

**ELGEYO MARAKWET COUNTY GOVERNMENT**



**THE COUNTY ASSEMBLY**

**FIRST ASSEMBLY- THIRD SESSION 2015**

**REPORT OF THE  
COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON  
AMENDMENT OF STANDING ORDERS.**

**OFFICE OF THE CLERK  
COUNTY ASSEMBLY**

**ITEN**

**MAY 13<sup>TH</sup>, 2015**

**1. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON  
AMENDMENT OF STANDING ORDERS**

*Approved on  
14/5/2015 for  
ABC to Mobe  
to*



*Hon Speaker  
for your approval  
He  
14/5/15*

## **INTRODUCTION**

The county assembly has been conducting its business under the interim standing orders which generally provided for procedural and substantive matter concerning the conduct of the business of the House. These interim standing order required domestication to suit the circumstances operating in this assembly.

Section 14 of The County Governments Act, 2012 provides that:

1. A county assembly —

(a) may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings; and

(b) Subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

## **COMMITTEE MANDATE**

The County Assembly Procedure and Rules Committee draw its mandate pursuant to Standing Order 188. The above Standing Order states that:

(1) There shall be a select committee to be known as the County Assembly Procedure and Rules Committee.

(2) The committee shall comprise the Speaker as chairperson, the Chairperson of Committees and not more than three other Members.

(3) The County Assembly Procedure and Rules Committee shall consider and report on all matters relating to these Standing Orders.

(4) 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.

(5) 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committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

## **2. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS**

(6) Any rules approved under paragraph (5) shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders

Pursuant to the said Standing Orders, the domestication of the interim standing orders by way of amendments commenced in the leadership forum held in Travelers Beach Hotel Mombasa. Further amendments were made by the Rules and Procedures Committee in two meetings held in Kisumu Hotel and Imperial Hotel consecutively both in Kisumu with a view of domesticating interim Standing Orders for adoption of this Assembly.

#### **MEMBERS OF THE COMMITTEE**

- |                            |               |
|----------------------------|---------------|
| 1. Hon. Albert Kochei      | - Chairperson |
| 2. Hon. Paul Suter         | - Member      |
| 3. Hon. William Chesingany | - Member      |
| 4. Hon. Gilbert Kaptugen   | - Member      |
| 5. Hon. Rose Cherop        | - Member      |

#### **AMMENDMENTS PROPOSED:**

**3. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS**

The County Assembly Procedure and Rules Committee wishes to propose the following amendments to the interim Standing Orders:

Prayer

Add the word ‘and ourcounty’ after the word National

### **Order 1.**

**Delete the entire heading and introduce a new heading being ‘The Speaker’s Discretion’**

**Paraphrase the entire standing order number 1 to amalgamate both sub sections to read as follows:-**

In all cases not hereinafter provided for and subject to the Constitution and other written laws, the Speaker shall decide having regard to the Orders of the County Assembly, the usage, forms, precedents, customs, procedures and traditions of the Assembly and National Parliament and legislative assemblies from similar

### **INTERPRETATION**

#### **Order 2 (1) (a)**

Immediately after the interpretation of ‘Allotted Day’, introduce a new interpretation thus:-

“**Assembly**” means the Elgeyo/ Marakwet County Assembly.

In the interpretation of “**County Assembly Party**” delete the words ‘consisting of not less than five percent of the membership of’ and substitute it with the words ‘represented in’

Immediately after the interpretation of ‘Clerk’, introduce a new interpretation thus:-

“**Coalition of Parties**” has the same meaning as provided for in ‘The Political Parties Act’.

Immediately after the interpretation of ‘Coalition of Parties’, introduce two new interpretations thus to follow each other consecutively:-

“**Deputy Speaker**” means a member elected as provided for under Article 178 (2) (b) of the Constitution of Kenya, 2010 who shall also be the chairperson of committees as provided for under Order 14 (1) of the Standing Orders;

“**House**” means the Elgeyo/ Marakwet County Assembly

In the interpretation of “**Member**” insert the name ‘Elgeyo/Marakwet’ to fill the blank space between the word ‘of’ and ‘elected’.

In the interpretation of “**Member of County Executive Committee**” insert the name ‘Elgeyo/Marakwet’ to fill the blank space between the word ‘of’ and ‘under’.

**Order 3** (1) – insert ‘**or**’ after the word ‘and’ appearing after the word ‘*Gazette*’

PART III be amended by deleting the main heading and introduce a new heading to deal with the office of the Deputy Speaker, the speakers panel and chairpersons of committees. Standing order 14 is also deleted.

### **PART III – DEPUTY SPEAKER, SPEAKERS PANEL AND CHAIRPERSONS OF COMMITTEES**

#### **Election of Deputy Speaker**

14. (1) At any time in the absence of the Speaker of the Assembly or in matters that directly affect the Speaker, the Assembly shall elect a member to act as Speaker as contemplated under Article 178(2) (b) of the Constitution.

(2) Unless otherwise removed, the first member elected under paragraph (1) shall, in the absence of the Speaker, preside over the sittings of the Assembly as Deputy Speaker for the term of the Assembly.

(3) If the office of Deputy Speaker falls vacant at any time before the end of the term of the Assembly, the House shall, as soon as practicable, elect a Member to that office.

(4) The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as the prescribed for the election of the Speaker.

(5) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Order 14B (Chairpersons/Speaker's Panel) shall be deemed to constitute an election for purposes of paragraph (3) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.

#### **Deputy Speaker to be Chairperson of Committees**

14A. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all committees of the whole house.

(2) If the Deputy Speaker is absent, or 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, the Speaker shall take the Chair.

#### **The Speaker's Panel**

14B. (1) There shall be a panel to be known as the Speaker's Panel which shall comprise four members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of parliamentary parties, submit a list of four members for consideration by the House Business Committee.

(3) The House Business Committee shall, within seven days of receipt of the names of the nominees table the list in the House and give notice of motion for approval.

(4) Whenever a Motion for approval under paragraph (3) is moved in the House, no objection against the proposed membership on the Chairperson's/Speaker's Panel of any particular member shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.

(5) In nominating the Members of the Chairpersons/Speakers Panel, the Speaker and the House business Committee shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, no gender shall constitute more than two thirds of the membership.

### **Discharge of a Member from Chairpersons Panel**

14C. (1) The Speaker may, in writing to the House Business Committee give notice, that a member is to be discharged from the Panel.

(2) Within seven days of receipt by the House Business Committee of a notice under paragraph (1), the House Business Committee shall consider the notice and give Notice of Motion to replace the Member.

(3) The discharge of a Member of the Panel shall not take effect until the House has approved the Motion for replacement under paragraph (2).

### **Removal of Deputy Speaker**

14D. The procedure for removal of Deputy Speaker shall be the same as that of the removal of the Speaker with necessary modifications.

**Standing Order 15** – paragraphs (4) (5) (6) be renumbered as paragraphs (3), (4), (5) respectively.

**Standing Order 22** the proviso thereof be made paragraph (i).

Paragraph (ii) be introduced thus:-

(ii) In the absence of the Speaker and Deputy Speaker the sitting of the County Assembly shall be presided over by any member of the speaker's panel as elected by members.

**Standing Order 23**- be deleted in its entirety.- **repetition of standing order 3**

**Standing Order 30** – paragraph (2) thereof be amended by inserting the words 'or county' between the words of and 'National'.

Paragraph (3) thereof be amended by deleting the word twenty and substitution it with the word five.

**Standing Order 32** paragraph (1) thereof be amended by inserting the words 'order a ' between the word 'shall' and 'and count' and the word of between the word count and the

**Standing Order 35 paragraph** (2) thereof be amended by substituting the word twelve with twenty four.

**Standing Order 52 and paragraph** (2) thereof be amended by substituting the words "Senator" and Senate" with the words "Member and County Assembly" respectively.

**Standing order 54** paragraph (2) thereof be amended by Inserting the words "of the whole house" between the words "Committee" and "shall".

**8. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS**



**Standing Order 69** - the numbering of the paragraphs be sequential and so as to appear chronologically as paragraphs (1)-(6) in that order.

**Standing order 78** - paragraph (2) (a) thereof be amended by inserting the article “**a**” between the words “introduce” and “new matter”

**Standing order 83** -

Paragraph (4) thereof be amended by deleting the words “or **Senator**” at the end of the sentence

**Standing order 92** -the indication ‘(2)’ be deleted.

**Standing order 98** - an amendment be made by adding the words “**and kept under the table**” at the end of the provision.

**Standing order 111**- paragraph (7) thereof be amended by replacing the word “**whom**” with “**which**”.

**Standing order 113** - amending by adding the name the “**Elgeyo/Marakwet**” to fill the final blank.

**Standing order 117** -the words “*County Gazette*” and “*Kenya* ” be italicised

**9. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS**

**Standing order 119** - The whole sentence restructured to read “**A Bill is read by the reading of the title thereof by the Clerk to the County Assembly.**”

**Standing order 125**- The word “**House**” to be inserted between “**whole**” and “**more**”.

## **PART XXI-SELECT COMMITTEES**

**Standing order 152: County Assembly Business Committee** be amended to House Business Committee

**Paragraph (d) Amended** by replacing “**twenty one**” with **five** and “**twenty nine**” with “**seven**”

**Committee on Selection.**

Sanding order 153(I)- Amended by replacing “**eleven**” with “**three**” and “**nineteen**” with “**five**”

**Standing order 158: Composition of Select Committees**

Amended by replacing “**eleven**” with “**five**” and “**seventeen**” with “**seven**”

**Standing order 163: Sittings of select committee**

Amended by Replacing “**seven**” with “**three**”

**Standing order no.168: Failure to attend meeting.**

Paragraph (3) Replace “**County Aassembly Business committee**” with “**selection committee**” and add “**or political parties as the case may be**”

**Standing order 182:-**

**(1)- amended by**

- Replace **sixty** days with **forty five** days

- Delete “**Cabinet secretary**” and replace with “**County Executive Committee member**”

**Introduce paragraph (2) thus:**

(2) Upon expiry of the **forty five days** and within **fourteen days** from the date of expiry thereof the chairman to the relevant committee shall present the house with a compiled report on the implementation status of the resolutions

**Standing order no.183:**

**Introduce** paragraph (1) (b) thus:

(b) Joint sitting of two or more committees of different Counties considering similar matters may with the approval of the two houses hold joint sittings.

**Standing orders 189- insert paragraph thus:-**

(3) The committee shall be required to submit to the house quarterly reports to the county assembly.

Paragraph (3) thereof be made paragraph (4).

**Standing order 198-**

Delete ‘**third schedule**’ and replace it with ‘**second schedule**’

**Standing order 206**

Replace the County Governments Act with Public Finance Management Act

**Standing order 207**

Paragraph (1) –Replace the word government with the word ‘executive’ at the end of the sentence

**Standing order 238- deleted**

**SCHEDULES-** the schedules be rearranged as follows;

- I-** Sectoral Committees
- II-** Pubic Petitions
- III-** Broadcasting rules
- IV-** Deleted

**Amendment on 1<sup>st</sup> schedule**

<b>Committee</b>	<b>Roles &amp; Responsibilities</b>
Finance & Economic Planning	All matters related to County finance and planning, development including; statistics.
Agriculture, Livestock & Fisheries Development	All matters related to agriculture, including, crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control, fisheries.
Public Works, Roads & Transport	All matters relate to County transport, including county roads, street lighting, traffic and parking, public transport, ferries and harbors excluding the regulation of international and national shipping and matters related thereto, County public works and services
Health Services	All matters related to health services, including, county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of food selling premises, veterinary services but regulation of the profession, cemeteries, funeral parlours and crematoria.
Water, Environment & Natural Resources	All matters related to water, sanitation, implementation of National policies on natural resources and environmental conservation, soil and water conservation and forestry, control of air pollution, noise pollution, other public nuisances, refuse removal, refuse dumps and

**12. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS**

	solid waste disposal.
Lands & Physical Planning	All matters related to lands, housing, settlement, county planning and development including statistics, land survey and mapping, boundaries and fencing, electricity and gas reticulation
Education and Vocational Training	All matters related to pre-primary education, village polytechnics, home craft centers and childcare, youth and children welfare.
Tourism	All matters related to local tourism, county parks, beaches and recreation facilities including hotels
Sports	All matters related to sports and promotion of sporting activities in the county
Trade, Energy & Cooperatives Development	All matters related to trade development and regulation including the markets, trade licenses (excluding regulation of professions), fair trading practices, local tourism and cooperative societies.
Culture, Youth, Women & Social Sciences	All matters relating to gender, youth social welfare, affirmative action programmes, children's welfare, control of drugs, phonography and National heritage, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring, libraries, museums, control of drugs and pornography.
ICT & Public Service	All matters relating to information technology, outdoor advertising, promotion of public service in the county and the devolved units.
County Administration and	All matters relating to governance and administration, ensuring and coordinating participation of communities and wards in governance

### 13. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS

Intergovernmental Relations	at local level, assisting communities and locations to develop administrative capacity for the effective exercise of the functions and powers and public participation in governance at the local level
Justice & Legal Affairs	All matters relating to constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights

### **Recommendation**

The County Assembly Procedures and Rules committee recommends that this house do adopt these amendments to pave way for the domestication of the interim standing orders and installation of the standing orders of this House. Standing Orders of this House is a living document and there provisions thereof are bound to grow and prosper. This committee therefore recommends that all the Honourable Members of this house nurture that growth.

### **Conclusion**

I wish to confirm that the recommendation of the Committee in this report was unanimous. It is therefore my pleasant duty and privilege, on behalf of the committee to implore this house to adopt this report.

MEMBERS OF THE COMMITTEE

NAME	MEMBERSHIP	SIGNATURE	Date
Hon. Albert Kochei	Chairperson		
Hon. Paul Suter	Member		13/05/2015
Hon. William Chesingany	Member		13/05/2015
Hon. Gilbert Kaptugen	Member		13/05/2015
Hon. Rose Cherop	Member		13/05/2015

16. REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS