

# Kitui County Assembly

## THE HANSARD

First County Assembly - Second Session

Wednesday 12<sup>th</sup> November, 2014

The County Assembly met at 3:06PM

(The Speaker {Hon. George Ndotto} entered the Chamber at six minutes past three O'clock accompanied by the Mace)

{PRAYER}

**The Speaker:** (Hon. George Ndotto): Next Order.

**The County Assembly Clerk:** (Lucy Waema): Order No. 1, Administration of Oath.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 2, Communication from the Chair.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 3, Messages.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 4, Petitions.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 5, papers

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 6, Notices of motions.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 7, statements.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 8, motions and Bills. The Kitui county villages Bills, 2014 (Assembly Bill No. 2, 2014) First reading.

**The Speaker:** That is the end of the order paper. This is a fresh Bill now not the one we dealt with. The Bill now stands committed to the committee on Administration. Now honourable Kinyala you should move fast and fast track that bill. I hope you have all now agreed on the areas which you were concerned with and you can now deal with it without wasting a lot of time. Which other Bills are now pending? How many bills are now pending?

*(Consultations)*

**The Speaker:** I am told we have cleared all the bills except the court of arms and the village bill. Is that correct? Do you of any other bill pending apart from the guidelines/the pro-poor programs? Any other Bill which might be pending with us?

*(Hon. Joyce Mwende rose in her place)*

**Hon. Joyce Mwende:** Thank you Mr Speaker. I would like to seek your guidance on the health facilities management bill which we passed here and later his Excellency the governor

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said it had a problem. It has never come back to us and I am therefore requesting on behalf of the committee if he brought it back so that we may discuss it because we are having some issues with running the hospitals. Thank you.

**The Speaker:** There are two bills which came from the governor and I ruled them time barred. Could that be one of them? We sent the two for signing, he kept them for a while and he is supposed to sign them within 14 days. He brought them late and we returned them. Might that be one of them?

**Hon. Joyce Mwendu:** I don't know which one you returned but I can remember the governor saying that after we passed the bill, they went through it, it had some amendments to be made and therefore he would return the bill to the assembly. I don't know whether it is the one that you returned after 14 days.

**The Speaker:** Who is going to help us here? Mulandi (a procedural clerk).

*(The procedural clerk rushed out of the assembly for some information)*

**The Speaker:** That is why I asked which Bills are pending here. Initially we were dealing with two bills from the ministry of Agriculture, the sorghum bill and the abattoirs bill. I think we cleared those two. We also finished with the charcoal Bill.

*(The procedural clerk returned and consulted with the speaker)*

**The Speaker:** I am told the ones we returned are the business and the health bills. So honourable Mwendu that bill was one of them. They were time barred. I am afraid unless the governor feels strictly there is something illegal, the bills are now law. But that one can only be determined by another organ not me nor the governor. Because he is supposed to sign them after 14 days which he did not so I returned them, and I advised him that after 7 days if he doesn't then it will become law. This is what I have been advised by the procedural clerk. The two were returned to the governor to sign or they would become law in after 7 days.

*(Hon. Peter Kilonzo rose in his place)*

**Hon. Peter Kilonzo:** Thank you Mr Speaker sir. I am standing on a point where I want to know the security of all these bills. Would you mind to tell us the security of these bills immediately how they are received here and how they are received back because I think the process is a bit confusing. What deters any other person from including amendments which this house has not done or putting changes which this house has not done. Can you tell us what happens because I am afraid something fishy somewhere could happen and a bill is passed a way this bill has not passed? Thank you.

**The Speaker:** Honourable Kilonzo you are right but that is the work of the speaker. There is a bill I sent to the governor but either deliberately or by mistake they signed the wrong Bill and they brought it here. On checking it I found that it was not the bill which was passed by the assembly because we have a record. So I returned it to him to sign the actual Bill which was passed by the assembly. If there is any mistake it is for me and the clerk, before I accept the bill assigned, I am supposed to check and confirm it is the original bill passed by the assembly. There is one I have already returned.

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**Hon. Peter Kilonzo:** Mr Speakersir, thank you for that observation. We are expecting many more. I would, I don't know how that we develop a system to avoid a case where in future the executive does not keep on saying that bills are delayed on our side while we never received them. Or we don't say that we sent the right bill and they signed the wrong bill. I don't know how that one can happen.

**The Speaker:** Honourable Kilonzo the procedures, the law and the standing orders are very clear. That is why I am trying to update the executive on what they are supposed to do by refusing to accept when they delay in signing, when they sign the wrong Bill, and that is why I have got a legal department to go through and check whether the comas and the full stops are there and advise me in writing, yes this is the right/correct version which was passed by the assembly. Honourable Ngwele.

**Hon. Nzungi Ngwele:** Thank you very much Mr speaker. I do appreciate the concern for the honourable chair for health in relation to the health institutions management Bill. There are lot of anxieties actually from where we come from because a lot of the committees have had slumps. I Wanted to request the honourable chair together with the committee on implementation to actually swing into action to actually find out why that bill has not been implemented because if I remember correctly, the act required the minister within 21 days after assenting of the bill by his excellency the governor to kick off the process of electing the boards and the committees for the health facilities.

The second issue is in relation to the way the bills are being communicated back and forth between the assembly and the executive. We became aware in the process of informal discussions that at one time the assembly did receive more than one version of the same bill from the executive. I think the deputy governor brought the bill on the coat of arms then the minister brought another bill still on the coat of arms and somebody else brought another bill on the same.

I wanted to offer my polite advice that actually the person the assembly should be communicating with in relation to bills is the county secretary. He should be the one who should be forwarding bills here and also receiving back the communication from the assembly in relation to ongoing discussions with the bill because either out of mischief or ignorance or other issues, you could get bills here which have not passed through the formal approval process by the cabinet. So to avoid that kind of risk it would be important that we as an assembly insist on communicating strictly with the county secretary in relation to those bills. Thank you.

**The Speaker:** The first concern honourable Ngwele, it is not for the business of the chair to check what is happening, that is why we have the implementation committee. Where is the chairman? I will find out from the implementation committee why that law has not been implemented and then they will bring the report back to us.

The second one you are absolutely right. We received three versions of that bill you are talking about and in fact the first one even the minister didn't know anything about it. I don't know what was going on with that bill but we kept on telling them that we want the right bill and the governor intervened I think they have done the right thing.

We will try to use the route you are suggesting and see if it will help us. I don't know how the ministries will feel about it but I think it might be a good idea if we can centralise the communication so that we will know it is authentic if it is signed by so and so otherwise we won't take it serious but return it. We might try and follow that route I think it is important.

One communication I want to make; although the chairman on the committee on mortgages is not here, are there members of the mortgage committee here? If there are any members can they rise up?

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*(Hon. Ruth Kinyumu rose in her place)*

**The Speaker:** I have received a bit of complaints that nothing is moving. Is it true? Is there something wrong?

**Hon. Ruth Kinyumu:** Thank you Mr Speaker sir, I should say that there is nothing wrong with the committee. It is only that we were away last week and I hope this week we will resume. Thank you.

**The Speaker:** So there is nothing wrong?

**Hon. Ruth Kinyumu:** There is nothing wrong.

**The Speaker:** But people want their money. Why are you not giving them?

**Hon. Ruth Kinyumu:** It's only that we have not met this week. Otherwise they are supposed to have received the forms.

**The Speaker:** When are you meeting this week?

**Hon. Ruth Kinyumu:** The chairman is yet to communicate.

**The Speaker:** He is still out of the assembly?

**Hon. Ruth Kinyumu:** Yes.

**The Speaker:** Please can you tell him we raised the concern that there are complaints that things are not moving and people want to get their money for those who have their papers right?

**Hon. Ruth Kinyumu:** Okay.

**The Speaker:** Honourable members I don't have anything to add....

*(Hon. Joyce Mwendu rose in her place)*

**Hon. Joyce Mwendu:** Thank you Mr Speaker sir. Just to add on something, I am standing to thank my colleagues and appreciate the support that they gave towards the launch of the beyond zero campaign. Also for the support they shown out to our electorate and even to our first lady Margaret Kenyatta. I really thank and appreciate you members and I hope we will fare on well with the beyond zero campaign. Thank you and thanks a lot.

**The Speaker:** Now that you have raised it, I want to add my voice on what honourable Mwendu is saying. I think it was a very successful function and I heard later members said when I introduced you I should have asked you to stand up so that you can wave and be seen. So if that was an omission I want to promise you that it will never be done again and I apologise for that. But I thought I said it well, I said the *Bunge* is still meeting, there are those in *Bunge* and there are those who are here to show you the support we have for you. But for that little omission my apologies to you members. With that one I want to adjourn the house.

*(Members rose in their places)*

**The Speaker:** Honourable members, the house now stands adjourned until tomorrow in the afternoon at 2.30pm.

**The County Assembly rose at 3:24PM.**