

# Kitui County Assembly

## THE HANSARD

First County Assembly - Second Session

(Special sitting)

Tuesday 5<sup>th</sup> August, 2014

The County Assembly met at 3:00PM

(The Speaker {Hon. George Ndotto} entered the Chamber at 3 O'clock accompanied by the Mace)

## PRAYERS

(The Speaker recites the prayer and proceeds to the Chair)

(The Mace is placed on the Table)

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

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

**The Speaker:** Next Order

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

**The Speaker:** Honourable Members, as you are aware, His Excellence the Governor did not assent to the Appropriation Bill 2014 that was passed by this Assembly on 16<sup>th</sup> July 2014 and forwarded for assent on 17<sup>th</sup> July 2014. Consequently, he has referred the Bill back to us with a memorandum detailing his reservations on the same. I trust each member is in possession of a copy of the said memorandum and has taken time to critically read and understood its contents because this must be handled by this Assembly with utmost caution.

Hon. Members, our standing orders as they are currently do not provide for a detailed and express process of considering His Excellency the Governor's Memorandum, thus pursuant to Standing Orders 1 and 147, I direct that the consideration of the said memorandum be undertaken in the committee of the whole county assembly to allow members enough time to deliberate and discuss the issues after which it shall be reported back to the assembly for adoption. This Assembly shall require a 2/3 majority as per Standing Order 135 for the adoption of the memorandum.

Hon. Members, it is further important to note that this honourable Assembly has already diligently discharged its duty in the budget making process, therefore, the task before us should not in any way amount to budget making or a process of making revised estimates.

Further Hon. Members, I trust we are all aware that as an Assembly we must ensure that the Appropriation Bill that is submitted for assent should have balancing figures, in your consideration of his Excellency the Governor's memorandum therefore, you must ensure that the figures in the Appropriation Bill remain balanced regardless of what your decisions on the memorandum will be.

Last but not least, Hon. Members, thank you very much for going beyond your call of duty especially during this time of recess to come and dispose of a matter that is of great importance to our county. THANK YOU. 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,

**The Speaker:** Well, 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, motion on consideration of his Excellency the governors memorandum on the Kitui County appropriation Bill, 2014 (County Assembly Bill, No.12, 2014) (*Deputy Leader of Majority*)

**The Speaker:** Is the honourable Deputy Speaker in the House, honourable Munuve

**Hon. Maundu:** Mr Speaker, he is not here but in the next 10 minutes he will be coming.

**The Speaker:** Honourable members, that is extremely unacceptable. The business before the House cannot wait for honourable Deputy Majority leader. It is unacceptable. 57 Members cannot just sit here waiting for one honourable member who is supposed to be in for a motion. He is aware that he is supposed to move a motion. Majority leader or the Chairman of the Budget can you move this motion?

**Hon. Maundu:** Thank you Mr Speaker. Mr Speaker Sir, I would like to move this memorandum which was brought from the Office of the Governor. It is a memorandum that refuses the approved Budget by this house.

Mr Speaker Sir, **THAT**, Pursuant to the Provisions of the Interim Standing Order No. 135 (3) (b), this House considers His Excellency the Governor's Memorandum on The Kitui County Appropriation Bill, 2014 (C/A Bill No.12, 2014) presented to the Members on 31<sup>st</sup> July, 2014.

Mr Speaker on 21<sup>st</sup> July, this house approved the Kitui County Budget and after it was passed Mr Speaker, it was approved. It was then to the Office of the Governor for his assent.

According to the report which I have here or the memorandum I have here, it shows that the Governor has refused to assent to this Budget due to some reasons which he has given below that he could not assent to this Budget.

Therefore, Mr Speaker report to this house that we have this paper which we have gone through which has to be discussed by this house and to consider the comments or reasons that made the Governor not to sign it. I therefore Mr Speaker request this house to go through the paper and I would like to table it her, so that this house could consider his memorandum. Thank you Mr Speaker.

*(Hon Maundu lays the paper on the table and the Clerk passes it over to the Speaker)*

**The Speaker:**Who is seconding you?

**Hon. Maundu:** I request honourable Mwendwa to second.

*(Hon. Mwendwa reserves his right to speak by rising to second the Motion)*

**The Speaker:** Now honourable members, we are going to deviate from the normal procedure of proposing and so forth, because this matter is supposed to be decided by the Committee of the whole House as I directed. Perhaps at this stage I will allow few comments of a natural nature of the memorandum. I am assuming that you have already read the memorandum, you have already formed your opinions on a natural nature because you are going clause by clause to determine, then you make a final determination before you report back to the house for adoption or otherwise.

And what is critical, honourable Members, I said this morning you must stamp your authority. Your decision must be felt; your decision must be respected. You are the people to make the Budget, to make the changes and you can reject it or accept the memorandum from the Governor. It is

discretion but you must be able to do it. And to be able to stamp your authority, I require 38 members in this house when we come to adopt the report after you go through the committee of the whole house. Unless you are 3, I am afraid it is going to be difficult. The Governor will have its way. Whatever you have been doing here, I think you have been doing a lot of caucus which is health, and we have agreed on a number of issues. If you can't number to 38, it will not be possible. The Governor's memorandum will stand.

So I can see that members are little bit worried but that is the truth of the position. That's the truth, you must mobilize. You must make sure that all members are here. The 2 whips, you must be on top gear, making sure members are here, making sure at least you have 40 members out of 57. It's not a difficult job. Are we together honourable members?

*(Members answer in the affirmative)*

It's very serious; I am trying to help you to stamp your authority. As your speaker I don't want you to be here, just to rubberstamp anything from anybody. You must be able to critically look at everything, agree or disagree and don't say oh we didn't know or we forgot, no, no. that will not help. I want you to look at the Governor's memorandum, discuss it thoroughly, agree or disagree where necessary. Where you think it is in the interest of the County do so, and make an appropriate decision.

I know I am talking too much, but I know what I am trying to put across. I know members have got other commitments, you will see some of you going one by one thinking that we have enough members, please that will be irresponsible. Two thirds is not easy, I will therefore allow any comments if not we will go to the committee of the whole house of over a general nature, honourable Mwendwa.

**Hon. Mwendwa:** Thank you Mr Speaker Sir, I stand to support this memorandum. Mr Speaker, I want to support this memorandum because it is within the law that the Budget that we passed after the Governor scrutinised it and found that there were some areas that needs to be amended and he brought this memorandum. I want to say that it is the duty of this house scrutinise this memorandum and see...

*(Hon. Kanza attempts to leave the Chamber but the Speaker tells her not to)*

**The Speaker:** Order! Honourable Order! Honourable Kanza Order Mwendwa, the business before this house, will not allow anybody to leave this house. Honourable Kanza it doesn't matter what you have, this is the most important thing that you are supposed to do this afternoon, I plead with every honourable member we stay here, until we finish with this Bill, continue honourable Mwendwa

**Hon. Mwendwa:** Thank you Mr Speaker for assisting me in that duty, because I am the whip, to whip the members and thank you for assisting me.

Mr Speaker, I was saying that this memorandum is within the law and it is this house that we scrutinise it and we see where the amendments are supposed to be put. Mr Speaker, I want to say that because all of us we mean well for this County and the Executive too they mean well for this County, it is our duty to make the rights of our people who sent us to this honourable house. And I want to urge the house that we support where the amendments are supposed to be put and where they are not needed, we also retain what is in the Budget. Mr Speaker, I support the memorandum, thank you.

**The Speaker:** Honourable Mutemi

**Hon. Mutemi:** Thank you Mr Speaker for giving me this opportunity. Mr Speaker I want to take this opportunity first to congratulate you for having called the house to reconvene, to deliberate on his particular matter.

Mr Speaker, if you had not called the house for this, the law stipulates the tie would have elapsed and this house would have no say. So for that you take a credit.

Mr Speaker, in supporting this memorandum to be considered by this honourable house, I take to understand the Governor is right to petition the house, to reconsider the decision which really the house passed as a verdict and Mr Speaker, I tend to understand that this house is up to the task.

I also tend to understand, in our local saying, it is always said that if the house and I don't know whether it is in the right translation, whatever the translation I hope it will auger well, if people have feasted a whole cow, they can't just be defeated by feasting the small part of that cow which is the tail. So I understand that we had gone through the whole process, from the introduction of the Budget and everything up to where we are. And as a house, we have gone through very elaborate and consultation.

So Mr Speaker I know as the house, I did if I can see the spirit of the house, it is in order and up to the task to dispose this matter. To show the way as the Assembly.

Mr Speaker I will reiterate my words, I sometimes said time I said that the time for honey moon is over and now we are in the business and we have to demonstrate we are the house, we are the Assembly of Kitui County.

So Mr Speaker, I would urge the members we unite without any political divide, even feeling of any political side, that we are the members of the Kitui County Assembly, and we are here for a specific mandate as bestowed to us by the Constitution and our other laws of the land.

Therefore Mr Speaker I urge the members we unite, we remain here until we consult, agree and dispose each and every bit of this memorandum from the Governor, thank you Mr Speaker.

**The Speaker:** I think we will not waste a lot of time, I will give the last chance to honourable Ngwele and be brief because I have a particular keen on this, you making a decision on the memorandum and I don't want to tie members here I know there are people who have other commitments here and there. Honourable Ngwele.

**Hon. Ngwele:** Thank you very much Mr Speaker for giving me the very last chance to make this contribution, and I want to keep myself to issues. One might look at times at different issues but I want to look at this honourable Assembly to pay attention to it. Mr Speaker if you look at the last part of this memorandum, it was signed by the Governor on 27<sup>th</sup> of July 2014, 28<sup>th</sup> of July is when the Governor signed this memorandum. It was not delivered to the Assembly until the 30<sup>th</sup> of July at 5:22pm, 22 minutes after the Official close of the business...

**The Speaker:** Point of order, there is point of information, do you want it? You are right it was written on the 27<sup>th</sup> July 2014 and it was not delivered until 30<sup>th</sup> July at 5pm only after I leaked to one of them that by the end of today no more, is when they panicked and brought it at 5pm. If I had not leaked this information to them, you would not be here.

**Hon. Ngwele:** Yes Mr Speaker that makes my point even more significant. Mr Speaker I know we have been struggling with the issues of timeliness by the County Executive. And only brings the question if the Governor proofed his hand here on the 28<sup>th</sup> of July, why did this memorandum take a whole two days to reach this Assembly? The distance between here and the Governor's Office is less than a kilometre. Mr Speaker even if this memorandum was given to a dog deliver, it would be here faster than this. And this is something that needs to be given attention to, because the people either working in the Governor's Office are sabotaging the work of the Chief Executive or there is something which is not working somewhere. Before this, a fiscal strategy paper was delivered 2 months, after its legal deadline. And after that we had a County Integrated Development Plan, was delivered more than 4 months after its deadline. Mr Speaker that is something this Assembly needs to sit down, and demand that the County Executive works and works efficiently. I know that a lot of people are working for the Governor because there is the Economic Advisors and a lot of other staff. It must be asked by this Assembly why the Office of the County Executive is not working as efficiently as it should.

Mr Speaker the other second thing is that when you read this memorandum, nearly three quarters of it, the Governor is giving an analysis of things saying I approve of the changes made by the County Assembly. Mr Speaker really it's not upon the Governor to approve the changes that we made. The Executive is pretending to have powers that it doesn't have under any law. Is this Assembly that approves and once the Assembly approves, it does not require any higher authority, anywhere in this land to approve what we approved. And I know this does not apply to the Governor alone, it also applies to other national institutions.

Right now we are in a Budget crisis because another national institution called the Commission on Revenue Allocation it's really pretending to have powers, to make Budget for us, and ceilings for the County Assembly. It is not upon the Commission for Revenue Allocation or even the Controller of Budget to allocate Budgets for us. Once that allocation is done, of the 7 billion or 9 billion or whatever it is, it is this Assembly that says how much goes to what work, and Mr Speaker I want to ask my honourable colleagues to put our foot down firmly and say that we are only the institution that is mandated under law, to make and approve Budgets for this County. With those few remarks, I beg to support, thank you.

**The Speaker:** I think honourable members you are up to the task now. You have caught the mood and that is the way forward. Some people all over the place they are assuming too much. And I think you are now, you know exactly what you are supposed to do.

With those few remarks, I now direct the house moves to the committee of the whole house to consider the Governor's memorandum.

*(The members rise in their places and the Mace placed in the lower bracket as the Speaker leaves the Chair to pave way for the committee of the whole house. The Deputy Speaker Hon Titus Mbiti takes over to Chair the committee)*

**Chairman (Hon. Titus Mbiti):** Honourable members, I will request you to be in order and you know now we are in the committee of the whole house, considering this memorandum which is concerning the Kitui County appropriation Bill, 2014, County Assembly Bill No.12, 2014.

Honourable members, we are going to be keen on it and I will now call upon the Deputy Leader of Majority, to lead us from there, honourable Munuve

**Hon. Munuve:** Thank you Mr Chairman, for giving me this opportunity, to move the notices as we go by the memorandum of the His Excellency the Governor.

Notice is hereby given that the Deputy Leader of Majority intends to move the following amendments to the Kitui County Appropriation Bill, 2014, (C/A Bill no. 12, 2014) as contained in His Excellency the Governor's Memorandum received on 30<sup>th</sup> July, 2014, at the Whole County Assembly Committee stage.

**Chairman:** Well, well honourable Munuve, Clerk Next.

**The Clerk:** Thank you Mr Chairman, I think now we are getting to the business but let's remember that we are not addressing Budget issues. In actual facts, the whole memorandum as far as I am concerned is totally misadvised, because we are addressing the appropriation Bill and not the Budget. Now we go to Clause 2 of the appropriation Bill, the amendments proposed by the Governor are in schedule 1 and 2, so we start with vote number R101 - recurrent budget office of the governor

**The Chairman:** Honourable Munuve

**Hon Munuve:** Vote number R101 - recurrent budget office of the governor

- i) **THAT,** amend by reverting to the vote (R101) kshs. 20,000,000 for purchase of pool vehicles. Honourable members as you are aware

that during the Budget period we slashed the amount the Governor had requested to purchase 7 vehicles, but this house, approved only three vehicles, so in the memorandum the Governor is asking the sh20 million to be reverted back so that he can buy the 7 pool vehicles.

- ii) The second one is **THAT**, amend by reverting to the vote (R101) kshs. 18,900,000.00. reduced by the Assembly from operation and maintenance

**The Chairman:** Honourable members I will now propose the question, which is R101-recurrent budget office of the governor, be amended as proposed. Honourable members I will put the question which is **THAT**, R101-honourable members you must be keen on it because when I propose the question and I don't see anybody, I will just put the question. Honourable Mutemi.

**Hon Mutemi:** Mr Chair, can you guide us further when you say as proposed, where are we, as proposed by the Governor or as proposed by who?

**The Chairman:** from the memorandums you can see the proposed is from the memorandum, isn't it? Are we together honourable members? We are on the memorandum. Honourable Munuve.

**Hon. Munuve:** I want to guide honourable members. I think everybody has a memorandum, so what we are proposing here is that either you agree with the Governor, or you do not agree with the Governor.

The other one is the, I am reading from the Order paper on the notices, so go to the notices so that we can be together. Because since the Chairman has proposed, now we can deal with votes on clause number R101 we exhaust that one which is taking more about the vehicles. I hope you have already read the recommendations of the memorandum, so you can, because we must also follow the procedures of the Assembly, that's why we are going as per clause. Thank you Chairman.

**The Chairman:** Honourable members you are allowed to consult. So if you go to the memorandum, is (j) isn't (j)...

**The Clerk:** look at the memorandum proposed amendments (j) in the order paper is running sequentially but it's supposed to be (j) in the memorandum. This is because of the votes as detailed in the appropriation Bill.

**The Chairman:** Honourable members as you have heard, this amendment R101 it is (j) because we are talking of the list pool vehicles, order honourable members, so honourable Ngwele.

**Hon Ngwele:** Mr Chairman I oppose the amendments, the County Executive propose to buy 7 pool vehicles which the Assembly revised to 3 pool vehicles and reduced the Budget by sh20 million and this has some history. The first Budget this Assembly recommended to the ministry, the Minister for Finance to take stock of the motor vehicle that had been owned by the four former local authorities in Kitui and national Government departments that were devolved like the department for Agriculture, water, health and give a complete inventory of vehicles and their state of its suitability. And to reallocate those vehicles to departments that needs to use them, and also to liquidate the vehicles that could not be repaired.

Mr Chairman, by the time the committee that was meeting in June, the minister had not done that. Therefore the recommendation from the committee to this Assembly approved was that we reduce those 7 pool vehicles to 3, and the Minister does that inventory so that he can convince this Assembly that they exactly need those vehicles. As of now that there are many vehicles that are laying in yards all over the County and we don't know whether these vehicles are serviceable, so with that Chairman, I oppose the amendments.

**The Chairman:** well, well.

**The Clerk:** Thank you Mr Chairman. Don't be confused by what we have put in the order paper **THAT**, amend by reverting to the vote R101 that is what the Governor requires. So when you are voting, you either vote for or against that because that is the request from the Governor. So get it very clear, is a Bill and not a Budget, thank you Chairman.

*(Hon. Anastacia Mwathi rises)*

**The Chairman:** Yes honourable Mwathi

**Hon. Mwathi:** Thank you Chair, I am against is it R101?....

**The Chairman:** Well you are on point

**Hon. Mwathi:** Yeah, in our Budget in every ministry they had budgeted for a vehicle. So I am against the pool of 7 vehicles to 3 vehicles, thank you.

**The Chairman:** Honourable Mutemi

**Hon. Mutemi:** Thank you Chair, the statement is quite serious when it says pool of vehicles like there was a proposal for 7 vehicles to be kept at the Governor's yard, for usage which is not specified and in deed we cannot such big number of vehicles being kept somewhere of which in deed the honourable member for Ngomeni had stated that we have so many vehicles around the County, which are not being put in use.

So Mr Chair, I oppose the amendments.

**The Chairman:** Honourable members in vote R101, we have 2 items are you getting that? So we are going to start first with roman (i) that is where we are going to put the question now.

Honourable members I am now going to put the question which is **THAT**, R101-recurrent budget Office of the Governor roman (i) be amend as proposed.

*As many as are of that opinion say Ayes!*

**(Silence)**

*As many as are of the contrary opinion say Nay!*

**The Members: Nay!**

**The Chairman:** I think the Nays have it. Next Clerk

**The Clerk:** we are going to code R101 roman (ii) and that proposal is under amendment (m)

**The Chairman:** Deputy Majority

**Hon. Munuve:** Thank you Chair, I now move **THAT**, amend by reverting to the vote (R101) kshs. 18,900,000 reduced by the Assembly from operation and maintenance.

**The Chairman:** Honourable members, I now propose the question which **THAT**, vote R101-recurrent budget Office of the Governor roman (ii) be amended as proposed. Honourable members the proposal is on your floor. You can say something about that issue or I put the question?

*(The members answer in the affirmative)*

Honourable members I am now putting the question which is that vote R101-recurrent budget Office of the Governor roman (ii) be amended as proposed.

*As many as are of that opinion say Ayes!*

**(Silence)**

*As many as are of the contrary opinion say Nay!*

**The Members: Nay!**

**The Chairman:** I think the Nays have it. Next Clerk

**The Clerk:** Thank you Chairman, then we comes to R103-recurrent budget ministry of agriculture, water and irrigation. The amendment (o) in the memorandum.

**The Chairman:** The amendment (o) in the memorandum your honour. Honourable Deputy Majority.

**Hon. Munuve:** Thank you Chairman, on vote R103 I want to move **THAT**, amend by reducing from the vote (R103) kshs. 30,000,000 added by the Assembly to vote for the operation and maintenance of drilling rigs and crawlers. I move the amendments with a clause.

**The Chairman:** Yes honourable members I will propose the question, or you don't want me to propose the question? No, you must be in order honourable members. Well I know I can read the mood in the house but we must follow the order and more so for the purpose of Hansard recording. So I am proposing the question which is that R103-recurrent budget ministry of agriculture, water and irrigation which is in roman (i) be amended as proposed.

*(Hon Kasinga rises)*

**The Chairman:** Honourable Kasinga

**Hon. Kasinga:** Thank you Mr Chairman, I am standing to oppose the amendments. The reason for my opposition on it is basically we are touching and we want to defeat the very actual intention, very good intention, of this Assembly and also the committee on water, Agriculture and Irrigation.

Mr Chairman it is in every body's knowledge that we agreed that we should mind drilling rigs so that we can be able to dig boreholes and be able to sort out to certain extent the water problem, the acute water shortage facing the Kitui County.

At the same time we have also proposed to buy the crawlers or rather maintain them in a way that they will be useful to this County.

In my own view, if we have to touch anything in terms of funds created in every other sector, it is not the sector to do with water, because we will need money to maintain these rigs. We will need money to hire staffs that will be able to deal with these rigs. And Mr Chairman if we are to remove money from there it means, yes because we have votes for the rigs, we are going to have the rigs here and those rigs will have no body to maintain them and for that short brief reason, Mr Chairman, I oppose the amendments, thank you.

**The Chairman:** Yes honourable members, I will now put the question which is that R103 - recurrent budget ministry of agriculture, water and irrigation which is in roman (i) be amended as proposed.

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

*The Members: Nay!*

**The Chairman:** I think the Nays have it. Next Clerk

**The Clerk:** Thank you Chair, we go to R110 - recurrent budget for ministry of natural resources and tourism. That would be amendment part (p) "p" for peter.

**The Chairman:** Honourable Deputy Majority leader.

**Hon. Munuve:** Thank you Chairman, I want to move the amendments on clause on vote R110 THAT, amend by increasing to the vote (R110) kshs. 8,000,000 for engaging games scouts to support opening up of game reserves, I move the amendments.

**The Chairman:** Honourable members I will now propose the question which is that, R110- recurrent budget for ministry of natural resources and tourism which is roman (i) be amended as proposed.

(Hon Muthui rises)

**Hon. Muthui:** Chairman I stand to oppose the amendments for the following reasons. In the original budget, there was no mention of such an amount. Here we are not introducing a new budget; neither are we doing the supplementary budget. So while I appreciate the importance of the item, but I propose that the Governor should bring it up in a supplementary budget for the same. So I oppose the budget.

**The Chairman:** Honourable members on that one I will now put the question which is that, R110- recurrent budget for ministry of natural resources and tourism roman (i) be amended as proposed.

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

*The Members: Nay!*

**The Chairman:** I think the Nays have it. Next Clerk

**The Clerk:** We now move to the Development Budget vote D101, Development Budget Governor's Office. Amendment (a) in the memorandum.

**The Chairman:** Deputy Majority leader.

**Hon. Munuve:** I want to move amendment on vote D101, **THAT**, the increased amount of kshs. 150,000,000 for CLIP as approved by the Assembly be also utilized to construct flood lights at each ward Headquarters. I move the amendment.

**The Chairman:** Honourable members I propose the question, which is that D101, Development Budget Governor's Office, roman one, be amended as proposed. Anyone with something to say?

*(Silence)*

**The Chairman:** Honourable members I put the question, which is that D101, Development Budget Governor's Office, roman one, be amended as proposed

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

**The Members: Nay!**

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** D102, development budget, ministry of Administration and coordination of county affairs. Amendment (a) in the memorandum.

**The Chairman:** Deputy Majority leader.

**Hon. Munuve:** I want to move amendment on vote D102 **THAT**, amend by reverting to the vote (D102) kshs. 40,000,000.00. reduced by the Assembly from the construction of sub county and ward offices budget. I move the amendment.

**The Chairman:** Honourable members I propose the question, which is that D102, development budget, ministry of Administration and coordination of county affairs, be amended as proposed.

*(Silence)*

**The Chairman:** Honourable members I put the question, which is that D102, development budget, ministry of Administration and coordination of county affairs, be amended as proposed.

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

**The Members: Nay!**

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** We are on code D104, development budget under the ministry of basic education, training and skills development. Those amendments you will find them under (d) and (f) in the memorandum.

**The Chairman:** Deputy Majority leader

**Hon. Munuve:** Thank you Mr. Chairman. Before I move the amendment, we need some clarification because some of the amendments, actually the Governor agrees with us. Like the second one in that vote. He agrees with the budget that we passed in this house. So, I don't know whether it is governor's amendment.....

**The Chairman:** Honourable deputy Majority leader. You are confusing the house further. You are the one to guide us. If it is consulting, consult slowly.

*(Members engage in consultations for a while)*

**Hon. Munuve:** Thank you Mr. Chairman for your guidance. I want to move the amendment on vote D104 roman three, **THAT**, increase amount voted by kshs. 18,616,021 by reducing the recurrent vote (R104) under the same ministry with the same amount. I move the amendment.

**The Chairman:** Honourable members I propose the question, which is that D104-development budget under the ministry of basic education, training and skills development, roman three, be amended as proposed.

*(Silence)*

**The Chairman:** Honourable members I put the question, which is that D104-development budget under the ministry of basic education, training and skills development, roman three, be amended as proposed.

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

*The Members: Nay!*

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** D104, roman four.

**The Chairman:** Deputy Majority leader.

**Hon. Munuve:** Vote D104, part (iv) **THAT**, further amend by increasing the vote (D104) by kshs. 12,000,000. I move the amendment.

**The Chairman:** Honourable members I will propose the question. Are we together honourable members?

**Section of Members:** No.

**The Chairman:** Yeah, we are not together. That is why I am asking honourable munuve to guide us on where we are. We are in D104, roman four.

**The Clerk:** Memorandum is marked amendment (d), page 7 on the top.

**The Chairman:** Are we together now honourable members? I will propose the question again which is that D104- development budget under the ministry of basic education, training and skills development roman four be amended as proposed.

**The Clerk:** Paragraph four of page seven in the memorandum.

**The Chairman:** Are we together honourable members? I will now put the question, that D104-development budget under the ministry of basic education, training and skills development roman four be amended as proposed.

*As many as are of that opinion say Ayes!*

*(Silence)*

*As many as are of the contrary opinion say Nay!*

*The Members: Nay!*

**The Chairman:** I think the Nays have it. Next.

**The Clerk:** We move to (f). It is marked amendment number (f) on page 8.

**The Chairman:** Deputy Majority.

**Hon. Munuve:** I want to move amendment D104, part five. **THAT**, further amend by reducing the vote (D104) by Kshs. 57,996,670. I move the amendment.

**The Chairman:** Honourable members I now move the question which is that (D104), development budget under the ministry of basic education, training and skills development roman five be amended as proposed. Honourable Muthui you want to say something?

*(Consultations for a while)*

**The Chairman:** Honourable deputy majority leader you can guide us.

**The Chairman:** Thank you chair. We are on (D104) roman five. Further amend by reducing the vote (D104) by Kshs. 57,996,670. I move the amendment.

**The Chairman:** Honourable members I now propose the question which is that (D104), development budget under the ministry of basic education, training and skills development, which is in roman five, be amended as proposed. Honourable Muthui.

**Hon. Muthui:** Mr. Chairman I stand to oppose the amendment for the following reasons. First, I want to move a further amendment on this amendment so that instead of this amount going to where the Governor is proposing, we take it to REA. We have a partnership with REA and they have given us a conditional grant of 204 million. When we went through the budget Mr. Chairman, we approved an amount of 150 million to go to electricity. So that reflects a short fall of 54 million shillings to be committed so that we can enjoy this grant. My amendment is that we transfer this amount to REA so that we can get this full benefit from REA. I would like to ask honourable Mutemi to second.

**The Chairman:** Honourable Mutemi.

**Hon. Mutemi:** Thank you Mr. Chairman. In seconding the amendment of the amendment, I want to say that we need to have much money equal to what is being contributed by REA and as we know, we want to light the county and even there is some amount of money which is a conditional grant to be extended to the county government of Kitui by REA. It is in order and appropriate for this assembly to consider this amount of money to be matched such that we secure that conditional grant. Thank you.

**The Chairman:** Well, well members. Order, order honourable Ngwele. I am going to propose the question which is that, D104-development budget under the ministry of basic education, training and skills development, be further amended as proposed by honourable Muthui. Honourable Ngwele.

**Hon. Ngwele:** Mr. Chair I support the amendment by honourable Muthui but I need further clarification that what honourable Muthui is actually proposing is that we reduce that vote by the amount of 54million Kenya shillings and vote the same to the development budget for ministry of environment, energy and mineral investments. Mr. Muthui can confirm whether that is the amendment he wanted us to consider. That we reduce the vote D104 by ksh. 57 million and reallocate the same to the development vote for the ministry of environment, energy and mineral investments for rural electrification.

**The Chairman:** Yeah, honourable Muthui you are to confirm something.

**Hon. Muthui:** Yeah, I want to confirm that, that is the position. That we revert it to that ministry so that we can enjoy that full benefit from REA.

**The chairman:** Very well honourable Ngwele. That is good. Honourable Kinyala I understand that you have something to say.

**Hon. Kinyala:** I was consulting Mr Chairman.

**The chairman:** Well, well you were consulting, you are allowed. I am putting the question which is that D104-development budget under the ministry of basic education, training and skills development, which is roman five, be further amended as proposed by honourable Muthui.

*As many as are of that opinion say Ayes!*  
**The Members: Ayes!**

*As many as are of the contrary opinion say Nay!*

*(Silence)*

**The Chairman:** I think The Ayes have it. Honourable Muthui you can submit your written amendment. You will organize for that honourable Muthui. Next, Clerk.

**The Clerk:** Thank you chair. We now move to development vote number 106.-development budget under the ministry of health and sanitation. That is amendment (g) of the memorandum.

**The Chairman:** Honourable deputy majority leader.

**Hon. Munuve:** Thank you chairman. I want to move the amendment on Vote D106 part one, **THAT**,kshs. 38,000,000.00 for mobile clinics which had been re-voted by the assembly for completion of Health Centres be reverted for mobile clinics and further added kshs. 9,200,000 for consumables. I move the amendment.

*(Members consult)*

**The Chairman:** We request Honourable deputy majority to repeat and guide us further.

**Hon. Munuve:** Thank you chairman. I want to move the amendment on Vote D106-development budget under the ministry of health and sanitation, roman one, **THAT**,kshs. 38,000,000 for mobile clinics which had been re-voted by the assembly for completion of Health Centres be reverted for mobile clinics and further added kshs. 9,200,000 for consumables. I move the amendment. Thank you chairman.

**The Chairman:** Honourable members.....order honourable Ngwele, order honourable Francis, we have nobody as honourable clay here but honourable Francis Mwalili. I am proposing the question which is that D106.-development budget under the ministry of health and sanitation, which is roman one, be amended as proposed.

*(Hon. Ngwele rises)*

**The Chairman:** Honourable Ngwele

**Hon. Ngwele:** I want to move a further amendment on that amendment, D106 development budget ministry of health and sanitation, **THAT**,kshs. 38,000,000 for mobile clinics which had been re-voted by the assembly for completion of Health Centres be re-allocated as follows:

- a) Ksh. 18,000,000 re-allocated beyond zero campaign,
- b) Ksh. 20,000,000 be allocated to completion of dispensaries, health centers previously started under CDF and LATIFF.

I beg to move.

*(The Chairman calls hon. Ngwele to the podium for consultation)*

**The Chairman:** Honourable Ngwele you can continue.

**Hon. Ngwele:** Mr. Chairman Sir, I wish to restate myself. The amendment that I want to move on D106, roman one, is as follows; **THAT**, delete the proposed amendment in its entirety and replace it with the following: **THAT**,Kshs. 38,000,000 for mobile clinics which had been re-voted by the assembly for completion of Health Centres be re-allocated as follows:

- a) Ksh. 18,000,000 re-allocated beyond zero campaign,
- b) Ksh. 20,000,000 be allocated to completion of Health centers and dispensaries.

I beg to move and request honourable Mutemi to second.

**The Chairman:** Honourable Mutemi.

**Hon. Mutemi:** Thank you chair. In seconding the amendment, as we all know, the beyond zero campaign is a national exercise and Kitui county cannot afford to be left behind. Again, we have dispensaries and health centres which were initiated previously by defunct councils and also by CDF. Given that this ministry of health has been devolved and is now under the county government, we are duty bound to ensure the completion of the projects which were started. I beg to second.

**The Chairman:** Honourable members I now propose the question which is that D106, roman one, development budget ministry of health and sanitation, be amended further as proposed by honourable Ngwele.

*(Hon. Kasinga rises)*

**Hon. Kasinga:** Thank you Mr. Chairman for the opportunity. I wish to support the further amendment by honourable Ngwele and note that both the beyond zero campaign, and the dispensaries which are sharing the money earlier on allocated for the completion of dispensaries of 38 million shillings, you note that money cannot really be enough for the two purposes. As a house, I believe we can begin from a point and then move forward. For that purpose I think it is important for us to support the amendment and in the near future because the money is not enough yet, we can be able to get money either from the supplementary budget or any other quarters. Thank you.

**The Chairman:** Honourable members I now put the question which is that D106, roman one, development budget ministry of health and sanitation, be amended further as proposed by honourable Ngwele.

*As many as are of that opinion say Ayes!*

***The Members: Ayes!***

*As many as are of the contrary opinion say Nay!*

***(Silence)***

**The Chairman:** I think The Ayes have it. Next, clerk.

**The Clerk:** Development vote D106, roman two, ministry of health and sanitation. Amendment (q) in the memorandum.

**The Chairman:** Honourable deputy majority leader.

**Hon. Munuve:** Thank you chairman. I want to move the amendment on vote D106, part two, **THAT**, kshs. 90,000,000.00 from this vote be utilized to reduce the overall deficit (after effecting governor's proposal) of kshs. 118,103,330 to 28,103,330. I move the amendment.

**The Chairman:** Honourable members I now propose the question which is that D106, roman two, development budget ministry of health and sanitation, be amended as proposed.

***(Silence)***

**The Chairman:** I now put the question, and for the purposes of recording I will ask honourable Muthui to use the microphone. In other words, I mean all the honourable members should be audible enough so that the recording can be clear. I am now going to put the question which is that D106, roman two, development budget ministry of health and sanitation, be amended as proposed.

*As many as are of that opinion say Ayes!*

***(Silence)***

*As many as are of the contrary opinion say Nay!*

***The Members: Nay!***

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** Development vote D107-development budget ministry of trade, industry, ICT and cooperatives. We are starting with roman two, amendment (k) in the memorandum.

**The Chairman:** Honourable deputy majority leader.

**Hon. Munuve:** Thank you chairman. I want to move the amendment on vote D107, roman two THAT, amend by reverting to the vote (D107) Kshs. 9,000,000 reduced by the Assembly from Kitui Trade Development Joint Loans Board Fund. I move the amendment.

**The Chairman:** Honourable members you know we are in a meeting. I know you have to consult but you should not consult loudly. So I am going to propose the question which is that Development vote D107-development budget ministry of trade, industry, ICT and cooperatives which is roman two, be amended as proposed.

**The Chairman:** I now put the question which is that Development vote D107-development budget ministry of trade, industry, ICT and cooperatives, roman two, be amended as proposed.

*As many as are of that opinion say Ayes!*

***(Silence)***

*As many as are of the contrary opinion say Nay!*

***The Members: Nay!***

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** We are still in the same vote, development vote D107, roman three, again on memorandum it is marked as amendment (k).

**The Chairman:** Honourable deputy majority leader.

**Hon. Munuve:** Thank you chairman. I want to move the amendment on vote D107, part three. THAT, amend by increasing to the vote (D107) kshs. 7,000,000 to boost the Loans Board Fund. I move the amendment.

**The Chairman:** Honourable members I am going to propose the question which is that Development vote D107-development budget ministry of trade, industry, ICT and cooperatives which is roman three, be amended as proposed.

*(Silence)*

**The Chairman:** I now put the question which is that Development vote D107-development budget for ministry of trade, industry, ICT and cooperatives, roman three, be amended as proposed.

*As many as are of that opinion say Ayes!*

***(Silence)***

*As many as are of the contrary opinion say Nay!*

***The Members: Nay!***

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** On the same development vote D107, roman four, amendment marked (p) in the memorandum.

**The Chairman:** Honourable deputy majority leader.

**Hon. Munuve:** Thank you chairman once again. I want to move the amendment on vote D107, part four. **THAT**, amend by increasing to the vote (D107) kshs. 28,000,000 to boost the construction of markets.

**The Chairman:** Honourable members I am going to propose the question which is that Development vote D107-development budget ministry of trade, industry, ICT and cooperatives roman four, be amended as proposed.

*(Silence)*

**The Chairman:** I now put the question which is that Development vote D107-development budget for ministry of trade, industry, ICT and cooperatives, roman four, be amended as proposed.

*As many as are of that opinion say Ayes!*

**(Silence)**

*As many as are of the contrary opinion say Nay!*

**The Members: Nay!**

**The Chairman:** I think the Nays have it. Next, Clerk.

**The Clerk:** Honourable members we now move to the last amendment which is development vote number 109- development budget Ministry of Environment, Energy and mineral investments, marked as amendment (a) in the memorandum.

*(Members engage in consultation for a while)*

**The Chairman:** Honourable members I believe you understand that there is a further amendment on D109 by honourable Muthui.

*(More consultations)*

**The Chairman:** Honourable members as I was saying, the amendment D109- development budget Ministry of Environment, Energy and mineral investments, has been catered for by the previous further amendment D104- development budget under the ministry of basic education, training and skills development. I will call upon honourable deputy majority leader to guide us from there.

**Hon. Munuve:** Thank you chairman. I wish to move **THAT**, the committee do report it's consideration on His Excellency the Governor's Memorandum on The Kitui County Appropriation Bill, 2014 (C/A Bill, 12, 2014) and its approval thereof **with** amendments. I beg to move.

**The Chairman:** Honourable members I put the question which is **THAT**, the committee do report it's consideration on His Excellency the Governor's Memorandum on The Kitui County Appropriation Bill, 2014 (C/A Bill, 12, 2014) and its approval thereof **with** amendments.

*As many as are of that opinion say Ayes!*

**The Members: Ayes!**

*As many as are of the contrary opinion say Nay!*

**(Silence)**

**The Chairman:** I think The Ayes have it. Next, Clerk.

*(The Mace is restored to the upper bracket and the Members rise in their places as the speaker re-enters the Chamber)*

**The Speaker:** Order honourable members. Next order.

**The County Assembly Clerk:** Order Number 10, report of the committee of the whole assembly to the plenary.

**The Chairman (Hon. Mbiti):** Thank you Mr. Speaker. I wish to report **THAT**, the committee of the whole county assembly has considered His Excellency the Governor's Memorandum on The Kitui County Appropriation Bill, 2014 (C/A Bill, 12, 2014) and approved the same **with** amendments. Thank you.

**The Speaker:** Next order.

**The County Assembly Clerk:** Order Number 11, Motion on Approval of The Committee (Whole County Assembly) Report by honourable James Munuve.

**The Speaker:** Honourable Munuve.

**Hon. Munuve:** Thank you honourable Speaker sir. I wish to move **THAT**, the house do agree with the committee in the said report. Thank you.

**The Speaker:** Honourable members, I propose the question **THAT**, the house do agree with the committee in the said report.

*(Silence)*

**The Speaker:** Honourable members, I put the question **THAT**, the house do agree with the committee in the said report.

*As many as are of that opinion say Ayes!*

**The Members: Ayes!**

*As many as are of the contrary opinion say Nay!*

*(Silence)*

**The Speaker:** The Ayes have it.

*(Consultations between the clerk and the Speaker)*

**The Speaker:** Honourable members you know that we have to approve this by two thirds majority. This one can only be done physically so that it is undisputable. If we don't do it physically, someone may rise up somewhere and say that this thing was never approved accordingly. I therefore order the division bell to be rung for a minute or two and the door be closed.

*(The Division bell is then rung for about two minutes and the doors closed)*

**The Speaker:** No member can either leave or enter the chamber now. Clerk.

**The County Assembly Clerk:** Mr. Speaker sir I think I the two tellers.

**The Speaker:** We need two tellers, one for No, and another for Yes.

*(Hon. Kasinga and Hon. Mutemi offer to act as tellers for Yes and No respectively)*

**The County Assembly Clerk:** Please ensure you come with a pen a piece of paper. We will proceed procedurally and kindly be audible enough for the sake of the Hansard. You either say, I VOTE YES, I VOTE NO, or I ABSTAIN. I start.

1. Hon. Alex Mutambu Nganga (Absent)
2. Hon. Angela Kanza (Absent)
3. Hon. Angelin Mbula Muthui (Absent )
4. Hon. Anastacia Mwathi Mutunga (Yes)
5. Hon. Anthony Kyalo Muthui (Yes)
6. Hon. Beatrice V. Musyoka (Yes)
7. Hon. Bernard Mwangangi Munyasya (Yes)
8. Hon. Boniface Maundu Katumbi (Yes)
9. Hon. Catherine Kasimu (Absent)
10. Hon. Colleta Kimanzi (Yes)
11. Hon. Daniel Ngoima Kimanzi (Yes)
12. Hon. Deiyis MaithyaMukana (Yes)
13. Hon. Dominic Kilonzi Kauthi (Yes)
14. Hon. Eunice MwathiKatheke (Yes)
15. Hon. Felix Kinuva (Yes)
16. Hon. Francis Kilonzi Mwalili (Yes)
17. Hon. George Kililiku (Yes)
18. Hon. Grogan Titus Mbivi (Yes)
19. Hon. Hussein Mwandia (Yes)
20. Hon. Irene C. Muvea (Absent)
21. Hon. Jackson Mwanduka (Absent)
22. Hon. Jacob Kilonzi Maundu (Yes)
23. Hon. James Mutunga Munuve (Yes)
24. Hon. Jamhuri Mwango (Yes)
25. Hon. Jane MueniMuli (Absent))
26. Hon. Jane Mutua (Yes)
27. Hon. JemimmahMbiti (Yes)
28. Hon. Jennifer N. Munuve (Yes)
29. Hon. John K. Nyamai (Absent)
30. Hon. JonrayNgava (Yes)
31. Hon. Joseph Nzungi Ngwele (Yes)
32. Hon. Joyce Mwende Mutemi (Yes)
33. Hon. KalovoMusau (Absent)
34. Hon. KithikiiKavindi Allan (Absent)
35. Hon. Mary Mbandi (Yes)
36. Hon. Mwendwa Munyoki (Yes)
37. Hon. Mary Ndumbu (Absent)
38. Hon. Mwove Kinyala (Yes)
39. Hon. Nelson Kilonzo Kitema (Yes)
40. Hon. Nzuki Wambua (Yes)
41. Hon. NzyoniMangu'ye (Yes)
42. Hon. Patricia Kisio Kimanzi (Yes)
43. Hon. Patrick Munyithya Mutua (Yes)

44. Hon. Peter Maithya Mutemi	(Yes)
45. Hon. Peter Mwikya Kilonzo	(Absent)
46. Hon. Phoebe Kisee	(Yes)
47. Hon. Rhoda Wambua	(Yes)
48. Hon. Robinson Mativo	(Yes)
49. Hon. Ruth Kinyumu	(Yes)
50. Hon. Sammy Muriungilkunga	(Yes)
51. Hon. Musee Mulongo	(Yes)
52. Hon. Stephen Kiluu Wambua	(Absent)
53. Hon. Stephen Mwendwa Kithuka	(Yes)
54. Hon. Titus Munyoki Kasinga	(Yes)
55. Hon. Titus Ndemwa Mbiti	(Yes)
56. Hon. Vestantinah Messi Chawana	(Yes)

**The County Assembly Clerk:** tellers

**The Speaker:** You go there the two of you, and you bow and then one of you reads the results.

**Hon. Kasinga:** Mr Speaker Sir we wish to report the results of the Division; those for **No= 0, Yes= 44.** There was no abstinance. Thank you.

**The Speaker:** Honourable Members I wish to announce the results of the Division; the Noes- 0 and the Yes-44, therefore the Ayes have it. We have come to an end of a very sensitive business of the House and I want to thank the honourable Members for rising to the occasion which you came here to do. I sincerely thank you. That is excellent, you have done it, you have done your job am not saying you have done the right thing or you have done the wrong thing. I am saying as the Speaker you have discharged your duty. I therefore wish you good time.

The meetings of the committees will continue as usual. Check where you will be meeting from tomorrow up to the end of the week as usual and then by the end of the week you will be told of the committees' program for next week. We are going to work this week and perhaps rest next week. But it will be business as usual this week only that there will be no plenary because we are on recess. There might be interruption on 13<sup>th</sup> Wednesday next week. The Catholic Diocese will be engaging you as a House on public participation. They have requested me to inform you about the event to be held at the cottage hotel which will last the whole. You will still be on duty. There will be tea, lunch and everything.

Once again I thank you honourable Members and enjoy your recess and proceedings of the committees.

With those few remarks, the House still stands adjourned until Tuesday 2<sup>nd</sup> September, 2014 at 2:30PM

**The County Assembly rose at 4:56 PM.**