



**Third Assembly
(N0.020)**

**Third Session
(020)**

THE COUNTY ASSEMBLY OF BOMET
THIRD ASSEMBLY – (THIRD SESSION)
VOTES AND PROCEEDINGS

WEDNESDAY, 20TH MARCH 2023 AT 9.30 A.M

1) The Assembly was assembled at Thirty Minutes past Nine O'clock.

2) The proceedings were opened with prayer.

3) **PRESIDING:** - Speaker

4) **MEMBERS PRESENT**

1. Hon. Cosmas Korir- Speaker

2. Hon. Robert Langat

3. Hon. Richard Rutoh

4. Hon. Monica Manyei

5. Hon. Rosaline Cheptoo

6. Hon. Peter Mutai

7. Hon. Peter Ronoh

8. Hon. Joseah Samoei

9. Hon. Nathan Kibet

10. Hon. Charles Langat

11. Hon. Wesley Kiprotich

12. Hon. Caroline Chelangat

13. Hon. Paul Kirui

14. Hon. Peter Langat

15. Hon. Evaline Sang

16. Hon. Philip Korir

17. Hon. Dancel Kirui

18. Hon. Lily Cherotich

19. Hon. Olivia Koskei

20. Hon. Dennis Busienei

21. Hon. Japhet Cheruiyot

22. Hon. Kipkirui Josphat

23. Hon. Eric Kirui

24. Hon. Anne Chepkemai

25. Hon. Emily Cheruiyot

26. Hon. Naomi Chemutai

27. Hon. Leonard Rotich

MEMBERS ABSENT

1. Hon. Victor Rop
2. Hon. Benard Rotich
3. Hon. Vincent Mutai
4. Hon Ernest Rotich
5. Hon. Kibet Ngetich
6. Hon. Catherine Chepngetich
7. Hon. Stephen Changmorik
8. Hon. Evaline Mibei
9. Hon. Felody Chepkirui
10. Hon. Benard Langat
11. Hon. Caren Cherono
12. Hon. Dennis Kiplangat

5) **COMMUNICATION FROM THE CHAIR**

The Hon. Speaker made the following communications: -

(i) Members participation during the presidential function

The Hon. Speaker thanked the Hon. Members for their participation during the recent presidential development tour which was held in various wards within the County.

(ii) Visiting students

The Hon. Speaker recognized the presence of pupils and teachers of Mercy Boarding Junior Academy Sotik sub-county, in the public gallery who were on academic visit.

(iii) Procedure on Amendments of Standing Orders

Amendment of the Standing Orders is provided for in Part XXVII of the Standing Orders. Standing Order 247 provides that the County Assembly Business and Rules Committee may at any time propose amendments to these Standing Orders. This provision gives power to the County Assembly Business and Rules Committee to propose amendments to Standing Orders on its own motion at any time.

Standing Order 248 provides for amendment of the Standing Orders on the initiative of a member. The Standing order provides that a Member may, with the support of at least two other Members, request the County Assembly Business and Rules Committee to consider an amendment to the Standing Orders. Paragraph (2) provides that a request under paragraph (1) shall be in writing and shall-

- (a) contain the text of the proposed amendment and the justification for the proposal;
- (b) contain the names and signatures of the Members supporting the request;
- (c) be lodged with the Speaker.

It is imperative that the text of the proposed amendment contains the justification for the proposal and the names and signatures of at least two members supporting the request and the same be lodged with the Speaker. What is not clear in the provision is whether the request is lodged with the Speaker at the floor of the County Assembly or in his office but the bottom line is it must be lodged with the Speaker anyway.

Standing Order 248(3) provides that the Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly Business and Rules Committee.

The County Assembly Business and Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the County Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.

Standing Order 248(5) provides that the County Assembly shall consider the proposed amendments to the Standing Orders as reported from the County Assembly Business and Rules Committee on a Motion that “The report of the County Assembly Business and Rules Committee be approved”.

The Standing Orders have prescribed the manner in which the report of the County Assembly Business and Rules Committee shall be considered through a motion that, ***“The report of the County Assembly Business and Rules Committee be approved”***. It is expected that the County Assembly Business and Rules Committee considers the proposed amendments to the Standing orders the same way the Committee of the whole County Assembly considers a bill at the committee stage. That is the reason why the County assembly is expected to consider “the proposed amendments to the Standing Orders as **reported** from the County Assembly Business and Rules Committee”. That is the reason why Standing Order 248(6) provides that Standing Order 141 on the Procedure on Bills reported from Committee of the Whole County Assembly shall apply to a Motion to approve the report of the County Assembly Business and Rules Committee.

Standing Order 141 on the *Procedure on Bills Reported from the Committee of the Whole County Assembly* provides that

- “(1) When a Bill has been reported from a Committee of the whole County Assembly, the County Assembly shall consider the Bill as reported upon a Motion “That the County Assembly do agree with the Committee in the said report”.
- (2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.
- (3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words “subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the whole County Assembly”, and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the County Assembly shall either forthwith or upon a day named by the County Assembly Business and Rules Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re- committed.

It is therefore my considered opinion that the Motion to consider the report of the County Assembly Business and Rules Committee on the proposed amendments to the standing orders should be put forthwith and no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in the report, or to introduce a new provision in the report.

If a member so wishes to delete or amend any provision contained in the report, or to introduce a new provision in the report under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph(1), the words “**subject to the re-committal of the report (in respect of some specified part or of some proposed new paragraphs) to the County Assembly Business and Rules Committee**”, and if that Motion is agreed to with such an amendment, the report shall stand so re-committed and the County Assembly shall either forthwith or upon a day named by the County Assembly Business and Rules Committee in consultation with the Member in charge of the report dissolve itself into a Committee to consider the matters so re-committed.

The report therefore need not be subjected to the Committee of the Whole County Assembly because the consideration of the proposed amendments by the County Assembly Business and Rules Committee is equated to that of the Committee of the Whole Assembly. If any member so wishes to amend, delete or introduce any new provision to the report he has to amend the motion for the approval of the report for the report to be re-committed to the County Assembly Business and Rules Committee to consider the matters so re-committed.

Periodic Review of the Standing Orders

Standing Order 249 provides that at least once in every term of County Assembly, not later than six months to the end of the term, the County Assembly Business and Rules Committee shall review the Standing Orders and make a report to the County Assembly recommending the Standing Orders, if any, to be amended.

Coming into effect of the Amendments

Standing Order 250(2) provides that the amendments to the Standing Orders proposed shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly. It is therefore the County Assembly that appoints time for commencement of the amendments.

6) MOTION (Report of the County Assembly Business and Rules Committee on Amendments to Standing Orders, Hon. Leonard Rotich- Deputy Speaker)

THAT, Pursuant to Standing Order 248(5) of the County Assembly Standing Orders, the Report of the County Assembly Business and Rules Committee on the amendments to the County Assembly Standing Orders laid on the Table of the County Assembly on 13th March, 2024 be approved.

(Resumption of business interrupted on 14th March, 2024 at 2.30 p.m.)

The following rose to oppose: -

1. Hon. Peter Ronoh

The following rose to support: -

1. Hon. Rosaline Cheptoo
2. Hon. Richard Rutoh
3. Hon. Peter Langat
4. Hon. Josphat Kipkirui
5. Hon. Dennis Busienei
6. Hon. Ernest Rotich
7. Hon. Peter Mutai
8. Hon. Wesley Kiprotich

The mover was given right of reply.

The question was put and agreed to.

7) ADJOURNMENT

The Assembly was adjourned to Wednesday, 20th March, 2024 at 2.30 p.m.

8) ASSEMBLY ROSE - at 1030 Hours.