

REPUBLIC OF KENYA



13TH PARLIAMENT | THIRD SESSION

THE SENATE

DIRECTORATE OF LEGAL SERVICES

**STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS**

**PAPER NO. 92 — BRIEF ON THE COUNTY GOVERNMENTS
(AMENDMENT) BILL, 2024**

**Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.**

PARLIAMENT OF KENYA

THE SENATE

SENATE BILLS DIGEST

THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2024

(SENATE BILLS NO. 39 OF 2024)

Sponsor:	Sen. George Mbugua, MP.
Date of Publication:	15 th July, 2024
Date of First Reading:	18 th September, 2024
Committee referred to:	Standing Committee on Devolution and Intergovernmental Relations
Type of Bill:	Ordinary Bill

1. Purpose of the Bill

The principal purpose of the Bill is to amend the County Governments Act (Cap. 265) to streamline county public service administration by-

- (a) Facilitating inter-county transfer of county public officers.
- (b) Establishing a County Public Service Boards Consultative Forum.
- (c) Enhancing the coordination of county public services across counties for better efficiency and cohesion

2. Current Law

The County Governments Act (Cap. 265), was enacted to provide for the employment of county public officers. The law further establishes the County Public service boards charged with the responsibility of employing County Public Officers and for their Capacity building.

3. Rationale for the Bill

The County Governments Act does not provide for inter-county transfers of County Public Officers. The Bill therefore, seeks to provide a legislative framework that will facilitate the inter-county transfer of county public officers. It seeks to allow for the seamless movement of these officers between county public services without compromising their accrued benefits, thus promoting efficiency, national integration, cohesion and the effective delivery of public services across counties. The proposed legislation facilitates counties to send and receive experienced officers based on specific needs. By allowing officers to transfer between counties, the Bill ensures that expertise and competencies can be evenly distributed, thus enhancing the efficiency and effectiveness of public service delivery across the nation.

The Bill also seeks to establish a county public service board consultative forum which recognizes the critical role played by the individual County Public Service Boards and seeks to offer a more robust and collaborative platform to facilitate their functions.

4. Overview of the Bill

(a) How can a person seek for an inter-county transfer?

Clause 4- A public officer will be required to apply for transfer between counties in writing. The respective County Public Service Board must respond to the application within 21 days. The officer must have served in their current county for at least three years unless there is an exception. A transfer should not negatively affect the accrued benefits of an officer such as pensions, retirement benefits and leave.

(b) What is the County Public Service Boards Consultative Forum?

Clause 5 establishes the County Public Service Boards Consultative Forum, which is a forum that comprises a representative from each of the 47 county public service boards

(c) What are the functions of the County Public Service Boards Consultative Forum?

Some of the functions of the forum include-

- (i). developing a criteria and framework for determining county public service matters requiring inter-county consultation; and
- (ii). serving as a platform for consultation, coordination and collaboration among the 47 county public service boards on matters related to the public service.

The Forum is obligated to submit an annual report to the Senate, County Assemblies and the Council of Governors. The report shall-

- (i). include activities and operations of the forum in the preceding financial year; and
- (ii). outline the forum's comprehensive plan of action for the subsequent financial year

(d) Will the County Public Service Boards Consultative Forum have staff?

- (i). Clause 3 of Bill, mandates the Intergovernmental Relations Technical Committee (IGTRC) to be responsible for the day to day administration of the County Public Service Boards Forum.
- (ii). In addition to this, under clause 5, a secretary shall be appointed and shall be responsible for the management of the Forum.
- (iii). The Secretary to the Forum shall be an employee of IGTRC, with at least ten years experience in a senior management position and a degree from a university recognised in Kenya.
- (iv). The secretary may hold office for a term of 3 years, renewable once.
- (v). The Forum may terminate the appointment of the secretary under various grounds listed under Clause 5, in the proposed new section 86G, but such termination shall not affect the employment terms of the secretary as an employee of the IGTRC.

(e) How will the Forum be funded?

The forum shall be funded monies legally granted or donated.

5. Consequences of the Bill

This Bill proposes a legislative framework to facilitate inter-county transfer of public officers, ensuring officers retain their benefits, such as pensions and retirement benefits. It also underscores the establishment of the County Public Service Boards Consultative Forum to enhance coordination among the 47 County Public Service Boards as it will streamline the secondment and transfer processes to ensure efficiency in public service delivery.

6. WAY FORWARD

What next?

Pursuant to standing order 145 of the Senate Standing Orders, the Standing Committee on Devolution and Intergovernmental Relations shall facilitate public participation and shall consider the views and recommendations of the public when the committee submits its report to the Senate.

What is expected of the members of public?

The members of the public are expected to present their views to the Standing Committee on Devolution and Intergovernmental Relations for its consideration.

Next step

The Bill was Read a First Time in the Senate on 18th September, 2024. Pursuant to standing order 148 of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by Friday, 18th October, 2024.

Any comments on the Bill may be sent by email to the Clerk of the Senate on the address: clerk.senate@parliament.go.ke and copied to senate.devolution@parliament.go.ke.

Note:

1. This Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill made after publication of the Bill.
2. The Digest does not have any official legal status.