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**THE INTERGOVERNMENTAL RELATIONS
(AMENDMENT) BILL, 2014**

A Bill for

**AN ACT of Parliament to amend the
Intergovernmental Relations Act and for
connected purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Intergovernmental Relations (Amendment) Act, 2014.

Short title.

2. The Intergovernmental Relations Act, 2012, hereinafter referred to as the “principal Act”, is amended in section 7 by deleting sub-section (2) and substituting therefor the following new sub-section—

Amendment of section 7 of No. 2 of 2012.

(2) The Summit shall comprise—

- (a) the President who shall be the chairperson;
- (b) the Deputy President, who shall, in the absence of the President, be the chairperson;
- (c) the governors of the forty-seven counties; and
- (d) the deputy governors of the forty-seven counties.

3. The principal Act, is amended by inserting the following new sections immediately after section 22—

Amendment of No. 2 of 2012.

Council of Deputy Governors.

22A. (1) There is established a Council of Deputy Governors which shall consist of the deputy governors of the forty-seven counties.

(2) The Council shall elect a chairperson and a vice-chairperson from amongst its members.

(3) The chairperson and vice-chairperson of the Council shall serve for a term of one year and shall be eligible for re-election for one further term of one year.

Functions of the Council.

22B. (1) The Council shall provide a forum for—

- (a) consultation and cooperation amongst deputy governors;
- (b) sharing of information on the performance of the counties with the objective of learning and promoting best practice and where necessary, initiating preventive or corrective action;
- (c) considering matters of common interest to county governments;
- (d) facilitating capacity building for deputy governors;
- (e) consideration of matters referred to the Council by a member of the public; and
- (f) performing any other function as may be conferred on it by this Act or by any other legislation or that it may consider necessary or appropriate.

(2) The Council may establish sectoral working groups or committees for the better carrying out of its functions.

Meetings of the Council.

22C. (1) The Council shall meet at least twice a year.

(2) The conduct of the meetings of the Council shall be as provided in the Schedule to the Intergovernmental Relations Act, 2012.

Reports by the Council.

22D. (1) The Council for Deputy Governors shall submit an annual report to the Summit, the Senate and the National Assembly.

(2) The report under subsection (1), shall be transmitted to the county assemblies within three months after the end of every financial year.

Joint Meeting of the Council of Governors and the Council of Deputy Governors.

22E. The Council of Governors and the Council of Deputy Governors shall hold a

Establishment of
Council of County
Assemblies.

joint meeting at least once in each year.

22F.(1) There is established a Council of County Assemblies which shall comprise—

- (a) the speaker of each of the forty-seven counties;
- (b) the leader of the majority party or coalition of parties in each county assembly;
- (c) the leader of the minority party or coalition of parties in each county assembly; and
- (d) one member elected by the members of the county assembly in each county.

(2) The Council of County Assemblies shall elect a chairperson, a vice-chairperson and such other officials' as may be determined by the Council from amongst its members.

(3) The chairperson of the Council of County Assemblies shall serve for a renewable term of one year and shall be eligible for re-election for one further term of one year.

(4) A member of the Council of County Assemblies elected under sub-section 1(c) shall serve for a term of one year, renewable for one further term of one year.

(5) Notwithstanding sub-section (4), the term of office of the members of a County Assembly shall lapse upon the expiry of the term of Parliament.

Functions of the
Council of County
Assemblies.

22G. The Council of County Assemblies shall provide a forum for-

- (a) consultation and cooperation between the county assemblies;
- (b) coordination and harmonization of

- the operations and mandates of the county assemblies;
- (c) coordination and alignment of the legislative priorities and objectives of the county assemblies;
 - (d) consultation and cooperation between the county assemblies, the Senate and the National Assembly;
 - (e) facilitating the resolution of disputes between the national and county governments and between counties, within the framework provided under the law;
 - (f) enhancing the legislative capacities of the county assemblies through sharing of knowledge, information and best practices;
 - (g) discussing the performance of the counties, and the county assemblies in particular, in the execution of their functions and initiating preventive or corrective action where necessary; and
 - (h) performing any other function that may be conferred by this Act or by any other legislation.

Meetings of the Council.

22H. (1) The Council of County Assemblies shall meet at least once in every quarter.

(2) The county assembly of which the chairperson of the Council of County Assemblies is a member shall provide the necessary administrative and technical support to the Council.

(3) The conduct of the meetings of the Council of County Assemblies shall be as provided for in the Schedule.

Reporting by the Council.

22I. The Council of County Assemblies shall submit an annual report to the Senate,

the National Assembly and each of the
County Assemblies.

Establishment of
Committees.

22J. The Council of County Assemblies
may establish Committees of the Council,
including a Speaker's Forum.

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

The principal object of this Bill is to amend the Intergovernmental Relations Act, No. 2 of 2012, in order to provide for the establishment of a Council of Deputy Governors and a Council of County Assemblies. At present, the Act does not establish a forum for Deputy Governors or for County Assemblies. The proposed new sections 22A, 22B, 22C, 22D and 2E establish a Council for Deputy Governors and provide for its functions, its meetings and its reporting obligations. The proposed new sections 22F, 22G, 22H, 22I and 22J make similar provisions in respect of the Council of County Assemblies.

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 as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution. The Council of Deputy Governors and the Council of County Assemblies would provide fora for the leadership of the counties to consult, co-operate and share experiences for the benefit 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 12th March, 2014.

KIPCHUMBA MURKOMEN,
Senator.

Section 7 of the Act that the Bill proposes to amend—

7. (1) There is established a National and County Government Co-ordination Summit which shall be the apex for intergovernmental relations.

(2) The Summit shall comprise—

(a) the President or in the absence of the President, the Deputy President, who shall be the chairperson; and

(b) the governors of the forty-seven counties.

(3) The chairperson of the Council elected under section 19 shall be the vice-chairperson of the Summit.