



PARLIAMENT OF KENYA

KENYA NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT

SECOND SESSION

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THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE COUNTY GOVERNMENTS (AMENDMENT)

(NO.2) BILL, 2013

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Clerk's Chambers,

Parliament Buildings,

NAIROBI.

FEBRUARY, 2014

## **1.0 PREFACE**

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order No. 199, it is my pleasure and duty to present to the House, the Committee's Report on the Constitution of Kenya (Amendment)(No.2)Bill, 2013.

### **1.1 COMMITTEE MEMBERSHIP**

The Committee on Justice and Legal Affairs was constituted by the House on Thursday 16<sup>th</sup> May, 2013 comprising of the following members:

1. The Hon. Samuel Chepkong'a, M.P. –Chairperson
2. The Hon. Priscilla Nyokabi, M.P. –Vice Chairperson
3. The Hon. Njoroge Baiya, M.P.
4. The Hon. Muriithi Waiganjo, M.P.
5. The Hon. Ndirangu Waihenya, M.P.
6. The Hon. Florence Kajuju, M.P.
7. The Hon. Kang'ata Irungu, M.P.
8. The Hon. Benson Mutura, M.P.
9. The Hon. John Njoroge Chege, M.P.
10. The Hon. William Cheptumo, M.P.
11. The Hon. Mohamed Abdi Haji, M.P.
12. The Hon. Kangongo Bowen, M.P.
13. The Hon. Sammy Koech, M.P.
14. The Hon. Moses Cheboi, M.P.
15. The Hon. Paul Bii, M.P.
16. The Hon. Charles Gimose, M.P.
17. The Hon. Johanna Ng'eno, M.P.
18. The Hon. Boniface Otsiula, M.P.
19. The Hon. David Ouma Ochieng, M.P.
20. The Hon. Neto Agostinho, M.P.
21. The Hon. Kaluma Peter, M.P.
22. The Hon. Fatuma Ibrahim Ali, M.P.
23. The Hon. Ben Momanyi Orari, M.P.
24. The Hon. T. J. Kajwang', M.P.
25. The Hon. (Bishop)Mutua Mutemi, M.P.
26. The Hon. Olago Aluoch, M.P.
27. The Hon. Christine Oduor Ombaka, M.P.
28. The Hon. Munuve G. Mati, M.P.
29. The Hon. Mwamkale William Kamoti, M.P.

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of standing order 216 (5) which outline functions of the Committee as being:

- a) 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;
- b) To study the Programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all the legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a Cabinet Secretary;
- f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- a) Constitutional Affairs
- b) The administration of Law and Justice
- c) The Judiciary
- d) Public prosecutions
- e) Elections
- f) Ethics, Integrity and anti-corruption and
- g) Human rights

## **1.2 Committee Meetings**

The Committee held sittings during which the County Governments (Amendment) (No.2) Bill, 2013 was considered in accordance with the standing orders of the National Assembly.

The County Governments (Amendment) (No.2) Bill, 2013 was read a first time on 5<sup>th</sup> December, 2013 and stood committed to the Committee. The Committee could not proceed and report within time as the National Assembly adjourned and went on recess. This Report contains deliberations of the Committee on the Bill and has proposed amendments to the House for consideration and passage.

Finally it is now my pleasant duty and privilege, on behalf of the Departmental Committee on Justice and Legal Affairs, to introduce this report to the House, so that it may enrich debate on the Bill.

**PROPOSED AMENDMENTS TO THE COUNTY GOVERNMENTS (NO.2)**  
**(AMENDMENT) BILL, 2013**

**SECTION 91B (1)**

The Bill be amended in sub-section (d) by deletion of the words:

*“Deputy County Commissioner” and insertion of the words “Members of County Assembly elected under Article 177(1) (a) and Members of County Assembly nominated under Article 177(1) (b) and (c) of the Constitution.*

The Bill be amended by deletion of sub-sections (k), (i) and (m)..

**SECTION 91C**

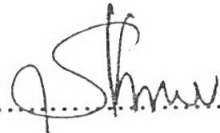
The Bill be amended in sub-section (h) (i) by deletion of the words:

*“Sub-county” and insertion of the word “Ward”*

The Bill be amended by deletion of sub-sections (k), (l), (m), (n), (o), (p) and (q)

The Bill be amended by insertion of a new sub-section to read:

*“At least three elected members of CDF Committee within the Constituency and who are registered voters in the Ward appointed by the Chairperson”*

SIGNED.....

**Hon. Samuel Chepkong'a, MP**

**(Chairperson)**

**Committee on Justice and Legal Affairs**

DATE.....*25th February, 2014*