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SENATE BILLS, 2014

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THE COUNTY HALL OF FAME BILL, 2014

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; 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, 2014.

2. In this Act, unless the context otherwise requires—

“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;

“Selection Committee” means a County Hall of Fame Selection Committee established under section 4.

3. The objects and purposes of the Act are to —

(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 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.

(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) educate the members of the public and serve as a source of information on the history, heritage and culture of the county; and
(c) preserve the historical documents and artefacts relating to the county.
5. (1) The governor may, for the purpose of section 4—
(a) erect a County Hall of Fame in such manner as the governor may consider to be 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. (1) The management of a County Hall of Fame in each county shall vest in a County Hall of Fame Selection Committee.
(2) The Selection Committee shall consist of —
(a) the Deputy-Governor who shall be the chairperson;
(b) the county executive committee member responsible for culture and heritage;
(c) the chairperson of the County Public Service Board; and
(d) the following persons nominated by the Governor with the approval of the County Assembly –
(i) one person representing women within the County;
(ii) one person representing the youth within the County;
(iii) one person representing persons with disabilities within the County; and
(iv) one person representing the older members of the society within the County.

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

(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.

9. The county executive committee member shall designate such officers or such section within the department responsible for culture to serve as the secretariat to the Selection Committee.

PART IV — INDUCTION INTO THE COUNTY HALL OF FAME

10. (1) The 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...
(a) an individual; or

(b) a body, unit, association of persons or a corporation.

(2) Notwithstanding subsection (1), the Selection Committee may consider a petition from a person who is a resident of the county for the induction of a person into the County Hall of Fame.

(3) The governor shall induct persons under this section into the County Hall of Fame on a national day or at such other times as the governor may consider appropriate.

11. (1) A person shall merit to be inducted into the County Hall of Fame if such person is —

(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 fields;

(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.
12. (1) A resident within a county may submit a petition to the Selection Committee of the county for the induction of a person into the County 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 own admission into the County Hall of Fame.

13. (1) Where the Selection Committee intends to induct a person into the County Hall of Fame it shall, prior to forwarding its proposal 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 —

(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) A decision of the Selection Committee shall be made by consensus, but where there is no consensus, a decision shall be made by a majority of all the members of the Selection Committee.

(6) The Selection Committee shall, upon making a decision under subsection (5), submit its recommendations to the governor for the induction of a person into the County Hall of Fame.

(7) 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.

14. (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

(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 the public.

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

(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 status 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.

16. A person may be inducted into the County Hall of Fame or removed from the County Hall of Fame posthumously.

PART V – MISCELLANEOUS PROVISIONS

17. (1) The Selection Committee may receive historical items or artefacts donated by it for preservation in the County Hall of Fame.

(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.

18. (1) The County Hall of Fame shall serve as a repository of information regarding persons inducted into the County Hall of Fame.

(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.

19. A person who —

(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.

20. (1) For the avoidance of doubt, nothing in this Act may be construed as providing for or dealing with-

(a) taxes;

(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c) the appropriation, receipt, custody, investment or issue of public money;

(d) the raising or guaranteeing of any loan or its repayment; or

(e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from –

(a) such gifts, grants or donations as may be given;

(b) such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Act; and

(c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

21. (1) The county executive committee member shall, with the approval of the County Assembly, make Regulations for the better carrying of this Act, while taking into account the uniqueness of the county.
(2) Without prejudice to the generality of subsection (1), the county executive committee member may make Regulations providing 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 manner in which an induction into a County Hall of Fame may be suspended or revoked;

(f) the privileges or benefits that shall attach to a person who is admitted to a County Hall of Fame; and

(c) any other matter or action necessary for the implementation of this Act.
MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of the Bill is to provide an avenue by which exceptional persons in each County are recognized and honoured by their Counties. The Bill creates a forum by which the County Governments can honour sons and daughters who bring pride and fame to their Counties. Such persons 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

This Bill does not delegate any 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 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 the Fourth Schedule to the Constitution. The establishment of the County Hall of Fame will enable each county to preserve its history, culture and heritage.

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

Clause 20 of the Bill specifically removes the Bill from the ambit of the matters listed under Article 114 of the Constitution. The clause further provides that any expenses that may be occasioned by the implementation of the Act are to be provided from such gifts, grants or donations as may be given or from such monies as the National Assembly may, in the future, provide for the defraying of such expenses. The Bill also provides that a fund may be established for the purposes of the custody of such funds.

The Bill does not therefore appropriate funds for the implementation of the Act; any appropriation would be effected through separate legislation which would be introduced and enacted in terms of Article 114 of the Constitution. This Bill is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 18th August, 2014.

STEPHEN SANG,
Vice-chairman,
Standing Committee on Legal Affairs and Human Rights.