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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE CONSIDERATION OF THE COUNTY PRINTER BILL (SENATE BILL NO.
4 OF 2014)

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

FEBRUARY, 2017

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2014

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CHAIRPERSON'S FOREWORD

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Office of the County Printer Bill (Senate Bill No. 4 of 2014)

The Office of the County Printer Bill (Senate Bill No. 4 of 2014) was passed by the Senate with amendments on Tuesday 22nd March, 2016 and communicated to the National Assembly for consideration. The National Assembly subsequently committed the Bill to the Committee pursuant to the provisions of Standing Order 41; it is on the basis of this that the Committee makes this Report.

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate. Thanks go to all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

The Hon. Asman Kamama, MGH, OGW, MP
Chairperson Departmental Committee Administration and National Security

EXECUTIVE SUMMARY

The Office of the County Printer Bill (Senate Bill No. 4 of 2014) establishes the office of the County Printer in every county as well as to set out the functions of the County printer. The Bill seeks to ensure that the printing and publication of the county gazette is done in every county.

The Committee scrutinized the Bill in two meetings held on Tuesday 21st June, 2016 and Wednesday 14th September, 2016. The Committee also sought the advice of Parliamentary Budget Office on whether the Bill is a money Bill or not. The Parliamentary Budget Office in written submissions to the Committee advised that the Bill is a money Bill as defined in Article 114 of the Constitution. Further the Committee observed that Article 109 (5) of the Constitution provide that " a Bill may be introduced by any member or Committee of the relevant House of Parliament but a Money Bill may be introduced only in the National Assembly in accordance with Article 114". Therefore the Committee recommends that the National Assembly should not proceed with the process of concurrence on the Bill.

1.0 PREFACE

The Office of the County Printer Bill (Senate Bill No. 4 of 2014) was passed by the Senate with amendments on Tuesday 22nd March, 2016 and communicated to the National Assembly for consideration. The National Assembly subsequently committed the Bill to the Departmental Committee on Administration and National Security pursuant to the provisions of Standing Order 41.

1.1 Mandate of the Committee

The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi) study and review all legislation referred to it

1.2 Committee subjects

The Committee is mandated to consider the following subjects:-

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service

- v. Prisons
- vi. Immigration
- vii. Management of natural disasters

1.3 Oversight

In executing its mandate, the Committee oversees the following Government Departments and Agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government
- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

1.4 Committee Membership

Chairperson The Hon. Asman Kamama, MGH, OGW, MP

Vice Chairperson The Hon. Alois M. Lentoimaga, MP

The Hon. Joseph Lekuton, MP

The Hon. Alice Wahome, MP

The Hon. Zakayo K. Cheruiyot, MP

The Hon. Timothy W. Wetangula, MP

The Hon. Patrick Ole Ntutu, MP

The Hon. Ali Isaack Shaaban, MP

The Hon. Samuel Moroto, MP

The Hon. (Dr.) Humphrey Njuguna, MP

The Hon. Francis K. Mwangangi, MP

The Hon. Rashid J. Bedzimba, MP

The Hon. David Gikaria, MP

The Hon. Mohamed Shidiye, MP

The Hon. Jane Machira, MP

The Hon. Ibrahim Abdi Saney, MP

The Hon. Joseph O. Ndiege, MP

The Hon Charles Nyamai, MP

The Hon. Wanjiku Muhia, MP

The Hon (Dr.) Makali Mulu

The Hon. Akuja Protus Ewesit, MP

The Hon. Joseph M. Kahangara, MP

The Hon. Fatuma Ibrahim Ali, MP

The Hon. Grace Kiptui, MP

The Hon. George Theuri, MP

The Hon. James Bett, MP

The Hon. Benard Shinali, MP

The Hon. Peter Kaluma, MP

The Hon. James Opiyo Wandayi, MP

Committee Secretariat

Clerk Assistant I	Mr. Leonard Machira
Clerk Assistant II	Ms. Rose M. Wanjohi
Third Clerk Assistant	Ms. Hellen Lokwang
Legal Counsel II	Ms. Christine Odhiambo
Researcher III	Ms. Fiona Musili
Fiscal Analyst III	Mr. Edison Odhiambo

1.5 Committee Observations

The Committee observed that

- i. The Bill is a Money Bill as per Article 109(5) of the Constitution which stipulates that a “ A Bill may be introduced by any member or committee of the relevant House of Parliament, but a Money Bill may be introduced only in the National Assembly in accordance with Article 114”.
- ii. The function of the Government Printer is not a devolved function as stipulated in the Fourth schedule of the Constitution.

1.6 Committee Recommendation

The Committee having considered the Office of the County Printer Bill (Senate Bill No. 4 of 2014) recommends that the National Assembly should not proceed with the process of concurrence on the Bill. Since the Bill is not procedurally before the National Assembly and constitutional questions may arise if the process of concurrence on the Bill continues.

2.0 INTRODUCTION

The Office of the County Printer Bill (Senate Bill No. 4 of 2014) establishes the office of the County Printer in every county as well as to set out the functions of the county printer. The Bill seeks to ensure that the printing and publication of the County gazette is done in every county.

The Bill provides that the office of the County printer shall be headed by a County printer to be recruited and appointed by the County public service board and shall have a given number of staff to assist in the execution of the functions of the office.

2.1 Analysis of the Bill

Clause 1 provides the short title of the Bill.

Clause 2 provides for the interpretation of various terms as used in the Bill.

Clause 3 provides the objects of the Bill, which are to establish the office of the County printer and to provide for the publication of a County gazette in each county.

Clause 4 provides for the establishment of the office of the County printer as an office under the County executive committee member responsible for matters relating to information.

Clause 5 provides that the main function of the office of the County printer shall be the printing and publication of the county gazette, as well as to advise the County executive and the County assembly on all matters pertaining to the printing and publication of documents.

Clause 6 prescribes that the County printer shall coordinate and liaise with the Government printer to ensure that there is no duplication in the printing and publication of documents.

Clause 7 provides that there shall be no advertisement for any private firm in the County gazette.

Clause 8 provides that the County gazette shall be published at least once every week, but a special issue of the county gazette shall be published at any time on the request of an authorized officer.

Clause 9 provides for the recruitment of the County printer by the County Public Service Board. It also sets out the qualifications for appointment as a County printer as well as the duties of the County printer.

Clause 10 provides for the appointment of staff in the office of the County printer.

Clause 11 provides that the Bill is not a Money Bill.

Clause 12 gives the County executive committee the power to make regulations for the better carrying into effect of the provisions of the Bill.

3.0 SUBMISSIONS AND EVIDENCE

3.1 Parliamentary Budget Office evaluation of the Bill

The Committee in a meeting held on Tuesday 21st June, 2016 resolved to forward the Bill to the Parliamentary Budget Office for determination on whether it is a Money Bill. Parliamentary Budget Office in its written submissions to the Committee dated Wednesday 7th September, 2016 observed that currently the National and County Governments' gazettee and other documents are printed by the Government Printer. The two entities pay for the printing services and the proceeds from the sale of the services are deposited in the Government Printer Fund. In addition the office of the Government printer is allocated money by the exchequer for recurrent expenditure. The establishment of the office of the County Printer would imply an additional function to the County Governments since resources correspond to allocated functions. The Counties would require additional funds which will lead to a charge against nationally raised revenue in line with Article 114 (3) (b) and (c) of the Constitution.

Therefore the Parliamentary Budget Office advised that the Office of the County Printer Bill (Senate Bill No. 4 of 2014) is a Money Bill and may only proceed as contemplated in the Constitution and relevant Standing Orders.

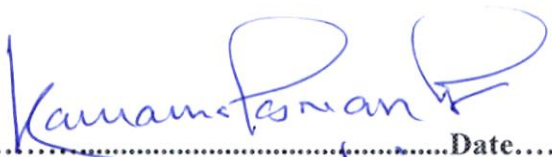
4.0 COMMITTEE'S CONSIDERATION OF THE COUNTY ASSEMBLY SERVICES BILL, (SENATE BILL NO. 27 OF 2014)

The Committee deliberated on the Bill and made the following observations:-

- iii. The Bill is a Money Bill as per Article 109(5) of the Constitution which stipulates that a "A Bill may be introduced by any member or committee of the relevant House of Parliament, but a Money Bill may be introduced only in the National Assembly in accordance with Article 114". The Bill is a money Bill as provided for in the Article 114 of the Constitution since the establishment of the County Printer will make provision for a matter listed in the definition of "a money Bill";
- iv. Article 186(3) of the Constitution stipulates that "A function or power not assigned by this Constitution or National legislation to a County is a function or power of the National Government; and
- v. The function of the Government Printer is not a devolved function as stipulated in the Fourth schedule of the Constitution.

5.0 COMMITTEE RECOMMENDATION

The Committee having considered the Office of the County Printer Bill (Senate Bill No. 4 of 2014) recommends that the National Assembly should not proceed with the process of concurrence on the Bill. Since the Bill is not procedurally before the National Assembly and constitutional questions may arise if the process of concurrence on the Bill continues.

Signed..........Date.....28/02/2017.....

The Hon. Asman Kamama, MGH, OGW, MP
Chairperson Departmental Committee Administration and National Security



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 42 of 2014)

THE OFFICE OF THE COUNTY PRINTER BILL,
2014

(A Bill published in the Kenya *Gazette* Supplement No. 158 of 14th November, 2014 and passed by the Senate, with amendments, on Tuesday, 22nd March, 2016.)

OFFICE OF THE COUNTY PRINTER BILL, 2014

ARRANGEMENT OF CLAUSES

Clauses

PART I – PRELIMINARY

- 1 — Short title.
- 2 — Interpretation.
- 3 — Objects and purposes.

PART II – ESTABLISHMENT OF THE OFFICE OF THE COUNTY PRINTER

- 4 — Establishment of the office.
- 5 — Functions of the office.
- 6 — Coordination and liaison with the office of the government printer.
- 7 — Prohibition of advertisements in county *Gazette*.
- 8 — Frequency of publishing county *Gazette*.
- 9 — The county printer.

PART III- MISCELLANEOUS PROVISIONS

- 10 — Staff of the office of the county printer
- 11 - Non-money Bill status.
- 12 — Regulations.

OFFICE OF THE COUNTY PRINTER BILL, 2014

A Bill for

AN ACT of Parliament to establish the office of the county printer in each county; to provide for the functions, mandate, management and administration of the office; and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

Short title. 1. This Act may be cited as the Office of the County Printer Act, 2014.

Interpretation. 2. In this Act, unless the context otherwise requires—

“authorized officer” means —

- (a) a governor of a county;
- (b) a speaker of a county assembly;
- (c) a county executive committee member; and
- (d) the chairperson or secretary of an independent board, commission, committee or other body established by law in a county;

“county executive committee member” means the county executive committee member responsible for matters relating to information;

“county *gazette*” means a *gazette* published by the authority of a county government or a supplement to such *gazette*;

“document” means any official proclamation or executive order and includes Bills, Acts, orders, regulations, rules or similar instruments that are issued, prescribed or promulgated by an authorized

officer; and

“office” means the office of the county printer established under section 4.

Objects and purposes.

3. The objects and purposes of this Act are to —
- (a) provide for the establishment of the office of the county printer in each county; and
 - (b) provide for the printing and publication of a county *gazette* in each county.

PART II—ESTABLISHMENT OF THE OFFICE OF THE COUNTY PRINTER

Establishment of the office.

4. (1) There is established, in each county, the office of the county printer.

(2) The office shall be an office in the office of the county executive committee member.

Functions of the office.

5. The office of the county printer shall be responsible for the printing and publication of the county *gazette* and shall-

- (a) publish in the county *gazette* such documents as are approved by an authorized officer within seven days of such authorization;
- (b) advise the county executive and the county assembly on all matters pertaining to printing and publication of documents;
- (c) enter into such partnerships and collaborations with other public sector or private sector printing offices as are necessary for the proper execution of its functions under this Act; and
- (d) perform any other function as may be necessary for the proper execution of its mandate under this Act.

Coordination and liaison with

6. In performing its functions under section 5, the office of the county printer shall coordinate and liaise with the office of the

the office of the government printer.

government printer and shall ensure that there is no duplication in the printing and publication of documents.

Prohibition of advertisement in the county Gazette.

7. No publication of a county *Gazette* shall contain any advertisement inserted by or for any private individual, firm, or corporation or contain any information or material which implies in any manner that the county government endorses or favours any specific commercial product, commodity or service.

Frequency of publishing county Gazette.

8. (1) The county printer shall publish the county *Gazette* at least once in every week.

(2) The county printer shall publish a special issue of the county *gazette* on the request of an authorized officer at any other time as may be required.

(3) For purposes of subsection (1), the county printer may publish an electronic version of the *gazette* and such version shall have the same effect as a physical version of the *gazette*.

(4) The county printer shall make available issues of the *gazette* to the National Council for Law Reporting.

The county printer.

9. (1) The office of the county printer shall be headed by a county printer.

(2) The county printer shall be competitively recruited and appointed by the county public service board.

(3) A person shall be appointed as a county printer if the person —

- (a) is the holder of a university degree in a course relevant to matters of printing and publishing from a university recognized in Kenya;
- (b) has knowledge and experience of at least five years in the relevant field; and
- (c) satisfies the requirement of Chapter Six of the Constitution.

(4) The county printer shall be the overall head of the office of the county printer and shall be responsible for the—

- (a) day to day running and operation of the office;
- (b) administration, organization and control of staff of the office;
- (c) management of funds, property and affairs held by the office;
- (d) implementation of policies and programmes of the office and reporting thereon to the county executive committee member;
- (e) development of operational plans for achieving the objectives of the office; and
- (f) performance of any other function necessary for the implementation of this Act or as may be assigned by any other written law.

Staff of the office of the county printer.

10. The county public service board shall, in consultation with the county secretary, appoint such number of staff as may be necessary for the proper execution of the functions of the office under this Act.

PART III—MISCELLANEOUS PROVISIONS

Non-money Bill status.

11. (1) For the avoidance of doubt, nothing in this Act may be construed as providing for or dealing with —

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its

It's a money Bill

repayment; or

(e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from —

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the county assembly for defraying the expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

Regulations.

12. Subject to the provisions of this Act, the county executive committee member may, with the approval of the county assembly, make such Regulations as may be necessary to give full effect to the provisions of this Act.

Office of the County Printer Bill, 2014

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 22nd March, 2016.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 147 of the Senate Standing Orders.


Speaker of the Senate

APPENDIX I

Minutes

MINUTES OF THE 61ST SITTING OF DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON WEDNESDAY 14TH SEPTEMBER, 2016 IN THE BAOBAB CONFERENCE ROOM, SERENA BEACH HOTEL AT 10:00 AM

PRESENT:

- | | |
|--|----------------------------|
| 1. The Hon. Asman Kamama, MGH, OGW, MP - | Chairperson |
| 2. The Hon. Alois M. Lentiomaga, MP | - Vice- Chairperson |
| 3. The Hon. Alice Wahome, MP | |
| 4. The Hon. David Gikaria, MP | |
| 5. The Hon. Zakayo K. Cheruiyot, MP | |
| 6. The Hon. George Theuri, MP | |
| 7. The Hon. Charles Nyamai, MP | |
| 8. The Hon. Akuja Protus Ewesit, MP | |
| 9. The Hon. James Bett, MP | |
| 10. The Hon. Timothy W. Wetangula, MP | |
| 11. The Hon. (Dr.) Makali Mulu, MP | |
| 12. The Hon. Francis K. Mwangangi, MP | |
| 13. The Hon. (Dr.) Humphrey Njuguna, MP | |
| 14. The Hon. (Maj. Rtd) John K. Waluke, MP | |
| 15. The Hon. Grace Kiptui, MP | |
| 16. The Hon. Bernard Shinali, MP | |
| 17. The Hon. Fatuma Ibrahim Ali, MP | |
| 18. The Hon. Joseph Lekuton, MP | |

APOLOGIES

1. The Hon. Ababu Namwamba, EGH, MP
2. The Hon. Joseph O. Ndiege, MP
3. The Hon. Joseph Kahangara, MP
4. The Hon. Patrick Ole Ntutu, MP
5. The Hon. Wanjiku Muhia, MP
6. The Hon. Mohamed Shidiye, MP
7. The Hon. Shabaan Ali Isaack, MP
8. The Hon. Jane Machira,
9. The Hon. Samuel Moroto, MP
10. The Hon. Rashid J. Bedzimba, MP
11. The Hon. Ibrahim Abdi Saney, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

- | | | |
|---------------------------|---|---------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Ms. Rose Wanjohi | - | Clerk Assistant II |
| 3. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 4. Ms. Christine Odhiambo | - | Legal Counsel II |

MIN.NO.280/ANS/2016: PRELIMINARIES

The Chairperson called the meeting to order at half past ten o'clock. A prayer was said.

MIN.NO. /ANS/2016: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN.NO.281 /ANS/2016: ADOPTION OF REPORT ON A PETITION BY HON. SUNJEEV K. BIRDI, MP ON BEHALF OF CONCERNED IMMIGRANTS RESIDING IN KENYA REGARDING THE DELAYED ISSUANCE OF CITIZENSHIP

The Committee unanimously adopted the report on a petition by Hon. Sunjeev K. Birdi, MP on behalf of concerned immigrants residing in Kenya regarding the delayed issuance of citizenship as proposed by Hon. Alice Wahome, MP and seconded by Hon. (Dr.) MakaliMulu, MP.

Committee Observation

The Committee observed that the determination of applications for citizenship should be digitized to reduce avenues of corruption and delays.

Committee Recommendations

The Committee recommended that:-

1. The Ministry of Interior and Interior and Coordination of National Government should digitize the processing of acquisition of citizenship applications to enable applicants track the status of their applications and reduce systemic corruption.
2. The Ministry of Interior and Coordination of National Government should amend the Kenya Citizenship and Immigration Regulations, 2012 to provide for transparency, accountability and a timeframe for determination of applications for citizenship.
3. The Ministry of Interior and Coordination of National Government should within sixty days submit a comprehensive response on the status of the applications for Kenyan citizenship of 45 applicants as contained in a list submitted to the Committee by the petitioners and forwarded to the Cabinet Secretary.

MIN. NO.282ANS/2016: ADOPTION OF A REPORT ON A PETITION BY HON. KIMANI ICHUNG'WAH, MP ON BEHALF OF RESIDENTS OF KIKUYU CONSTITUENCY REGARDING THE ALLEGED RE-EMERGENCE OF MILITIA AND MUNGIKI IN KIAMBU COUNTY

The Committee after reviewing evidence submitted and the report of the security meeting between the Cabinet Secretary for Interior and the elected leaders from Kiambu County held on 27th July, 2016, observed that :-

1. It appears that the matter of insecurity and emergence of militia in the County was not strongly presented or articulated to the Cabinet secretary by the elected leaders;
2. The issues relating to the unrest at Madaraka market were pending before the High Court in Petition No. 529 of 2015, Petition No. 569 of 2015 and Petition No. 42 of 2015. The issue that a militia group attacked two Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at the in the presence of Administration police officers was also pending in court in criminal case No. 1079/16. Therefore provisions of Standing Order 89 on the sub judge rule apply.
3. Although the government and residents of Kiambu County had invested resources in the construction of police stations and posts, police officers were engaged in other subsidiary duties during day time such as cash escort. Thus adversely affecting provision of security to the residents.
4. The reported re - emergence of militia groups in the Country, particularly in Kiambu, Nakuru and Nairobi Counties would compromise security. Therefore there is need for security agencies to contain the situation to ensure public safety.
5. Kibichoi police station in Githunguri Sub – County which also services parts of Juja Sub – County had no police vehicle.

In response to the prayers by the petitioners, the Committee recommended that:-

1. The issues relating to the unrest at Madaraka market in Thika town are pending before the High Court in petition No. 529 of 2015, petition No. 569 of 2015 and petition No. 42 of 2015. Therefore the provisions of Standing Order 89 on the sub judge rule apply.
2. The Government should urgently investigate the re - emergence of militia groups in the Country, particularly in Kiambu, Nakuru and Nairobi Counties with a view to dealing with the issue firmly and conclusively.
3. The Government should urgently establish a police station in Kagwe, Lari Sub County and upgrade Juja farm, Kalamaini, Mungai inn and Theta (Ha Mundia) police posts into police stations. It should also establish police posts in Kimuchu, Athi Zone T and Ma-arce.
4. The National Police Service urgently should deploy more officers to Nazareth and Redhill Administration Police posts in Kiambu County.
5. The Directorate of Criminal Investigations should ensure that leaders found culpable of funding illegal gangs should be investigated and prosecuted to ensure that peace prevailed in the County particularly during the 2017 general elections period.
6. The National Police Service should ensure that police officers are engaged in their core function of protecting citizens and maintaining law and order by limiting engagement in other subsidiary duties such as cash escort and guarding private business.
7. The Government should allocate a police vehicle to Kibichoi police station in Githunguri Sub – County.

The Committee unanimously adopted the report as proposed by Hon. Francis Mwangangi, MP and seconded by Hon. Charles Nyamai, MP.

MIN.NO. 283ANS/2016: CONSIDERATION AND ADOPTION OF A DRAFT REPORT OF THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 4 OF 2014)

The Committee noted that the Parliamentary Budget Office in its evaluation of the Office of the County Printer Bill (Senate Bill No. 4 of 2014) indicated that both the National and County Governments pay for their documents to be printed by the Government Printer, the proceeds of which are deposited in the Government Printer Fund. Further the Government Printer is allocated funds from the exchequer. Establishment of the Office of the County Printer will lead to loss of business to the Government Printer. Therefore the proposal to establish these offices also involve an additional function to the County Government and since resources follow functions counties may require additional functions which will lead to a charge against nationally raised revenue.

The Committee was also informed that following the assessment of the key provisions of the Bill, the Parliamentary Budget Office advised that the Office of the County Printer (Senate Bill No.4 of 2014) is a "Money Bill".

Committee Observation

The Committee observed that the Office of the County Printer (Senate Bill No. 4 of 2014) is a "Money Bill" as envisaged by Article 114 of the Constitution and is thus un-procedurally before the Committee for consideration.

Committee Recommendation

The Committee recommends that the National Assembly does not proceed with the process of concurrence on the Bill since constitutional questions may arise if the process continues.

The Committee unanimously adopted the report as proposed by Hon. (Dr.) Humphrey Njuguna, MP and seconded by Hon. Fatuma Ibrahim Ali, MP.

MIN NO.284 ANS/2016: CONSIDERATION OF THE COUNTY HALL OF FAME BILL, 2014(SENATE NO. 33 OF 2014)

The Committee ~~was~~ noted that the Parliamentary Budget Office in its evaluation of the legislative proposal observed that the proposal wishes to establish a County Hall of Fame in each county as an avenue through which the County Governments shall bestow honor on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity.

The Parliamentary Budget Office further observed that the 47 county governments may erect a plaque or collect memorabilia in honour of the honorees. It is also clear in the Bill that the governor may choose to designate a permanent public site or public building or a part of it according to his choice. Either way it may not have a significant implication to the national budget save for marginal allocation to facilitate such arrangements which might be borne or occasioned within the budget of the relevant county departments such as culture and heritage

or as may be decided. This could also mean prioritization of activities with planned expenditure, in which the department can accommodate the same within the current budget levels.

Clause 22 (2) and (3) provide for the establishment of a fund which shall consist of monies raised through such gifts, grants or donations as may be given or Such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Bill and such other monies that may lawfully accrue in the discharge of the functions under this Bill, not being monies accruing pursuant to Article 114 of the Constitution.

In this context 'gifts, grants or donations' may be implied to mean gift, grants or donations given to county governments but at the same time it is therefore open to various interpretations because of its silence on the unspecified gifts, grants or donations. Further, the Bill states that the National Assembly shall in future provide for defraying the expenses incurred in the implementation of the Bill. The Bill therefore does constitute a charge on the public fund according to Article 114 of the Constitution.

After evaluation of the key provisions of the amendment Bill, the Parliamentary Budget Office stated that the Bill is 'Money Bill'

Committee Observation

The Committee observed that the County Hall Bill, 2014 Fame (Senate Bill No. 33 of 2014) is a "Money Bill" as envisaged by Article 114 of the Constitution and is thus un-procedurally before the Committee for consideration.

Committee Recommendation

The Committee recommended that the National Assembly does not proceed with the process of concurrence on the County Hall Bill, 2014 Fame (Senate Bill No. 33 of 2014) since constitutional questions may arise if the process continues.

MIN.NO. 285ANS/2016: ANY OTHER BUSINESS

The Chairman informed the Committee that a sub-committee had been formed to undertake a site visit to Laikipia County from Tuesday 27th September, 2016 to Friday 30th September, 2016 to consider a petition by Hon. Christopher Doye Nakuleu MP on behalf of Laikipia Turkana Council of Elders on alleged discrimination of members of the Turkana community in issuance of National Identification cards in Laikipia County. The following members were nominated to form the sub - committee:-

1. The Hon. (Dr.) Makali Mulu, MP- Delegation Chairman
2. The Hon. Alice Wahome, MP
3. The Hon. Charles Nyamai, MP
4. The Hon. James Bett, MP MP
5. The Hon. Francis K. Mwangangi, MP
6. The Hon.(Dr.) Humphrey Njuguna, MP
7. The Hon. Jane Machira, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. Bernard Shinali, MP

10. The Hon. Fatuma Ibrahim Ali, MP

MIN.NO. 286ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned half past twelve o'clock until Tuesday 20th September, 2016 at 10:00am.

SIGNED: _____

(CHAIRPERSON)

DATE: _____

22nd Nov 2016

MINUTES OF THE 44TH SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY 21ST JUNE,
2016 IN THE MAIN CHAMBER NATIONAL ASSEMBLY, PARLIAMENT
BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Asman Kamama, MGH,OGW,MP - Chairperson
2. The Hon. Grace Kiptui, MP
3. The Hon. Akuja Protus Ewesit, MP
4. The Hon. Francis K. Mwangangi, MP
5. The Hon. (Dr.) Makali Mulu, MP
6. The Hon. Shabaan Ali Isaack, MP
7. The Hon. Mohamed Shidiye, MP
8. The Hon. Zakayo K. Cheruiyot, MP
9. The Hon. Fatuma Ibrahim Ali, MP
10. The Hon. Charles Nyamai, MP
11. The Hon. Ibrahim Abdi Saney, MP
12. The Hon. Wanjiku Muhia, MP

APOLOGIES

1. The Hon. Alois M. Lentiomaga, MP - Vice- Chairperson
2. The Hon. Ababu Namwamba, EGH, MP
3. The Hon. Joseph Lekuton, MP
4. The Hon. Samuel Moroto, MP
5. The Hon. Alice Wahome, MP
6. The Hon. Joseph Kahangara, MP
7. The Hon. Timothy W. Wetangula, MP
8. The Hon. Bernard Shinali, MP
9. The Hon. Humphrey Njuguna, MP
10. The Hon. James Bett, MP
11. The Hon. Patrick Ole Ntutu, MP

ABSENT

1. The Hon. Jane Machira, MP
2. The Hon. David Gikaria, MP
3. The Hon. (Maj. Rtd.) John K. Waluke, MP
4. The Hon. George Theuri, MP
5. The Hon. Joseph O. Ndiege, MP
6. The Hon. Rashid J. Bedzimba, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

- | | | |
|---------------------------|---|---------------------|
| 1. Ms. Rose Wanjohi | - | Clerk Assistant II |
| 2. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 3. Ms. Christine Odhiambo | - | Legal Counsel II |

MIN.NO.205/ANS/2016: PRELIMINARIES

The Chairperson called the meeting to order at half past ten o'clock. A prayer was said.

MIN.NO.206 /ANS/2016: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting

MIN.NO.207 /ANS/2016: BRIEF ON THE OFFICE OF THE COUNTY PRINTER BILL (SENATE NO. 42 OF 2014)

The Committee was informed that the principal object of the Bill is to establish the office of the County Printer in every county as well as to set out the functions of the county printer. The Bill also seeks to ensure that the printing and publication of the county gazette is done in every county.

Clause 1 provides the short title of the Bill.

Clause 2 provides for the interpretation of various terms as used in the Bill.

Clause 3 provides the objects of the Bill, which are to establish the office of the county printer and to provide for the publication of a county gazette in each county.

Clause 4 provides for the establishment of the office of the county printer as an office under the county executive committee member responsible for matters relating to information.

Clause 5 provides that the main function of the office of the county printer shall be the printing and publication of the county gazette, as well as to advise the county executive and the county assembly on all matters pertaining to the printing and publication of documents.

Clause 6 prescribes that the county printer shall coordinate and liaise with the government printer to ensure that there is no duplication in the printing and publication of documents.

Clause 7 provides that there shall be no advertisement for any private firm in the county gazette.

Clause 8 provides that the county gazette shall be published at least once every week, but a special issue of the county gazette shall be published at any time on the request of an authorized officer.

Clause 9 provides for the recruitment of the county printer by the County Public Service Board. It also sets out the qualifications for appointment as a county printer as well as the duties of the county printer.

Clause 10 provides for the appointment of staff in the office of the county printer.

Clause 11 provides that the Bill is not a money Bill.

Clause 12 gives the county executive committee the power to make regulations for the better carrying into effect of the provisions of the Bill.

Committee Observations

The Committee observed that

- i. The Bill appeared to be a money Bill as per Article 109(5) of the Constitution which stipulates that a "A Bill may be introduced by any member or committee of the relevant House of Parliament, but a money Bill may be introduced only in the National assembly in accordance with article 114". The Bill is a money Bill as provided for in the Article 114 of the constitution since the establishment of the County Printer will require usage of public funds;
- ii. Further in accordance to Article 186(3) of the Constitution "A function or power not assigned by this Constitution or national legislation to a county is a function or power of the National Government; and
- iii. The function of the Government Printer was not a devolved function as stipulated in the fourth schedule of the Constitution.

Committee Recommendation

The Committee recommends that

1. The Bill be forwarded to the Budget and Appropriations Committee for determination on whether it was a money Bill;

MIN.NO.208 ANS/2016: ANY OTHER BUSINESS

The Committee nominated three members to attend the African Public Service Day(APSD) in the Tsavo Boardroom, KICC grounds on Thursday 23rd June 2016 as follows:-

1. Hon. Mohammed Shidiye, MP;
2. Hon. Charles Nyamai, MP; and
3. Hon. Zakayo K. Cheruiyot.

MIN.NO. 209ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:45 pm until Thursday 23rd June, 2016 at 10:00am.

SIGNED: _____

(CHAIRPERSON)

DATE: 15th September 2016

APPENDIX II

Submissions by the Parliamentary Budget Office





PARLIAMENTARY
BUDGET OFFICE

PARLIAMENT OF KENYA

Title of the Proposed Bill; the office of the county printer Bill, 2014

Proposed by: SENATE

Source: Parliamentary Budget Office

Telephone: +254 020 2133074

E-mail: pbo@parliament.go.ke

DETERMINATION

1. Brief Overview of the Bill

The Bill proposes the establishment of an office to be known as the office of the county printer in the forty seven counties.

The office shall be responsible for printing and publication in the county gazette at least once in every week.

The office of the county printer shall be headed by a county printer to be recruited and appointed by the county public service board and shall have a given number of staff to assist in the execution of the functions.

Evaluation

Currently the national and county government gazettes and other documents are published by the government printer which is an office in the state department of Interior. Both the national and county government entities pay for the services rendered. The proceeds from sale of these services are deposited in the government printer fund.

In addition the office is allocated money from the exchequer for current expenditure. The establishment of the county printers means counties will no longer require the services of the government printer thus diverting business leading to a loss in revenue to the office. For this reason, there may be need to increase subventions to the office of the government printer .This is in line with article 114 (3) (b) and (c) of the constitution.

The proposal to establish these offices also involve the an additional function to the county governments and since resources follow functions counties may require additional functions which lead to a charge against nationally raised revenue. This is in line with article 114 (3) (b) and (c) of the constitution.

3. Determination

Following the assessment of key provisions of the Bill, the Parliamentary Budget Office considers that the Bill is a "**Money Bill**". The Bill may therefore proceed as contemplated in the relevant Standing Order.