



REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
FIRST ASSEMBLY (FOURTH SESSION)
ORDERS OF THE DAY

WEDNESDAY AUGUST 10, 2016 AT 2.30 P.M
(AFTERNOON SITTING)

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers

6. NOTICE OF MOTION – (Chairperson Powers and Privileges Committee)

THAT, this Assembly adopts the report of the Powers and Privileges Committee on accusations made against Hon. Rosemary Wakuthii Njiine by Hon. Joseph Kimani Machiri and accusations made against Hon. Joseph Kimani Machiri by Hon. Rosemary Wakuthii Njiine, laid on the table of the Assembly on Tuesday August 09, 2016.

7. Statements
8. Motions

9* COMMITTEE OF THE WHOLE

(Chairperson Procedure and Rules Committee).

PROPOSED AMENDMENTS TO THE STANDING ORDERS

NEW STANDING ORDER - ON THE MACE OF THE ASSEMBLY

THAT, the following new Standing Order be inserted immediately after Standing Order No. 2

(3) (a) The Mace of the Assembly

(1) The Mace of the Assembly shall be present at all times when the Assembly is 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 positioned at a place designated for that purposes at all times whenever the Assembly is sitting, including the time when the Assembly is in Committee; and,

(c) be kept in safe custody by the Sergeant-at-Arms whenever the Assembly is not sitting.

(2) An attempt by any Member to remove the Mace of the Assembly from its place in the Chamber or to dispossess the Mace from the Sergeant-at-Arms during Speaker's Procession or at any other time, shall be dealt with in accordance with Standing Order 107 (Gross disorderly conduct).

STANDING ORDER 4

THAT, Standing Order 4 on Vacancy in the Office of the Speaker be deleted and substituted thereof with the following;

4. Pursuant to the provisions of section 21(3) of the Elections Act as read together with section 11 of the County Governments Act, the office of speaker shall become vacant—

(a) when a new county assembly first meets following an election;

(b) if the office holder vacates;

(c) if the county assembly resolves to remove the office holder in accordance with Standing Order 58 (Procedure for removal of the

- Speaker);
(d) if the office holder resigns from office in a letter addressed to the County Assembly; or,
(e) if the officer holder dies.

NEW STANDING ORDERS ON ELECTION OF THE SPEAKER

THAT, a new Standing Order on Election of the Speaker to read as follows;

- (1) A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.
- (2) If the office of Speaker falls vacant at any time before the expiry of the term of County Assembly the Deputy Speaker or any member of the Chairpersons Panel shall preside over the business of the County Assembly until the election of a new Speaker.
- (3) A Member elected by the County Assembly in accordance with Article 178(2) of the Constitution shall preside over the election under paragraph (2).”

STANDING ORDER 6

THAT, Standing Order 6 on **Secret ballot** be amended by adding sub section (8) to read;

- (8) *The Clerk shall declare a vote to be invalid under paragraph (7) in the presence of and after inspection by the members representing each of the candidates in the election*

STANDING ORDER NO. 7

THAT, Standing Order 7 be amended by breaking the long continuous sentence to read;

- (1) A person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.
- (2) If no candidate is supported by the votes of two-thirds of all Members, a fresh election shall be held and, in that election, the only candidate shall be

(a) the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) ; and

(b) the candidate or candidates who in that ballot received the highest number of votes.

(3) If more than one candidate receives the highest number of votes, paragraph 2(b) shall not apply and the only candidates in the fresh election shall be those contemplated in paragraph 2(a).

(4)The candidate who receives the highest number of votes in the fresh election shall be declared the Speaker.

STANDING ORDER 14

THAT, Standing Order 14 (1) be amended

by deleting the words **“As soon as shall be practicable after the election of the Speaker”** and replacing thereof with the words **“Within 30 days after the swearing in of the Speaker”**

STANDING ORDER 15

THAT, Standing Order 15 be deleted since it's a repletion of Standing Order 13

STANDING ORDER 17

THAT, Standing Order 17 on the Chairpersons panel be amended to read;

(1) There shall be a panel to be known as the Chairpersons Panel which shall comprise of the Deputy Speaker and three Members and who shall be entitled to exercise all the powers vested in the Chairperson of Committees except as chairperson of Liaison Committee

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with the Leader of Majority party and Leader of Minority party, submit a list of three names for consideration by the House Business and Rules Committee.

- (3) The House Business and Rules Committee shall, within seven days of receipt of the names of the nominees table the list in the Assembly and give notice of motion for approval.
- (4) Whenever a Motion for approval under paragraph (3) is moved in the Assembly, no objection against the proposed membership on the Chairperson'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 Panel, the Speaker and the House Business and Rules Committee 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.
- (6) The approval of the members of the Chairpersons Panel under this Standing Order shall be deemed to constitute an election for purposes of paragraph (3) and either of the members of the Chairpersons Panel may preside over the House in the absence of the Speaker and the Deputy Speaker.

STANDING ORDER 19

THAT, Standing Order No 19 (2) be deleted as it's repetitive

STANDING ORDER 20

THAT, Standing Order 20 (3) be amended by **deleting** the word "**National**" and replacing thereof with the word "**County**"

STANDING ORDER 24

- a) **THAT**, Standing Order 24 (2) be amended by deleting subsection (2) as it's a repetition of Standing Order 24(1)
- b) **THAT**, the numbering of Standing Order 24 be aligned as "Standing Order No. 1, 2, 3 and 4

STANDING ORDER 25

- a) **THAT**, Standing Order 25 (2) be amended by deleting number “24” and substituting thereof with the number “23”
- b) **THAT**, the numbers (1), (3) and (4) be deleted and replaced thereof with the numbers (1), (2) and (3)

STANDING ORDER 29

THAT, the Standing Order 29 (2) be amended to read;

(2)The calendar of the Assembly once approved shall be published in the gazette, the Assembly website and at least two newspapers of county circulation

SANDING ORDER 41

THAT, Standing Order 41 be amended by deleting the word “**Assembly**” between the word “**Assembly**” and the word “**has**”

STANDING ORDER 44

- a) **THAT**, standing Order 44 (1) be amended by deleting 6.00 pm and replacing thereof with 3.00 pm
- b) **THAT**, Standing Order 44 (2) be amended by deleting 3.00 pm and replacing thereof with 10.00 am

STANDING ORDER 49

THAT, Standing order 49 be amended by inserting the words “**save for notice of special Motions**” immediately after the word “given” at the end of the paragraph.

NEW STANDING ORDER 53 (A) ON SPECIAL MOTIONS

THAT, a new Standing Order be inserted on Special Motions to read;

Definition of Special Motion

- (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 XIII (Approval of Public Appointments) ; or
 - (ii) remove from office a Deputy Governor,

or

 - (b) Moved pursuant to any of the following Sections of the County Government Act, 2012 –
 - (i) Section 33 (Removal of a Governor);
 - (ii) Section 40(2) (Removal of Member of the County Executive Committee);
 - (iii) Section 8 (1) (d) (Borrowing by Counties);

or

 - (c) Moved pursuant to Section 11 (Removal of Speaker from Office) of the County Governments Act and Section 21(3) (Election of Assembly Speaker) of the Elections Act.
- (3) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period-
 - (a) a notice of a Special Motion shall be-
 - (i) disposed of by the Speaker within seven days of receipt of notice from a member under paragraph (2); and,
 - (ii) given by the Member within seven sitting days following the approval of the Speaker.
 - (b) A Special motion shall be disposed of by the Assembly within fourteen calendar 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-

1. (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 Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the Aye but the Noes have not numbered at least one third of all the Members of the Assembly, 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 54

THAT, Standing order 54 (1) be amended by inserting the words **“unless with the permission of the Speaker”** at the end of the paragraph immediately after the word “question “ in order to read

*54. (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question **“unless with the permission of the Speaker”***

STANDING ORDER 56

THAT Standing Order 56 be amended;

- a) by deleting the word “**Senator**” between the word “**a**” and “**to**” and substituting thereof with the word “**Member of County Assembly**”
- b) by deleting the word “**Senate**” between the word “the” and the word “at” and substituting thereof with the word “**Assembly**”

In order to read

*(4) Despite paragraph (1), the Speaker may in exceptional circumstances, allow a **Member of County Assembly** to move an amendment to Motion before the **Assembly** at any time during consideration of that Motion.*

STANDING ORDER 62

THAT, Standing Order 62 (1) be amended by inserting the words “Subject to Section 11 of the County Governments Act and section 21 of the Elections Act” immediately before the word “Before” and further amending the standing order to read;

Procedure for removal of the Speaker and Deputy Speaker,

62 (1) “Subject to Section 11 of the County Governments Act and section 21 of the Elections Act” Before giving the notice of Motion contemplated under section 21(5)(c) of the Elections Act and section 11 of the County Governments Act, the Member shall deliver to the Clerk a copy of the notice of motion in writing stating the particulars upon which the proposal is made.

(2) A notice for a motion for removal of the Speaker shall be signed by the proposing Member, in affirmation that the particulars of the allegations or claims contained in the motion are true to the Member’s own knowledge.

(3) The Clerk shall satisfy himself that –

(a) the notice of motion is in order as to form and style; and,

(b) the notice of motion has been signed by the proposing Member and by at least a third of all the members of the county assembly.

- (4) For purposes of this Standing Order, the Clerk shall provide a form which shall contain on each page, the title of the motion, and such other necessary information.
- (5) The Clerk shall present the motion to the Speaker for approval, who shall dispose of the motion within seven days.
- (6) Within seven calendar days upon approval of the notice of Motion by the Speaker, a Member who has obtained approval to move a motion for removal of Speaker shall give a three days' notice of his or her intention to move such motion and shall, in so doing, state the particulars or claims contained in the motion.
- (7) Where the notice of motion to remove the Speaker contains a claim of-
 - (a) gross misconduct;
 - (b) gross violation of the Constitution or any law;
 - (c) abuse of office; or,
 - (d) incompetence

the Assembly shall, upon giving of the notice, appoint an adhoc committee to investigate the claim or claims, in which case the provisions of Standing Order 22 (Adhoc Committee on removal of Speaker) shall apply.

Ad hoc Committee on removal of Speaker

- (1) An ad hoc committee to investigate a claim or claims under paragraph (10) of Standing Order 58 (Procedure for removal of the Speaker) shall comprise of five members appointed by the Assembly upon a motion by the Leader of the Majority Party.
- (2) The Deputy Speaker, the Member who gave the notice of the motion, the Leader of the Majority Party, the Majority Party Whip, the Leader of the Minority Party and the Minority Party Whip and any other member appointed under Standing Order on chairpersons panel, shall not be eligible to be Members of the ad hoc Committee.
- (3) As soon as the ad hoc committee is properly constituted, the Committee shall elect a chairperson from amongst the Members appointed under paragraph (1) of this standing order and shall, within fourteen days, inquire into the claim or claims and table a report before the Assembly.

(4) Before making its report to the Assembly, the ad hoc committee shall accord the Speaker an opportunity to appear before it in person or by counsel or by both person and counsel to respond to the grounds and particulars upon which the proposal is made.

Debating the motion for removal of speaker

2. (1) The Deputy Speaker shall preside when the Assembly is considering a motion for a resolution to remove the Speaker.

(2) If for any reason, the Deputy Speaker is unable to preside, any Member of the Chairpersons Panel shall preside over the sitting of the of the Assembly.

(3) Whenever the report of an ad hoc Committee to investigate claims for removal of the Speaker -

(a) finds the claims not to be substantiated, the Chairperson shall, within three days following the findings of the ad hoc Committee, table the report of the Committee before the Assembly and by way of a statement, make the fact known to the Assembly and no further proceedings on the matter shall be allowed in the Assembly;

(b) finds the claims to be substantiated, the Assembly shall, after seven days following the tabling of the report, debate the motion for removal of Speaker and vote on whether to remove the Speaker, in which case, the provisions of paragraph (4) and (5) shall apply.

(4) The Speaker shall be availed with a copy of the report of the ad hoc Committee, together with any other evidence adduced and such note or papers presented before the Committee at least seven days before debate on the motion.

(5) Whenever the Assembly debates a motion for removal of the Speaker, opportunity to respond to the claims shall be accorded to the Speaker as follows –

(a) upon the question for the motion being proposed; and,

(b) at the conclusion of debate before the mover replies

(6) The Speaker may be removed from office by the Assembly through a resolution supported by not less than seventy five percent of all the Members of the County Assembly.

Proceedings when the Speaker is being investigated and application of other provisions

3. (1) The provisions of paragraphs (2) and (3) of Standing Order 82 (Definition of a Special Motion) shall apply to a notice of motion or a motion for removal of the Speaker.
- (2) The provisions of paragraph (3) (c) and (e) of Standing Order 44 (Notices of Motions) shall not apply to a notice of motion under this Part.

Resignation of the Speaker

4. (1) The Speaker may resign from office in a letter addressed to the Assembly.
 - (1) The office of the Speaker shall be deemed to have become vacant by way of resignation upon the conveyance of the letter to the assembled Assembly by the Deputy Speaker or a Member of the Chairpersons Panel.

Proceedings in the case of a vacancy in the office of the Speaker

5. (1) If the office of the Speaker falls vacant at any time before expiry of the term of the Assembly, the Deputy Speaker elected under article 178 (2) of the Constitution shall preside over the assembly business until after the election of a new Speaker within 30 days.
- (2) For purposes of paragraph (1) of this Standing Order and paragraph (2) of the First Schedule to the Elections Act, if the office of the Speaker falls vacant at any time before the the business to be transacted shall only be that of the election of a new Speaker.

The procedure for removal of the Speaker shall apply with the necessary modifications to the removal of the Deputy Speaker

NEW STANDING ORDER

**ON REMOVAL OF A MEMBER OF THE
COUNTY PUBLIC SERVICE BOARD,
THE CHAIRPERSON AND THE
SECRETARY**

THAT, a New Standing Order) on removal of a member of the County Public Service Board, the **Chairperson** and the Secretary be inserted to read;

- (1) Pursuant to section 58(5) of the County Governments Act, 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.
- (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 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 (Form of petition), 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 230 (Submission of a Petition), Standing Order 232 (Notice of Intention to Present Petition), standing order 235 (Presentation of Petitions) and Standing order 236 (Comments on Petitions), shall apply to a Petition under this Standing Order.
- (5) A Petition for the removal of a member of the County Public Service Board shall, upon presentation in the Assembly, stand committed to the Sectoral Committee dealing with matters of county public service and administration.
- (6) Upon receipt of a petition under paragraph (5), the Committee shall investigate the matter and shall, within ten 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 whose petition for removal has been presented to the Committee has the right to appear and be represented before the Committee during its investigations.
- (8) The Assembly shall, within fourteen 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.

- (9) 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.
- (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 seven days of the resolution, transmit the resolution to the Governor informing the Governor of the decision.

NEW STANDING ORDER ON REMOVAL OF AN APPOINTED MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD

THAT a new Standing Order on removal of an appointed Member of the County Assembly Service Board be inserted to read

- 1) Pursuant to section 12(5) (b) of the County Governments Act, a Member may petition the Assembly to revoke the appointment of an appointed member of the County Assembly Service Board.
- (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 198 (Form of petition), a petition to the Assembly for revocation of the of a member of the Assembly service board representing the public –
 - (a) shall name the member in question and indicate the grounds for the intended revocation; and,
 - (b) may contain affidavits or other documents annexed to it.
- (3) The provision of paragraph (1),(3), (4) and (5) of Standing Order 230 (Submission of a Petition), Standing Order 232 (Notice of Intention to Present Petition) , Standing Order 235 (Presentation of Petitions) and Standing Order 236 (Comments on Petitions), shall apply to a Petition under this Standing Order.
- (4) A Petition for revocation of the appointment of such member of the Assembly Service Board shall, upon being presented in the Assembly, stand committed to an ad hoc Committee
- (5) The provisions relating to appointment of an ad hoc Committee to investigate claims for removal of County Executive Committee Member

shall mutatis mutandis apply to the appointment of an ad hoc Committee to investigate a claim for the revocation of appointment 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 fourteen calendar days, report to the Assembly whether the Committee recommends the revocation of the appointment.
- (7) A member of the Assembly Service Board whose petition for revocation of appointment has been presented to the Committee has the right to appear and be represented before the Committee during its investigations.
- (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 revoke the appointment.
- (9) Where the County Assembly resolves that a petition discloses a ground for revocation of the appointment of the external member of the County Assembly Service Board, the appointment of the member shall stand so revoked and the Speaker shall, for purposes of information, convey the decision of the Assembly to County Assembly Service Board.

STANDING ORDER 66

- a) **THAT**, the Standing Order 66 (1) be amended by inserting words
“Subject to Section 40 of the County Governments Act” immediately before the word “Before”
- b) **THAT**, Standing Order 66 (6) be deleted and substituted thereof with the following;

“When the motion has been passed by at least one third of all the members of the Assembly, the Assembly shall, within seven (7) days appoint a special committee comprising of five of the members of the Assembly to investigate the matter; and shall, within ten days, report to the Assembly whether it finds the allegations against the Member of the county executive to be substantiated.

STANDING ORDER 67

THAT, Standing Order 67 be amended by inserting the word “**Assembly**” immediately after the word “**and** ”

STANDING ORDER 107

THAT, Standing Order 107 (1) be amended by inserting a new subsection (j) to read;-

(j) fails to disclose a proprietary or pecuniary interest in a matter.

2 (b) by deleting the word “**maximum**” between the words a and of and substituting thereof with the words “ **Not less than three days**”

By inserting a sub section (c) to read

(c)on the second or subsequent occasion during the same session, for not less than three sitting days including the day of suspension,

STANDING ORDER 110

THAT, the Standing Order 110 be amended to read as follows;

If any Member is suspended under Standing Order 109 (Member may be suspended after being named) the suspension on the first occasion shall be for not less than four sitting days including the day of suspension; on the second occasion during the same Session for not less than eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight sitting days, including the day of suspension

STANDING ORDER 117

a) **THAT**, subsection (c) of Standing Order 117 be Deleted

b) **THAT**, Standing Order 117 (b) be amended by inserting the word “and” immediately after the word “any”

STANDING ORDER 129

THAT, the Standing Order 129 (5) be amended by deleting the word “**bill**” and replacing thereof with the word “**Bill**” at the end of the sentence

STANDING ORDER 133

THAT, Standing Order 133 (1) be amended by deleting the words “**in that**” appearing before the word “behalf” and substituting thereof with the words “**on its**”

STANDING ORDER 145

THAT, the Standing order 145 (2) be amended by deleting the word “**Consolidated**” between the word the and Fund and substitute thereof with the words “**County Revenue**”

STANDING ORDER 146

THAT, Standing Order 146 be amended by deleting the words “**county Gazette and Kenya**” between the words “the” and “Gazette” in order to read;

146. When the provisions of this part have been complied with, the Clerk s hall cause the Bill to be printed, distributed to Members and published in the Gazette and at the first sitting of the Assembly held not less than fourteen days after such publication, the Bill shall be read a First Time

STANDING ORDER 155

THAT, Standing Order 155 be amended by merging it with Standing Order 191 to read;

(1) There shall be a select committee, to be designated the House Business and Rules Committee, consisting of-

- a. the Speaker who shall be the chairperson;
 - b. the Deputy Speaker;
 - c. the Leader of the Majority Party;
 - d. the Leader of the Minority Party; and
 - e. not less than seven and not more than twenty one members, who shall be nominated by Assembly parties and approved by the Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration the interests of Independents.
- (2) The House Business and Rules Committee shall be appointed within seven days on assembly of a new Assembly.
- (3) In nominating the Members to the House Business and Rules Committee, each Assembly party shall include its Whip into the membership.
- (4) In the absence of the Speaker, the Deputy Speaker shall attend and Chair the meetings of the House Business and Rules Committee.
- (5) The House Business and Rules Committee shall –
- (a) prepare and, if necessary, from time to time adjust the Assembly Calendar with the approval of the Assembly;
 - (b) monitor and oversee the implementation of the Assembly Business and programmes.
 - (c) implement the Standing Orders respecting the scheduling or programming of the business of the Assembly and the functioning of the Committees of the Assembly;
 - (d) determine the order in which the reports of Committees shall be debated in the Assembly;
 - (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
 - (f) consider such matters as may from time to time arise in connection with the business of the Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the Assembly.

- (g) consider and report on all matters relating to these Standing Orders.
 - (h) The House Business and Rules Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the Assembly, take effect at the time appointed by the Assembly.
 - (i) The House Business and Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the Assembly, continue in force until amended or repealed by the Assembly.
 - (j) 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.
- (6) The Chairperson and at least one third of the other members of the House Business Committee shall form a quorum.
- (7) If, for any reason, a member of the House Business Committee is unable to attend, the Leader in the Assembly of the party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

STANDING ORDER 170

THAT, Standing order 171 (3) be amended by deleting the word "**House Business**" and replacing thereof with the word "**Selection**"

STANDING ORDER 184

THAT, Standing order 184 be amended by aligning the numbering

STANDING ORDER 185

THAT, Standing Order 185 be amended by inserting the number "**(2)**" immediately after the number "**39** "

STANDING ORDER 189

- a) **THAT**, Standing Order 189 (2) (c) be amended by deleting the letter (s) from the word “Committees” immediately before the word “shall”
- b) **THAT**, Standing Order 189 (5) be amended by inserting the word “**Committee**” between the word “The” and the word “shall”

STANDING ORDER 191

THAT, Standing Order 191 be **deleted** since it was merged with Standing Order 155

STANDING ORDER 192

THAT, Standing Order 192(1) be amended by inserting the words;

“Consisting of a Chairperson and not less than seven (7) and not more than seventeen (17) members nominated by the Selection committee” immediately after the word Implementation to read;

192 (1) *There shall be a select committee to be known as the Committee on Implementation “Consisting of a Chairperson and not less than seven (7) and not more than seventeen (17) members nominated by the Selection Committee”*

NEW STANDING ORDER ON AD HOC COMMITTEES

THAT a new Standing Order on AD Hoc Committee be inserted to read

- (1) The Assembly may, by a resolution establish an ad hoc Committee for purposes of enquiring into a matter or matters specified in the resolution.
- (2) A notice of motion for the establishment of an ad hoc committee shall not be admissible unless presented together with a written recommendation of the Liaison Committee.

- (3) A resolution of the Assembly to establish an ad hoc committee may only be made once in a Session and in exceptional circumstances recommended by the Liaison Committee and certified by the Speaker.
- (4) 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 thirty days and shall, upon submission of the report stand dissolved.
- (5) 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 121 (Committal of Bills to Committees).
- (6) Subject to the provision of the Standing order 157, the Selection Committee shall nominate not more than five members of the County Assembly to an Ad hoc Committee and shall appoint the Chairperson and Vice-Chairperson of the Ad Hoc Committee.

STANDING ORDER 194

THAT, the Standing Order 194 be amended to expand the power and mandate and sanctions of the Powers and Privileges committee to read;

- 194 (1) There is established the Committee of Powers and Privileges consisting of the Speaker, who shall be the Chairperson of the Committee; and such other members who shall be not less than eight and not more than twelve.
- (2) The quorum of the Committee shall be a third of the members of the Committee including the Speaker.
- (3) The functions of the Committee of Powers and Privileges, shall, be to inquire into the conduct of a member whose conduct is
- alleged to constitute a breach of powers and privilege as prescribed the national legislation providing for powers, privileges and immunities of County Assemblies, their committees and members

enacted by Parliament pursuant to Article 196(3) of the Constitution of Kenya by the Standing Orders or any written law.

- (4) A member shall be considered to have breached the powers and the privileges of the House if:
 - a) He or she conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of the House, or of the Member or to be contrary to the best interests of the House or its Members or
 - b) The Member contravenes a provision of the national legislation providing for powers, privileges and immunities of County Assemblies, their committees and members enacted by Parliament pursuant to Article 196(3) of the Constitution of Kenya.
- (5) The Committee of Powers and Privileges shall, either on its own motion or as a result of a complaint made by, any person; inquire into the conduct of a Member whose conduct is alleged to constitute a breach of privilege, within fourteen days of receipt of a complaint.
- (6) The Committee of Powers and Privileges shall, within fourteen days of the conclusion of an inquiry, table its findings in the House together with such recommendations as it considers appropriate.
- (7) The House shall consider the report and the recommendations thereon and take such actions against the member concerned as may be appropriate.
- (8) The Speaker shall, with the help of the Committee of Powers and Privileges, enforce the Leadership and Integrity Code under Section 37 of the Leadership and Integrity Act.
- (9) Pursuant to the Constitution, any other written laws and this Standing Orders, the Committee on Powers and Privileges may, in addition to any other penalty to which the member is liable

under this Act or any other law, impose any or more of the following penalties-

- i. a formal warning;
- ii. a reprimand;
- iii. an order to apologize to the county assembly or a person in a manner to be recommended by the Committee of Powers and Privileges;
- iv. the withholding, for a specific period of time , of the members rights to the use or enjoyment of any specific facility provided to Members by the County Assembly;
- v. the removal or suspension for a specified period of time of the Member from any Assembly position occupied by the Member;
- vi. such fines in terms of the member’s monthly salary or allowances as the Committee may determine, that shall be paid into the bank account of the Assembly or be deducted from the members salary and allowances;
- vii. the suspension of the member for such period as the Committee on Powers and Privileges may decide, whether or not the Assembly or any of its Committees is scheduled to meet during that period; and
- viii. vacation of seat pursuant to Article 75 (2) (b) and Article 194 (1)(c) of the Constitution.

STANDING ORDER 195

THAT, Standing Order 195 (1) be amended by deleting the word **“thirteen”** and substituting thereof with the **word “seventeen”**

STANDING ORDER 210

THAT, Standing Order 210 (1) be amended by deleting the words **“section 117 of the County Governments Act”** and substituting therefore the words **“section 117 of the Public Finance Management Act”**

NEW STANDING ORDER ON PROCEDURE FOR APPROVAL OF THE COUNTY INTEGRATED DEVELOPMENT PLAN (CIDP)

Chairman: I propose that a new standing Order on approval of the County Integrated Development Plan be inserted to read

- (1) Pursuant to the provisions of section 126 of the Public Finance Management Act, the County Executive Committee member responsible for Planning shall at least once in every five years, prepare and submit to the Assembly, the draft County Integrated Development Plan.
- (2) The Speaker shall cause the draft County Integrated Development Plan to be laid before the County Assembly.
- (3) Upon being laid before the Assembly, the County Integrated Development Plan shall be deemed to have been committed to each Sectoral Committee without question put, for each such committee to deliberate upon according to their respective mandates and, within twenty one days, submit their views to the Finance and Economic Planning Committee.
- (4) The Finance and Economic Planning Committee shall consider and review the County Integrated Development Plan and make recommendations to the Assembly, taking into account the views of the Sectoral Committees, the views of the Executive Committee Member in charge of Planning and views of the public.
- (5) The approval by the Assembly of the motion on the report of the relevant Committee on the County Integrated Development Plan shall constitute the County Assembly Resolution setting forth the planned priorities for the period.
- (6) Within ninety days following the submission of the County Integrated Development Plan by the Executive Committee Member in charge of Planning, the Assembly shall consider and may, by resolution, adopt the County Integrated Development Plan with or without amendments.
- (7) The Clerk shall, within seven days of the approval of the County Integrated Development Plan, forward the resolution, including any amendments made by the Assembly to the Executive Committee Member in charge of Planning for publishing.

Amending the County Integrated Development Plan

- (1) A proposed amendment to the County Integrated Development Plan, including a proposed amendment by a resident of Murang'a County may be submitted by way of a memorandum addressed to the Assembly.
- (2) Following the submission of a proposal to amend the County Integrated Development Plan, the Clerk shall forward the proposal to the Finance and Economic Planning Committee of the County Assembly.
- (3) The consideration in the Assembly of a proposal to amend the County Integrated Development Plan shall, in addition to complying with the requirements set out under section 112 of the County Governments Act, follow the procedure for considering a draft County Integrated Development Plan under Standing Order 241 (Procedure for approval of the County Integrated Development Plan) delete

Despite paragraph (1), a proposal to amend the County Integrated Development Plan shall be committed only to the relevant sectoral committee.

STANDING ORDER 223

THAT, Standing Order 223 be amended by Inserting the words “**of the**” between the word “**officers**” and “**Assembly**” in order to read

(2) Paragraph (1) does not apply to the Clerk or other officers of the Assembly when discharging their duties in the service of the Assembly.

SECOND SCHEDULE

THAT the second schedule on Sectoral Committees be amended as follows;

- a) **THAT**, the words “**Social Welfare**” be deleted from the Committee on **Governance, Labour and Social Welfare and Justice and Legal Affairs in order to read;**

“Governance, Labour and Justice and Legal Affairs”

- b) **THAT**, the words **gender, culture, Social Welfare and Sport** be deleted from the Governance, Labour and Justice and Legal Affairs Committee mandate mandate and **transfer** them to the **Youth, Culture and Social Services Committee.**
- c) **THAT**, the Youth, Culture & Social Services Committee be renamed to read

“Youth, Culture, Gender, Social Services and Sports Committee.

STANDING ORDER 2

THAT, Standing Order 2 be amended by amending the definition of **Precincts of Assembly** in order to read;

“Precincts of Assembly” includes the chamber of the Assembly, every part of the buildings in which the chambers are situated, the offices of Assembly, the galleries and places provided for the use and accommodation of Members of Assembly, members of the public and representatives of the Press and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of Assembly; where the House or any Committee of the Assembly convenes outside the premises ordinarily used for its sittings, this Standing Orders shall apply in the same manner as if the premises where the House is sitting or any Committee of the Assembly were within the precincts of the Assembly:

STANDING ORDER 1

THAT, the Standing Order 1 be amended by breaking down the long continuous sentence to read as follows;

1. (1) *In all cases not where matters are not expressly provided for by this Standing Orders or by other Orders of the Assembly, any procedural question shall be decided by the Speaker.*

(2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law, the usages, forms, precedents, customs, procedures and traditions of the Assembly, the Senate, the National Parliament and legislative assemblies from other jurisdictions in view of the constitutional principles, the practices in other parliaments in so far as the same may be applicable to this Assembly.

PRAYER

THAT, the Prayer be amended;

- a) In the first paragraph by inserting the words **“County and this”** immediately before **“Republic”**.
- b) By inserting the words **“County and this”** immediately before **“Country”** in the second paragraph.

* Denotes Orders of the Day
