
**INVITATION FOR PUBLIC PARTICIPATION AND
SUBMISSION OF MEMORANDA**

At the sitting of the Senate held on Tuesday, 11th May, 2021, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written Memoranda.

The Memoranda may be sent **by email** on the address: cSenate@parliament.go.ke and copied to the respective Committee email addresses indicated at the fourth column below, to be received on or before Friday, 28th May, 2021 at 5.00pm.

BILL	Committee Referred To	Email Address
1. The Coffee Bill (Senate Bills No. 22 of 2020)	Standing Committee on Agriculture, Livestock and Fisheries	senatescalf@parliament.go.ke
2. The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020)	Standing Committee on Land, Environment and Natural Resources	senlandenviron@gmail.com
3. The Health (Amendment) Bill (Senate Bills No. 26 of 2020)	Standing Committee on Health	senatekehealth@gmail.com
4. The Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021)	Standing Committee on Education	senateeducum@gmail.com
5. The Kenyan Sign Language Bill (Senate Bills No. 5 of 2011)	Standing Committee on Education	senateeducum@gmail.com
6. The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021)	Standing Committee on Education	senateeducum@gmail.com
7. The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021)	Standing Committee on Tourism, Trade and Industrialization	senatetourismtrade@gmail.com
8. The County Hall of Fame Bill (Senate Bills No. 9 of 2021)	Standing Committee on Labour and Social Welfare	senatecommittee.labour@parliament.go.ke
9. The Office of The County Printer Bill (Senate Bills No. 13 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@gmail.com
10. The Disaster Risk Management Bill (Senate Bills No. 14 of 2021)	Standing Committee on National Security, Defence and Foreign Relations	snsdfr@gmail.com
11. The Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@gmail.com
12. The Prompt Payment Bill (Senate Bills No. 16 of 2021)	Standing Committee on Finance and Budget	scfinanceandbudget@gmail.com

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/senate-bills>.

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**