

COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY

SECOND ASSEMBLY – (FIFTH SESSION)

SELECT COMMITTEE ON PROCEDURE AND RULES

**REPORT ON THE PROPOSED AMENDMENTS TO THE
COUNTY ASSEMBLY STANDING ORDERS**

Clerk's Chambers,
September, 2021
County Assembly Buildings,
Kitui, Kenya

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1.1 INTRODUCTION

Honourable Members,

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

‘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’.

It is on this basis that the County Assembly of Kitui formulated its Standing Orders which were adopted by the Assembly vide a resolution passed on 1st July 2015.

Honourable Members,

Standing orders are the permanent written rules under which the Assembly governs and regulates its procedures. The standing orders remain in effect until the Assembly decides to change or amend them through the Committee on Procedure and Rules.

Honourable Members,

Attention was drawn to the need for the Procedure and Rules Committee to amend the Standing Orders in order to cater for the inclusion of members of the Chairpersons Panel, committees not provided for and to further provide for other critical emerging issues.

The Committee further saw the need to propose amendments to Standing Order 22 (Presiding in the County Assembly) to enable Members of the Chairpersons’ Panel to also preside in the Assembly, thereby assisting the Speaker and the Chairperson of Committees.

Further, the Committee had also received a request to amend the Standing Orders from Honourable Philip Nguli and Hon. Anne Mumo, under Standing Order 234 (1).

Honourable Members,

It is for this reason therefore, that the Procedure and Rules Committee held several meetings with a view of amending the current Standing Orders in order to modify them so as to address the existing gaps and issues raised.

Honourable Members,

On behalf of the Committee on Procedure and Rules, I now have the honour and pleasure to present the committee's report on the amendments to the County Assembly Standing Orders for consideration and subsequent adoption.

SIGNATURE

DATE:

HON. GEORGE M. NDOTTO

**SPEAKER OF THE COUNTY ASSEMBLY AND CHAIRPERSON, PROCEDURE
AND RULES COMMITTEE**

COUNTY ASSEMBLY OF KITUI.

REPORT PREPARED BY;

Esther Mwele – Clerk Assistant

(Serving the committee on Procedure and Rules)

1.2 ACKNOWLEDGEMENT

Honourable Members,

I wish to sincerely thank the Members of the Committee for their dedication, tireless effort and undivided commitment to see this committee deliver up to its mandate. The members of the Procedure and Rules Committee demonstrated their commitment to facilitate the Assembly and its Committees to fulfil their mandates by working tirelessly to expedite the submission of this Report.

We also wish to thank the office of the Clerk for facilitating the Committee to undertake this assignment.

Finally, we thank all members who have journeyed with the committee this far.

1.3 ADOPTION OF THE REPORT

The following Members were present during the meeting to unanimously adopt this Report: -

1. The Hon. George Ndotto – Chairperson (Speaker of Assembly)
2. Hon. Munira Mohammed – Member
3. Hon. Emeritus K. Musya – Member
4. Hon. Anthony John – Member
5. Hon. James Munuve – Member

1.4 MEMBERSHIP OF THE COMMITTEE

Honourable Members,

The County Assembly Committee on Procedure and Rules as currently constituted, is composed of the following Honourable Members.

1. Hon. George M. Ndotto – Chairperson (Speaker of Assembly)
2. Hon. Munira Mohammed – Member
3. Hon. Emeritus K. Musya – Member
4. Hon. Anthony John – Member
5. Hon. James Munuve – Member

2.0 MANNER OF AMENDING THE STANDING ORDERS

Honourable Members,

The committee on Procedure and Rules main mandate is the periodical review and amendment of the Standing Orders.

Our Standing Orders provide three avenues through which they can be amended, namely: -

- a) The County Assembly Procedure and Rules Committee may at any time propose amendments to the standing orders (Standing Order 233);
- b) A member may through his/her own initiative, request the County Assembly Procedure and Rules Committee to amend the standing orders (Standing Order 234);
- c) The periodic review of the Standing orders by the County Assembly Procedure and Rules Committee which must be done at least once in every term of the County Assembly and not later than 6 (six) months to the end of the term (Standing Order 235).

The amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly.

3.0 PROPOSED AMENDMENTS TO THE STANDING ORDERS AND COMMITTEE'S RECOMMENDATIONS

The committee in exercise of its mandate under Standing Order 187, 233 and 234, considered the proposed amendments and made the following recommendations;

3.1. Adopted Proposed Amendments: -

STANDING ORDER	PROPOSED AMENDMENTS	JUSTIFICATION	REMARKS
Standing Order 2	THAT , Standing Order 2 be amended by arranging the paragraphs in proper alphabetical sequence.	<i>Paragraphs not arranged in proper alphabetical sequence e.g. the words "Gazette" and "Governor" appear after words starting with "P."</i>	Adopted
New Standing Order 2A	THAT , the Standing Orders be amended by inserting the following new Standing Order after Standing Order 2 - The Mace of The Assembly 2A. (1) The Mace of the Assembly shall be present at all times when the Assembly is	<i>Provide clear place for and sanctity of the Mace as a symbol of authority of the Assembly and to provide sanctions against</i>	Adopted

	sitting and shall embody the authority of the Speaker and the Assembly (2) The Mace of the Assembly shall- (a) form part of the Speaker's procession whenever the Speaker is entering or leaving the Chamber; (b) be raised at any sitting of the Assembly and be lowered when the Assembly is in Committee of the Whole Assembly; and, (c) be kept in safe custody by the Sergeant-at-Arms whenever the Assembly is not sitting (3) An attempt by any Member to: (a) dispossess or attempt to dispossess the Mace from the Sergeant-at-Arms during the Speaker's Procession or at any other time; or (b) remove or attempt to remove the Mace of the Assembly from its place in the Chamber; Shall constitute grave disorder and shall be dealt with in accordance with Standing Order 104A (<i>Gravely disorderly conduct</i>)	<i>attempts to demean the authority of the Mace - practice from Commonwealth Parliaments</i>	
Standing Order 3	THAT, Standing Order 3 be amended in paragraph (2) by renumbering the repeated paragraph (2) and subsequent numbers in proper numerical sequence.	<i>Standing Order 3, paragraph (2) is repeated</i>	Adopted
Standing Order 4	THAT, Standing Order 4 be amended by- (a) inserting the following new paragraph immediately after paragraph (1) - (1A) The Office of the Speaker shall fall vacant- i. when a new County Assembly first meets after a general election; ii. if the office holder is disqualified	<i>Makes provisions on occurrence of a vacancy in the office of the Speaker</i>	Adopted

	from being elected as a member of County Assembly on grounds specified under Article 193(2) of the Constitution; iii. if the County Assembly so resolves by a resolution supported by at least two-thirds of all the members of the County Assembly; iv. resignation of the office holder by way of a letter addressed to the Clerk of the Assembly and conveyed to the Assembly by the Deputy Speaker and in the absence of the Deputy Speaker, a member of the Speaker's panel.; or v. if the office holder dies. (b) Deleting paragraph (3) and substituting thereof with the following new paragraph – “The Deputy Speaker shall preside over the elections under paragraph (2) but if the Deputy Speaker is a candidate, a member elected by the county assembly in accordance with Article 178(2) of the Constitution.”		
Standing Order 5	THAT, Standing Order 5 be amended in paragraph (6) by deleting the word “two” appearing after the words “at least” and substituting thereof with the word “one.”	<i>Standing Order 5(6) provides that the Clerk shall at least two hours before the meeting of the County Assembly, prepare the ballot papers</i> <i>This conflicts with paragraph 7 of the Fourth schedule of the standing orders which provides for an hour before the meeting of the county assembly.</i>	Adopted

Standing Order 14	THAT, the title of Part III be amended to read: ‘Deputy Speaker and Chairperson of committees’. THAT, Standing Order 14 be amended as follows- a) In Paragraph 1 by deleting the words ‘chairperson of committees’ and replacing them with the words ‘Deputy Speaker’ b) By deleting paragraph 2 in its entirety and replacing it with the following; ‘the Deputy Speaker shall be the Chairperson of committees and shall preside over all committees of the whole County Assembly but in the absence of the Deputy Speaker a member of the Speaker’s panel shall preside’ c) In paragraph 3 by deleting the words chairperson of committees and replacing it with the words ‘Deputy Speaker’ d) In paragraph 4 by deleting the words chairperson of committees and replacing it with the words Deputy Speaker’ e) By deleting paragraph 5 in its entirety and replacing it with the following new paragraph; ‘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 or any member of the Speaker’s panel shall take the chair.’ f) By inserting a new paragraph 6 as follows; ‘The office of the Deputy Speaker Shall fall vacant if- (a) The officer holder vacates office pursuant to Article 194 of the Constitution; or	<i>As currently drafted, the Standing Order do not provide for the office of the Deputy Speaker established by Section 9A (2) of the County Governments (Amendment) Act, 2020.</i>	Adopted
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	(b) The County Assembly so resolves by a resolution supported by at least two-thirds of all members of the County Assembly. g) By inserting a new paragraph 7 as follows; 'If the office of Deputy Speaker falls vacant at any time before the end of the term of the Assembly, the Assembly shall within 21 days, elect a Member to that office.' h) By inserting a new paragraph 8 as follows; 'The procedure for removal of the Speaker shall, with the necessary Modifications, apply to the removal of the Deputy Speaker.'		
New Standing Orders 14A and 14B	THAT, the Standing Orders be amended by inserting the following New Standing Orders immediately after Standing Order 14 – Speaker's Panel (14A) (1) There shall be a panel to be known as the Speaker's Panel which shall comprise of three Members to be known, respectively, as the First, Second and Third Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Deputy Speaker and the Speaker when presiding a sitting. (2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker, in consultation with leaders of Assembly parties, shall submit a list of three Members for consideration by the Assembly (3) The Leader of Majority and Minority Party shall jointly, within seven days of the nomination, table the list in the Assembly and give notice of motion for approval.	<i>Provide for the Speaker's Panel and related procedures for appointment and discharge</i>	Adopted

	(4) Whenever a Motion for approval under paragraph (3) is moved in the Assembly, no objection against the proposed membership on the 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 Speaker's Panel, the Speaker shall have regard to the relative party majorities in the Assembly and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender. Discharge of a Member from the Speaker's Panel (14 B) (1) The Speaker shall communicate to the Assembly that a member has been discharged from the Panel. (2) Within fourteen days of the communication by the Speaker under paragraph (1), the Leader of Majority Party and Leader of Minority Party shall jointly give notice of motion to replace the Member. (3) Within three days upon notice being given, the motion shall be placed on the order paper and the provisions of paragraph four and five of Standing Order 14A shall apply.		
Standing Order 15	THAT, Standing Order 15 be deleted and substituted with the following new Standing Order – COUNTY ASSEMBLY POLITICAL PARTIES LEADERSHIP Leader of the Majority Party and Majority Party Whip (15)(1) The members of the largest party or coalition of parties in the County Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party;	<i>Provide for all levels of political Leadership in the Assembly and subsequent appointment and removal procedures</i>	Adopted

(2) The members of the Largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Assembly Deputy Majority Party Leader;

(3) The members of the Largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Majority Party Whip;

(4) The members of the Largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Deputy Majority Party Whip;

(5) In the election of the political parties leadership, the majority party shall give consideration to the need for gender balance and, so far as may be practicable, ensure that not both the Leader and the deputies are

Of the same gender.

(6) Whenever the Majority Party Leader is absent or unable to perform his or her functions, the Deputy Majority Party Leader shall perform the functions of the office of the Majority Party Leader.

(7) In the absence of both the Majority Party Leader and the Deputy Majority Party Leader, the Majority Party Whip shall perform the functions of the office of the Majority Party Leader.

(8) A member elected under paragraphs (1), (2), (3) and (4) of this Standing Order may be removed by the members of the party or coalition of parties that elected him or her by a majority of votes of all members of the largest party or coalition of parties in the County Assembly.

	(9) The whip of the largest party or coalition of parties in the County Assembly shall forthwith, upon a decision being made under this standing Order, communicate to the Speaker in writing, the decision together with the minutes of the meeting at which the decision was made. (10) The removal of a member from office under paragraph (8) shall be followed by the election of such member in his place in the manner provided for under paragraphs (1), (2), (3) and (4) of this Standing Order within fourteen days.		
Standing Order 16	THAT, standing order 16 be deleted and substituted with the following new Standing Order – Leader of the Minority Party and Minority Party Whip (16)(1) The members of the second largest party or coalition of parties in the County Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party; (2) The members of the second largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Assembly Deputy Minority Party Leader; (3) The members of the second largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Minority Party Whip; (4) The members of the second largest party or coalition of parties in the Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Deputy Minority Party Whip;	<i>Provide for all levels of Minority political Leadership in Assembly and subsequent appointment and removal procedures</i>	Adopted

(5) In the election of the political parties leadership, the majority party shall give consideration to the need for gender balance and, so far as may be practicable, ensure that not both the Leader and the deputies are of the same gender.

(6) Whenever the Minority Party Leader is absent or unable to perform his or her functions, the Deputy Minority Party Leader shall perform the functions of the office of the Minority Party Leader.

(7) In the absence of both the Assembly Minority Party Leader and the Deputy Assembly Minority Party Leader, the Assembly Minority Party Whip shall perform the functions of the office of the Assembly Minority Party Leader.

(8) A member elected under paragraphs (1), (2), (3) and (4) of this Standing Order may be removed by the members of the party or coalition of parties that elected him or her by a majority of votes of all members of the second largest party or coalition of parties in the County Assembly.

(9) The whip of the second largest party or coalition of parties in the County Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker in writing, the decision together with the minutes of the meeting at which the decision was made.

(10) The removal of a member from office under paragraph (8) shall be followed by the election of such member in his place in the manner provided for under paragraphs (1), (2), (3) and (4) of this Standing Order within fourteen days.

Standing Order 22	THAT, Standing Order 22 be amended: a) By deleting it and substituting it thereof with the following new paragraph: ‘The Speaker shall preside at any sitting of the County Assembly but in the absence of the Speaker, the Deputy Speaker shall preside and in the absence of the Deputy Speaker a member of the Speakers panel shall preside’	<i>Provide for the role of the Deputy Speaker during presiding over the Assembly</i>	Adopted
Standing Order 27	THAT, Standing Order 27 be amended as follows – (a) By deleting paragraph 1 in its entirety and substituting it with the following new paragraph: (1) Unless the Speaker, for the convenience of the County Assembly otherwise directs, the County Assembly shall meet at 9.00 a.m. on Tuesday and Wednesday and at 2.30 p.m. on Tuesday and Wednesday, but more than one sitting may be directed during the same day.	<i>Amendment seeks to change the sitting days from Tuesday, Wednesday and Thursday, to Tuesday and Wednesday only</i>	Adopted
Standing Order 41	THAT, Standing Order 41 be amended as follows – (a) in paragraph 2(c) by deleting the expression “and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day” appearing immediately after the words “of the Committee.” (b) by inserting the new paragraph 2C(A) as follows – 2C(A) Whenever a member requests for a Statement under paragraph 2(c) above, the Speaker shall direct the relevant Committee under whose mandate the Statement falls, to invite the County Executive Committee Member or the Chief Officer under whose	<i>Seeks to refer statements to Committees and give members who requested for them an opportunity to interrogate the CECM at the committee meeting</i> <i>Encourage exhaustive interrogation of statements at Committee level</i>	Adopted

	purview the matters raised in the Statement fall, to a meeting of the committee to deliberate on the Statement. 2C(B) The Member who requested for the Statement under paragraph 2C(A) above shall be invited to the Committee meeting whenever the County Executive Committee Member or the Chief Officer is to appear to respond to the Statement. 2C(C) The Chairperson of the Committee shall, within twenty-one days, report to the Assembly the Committee's consideration of a Statement request and whether the same was satisfactorily dispensed with or if there are any challenges that require the speaker to direct further or the Assembly to resolve. 2C(D) Unless the Speaker, for the convenience of the Assembly otherwise directs, a response to statement as tabled by a chairperson of a committee may not be debated.		
New Standing Order 42A	THAT, the following New Standing Order be inserted immediately after Standing Order 42 - <i>Appointment of The Member of The County Assembly Service Board Who Is Not A Member Of The County Assembly</i> 42A (1)-A vacancy in the position of County Assembly Service Board under section 46 of the County Assembly Services Act, 2017) (<i>members of the board appointed from amongst members of the public</i>), shall be filled by the Board in the manner prescribed under the relevant law, with approval of the County Assembly. (2) Upon conclusion of the recruitment process, a Member of the Board designated by the Board for that purpose shall, within seven days following the resolution of the Board, table the Interview Report in the Assembly, containing the name of the recommended	<i>Provide elaborate procedures for the appointment of a Member of the County Assembly Service Board who Is <u>Not</u> a member of the County Assembly</i>	Adopted

	candidate(s) and relevant supporting information. (3) The Assembly shall, within fourteen days following the laying of the Report, by a resolution, either approve or reject the name of the person recommended for appointment as a member of the Board. (4) Where the Assembly approves a person recommended by the Board, the Secretary shall, within seven days after the approval, publish the name of the person in the Kenya Gazette and the appointment shall not take effect unless the person so appointed has taken oath or affirmation of office as prescribed. (5) Where the Assembly rejects the person recommended by the Board, the Speaker shall communicate the decision of the Assembly to the Board and shall request for a fresh nomination by the Board from amongst the persons interviewed by the Board. (6) If the County Assembly rejects any of the subsequent nominee submitted by the Board for approval under paragraph (5), or where the Board finds none of the other candidates suitable, a fresh recruitment shall be undertaken.		
New Standing Order 43A and 43B	THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 43 - <i>Special Motions</i> 43A (1) For purposes of this Part, a Special Motion is one - (a) THAT seeks a resolution of the County Assembly to- (i) approve an appointment or re-appointment in accordance with Part XI (<i>Approval of Public Appointments</i>) ; or (ii) remove from office a Governor or Deputy Governor,	<i>Details the procedure and instances where special motions are moved.</i>	Adopted

- (iii) authorize borrowing by the County;
- (iv) remove from office a member of the County Executive Committee;
- (v) Remove from office the Speaker and Deputy Speaker;
- (vi) Remove from office a member of the County Public Service Board;
- (vii) Remove from office a member of the County Assembly Service Board;
- (viii) Remove from office the County Attorney

(2) Unless a lesser or further period is specified by the Constitution, any written law or these Standing Orders -

(a) a notice of a Special Motion shall be-

(i) approved by the Speaker within seven days of receipt of notice from a member under paragraph (2) and shall upon expiry of those days be deemed approved; and,

(ii) given by the Member within three sitting days following approval by the Speaker.

(b) A Special motion shall be considered by the Assembly within three sitting days upon the notice.

(3) If a proposer of a special motion fails to observe the timelines prescribed under paragraph 2(a)(ii) or 2(b) of this Standing Order, such notice of motion or motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

Instances Where the Law Provides for A Fixed Majority

43B(1) In every instance where the law lays down that a fixed number of Members is necessary to support the moving of, or to

	decide any question on a motion, any amendment motion to such motion shall not be passed unless supported by the fixed number of members required to pass the original motion. (2) Notwithstanding paragraph (1), whenever a memorandum on a Bill, the passage of which requires a special majority in the Assembly fails to obtain the required majority, the Speaker may direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken. (3) If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived. (4) The provisions of this Standing Order shall not apply to a vote taken on a motion for removal of a person from office.		
Standing Order 44	THAT, Standing Order 44 be amended by deleting the entire paragraph (3)(e) and substituting thereof with the following paragraph: 44(3)(e) "contains or implies allegations which the Mover cannot substantiate."	<i>The standing order as drafted is not democratic and therefore seeks to give the mover a chance to state his case on the floor of the House before being adjudged unable to substantiate his allegations</i>	Adopted
Standing Order 62	THAT, Standing Order 62 paragraph (9) be amended; a) by deleting the words "and vote" appearing in the 4th sentence and subsequently replacing them with the words, "being not more than thirty-minutes, but the Speaker may allow such further time as reasonable, before a vote is taken on"	<i>Provide a definite time period for the CECM to defend themselves against an adverse finding on the floor of the House</i>	Adopted

New Standing Order 62A	THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 62 - Removal of a member of the County Public Service Board 62A (1) The Assembly may, by a vote supported by not less than seventy five percent of all the members of the County Assembly, resolve to remove a member of the County Public Service Board in accordance with section 58(5) of the County Governments Act, 2012. (2) A person desiring to cause the Assembly to resolve to remove a member of the County Public Service Board shall submit a petition containing the specific grounds and allegations as set under Article 251 (1) of the Constitution, requesting the County Assembly to recommend the removal of the member of the County Public Service Board. (3) In addition to complying with the provisions of paragraphs (a), (b), (c), (d), (e), (g), (h), (i), (j), (l) and (m) of Standing Order 198 (<i>Form of petition</i>), a petition to the Assembly under this standing order – (a) shall name the member in question and indicate the grounds for the removal; and, (b) may contain affidavits or other documents annexed to it. (4) The provisions of paragraph (1), (3), (4) and (5) of Standing Order 194 (<i>Submission of a Petition</i>), Standing Order 196 (<i>Notice of Intention to Present Petition</i>), standing order 199 (<i>Presentation of Petitions</i>) and Standing order 200 (<i>Comments on Petitions</i>), shall apply to a Petition under this Standing Order. (5) A Petition for the removal of a member of	<i>Provide for the procedure for removal of a member of the County Public Service Board</i>	Adopted
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	the County Public Service Board shall, upon presentation in the Assembly, stand committed to the Sectoral Committee on Labour and Social Welfare. (6) Upon receipt of a petition under paragraph (5), the Committee shall investigate the matter and shall, within twenty-one days, report to the Assembly whether the petition discloses grounds for removal under Article 251(1) of the Constitution. (7) A member of the County Public Service Board in respect of whom a petition for removal has been presented to the Assembly has the right to appear and be represented by legal counsel before the Committee. (8) Where the Committee finds that the petition does not disclose a ground for removal under Article 251 (1) of the Constitution, no further proceedings in the Assembly shall be taken on the matter. (9) The Assembly shall, within seven days of the tabling of the report of the committee under paragraph (6) consider the report and resolve whether or not the petition discloses a ground for removal under Article 251(1) of the Constitution. (10) Where the Assembly, by a vote supported by not less than seventy five percent of all the members of the Assembly, resolves that a petition for removal of a member of the County Public Service Board discloses a ground for the removal, the Speaker shall, within three days of the resolution, transmit the resolution to the Governor informing the Governor of the decision. Removal of Member of County Assembly Service Board Representing the Public		
		<i>Provide for the procedure for removal of a member</i>	

	62B (1) A Member may petition the Assembly to remove a member of the County Assembly Service Board representing the Public on any of the following grounds – (a) violation of the Constitution and any other written law; (b) inability to discharge duties for any reason (c) bankruptcy; (d) if convicted of any offence with a sentence of more than six months imprisonment. (2) In addition to complying with the provisions of paragraphs (a), (b), (c), (d), (e), (g), (h), (i), (j), (l) and (m) of Standing Order 197 (<i>Form of petition</i>), a petition to the Assembly for removal of a member of the Assembly service board representing the public – (a) shall name the member in question; (b) indicate the grounds for the intended removal under paragraph (1), (c) may contain affidavits or other documents annexed to it. (3) The provisions of paragraph (1), (3), (4) and (5) of Standing Order 194 (<i>Submission of a Petition</i>), Standing Order 196 (<i>Notice of Intention to Present Petition</i>), Standing Order 199 (<i>Presentation of Petitions</i>) and Standing Order 200 (<i>Comments on Petitions</i>), shall apply to a Petition under this Standing Order. (4) A Petition for removal of such member of the Assembly Service Board shall, upon being presented in the Assembly, stand committed to an <i>ad hoc</i> Committee. (5) The provisions relating to appointment of an <i>ad hoc</i> Committee to investigate claims for removal of County Executive	<i>of the County Assembly Service Board</i>	
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	Committee Member shall <i>mutatis mutandis</i> apply to the appointment of an <i>ad hoc</i> Committee to investigate a claim for the removal of a Member of the Assembly Service Board. (6) Upon receipt of a petition under paragraph (4), the ad hoc committee shall investigate the matter and shall, within twenty-one days, report to the Assembly whether the Committee recommends the removal of the member. (7) A member of the Assembly Service Board whose petition for removal has been presented to the Committee has the right to appear and be represented by legal counsel before the Committee. (8) The Assembly shall, within seven days of the tabling of the report of the committee under paragraph (6) consider the report and take a vote on the resolution to remove the member. (9) Where the County Assembly resolves by a vote supported by not less than two thirds of all the members of County Assembly THAT a petition discloses a ground for removal of the external member of the County Assembly Service Board, the member shall be so removed from office and the Speaker shall, for purposes of information, convey the decision of the Assembly to the County Assembly Service Board.		
Standing Order 68	THAT, Standing Order 68 paragraph (2) be amended by inserting the words "and any other relevant laws" immediately after the word "Constitution"	<i>Provide for all instances where statutes, other than the Constitution, provide for a fixed majority</i>	Adopted

Standing Order 86	THAT Standing Order 86 be amended by inserting the following new paragraph 86.(2A) – <i>Conflict of Interests</i> (2A) (a) The Clerk shall open and maintain a register of Conflict of Interest in a manner prescribed in Form E in the Schedule of the Leadership and Integrity Regulations, 2015. (b) For purposes of this Standing Order, registrable interest refers to the interests specified in the second schedule of the Leadership and Integrity Act, 2012. (c) The Register referred to under paragraph (1) shall be in the custody of the Clerk of the County Assembly. (d) The Register under this Standing Order shall contain— (i) name and address of the State officer or the public officer; (ii) registrable interest; (iii) nature of the conflict of interest; (iv) date the conflict of interest is declared; (v) directions given by the public entity to the officer making the declaration; (vi) date of entry in the register; (vii) signature of the officer giving directions on behalf of the public entity.	<i>Provide for a register of Conflict of interest and related handling procedures in line with the Leadership and Integrity Act, 2012</i>	Adopted
Standing Order 103	THAT Standing Order 103 be deleted and substituted with the following new Standing Orders – Grossly disorderly conduct 103. (1) Conduct is grossly disorderly if the Member concerned- (a) defies a ruling or direction of the Speaker or; (b) willfully declines to retract use of unparliamentary language or offer apologies	<i>Separates gross from grave disorder and provides mechanism for fair administrative action</i>	Adopted

despite having been directed to do so by the Speaker;

(c) knowingly raises a false point of order;

(d) knowingly fails to declare registrable interest in a matter before the Assembly or a Committee in accordance with Standing Order 86;

(e) persists in making serious allegations without, in the Speaker's opinion, adequate substantiation;

(f) fails to substantiate or withdraw and apologize for allegations made in previous sitting on the sitting day appointed by the Speaker in accordance with Standing Order 87;

(g) otherwise abuses his or her privileges;

(h) deliberately gives false information to the County Assembly;

(i) fails to register a vote or an abstention during Division or votes more than once in breach of these Standing Orders; and

(j) commits any other breach of these Standing Orders that in the opinion of the Speaker constitutes gross disorderly conduct.

(2) The Speaker shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly-

(a) on the first occasion, for the remainder of that day's sitting;

(b) on the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension;

(3) If on any occasion the Speaker deems that his or her powers under this Standing Order are inadequate, the Speaker may name such Member or Members, in which event the procedure specified in Standing Order 104 (*Member may be suspended after being named*) shall be followed.

NEW STANDING ORDER 103A

THAT The Standing Orders be amended by inserting the following New Standing Order immediately after Standing Order 103 –

Grave Disorderly Conduct

103A (1) Conduct is gravely disorderly if a member –

- (a) willfully obstructs or attempts to obstruct the Speaker's procession to or from the Chamber;
 - (b) dispossesses or attempts to dispossess the Mace from the Sergeant at arms during the Speaker's procession;
 - (c) removes or attempts to remove the Mace from its position during Assembly proceedings;
 - (d) persistently and willfully causes actual disorder that obstructs the Assembly from transacting business;
 - (e) threatens or uses violence against a Member or an officer of the House;
 - (f) disrupts or attempts to disrupt an address of the Assembly by the Governor, Senator or a visiting dignitary under Part V of the Standing Orders;
 - (g) acts in any other way to the serious detriment of the dignity or orderly procedure of the County Assembly; or
 - (h) commits any other breach of these Standing Orders that in the opinion of the Speaker constitutes grave disorderly conduct.
- (2) The Speaker may call a Member whose conduct is gravely disorderly to order and shall order the member to withdraw forthwith from the precincts of the Assembly –
- (a) on the first occasion for a minimum of 4 days and a maximum of fourteen days including the day of suspension;
 - (b) on the second occasion during the same session for a minimum of fifteen days and a maximum of 21 days including the day of suspension;

	(c) for the third or subsequent occasion during the same session, for a minimum of 21 days and a maximum of 90 days including the day of suspension (3) if in the opinion of the Speaker, the gravity of the misconduct under this Standing Order is severe, the Speaker may apply the provisions of paragraphs (2)(c) for first and second offenders. (4) Where the Speaker applies the provision of paragraph (3) above, the matter shall stand committed to the Committee on Powers and Privileges. (5) Notwithstanding the provisions of paragraph (4), a member in respect of whom a suspension in paragraph (2) is imposed may appeal in writing to the speaker and the speaker may – (a) uphold the decision; (b) vary the decision and communicate the matter to the Assembly or; (c) refer the appeal to the committee on Powers and Privileges for consideration.		
Standing Order 120	THAT Standing Order 120 (6)(b) be amended by deleting the expression “or a Finance Bill” appearing immediately after the expression “appropriation Bill”	<i>To retain the consideration of the Finance Bill with the Finance Committee and remove functional conflict with the Budget and Appropriations Committee</i>	Adopted
Standing Order 125	THAT Standing Order 125 be amended in Sub-paragraph (9) by deleting the figure “(4)” appearing immediately after the word “paragraph” and substituting thereof with the figure “(1).”	<i>Standing Order 125 (9) refers to paragraph (4) of standing order 50. However, paragraph 4 of Standing order 50 does not exist in the standing orders. The action contemplated however is provided for under paragraph (1) of Standing 50, which is the proper reference.</i>	Adopted

Standing Order 134	THAT the Standing orders be amended by deleting paragraph 3, 4, 5 and 6 of Standing Order 134 and replacing it with the following new paragraphs as follows – Consideration of Governor's Memorandum On a Bill 134 (3) Whenever the Governor refers a Bill back to the County Assembly under Section 24(3) of the County Governments Act, 2012, the Speaker shall, within seven days, convey to the Assembly a Message and where applicable, give any special guidelines. (4) The Message, together with the Memorandum shall stand committed to the relevant Assembly Committee for consideration and the Clerk shall circulate copies of the said memorandum to the Committee and all Members. (5) The Committee referred to in paragraph 4 above shall within 21 days table its report on its consideration of the Governor's Memorandum with recommendations. (6) The County Assembly may following the appropriate procedures under this Standing Order- (a) amend the bill taking into account the issues raised by the Governor; or (b) pass the Bill without amendment. (7) If the County Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent. (8) If the County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County	<i>Provide for the procedures for the consideration of the Governor's Memorandum on a Bill</i>	Adopted
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	Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill. (9) Whenever the County Assembly is required to pass a Bill under Paragraph 8 the passage of which requires two thirds of all the members of the County Assembly and the Assembly fails to obtain the required majority, the Speaker may, direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken. If the fixed majority is attained, the bill shall be forwarded to the Governor as amended. (10) If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived. (11) If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of the period referred to under paragraph 8 and shall be gazetted pursuant to a Speaker's certificate.		
New Standing Order 152B	THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 152; 152B. (1) There is established a committee to be known as the Committee on Powers and Privileges consisting of — (a) the Speaker, who shall be the chairperson of the Committee; and (b) not more than eight other Members nominated by the County Assembly Parties, on the basis of proportional Party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members. (2) The quorum of the Committee shall be a third of the members of the Committee, including the Speaker.	<i>Provide for the Select Committee on Powers and Privileges in the Standing Orders.</i>	Adopted

	(3) The functions of the Committee of Powers and Privileges shall be to- (a) inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of section 16 of the County Assembly Powers and Privileges Act, 2017; and (b) perform such other functions as may be specified in the said Act.		
Standing Order 154	THAT, Standing Order 154 be amended by deleting the word 'may' appearing in the third line of paragraph 2 and replacing it with the word 'shall', to read as follows; (2) Despite paragraph (1), a member belonging to a party other than a County Assembly Party or independent Member shall be nominated to serve in ...		
Standing Order 156	THAT Standing Order 156 be deleted and substituted with the following - (1) An Assembly party may discharge a Member from a select committee after according the Member an opportunity to be heard. (2) The Assembly party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee. (3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice. (4) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (2).	<i>Provide for a fair process for discharge of a Member from a Committee</i>	Adopted
Standing Order 179	THAT, Standing Order 179 be amended by inserting the following new paragraph 179 (7)(A) as follows: - 179 (7)(A) Notwithstanding the provision of paragraph (6), where a Committee fails to table its Report whenever a specific period is prescribed, either by Statute, the Standing Orders or the Assembly, and where such	<i>Provide for the procedure for extension of time whenever a committee wishes to seek leave of the House to extend time</i>	Adopted

	Statute provides for the granting of an extension by the Assembly, or the Committee wishes to seek leave of the Assembly to extend the period for its consideration of any matter under the Standing Orders or a direction of the House, a) the Committee shall i. resolve within reasonable time that the Committee seek leave of the House for extension of time; ii. forward such resolution, together with Minutes, to the Liaison Committee for consideration; b) the Liaison Committee shall, within three days, forward its consideration of the Resolution to the Speaker in writing, recommending that the extension be granted or otherwise; c) the Speaker shall forthwith communicate to the House		
New Standing Order 180A	THAT the Standing Orders be amended by inserting the following new Standing Order 180A as follows: - <i>Legacy Reports</i> 180A. Notwithstanding the provisions of Standing Order 180, at the expiry of the term of the County Assembly, all Committees shall prepare legacy reports to be handed over to the next Assembly committees detailing, amongst other things, the work of each Committee during the subsistence of the term, progress of business before it, pending business if any and the status of such pending items of business.	<i>Legacy Reports to make transition between terms of the Assemblies easier and promote continuity of committees work</i>	Adopted
Standing Order 186	THAT Standing Order 186 (3) (d) be amended by deleting the word "national" appearing after the words "related to the" and substituting thereof with the word "County."	<i>Paragraph erroneously refers to the national budget rather the county budget</i>	Adopted

Standing Order 189	THAT, the Standing Orders be amended by deleting paragraph 4(b) of Standing Order 189 and substituting thereof with the following new Standing Order- 189 (4)(b) does not accede to the statutory instrument, the Committee may recommend to the Assembly to resolve that all or any part of the statutory instrument be annulled. (4)(c) If a resolution is passed by the House within twenty-eight days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.	<i>The paragraph was wrongly worded and equally conflicts with section 15(2) of the Statutory Instruments Act which provides for 28 days whereas our standing orders state 20 days.</i>	Adopted
New Standing Order 192	THAT, the following New Standing Order be inserted immediately after Standing order 192 AD HOC COMMITTEES 192A (1) The Assembly may, by a resolution establish an <i>ad-hoc</i> Committee for purposes of inquiring into a matter or matters specified in the resolution. (2) A notice of motion for the establishment of an <i>ad-hoc</i> committee shall not be admissible unless the Speaker is satisfied that its formation is necessary and will not interfere with the mandate of another committee. (3) Notwithstanding the provision of Standing Order 153(1), the Speaker shall, in consultation with County Assembly parties, appoint members who shall serve in any ad-hoc committee. (4) In appointing members to serve in any ad-hoc committee, the Speaker shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of members of an ad-hoc committee of the County Assembly, shall be of the same gender. (5) Upon a resolution of the Assembly to form an ad-hoc Committee, the Speaker shall within three days of such a resolution		Adopted

	communicate the names of the members to constitute the Committee by way of a communication from the Chair in the House. (6) The ad-hoc committee should at its first meeting, elect its chairperson. (7) An ad-hoc Committee established under this standing order (a) may not deal with a matter THAT falls within the mandate of another Committee, and, (b) shall submit its report to the Assembly within one month and shall, upon submission of the report stand dissolved. 8) Notwithstanding the provisions of paragraph 7b, the ad-hoc committee may request for an extension period of 21 days to complete the report. (9) The provisions of this Standing order shall not apply to an ad-hoc committee established for purposes of investigating a proposal for removal of a person from office or an ad hoc committee established under paragraph (2) of Standing Order 120 (<i>Committal of Bills to Committees</i>).		
Standing Order 232A	PART XXVIA – COMMITTEES VIRTUAL SITTINGS 232 A. Application of Part (1) This part applies to a meeting of a Committee of the Assembly as the Committee Chairperson may with the approval of the Speaker determine. (2) Except as otherwise provided in this Part, the Standing Orders shall, with necessary modifications, apply to a virtual meeting of a Committee of the Assembly. (3) Where a conflict arises between the provisions of this Part and any other provision of these Standing Orders, the provisions of this Part shall prevail. (4) The Speaker may issue guidelines for the conduct of a virtual meeting of a Committee of the Assembly, including guidelines for the	<i>Aims to make provisions for the conduct of virtual committee sittings in instances where a physical sitting is not possible.</i>	

effective participation by persons with disabilities in a virtual meeting.

232B. Convening of a Virtual Meeting

(1) Where a Committee Chairperson determines that a meeting of a Committee shall be held virtually, the Clerk shall issue a notice to all members of the Committee specifying the—

- (a) agenda of the meeting;
- (b) date and time for holding the meeting;
- (c) online platform through which the meeting shall be conducted;

(2) A notice issued under paragraph (1) shall constitute sufficient notice of such meeting.

(3) The location of a meeting of a Committee shall be deemed to be the precincts of Kitui County Assembly.

232C. Powers, privileges and Order in Virtual Meetings.

(1) The Committee or a Member of County Assembly shall enjoy and exercise the powers, privileges and immunities bestowed on the Assembly by the Constitution, the County Assemblies Powers and Privileges Act and any other written law.

(2) A virtual meeting shall be conducted, in so far as is practicable, in the manner provided for in Parts XV (Rules of Debate), XVI (Limitation of Debate) and XVII (Order in the Assembly and in Committee of the Whole County Assembly).

232D. Decorum

(1) A Member of County Assembly participating virtually shall adhere to the standards set out under the Speaker's Rules on attire and decorum.

(2) A Member of County Assembly or witness participating in a meeting virtually shall participate from an environment which is non-political, professionally appropriate and not distracting to other members or persons attending the meeting.

(3) A Member of County Assembly shall only participate in a meeting of a Committee of the Assembly via the electronic platform approved by the Clerk and set up for that purpose and shall access the meeting through a secure link sent electronically to the member.

(4) A Member of County Assembly shall not participate in –

(a) a sitting of the Assembly and a virtual meeting of a Committee at the same time; or

(b) more than one virtual meeting of a Committee at the same time.

(5) A Member of Assembly shall be visible via electronic means to the presiding clerk or the Committee Chairperson in order to be counted for the purpose of establishing a quorum, taking a decision or voting on a matter.

(6) A Member of County Assembly experiencing a technical problem while participating in the proceedings virtually shall inform the presiding clerk or the Committee Chairperson.

(7) A Member of Assembly who is unable to participate in a virtual meeting shall, in writing and as soon as practicable, inform the Committee Chairperson.

232E. Quorum

Whenever a Committee meeting is held virtually –

(a) the quorum requirements shall be as specified under these Standing Orders;

(b) a Member of Assembly who has accessed the meeting virtually shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.

232F. Voting

(1) Voting during a committee's virtual sitting shall be as specified under Part XIV (Voting and Divisions) provided that –

- (a) a member of Assembly shall cast their vote by roll call or electronically;
 - (b) the procedure to be followed for purposes of casting a vote shall be determined by the Chairperson of the committee and communicated to the members of the committee at the commencement of the voting process;
 - (c) only members of Assembly who are present virtually when a vote is called shall be permitted to vote;
 - (d) votes shall be taken at a fixed time previously communicated by the Chairperson of the committee and where debate is not concluded at the time appointed, the Chairperson of the committee shall appoint a new time for voting;
 - (e) the results of a vote shall be communicated from the Chair; and
 - (f) the names of members of Assembly and how they voted shall be recorded in the Hansard and the committee minutes.
- (2) Where a decision is to be made by way of secret ballot, a member of county Assembly shall cast their vote electronically, as shall be determined by the Chairperson.
- (3) Where technology is used to make a decision, measures shall be put in place to ensure that –
- (a) the system is capable of verifying the votes cast electronically;
 - (b) the integrity and confidentiality of the vote is maintained; and
 - (c) the technology is simple, accurate, verifiable, secure and transparent.

232G. Access, public participation and witnesses

- (1) A virtual meeting of a Committee of the Assembly shall ensure public participation and access as specified under the Constitution, the County Governments Act and standing orders 120(3) and Part XXV (Public Access to the County Assembly and its Committees).

	(2) The County Assembly shall facilitate – (a) a witness to attend and participate in a meeting of a Committee virtually; (b) an advocate representing a witness to access a meeting virtually where the advocate is not in the physical presence of the witness and measures shall be put in place to allow a witness confer with an advocate in confidence; and (c) a person assisting a witness including a translator to participate in a virtual meeting. 232H Receipt and transmission of documents (1) A report or any other document required to be issued or submitted may be issued or submitted electronically. (2) The Clerk shall put in place measures for the electronic submission of documents and shall (a) notify a Member of County Assembly, witness and member of the public on the procedure for submission of documents electronically before and during a Committee meeting; (b) facilitate access to electronically submitted documents; (c) electronically circulate all documents required during a meeting of a Committee. (3) Standing orders 179 and 181 shall, with necessary modification, apply to the preparation and submission of Committee reports under this Part. (4) A Member of County Assembly or a witness intending to display a document or evidence shall share the document with the Clerk for purposes of display during the meeting. 232 I. Broadcast of virtual sittings (1) A virtual sitting of the Committee of the Assembly may be livestreamed by the County Assembly Broadcasting Unit.		
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Second Schedule	THAT, the Second Schedule be amended by inserting the following new paragraph as follows; Justice and Legal Affairs - Oversight over the office of the County Attorney. All matters related to constitutional affairs and the administration of law and justice including, inspectorate and enforcement services, ethics and integrity, anti- corruption, good governance and protection of human rights in the County.	<i>The mandate of the committee was not provided for in the Standing Orders</i>	Adopted
Second Schedule	Committee On Public Service And Administration The committee recommends that the committee on Public Service and Administration formed by a resolution of the Assembly be renamed as the Committee on 'Administration and Co-ordination of County Affairs' as provided for in our standing orders. The Procedure and Rules committee has over time noted an overlap in the mandate of the committee on Public Service and Administration and that of the committee on Labour and Social Welfare. The committee therefore recommends the renaming of the committee on Public service and administration whose mandate shall be as provided for in the second schedule of our standing orders under the committee of Administration and Co-ordination of County Affairs.	<i>Renaming the committee will cure the issue of overlapping mandates</i>	Adopted

3.1. Rejected Proposed Amendments: -

STANDIN G ORDER	PROPOSED AMENDMENT	JUSTIFICATION	REMARKS
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Standing Order 134	THAT, Standing Order 134 paragraph (3) be amended by deleting the whole paragraph and substituting thereof the following new paragraph: 134 (3) "If the Governor refers a Bill back to the County Assembly, the Speaker shall, within seven days of receipt of the Memorandum, refer it to the relevant Committee for consideration and tabling of a Report within fourteen days of the referral, and the County Assembly may, following the appropriate procedures under this Standing Order."	<i>Merged with the major amendments on the whole process of consideration of the Governors memorandum</i>	Rejected as proposed, only days borrowed from
Standing Order 186	THAT, Standing Order 186(2) be amended by deleting the word "other" appearing on the third line and substituting thereof with the word "Sectoral."	<i>The amendment seeks to allow Budget and Appropriations Committee members to serve as Chairpersons in select County Assembly Committees</i>	Rejected
Standing Order _____	THAT amend the Second Schedule by realigning the names and mandates of Sectoral committees in order to mirror the departmental ministries of the County Executive.	<i>This is meant to ensure that the names and mandates of the sectoral committees are similar to the names and mandates of the County Executive Ministries</i>	Rejected Changing the mandates of sectoral committees to mirror the county executive sectors might bring about frequent amendments whenever the nomenclature changes at the County Executive
New Standing Order 152A	THAT, the Standing Orders be amended by inserting the following the new Standing Order immediately after Standing Order 152: - <i>Establishment of a Select Committee on Members Welfare, Services and Facilities</i> 152A (1) There shall be a select Committee, to be designated the Committee on Members Welfare, Services and Facilities, which shall	<i>This is meant to ensure that there is a standing Committee which can consider all matters touching on members welfare noting that this is a recurring issue in the County Assembly. Establishment of the Committee will ensure</i>	REJECTED The County Assembly Service Board of the Assembly is already tasked with following up on issues

	comprise of a Chairperson and not more than four other members. 2. The Membership of the Committee shall serve for a period 3. The quorum of the Committee shall be half of its members. 4. The functions of the Committee shall be to: - receive and consider concerns and views of Members on services and facilities being provided to them by the County Assembly Service Board; - Liaise and consult with the County Assembly Service Board on services, facilities and welfare of member; - advise and report on matters connected to the welfare, service and facilities provided for Members.	<i>that welfare of members is addressed effectively and efficiently</i>	related to the members welfare.
Standing Order	The Standing Orders be amended by the following the new Standing Order: - <i>Establishment of the Select Committee on Devolution</i> THAT, there be established a Committee on Devolution as below: - There shall be a select Committee to be known as the Committee on Devolution which shall comprise of a Chairperson and not more than six other members. - Members of this Committee shall be nominated by the Committee on Selection and approved by the House to serve for the term of that County Assembly, unless the County Assembly otherwise resolves. - The quorum of the Committee shall be half of its members. - The functions of the Committee shall be to:	<i>This is meant to ensure that there is a standing Committee which can ensure that the impact of devolution is felt at the grassroots and that resources are distributed equitably within the County</i>	Rejected Replicates the oversight work of committees and the House, seeing as Devolution itself is partly the total sum of the Assembly and its functions, each covered by a specialist committee. All the Sectoral committees perform devolution functions.

	(a) ensure that services are accessed at the grassroots and projects are implemented at grassroots; (b) ensure equitable distribution of resources within the Wards; (c) ensure that County Government functions are devolved to the Sub County level, Wards and village level.		
Standing Order	The Standing Orders be amended by inserting the following the new Standing Order:- <i>Establishment of the Select Committee on Women Caucus</i> THAT, there be established a Committee on Women Caucus as below: (1) There shall be a select committee to be known as the Women Caucus Committee. (2) The committee shall comprise of all the County Assembly of Kitui female MCAs and all nominated male MCAs. (3) The functions of the Committee shall be to- i) Advocate for legislation on gender mainstreaming and to scrutinize and review implication of laws that impact on the lives of women in Kitui County. ii) Oversight and advocate for more women representation in County decision-making bodies and organs. iii) Interact with residents on laws that affect the lives of women and girls and contribute to the defending their human rights. iv) Ensuring and coordinating participation of women in governance at local level and assisting women to develop administrative capacity for effective exercise of the functions and powers and participation in governance through awareness campaigns, liaising with	<i>The committee seeks to advocate for affirmative action and effective participation of women in legislation, oversight and representation.</i>	Rejected The main proposed mandate of gender mainstreaming can be performed by the committee on culture, Youth, Sports and Gender which is provided for in the second schedule of our standing orders.

	institutions representing interests of women, etc. v) Encourage participation of women in political, economic and social spheres at the County level and oversight the County Government as far as gender mainstreaming is concerned. vi) Scrutinize and report to the House on matters falling within the County Government ministries, corporations or organs concerning the advancement of the women empowerment agenda. vii) Perform any other functions as may be referred to it by the County Assembly. (4) The Committee shall elect a chairperson and vice chairperson from amongst its members		
Standing Order	THAT the Standing Orders be amended by inserting the following new Standing Order after Standing Order - <u>Questions to County Executive Committee Members</u> (1) Questions may be put to a County Executive Committee Member relating to public affairs with which the CEC Member is connected, to proceedings in the House, or to any matter of administration to which the CEC Member is responsible. (2) Questions shall be of genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action. (3) A question shall not be made the pretext for a debate. <u>Notice of Questions</u> (1) Notices of Questions shall be given by Members in writing to the Clerk and such notice shall state whether the Member desires an oral or a written answer. (2) Questions which in the opinion of the Speaker are of an urgent character and relate either to matters of public	<i>This amendment seeks to introduce Question time so as to mandate relevant CEC Members to appear before the House and answer relevant Questions which will ensure THAT response on various issues are sufficient, unlike in the current case of Statements whereby the Chairperson of a Committee reports on behalf of the relevant CEC Member, hence giving unsatisfactory answers.</i>	Rejected Retain the framework for Statements instead. Having CEC member to appear before the House would ordinarily offend the principle of separation of powers

importance or relate to the arrangement of business may also be asked to a CEC Member after private notice and shall be answered not later than the next sitting day following such notice.

- (3) Every question shall be submitted to by the Clerk to the Speaker for approval.
- (4) If the Speaker is of the opinion **THAT** any question which a Member has given notice to the Clerk is one which infringes any of these Standing Orders, the Speaker may direct:
 - (a) **THAT** it be not asked except with such alterations as the Speaker may direct; or
 - (b) **THAT** the Member concerned be informed **THAT** the Question is inadmissible.
- (5) When the Speaker directs **THAT** a Question is in order, the Clerk shall as soon as possible forward the Question to the CEC Member to whom it is directed and the Minister shall, within seven days of receipt, submit a written reply to the Clerk.
- (6) A question may be placed on the Order Paper for oral reply at any time after the expiry of seven days after it is forwarded to the CEC Member for reply.
- (7) Upon receiving a Question for oral reply, the CEC Member shall within the period specified, submit copies of the reply to the Clerk and shall be required to appear in the House to reply on the designated day.
- (8) The Clerk shall avail copies of the reply and shall post it on the County Assembly website.

Contents of Questions

- (1) Except as the Speaker may otherwise allow, a Question shall not be in effect a speech or limited to give information or framed so as to suggest its own

	answer or to convey a particular point of view. (2) The facts on which a Question is based may be set out briefly, provided the Member takes responsibility for their accuracy, but extracts from newspapers and quotations from speeches shall not be admissible. (3) A Question shall not contain any argument, inference, opinion, imputation or ironical or offensive expression. (4) A Question shall not repeat in substance any Question already answered, either as a Question or in the course of debate during the same Session. (5) Not more than one subject shall be referred to in any one Question, and a question shall not be of excessive length. (6) A question shall neither include the name of any person or any statement not strictly necessary to render the Question intelligible, nor shall it contain any allegation, which the Member asking the Question is not prepared to substantiate. (7) A question shall not seek an expression of opinion. (8) A Question shall not raise a matter of policy too large to be dealt within the limits of an answer to a Question. (9) A Question shall not be asked which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in the person's official or public capacity. (10) Reference shall not be made in a Question to any particular matter which is <i>sub judice</i> and in determining whether a question is <i>sub judice</i>,		
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reference shall be made to the relevant Standing Order.

- (11) A question shall not seek any information which, by the operation of law, is secret.
- (12) A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked.
- (13) A question shall not ask whether any statement in the press or of a private individual or unofficial body, other than a report of something written or said by a CEC Member or civil servant is accurate.
- (14) A Question shall not refer discourteously to any friendly County, nor Governor, or Government or representative in Kenya or any friendly County.
- (15) A Question shall not refer to proceedings of a Committee before **that** Committee has made its report to the House.

Supplementary Questions

- (1) Any Member may ask a Supplementary Question for the purpose of elucidating the answer given to the original Question, but a Supplementary Question must not introduce matters not related to the original Question.
- (2) The Standing Order on Contents of Questions shall apply *mutatis mutandis* to Supplementary Questions.

Written Answers

- (1) If a Member indicates **THAT** he or she desires only a written answer to a Question, copies of the answer shall be delivered to the Clerk within fourteen days after the day on which it was forwarded to the CEC Member and the Clerk shall cause it to be circulated in the Hansard Report on the next sitting

	day following the day on which the answer is received or as soon as possible thereafter. (2) If the indication under paragraph one is given on a day when the House is on recess the Clerk shall cause the answer to be included in the Hansard Report for the first day when the House sits next. <u>Failure to ask questions</u> It shall be disorderly conduct for a Member to fail to ask or for a CEC Member to fail to answer a Question listed on the Order Paper without leave of the Speaker.		
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COMMENCEMENT

Honourable members,

These amendments shall take effect on the date when the Assembly adopts this report.

4.0 CONCLUSION

Honourable Members,

These Standing Orders contain the set rules of conduct and guidelines to be relied upon by the County Assembly in the operations of the Assembly and its committees. The committee recognises that over time, new issues may emerge which may not be adequately provided for in our standing orders thereby creating a need for future further review and subsequent amendments.

The committee notably applauds the efforts of Honourable Phillip Nguli and Hon. Anne Mumo for taking the initiative to exercise their rights under Standing Order 234 by proposing amendments for consideration by the committee.

The committee also notes the fundamental ruling from the National Assembly¹ on the discharge of independent members and those from parties that do not qualify as Assembly parties. The

¹ Ruling made by the Speaker of the National Assembly, Hon. Justin Muturi, through a Communication from the Chair during a sitting held on 9th June, 2020.

ruling raised key pertinent issues which are similarly currently affecting the nomination and discharge of members in our County Assembly committees.

There is need to urgently determine the best way forward regarding the discharge of honourable members of Assembly who do not belong to any County Assembly party.

However, the committee feels that, albeit this issue being important, it will constitute fundamental changes to the operations of the Assembly Committees and therefore the Assembly will require ample time to undertake proper research and consultations between the Members of Assembly and other jurisdictions before an amendment is ultimately proposed.

For this reason therefore, and in order to avoid any delays in tabling the proposed amendments as contained herein, the issue on discharge of members from committees will be dealt with during the next periodic review of the Standing orders rather than at this juncture, to avoid making hurried decisions that may not be in the Assembly's best interests.

Honourable Members,

I therefore urge you to support this report and adopt the proposed amendments as recommended, in order for the Standing orders to take effect.

Thank You.

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4-27-11

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**CONSIDERATION AND ADOPTION OF THE REPORT ON THE
PROPOSED AMENDMENTS TO THE COUNTY ASSEMBLY
STANDING ORDERS**

We, the honourable members of the committee on Procedure and Rules, do hereby affix our signatures to this work plan to affirm its accuracy, validity and authenticity;-

1. Hon. George M. Ndotto

Chairperson

.....

2. Hon. Emeritus Kasee

Member

.....

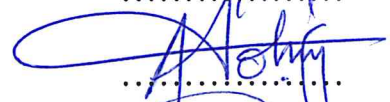
3. Hon. Munira Mohammed

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4. Hon. Anthony John

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5. Hon. James Munuve

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