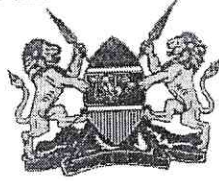


REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

**REPORT
OF THE PROCEDURE AND RULES COMMITTEE ON
THE PROPOSED AMENDMENTS TO THE STANDING
ORDERS**

10TH, JUNE 2014



Preface

Mr. Speaker Sir,

The Committee on Procedure and Rules having noted that some issues were missing and others were inadequately provided for in our standing orders met and made recommendations on the areas that need to be amended. Areas considered include the position of the deputy speaker and that of the definition of the County Assembly party. The Deputy Speaker as per the recommendations shall be the Chairperson of Committees and shall preside over the Sittings of the County Assembly in the absence of the Speaker. The Committee also considered proposals from different Members of the County Assembly including but not limited to the Leader of Majority Party , Deputy Leader of Majority and the Deputy Majority Whip. The Committee also took into account the proposals made at the floor of the House.

Committee Membership

Mr. Speaker Sir,

The Committee on Procedure and Rules as currently constituted comprises of the following Honourable members:-

1. Hon. G.K. Kipngetich - Chairperson
2. Hon. Joyce Korir - Member
3. Hon. Robert Bett -Member
4. Hon. Aurelia Chepkirui - Member
5. Hon. William Mosonik - Member

Committee's Mandate

Mr. Speaker Sir,

The Committee on Procedure and Rules is one of the Select committees established under Standing Order 189 which provides that the County Assembly Procedure and Rules Committee shall consider and report on all matters relating to these Standing Orders. It also provides that the County Assembly Procedure and Rules Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly. It further provides that the County Assembly Procedure and Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

Recommendations

The Committee vide Min 3/03/2014 recommended that the position of the Deputy speaker should be provided for in the Standing Orders. The provision of the same should clearly show the procedure for the election and removal. The committee recommended that the procedure for the election of the Deputy speaker should be the same as that of the Speaker with the necessary modifications and that the procedure for removal should be by a resolution passed by two-thirds of the Members of the County Assembly.

The Committee further recommended that the Deputy Speaker shall be the Chairperson of Committees and shall be elected from amongst the Members of the County Assembly. The Deputy Speaker if removed from office shall continue to serve as a Member of the County Assembly.

The Committee also noted the provisions of section 9(4) of the County Governments Act which provides that at any time in the absence of the speaker of the county assembly or in matters that directly affect the speaker, the county assembly shall elect a member to act as speaker as contemplated under Article 178(2)(b) of the Constitution. The Act further provides in subsection (5) that unless otherwise removed, the first member elected under subsection (4), shall, in the absence of the speaker, preside over the sittings of the assembly for the term of the county assembly.

Proposed amendments

Mr .Speaker Sir,

The Committee proposed that:

1. Standing Order 2 on interpretation be amended by deleting the definition of the words, "County Assembly Party" and inserting the following words, "**County Assembly Party**" means a party or coalition of parties consisting of one or more Members of the County Assembly."
2. Standing Order 4(3) be amended by deleting and inserting the following words, "The Deputy Speaker shall preside over the election under Paragraph (2)."
4. Standing Order 13 be substituted with the following words, "**Election of Deputy Speaker**" and to provide that,
 13. (1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected from amongst the Members of the County Assembly.
 - (2) If the office of Deputy Speaker falls vacant at any time before the end of the term of Parliament, the County Assembly shall, as soon as practicable, elect a Member to that office.
 - (3) The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.
 - (4) The Speaker shall preside over the election of the Deputy Speaker.
5. The provisions of Standing Order 13 be moved to Standing Order 14 and the subsequent Orders to be renumbered accordingly in a numerical order.

6. The provisions of Standing Order 14 be amended by substituting with the following words;

"PART III – DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES

Chairperson of Committees of the whole County Assembly

16. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole County Assembly but in absence of the Chairperson of Committees, a member of the Speaker's Panel may chair.

(2) If the Deputy Speaker considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, a member of the Speaker's Panel may chair."

7. Standing Order 17 be amended by inserting the following words, "and the Deputy Leader of Majority Party" in the title and Standing Order 17 (1) be amended by inserting the following words, "(a) a County assembly member belonging to the party or coalition of parties to be the Leader of Majority and, (b) a County assembly member belonging to the party or coalition of parties to be the Deputy Leader of Majority" after the words, "shall elect"

8. Standing Order 17(6) be amended by inserting the following words, "or in his absence the deputy whip of the largest party or coalition of parties in the County assembly" after the words the "County assembly"

9. Standing Order 18 be amended by inserting the following words, "and the Deputy Leader of Minority Party" in the title and Standing Order 18(1) be amended by inserting the following words, "(a) a County assembly member belonging to the party or coalition of parties to be the Leader of Minority and, (b) a County assembly member belonging to the Party or coalition of parties to be the Deputy Leader of Minority" after the words, "shall elect"

10. Standing Order 18(4) be amended by inserting the following words, "or in his absence the deputy whip of the Minority party or coalition of parties in the County assembly" after the words the "County assembly"

11. Standing Order 24 be amended by deleting and substituting with the following words, **"Presiding in the County Assembly"**

(1) The Speaker shall preside at any sitting of the County Assembly but in absence of the Speaker, the Deputy Speaker shall preside.

(2) In the absence of the Deputy Speaker, any member of the Speaker's Panel may preside over the Assembly and in the absence of members of the Speaker's

panel, pursuant to Article 178(2) (b) of the Constitution, another member of the County Assembly elected by the Assembly for that purpose shall preside.

12. Provisions of Standing Order 65 be substituted with the following words
"Removal of the Deputy Speaker"

65. (1) The Deputy Speaker may be removed from office by the assembly through a resolution supported by not less than two thirds of all the members of the county assembly.

(2) The Procedure for the removal of the Speaker shall with the necessary modifications apply to the removal of the Deputy Speaker.

(3) Despite the removal of the Deputy Speaker under this Order, the Deputy Speaker shall continue to serve as a Member of the County Assembly.

13. The Provisions of Standing Order 65 be moved to Standing Order 66 and the following provisions to be renumbered accordingly.

14. Standing Order 97 be amended by deleting the following words "Chairperson of Committees" and inserting the following words, "Deputy Speaker"

15. Standing Order 164 be amended by inserting paragraph (2) with the following words, "the members of a committee shall adhere to the timetable and a committee may not hold extra meetings unless with the approval of the Clerk of the County Assembly."

16. Standing Order 167 be amended by inserting paragraph (2) with the following words "(2) Despite an adjournment under paragraph (1), members present shall be entitled to their allowances"

17. In the definition section the "attendance of a committee meeting" be inserted to mean attending and being physically present in a meeting until the end of the meeting"

18. Standing Order 159 be amended by inserting the following words, "five" and "seven" to substitute "seven" and "nine" respectively.

19. Standing Order 169(1) be amended by deleting the words "four consecutive sittings and substituting thereof with the following, "three consecutive sittings"

20. The provisions of Standing order 192 be moved to 193 and substitute thereof with the following words, "**Committee on Implementation**"

(1) There shall be a select committee to be known as Committee on Implementation

(2) The committee shall consist of a Chairperson, Vice chairperson and not more than five other members.

(3) The committee shall not meet more than once in a month unless otherwise with the approval of the Speaker.

(4) The functions of the Committee shall be to-

(a) scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine,

(b) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and

(c) Whether or not legislation passed by the County Assembly has been operationalised and where operationalised, the extent to which operationalisation has taken place within the minimum time necessary.

(d) The relevant County Executive Committee member shall within 60 days in respect of any matter under Standing Order 192(4) under whose portfolio the implementation of the matter falls shall provide a report to the relevant Committee of the County Assembly through the committee on implementation.

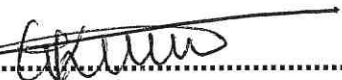
(5) The Committee may propose to the County Assembly sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on Implementation status without justifiable reasons.

21. Standing Order 190 be amended by deleting Clause 190(2) and 190(3) .

Committee meetings

The Committee held several meetings during which the members had in-depth deliberations on the Standing Orders. On behalf of the Committee, I have the honour and pleasure to present the Committee's Report, May I take this opportunity to thank all members of the Committee for their input and valuable contributions during the deliberations. I also urge this honourable House to adopt the report as it will facilitate smooth running of business and orderly conduct in the House.

Thank you.

Signed.....

Hon. G.K. Kipngetich

Chairperson, Procedure and Rules Committee

Date.....10/06/2014.....

Presented by Hon..........on behalf of the Chairperson.

We the Members of the Procedure and Rules Committee do hereby affix our signatures to this report to affirm the correctness of the contents and support of the report;

(i) Hon. G.K Kipngetich, Speaker..........Date.....10/6/2014.....

(ii) Hon. Joyce Korir..........

(iii) Hon. William Mosonik.....

(iv) Hon. Aurelia Chepkirui.....

(v) Hon. Robert Bett.....

MINUTES OF THE PROCEDURE AND RULES HELD ON THE 19TH OF MAY 2014 IN THE CHAMBERS STARTING 4.30 PM

MEMBERS PRESENT

Hon. G.K Kipngetich-Chair

Hon. Aurelia Chepkirui

Hon. William Mosonik

Hon. Robert Bett

Hon. Joyce Korir

Agenda

1. Preliminaries
2. Confirmation of previous minutes
3. Matters arising
4. Deliberations on the proposed amendments/Standing Orders

Min 34/05/2014 Preliminaries

The Chair welcomed the members and asked Hon. Aurelia Chepkirui to open with a word of prayer.

Min 35/05/2014 Confirmation of the previous minutes

The minutes of the previous meeting were proposed to be true recording of what transpired by Hon. Aurelia Rono seconded by Hon. William Mosonik.

Min 36/05/2014 Matters arising

Members noted that the Committee's report was tabled in the House and was debated but was not approved since more amendments were proposed at the floor of the House.

Min 37/05/2014 Deliberation on the proposed amendments to the Standing Orders

The Chair thanked the members for the good work they have been doing especially when the report was tabled in the House. The definition of the words, "attendance of a committee meeting" be retained as it is.

The provisions of Standing Order 233 were explained to the Members and that the procedure must be followed.

The issue of commencement of the amendments was not included.

The use of S.M.S as a mode of communication should be deleted.

The membership of committee was also discussed and members agreed that it should be reduced to a maximum of seven.

On the position of Leader of Majority, Minority and Whips, members agreed that their deputies should be provided for in the Standing Orders.

The proposals by members should be accompanied reasons attached thereof.

Members resolved that the legal team should work on the proposed amendments and come up with a draft report.

Min 38/05/2014 A.O.B

The Chair thanked the members for their contributions. There being no other business, the meeting adjourned at 5.30 pm with a word of prayer from Hon. Joyce Korir.

Chairperson..........Date.....10/6/2014.....

Secretary..........Date.....10/6/2014.....

MINUTES OF THE PROCEDURE AND RULES COMMITTEE HELD ON THE 5TH OF JUNE 2014 IN THE CHAMBERS STARTING 5.40 PM

MEMBERS PRESENT

Hon. G.K Kipngetchi-Chair

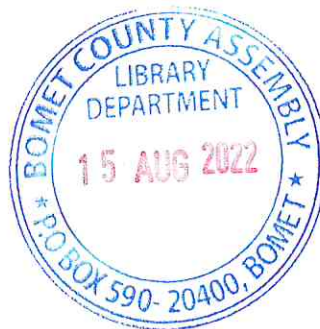
Hon. William Mosonik

Hon. Joyce Korir

Absent with Apology

Hon. Robert Bett

Hon. Aurelia Chepkirui



Agenda

1. Preliminaries
2. Confirmation of previous minutes
3. Matters arising
4. Report of the Committee on the amendments to the Standing orders

Min 39/06/2014 Preliminaries

The Chair called the meeting to order and asked Hon. Joyce Korir to open with a word of prayer

Min 40/06/2014 Confirmation of the previous minutes

The minutes of the previous meeting were proposed to be true recording of what transpired by Hon. William Mosonik seconded by Hon. Joyce Korir.

Min 41/06/2014 Matters arising

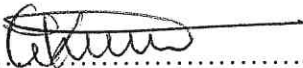
Members resolved that they need to finalize on the report for tabling the following week.

Min 42/06/2014 Report of the Committee

Members resolved that the legal team should come up with a draft report for adoption on Tuesday the 10th of June 2014.

Min 43/06/2014 A.O.B

There being no any other business, the meeting adjourned at 6.10 Pm with a word of prayer from Hon. Mosonik.

Chairperson..........Date.....15/6/2014

Secretary..........Date.....10/06/2014