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SENATE BILLS, 2013

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THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2013


ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Governments (Amendment) Act, 2013.

2. The County Governments Act, 2012, hereinafter referred to as the “principal Act”, is amended by inserting the following new section immediately after section 111—

111A (1). There is established, for each county, a board to be known as the County Development Board, consisting of the following persons—

(a) the member of the Senate for the county elected under Article 98 (1) (a) of the Constitution, who shall be the chairperson of the Board;

(b) the members of the Senate nominated under Article 98 (1) (b), (c) and (d) of the Constitution and who were, in the immediately preceding general election, registered as voters in the county;

(c) the members of the National Assembly elected under Article 97 (1) (a) of the Constitution representing the constituencies located in the county;

(d) the woman member of the National Assembly for the county elected under Article 97 (1) (b) of the Constitution, who shall be the vice-chairperson of the Board;

(e) the members of the National Assembly nominated under Article
97 (1) (c) of the Constitution who were, in the immediately preceding general election, registered as voters in the county;

(f) the governor of the county, who shall be the secretary to the Board;

(g) the deputy governor of the county;

(h) the speaker of the county assembly;

(i) the national government’s representative for the time being responsible for planning at the county level;

(j) the leader of the majority party in the county assembly;

(k) the leader of the minority party in the county assembly;

(l) the chairperson of the county assembly committee responsible for finance and planning;

(m) the chairperson of the county assembly committee responsible for budget;

(n) the chairperson of the County Public Service Board.

(2) The County Development Board, for each county, shall—

(a) provide a forum, at the county level, for consultation between the national government and the county government;

(b) coordinate and harmonize county development plans and projects;

(c) consider and adopt county integrated development plans before they are tabled in the county assembly for approval;

(d) consider and adopt county plans for cities and urban areas before they
are tabled in the county assembly for approval;

(e) consider and adopt the county annual budget before it is tabled in the county assembly for approval;

(f) perform any other functions related to the mandate of the Board.

(3) The quorum for any meeting of the County Development Board shall be one half of all the members of the Board and for the purposes of this section, an immediate former member shall remain a member of the Board until a new member is elected or nominated, as the case may be.

(4) Meetings of the County Development Board shall be held at least once in each quarter.

(5) At its first meeting, the County Development Board shall elect a vice-chairperson from among its members.

(6) In the absence of the chairperson, the vice-chairperson shall preside over the meetings of the Board, and in the absence of the chairperson and the vice-chairperson, the Board shall elect a member to chair the meeting.

(7) County Development Boards shall be constituted within sixty days after the date of a general election.

(8) Despite sub-section (7), a County Development Board shall be established in each county within thirty days of the commencement of this Act.
MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the County Governments Act, No. 17 of 2012 so as to insert in the Act a new section providing for the establishment of County Development Boards in each county. The main function of the proposed Boards shall be to provide a forum for consultation between the national government and the county government, at the county level. The Boards shall also be responsible for the coordination and harmonization of county development plans and projects. The Boards are also empowered to consider and adopt the county integrated development plans and the county annual budgets before they are tabled in the county assemblies for approval.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution in that the process of coordination, harmonization, adoption and approval of county development plans and county annual budgets affects the functions and powers of the county governments.

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

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 7th August, 2013.

STEPHEN SANG,
Senator.