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SENATE BILLS, 2023

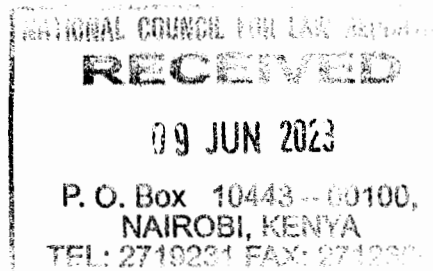
NAIROBI, 12th May, 2023

CONTENT

Bill for Introduction into the Senate—

PAGE

The County Hall of Fame Bill, 2023 601



THE COUNTY HALL OF FAME BILL, 2023
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, 2023

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, 2023.

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 6.

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 the 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) The 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.

- (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.

No. 17 of 2013.

(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 —

County hall of fame register.

- (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 of the public.

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

The Bill does not delegate legislative powers, nor does it limit the 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

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

Dated the 27th April, 2023.

MIRAJ A. ABDULRAHMAN,
Senator.

