

Kitui County Assembly

THE HANSARD

First County Assembly - Second Session

Tuesday 22nd July, 2014

The County Assembly met at 2:45PM

ARRIVAL OF THE SPEAKER

(The Speaker {Hon. George Ndotto} entered the Chamber at quarter to three 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: 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 to be laid. We start with The Kitui County Alcoholic Drinks Control Bill, 2014 (Assembly Bill No. 4, 2014)

{Chairperson Administration and coordination of County Affairs committee}

The Speaker: Honourable Kinyala

Hon Kinyala (The Member for Endau/Malalani ward): Thank you Mr Speaker Sir. Pursuant to the provisions of the Interim standing orders No. 130 (1), I beg to lay on the table, the report of Administration and Co-ordination of County Affairs Committee on The Kitui County Alcoholic Drinks Control Bill, 2014 (Assembly Bill No. 4, 2014).

(Papers laid)

The Speaker: Well, Next Mr Clerk.

The County Assembly Clerk: The Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014) {Chairperson, Committee on Environment, Energy, Mining, Natural Resources and Tourism}

The Speaker: Honourable Mulongo.

Hon Mulongo (The Member for Mui ward): Thank you Mr Speaker Sir. Pursuant to the provisions of the Interim standing orders No. 130 (1), I wish to lay on the table, the report of Committee on Environment, Energy, Mining, Natural Resources and Tourism on The Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014). I beg to lay Mr Speaker.

The Speaker: Well, Next Mr Clerk.

The County Assembly Clerk: The Kitui County Health Facilities Management Committee Bill, 2014 (Assembly Bill No. 6, 2014) {Chairperson, Committee on Health and Sanitation}

The Speaker: Honourable Mwende.

Hon Mwende (The Member for Kyome/Thaana ward): Thank you Mr Speaker Sir. Pursuant to the provisions of the Interim standing orders No. 130 (1), I wish to lay on the table, the report of the Committee on Health and Sanitation on The Kitui County Health Facilities Management Committee Bill, 2014(Assembly Bill No. 6, 2014).I beg to lay the papers Mr Speaker.

The Speaker: Next Mr Clerk.

The County Assembly Clerk: The Kitui County Sorghum Bill, 2014 (Assembly Bill No. 7, 2014) {Chairperson Committee on Agriculture, Water and Irrigation}

The Speaker: Honourable Kasinga. Honourable Titus Kasinga!

(No response).

The Speaker: Let's move on. Next order!

The County Assembly Clerk: Order No.6, Notices of Motions.The Kitui County Health Facilities Management Committee Bill, 2014(Assembly Bill No. 6, 2014) Chairperson, Committee on Health and Sanitation.

The Speaker: Honourable Mutemi (Mwende) are you ready to give notice to the Motion?

Hon Mutemi (Mwende): Yes Mr Speaker. Mr Speaker Sir, Pursuant to the provision of the interim Standing Order No. 130 (2), this House approves the report of the committee of Health and Sanitation on consideration of The Kitui County Health Facilities Management Committee Bill, 2014(Assembly Bill No. 6, 2014).

The Speaker: Honourable Mutemi you say I wish to give notice of the following Motion.... I wish to give notice of the following Motion and then you read the Motion. Can you repeat it again?

Hon Mutemi (Mwende): Thank you. I wish to give the following Motion that.....

The Speaker: No, I wish to give notice...

Hon Mutemi (Mwende) I wish to give notice of the following Motion; That, Pursuant to the provisions of the Interim standing orders No. 130 (2), this house approves the report of the committee of Health and Sanitation on consideration of The Kitui County Health Facilities Management Committee Bill, 2014(Assembly Bill No. 6, 2014). I beg to move. Thank you Sir.

The Speaker: Thank you. Next order!

The County Assembly Clerk: The Kitui County Sorghum Bill, 2014 (Assembly Bill No. 7, 2014), Notice.

The Speaker: Where is honourable Titus Kasinga? Does anybody know where he is? Anybody who was with him during lunch time? Or the Vice Chairman of the committee? Who is the Vice Chairman of the Agriculture Committee?

Some Members: Wambua.

The Speaker: Is honourable Wambua here?

Some Members: He is outside there. He is coming.

(Hon Mwandia rises to 'catch the Speaker's eyes)

The Speaker: What is the problem honourable Mwandia?

Hon Mwandia (The Member for Ikutha ward): Mr Speaker, I am a Member of that Committee and I am sure the report is ready and the Chairman is ready (to present it). May be he is just outside preparing to come and present it. Thank you.

The Speaker: *Bwana* Chief Whip.....

Hon Munyoki (The Member for Mulango ward): Yes, Mr Speaker

The Speaker: Where is honourable Kasinga or his deputy?

(Silence)

The Speaker: In the absence of honourable Kasinga, can the deputy lay the paper and give notice of the Motion?

(The Speaker and the Clerk consult briefly)

The Speaker: Next order.

The County Assembly Clerk: Order No.7, Statements.

The Speaker: Are there any statements?

(Silence)

The Speaker: Next order.

The County Assembly Clerk: Order No. 8, Motions and Bills. Motion on Adoption of the Regulations for Implementation of the Guidelines for Community Level Infrastructural Development and Pro-Poor Programs. Chairperson Administration and Coordination of County Affairs Committee

(Hon Kinyala rises to take the floor)

The Speaker: Order, Order, honourable Kinyala. Honourable Members the matter before you is a Bill that was moved by honourable Kinyala. We are still debating on it and there are several amendments proposed by the Committee on the regulations. There are also some amendments which Members will propose from the floor and I want us to go systematically so that we can dispose off the regulations. They have been with us for quite a while.

(The Speaker flips through his files)

The Speaker: Mr Clerk, I don't have the regulations, where are they? You get your regulations ready because we will deal with them one by one. Madam Clerk those regulations are not here (in the file). How can the Speaker's file lack a copy of the regulations? Who is responsible for the Speaker's file?

(The Deputy Clerk surrenders her copy to the Speaker and sends for another one)

The Speaker: Now honourable Members, I am assuming you have read the regulations and are familiar with them. The Chairman of the Committee on Administration and some MCAs are going to move certain amendments on the regulations. You can only move an amendment (at the floor of the House) if you notified the Speaker in advance and the speaker approves the same. Only three Members namely hon Munuve, hon Mutemi and hon Nyamai who forwarded their amendments to me and I approved them are entitled to move amendments on the floor. I am afraid at this stage you (the rest of the Members) can't introduce any amendment. There was a matter that was raised by honourable Kilonzo. What happened to the amendment you were requesting honourable Kilonzo? You didn't have time to draft and forward it to the Speaker?

Hon Kilonzo: It was included in Munuve's amendments.

The Speaker: Oh, its already included?

The Speaker: Good. I therefore do not expect any amendment from the floor apart from the ones which I have mentioned. I will go page by page, paragraph by paragraph.

(The Speaker notices hon Mutemi standing at the door)

The Speaker: Come in honourable Mutemi. Where the Chairman wants to propose an amendment, he will stop us; we will deal with that amendment, dispose it off and proceed on. Is that clear?

Members: Yes.

The Speaker: Also at the same time, on any page where either honourable Mutemi or honourable Munuve wants to introduce an amendment, we will as well stop, discuss the amendment and dispose it and move forward. Is that procedure clear?

Members: Yes.

The Speaker: The same applies to hon Nyamai. I dont know....*Bwana* Clerk you remind Nyamai when we get to where he wants to propose an amendment because he has just come in and he may not know what we are doing. Now, Kinyala you wanted to say something. What was it?

Hon Kinyala: Thank you Mr Speaker Sir. I think what I wanted to say has been overtaken by the events, because I just wanted to introduce and let the debate to resume, thank you.

The Speaker: I will now read the regulations; the guidelines for implementation of the two programmes. Name of the first programme; **Community Level Infrastructural Development Programme**; Funding level **Ksh 250 million**; is there any proposed amendment up to that point? Justification; is there any amendment for justification?

Hon Mbivi: Mr Speaker hon Kinyala....

The Speaker: Sorry!!

Hon Mbivi: There is a proposal by hon Kinyala....

The Speaker: Hon Kinyala!

Hon Kinyala: Mr Speaker the amendment that I have relates to the funding level where we have proposed that: Amend the words “funding level” to read **minimum funding level of Ksh 250 million**.

The Speaker: Just a minute, let me get you right honourable Kinyala. You want to amend Funding level, Ksh. 250 million by proposing amendment on the words “funding level” to read **minimum funding level of Ksh 250 million**?

Hon. Kinyala: Yes Mr. Speaker.

The Speaker: That is what you are proposing?

Hon. Kinyala: Yes Mr. Speaker

The Speaker: Members are you with me?

Members: Yes.

The Speaker: You are with me?

Members: Yes.

(Hon Munuve rises to catch the Speaker’s eyes)

The Speaker: Munuve sit down.

Hon. Munuve: I have a concern.

The Speaker: Munuve sit down!

(Hon Munuve obliges)

The Speaker: Now, there is a proposal by the Committee on the funding level. They want Funding level, Ksh. 250 million, to be amended to read: **minimum funding level of Ksh 250 million**. Do you understand the proposal Members?

Members: Yes.

The Speaker: Hon Munuve seems to be having a problem. Can you tell us your problem hon Munuve?

Hon Munuve: Yeah, it is true I have a small problem with what we are supposed to amend. We have the original document from the executive side and the report by the committee. With regard to the report, I think the Committee did some amendments and according to me, what we are supposed to do is to amend the Committee's report but not the original document. So we should move amendments on the amendments by the committee. Thank you Mr Speaker Sir.

The Speaker: I have said we are going to deal with every Clause bearing an amendment, and we are going to do it my way. The Committee has proposed an amendment, so if another amendment arises from the floor, I will first dispose off the one by the Committee followed by that from the floor so that we will go up to the end without repeating anything.

I will therefore propose the question on the amendmeny by the Committee which is THAT, the funding level of Ksh 250 million be amended as proposed. When I propose the question, it will now be your chance to either agree with it or to oppose before I put the question. Now if you have any problem with that proposal, it is your turn now to raise your concern. Either you oppose it or you support it and give reasons for your stand. You can as well keep quiet, and silence means agreement.

The Speaker: Do I put the question?

Members: Yes.

(Hon Muthui stands up to catch the Speaker's eyes)

The Speaker: No, hon Muthui wants to say something. On this particular one

Hon Muthui: Thank you Mr Speaker Sir. I stand to support the amendment because the Ksh 250 million is what was approved by this Assembly in the last Financial Year. This Financial Year, we have approved a higher amount. Thus, I support that the "the funding level" be amended to read; 'minimum' because we will be reviewing it with time. Thank you. You want to amend Funding level, Ksh. 250 million by proposing amendment on the words "funding level" to read **minimum funding level of Ksh 250 million?**

The Speaker: Very well. I will now put the question THAT, funding level ksh.250 million be amended as proposed.

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

Members: Ayes!

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The AYES have it. It is going to be a bit tedious but that is the only way you can dispose of it systematically.

We now move to Justification. Do we have any amendments on that Mr Kinyala?

Hon. Kinyala: Thank you Mr Speaker sir. The committee has proposed an amendment on Percentages to be applied while implementing the projects THAT, in page 2 of 8 bullet two and three should be merged to become bullet two and add together the percentages given to 95% of the budgeted funds. Therefore, the bullet should read:-

- 95% of the budgeted funds shall be utilized for the projects identified by the committee in the wards.

Also the Committee proposes that, Delete the word "youth" appearing in point three between the words "the" and "and" by replacing it thereof with the word **community**.

The Speaker: But you are talking of the 95% and you are not telling us what is going to happen to the 5%. Or I am the one who is not reading properly?

Hon. Kinyala: Mr. Speaker sir, if you look at the original document.....

(Hon Kilonzo rises)

The Speaker: Yes honourable kilonzo.

Hon. Kilonzo: Thank you Mr. Speaker. I have a humble request to the chairman Mr. speaker that he just moves straight to the amendment without giving us explanations Mr. Speaker.

The Speaker: I absolutely agree with you because this will save us a lot of time. We are able to read for ourselves. Just go straight to the amendment.

Hon Kinyala: Thank you Mr. Speaker for that guidance. The amendment is 95% Mr. Speaker.

The Speaker: You want us to consolidate 70% and 25% to read 95% and then 5% will be for capacity building expenses?

Hon Kinyala: Yes Mr. Speaker.

The Speaker:Right. Do you understand that honourable members? Because I believe there is an amendment to this. But we want to dispose of this one first before we introduce the other amendment. There is a further amendment to this.

I will therefore propose the question which is that the clause dealing with funding be amended as proposed.

(Hon Munuve rises)

The Speaker: Honourable munuve.

Hon Munuve: Mr. Speaker sir, I wish to amend further that particular part of percentages to read: 70% equal share, 10% population size, 8% poverty index of the ward, 7% size of the area ward and also down there the following should be included so that the percentages can be clear to everyone.

- (i) The ministry of Administration and co-ordination of county affairs needs to avail the poverty index data in all of the 40 wards.
- (ii) The 5% will be used for sitting allowances, re-imburement of fares, trainings, monitoring and evaluation and other administrative duties. I ask honourable Peter Maithya to second my amendment. Thank you.

(Hon Maithya reserves his right to speak by rising to second the Motion)

The Speaker: There is an amendment to an amendment. We are in a real business now. How do you deal with that? I will put the question to the first amendment, you dispose of it and then we deal with the second amendment. You remember that?

Members: Yes.

The Speaker: I will put the question. I think if I keep on standing it will be too much. I will do it seated this time. I will put the question that the funding clause be amended as proposed.

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

Minority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Majority of the Members: **No!**

The Speaker: The **Noes** Have it. I will now propose the second amendment to the amendment. I don't have that proposed amendment. Can I have it?

(The Clerk gives the Speaker a copy)

The Speaker: Order, order. We have disposed of the first amendment we are now dealing with the second amendment on the same clause. I will now propose THAT the second amendment as proposed be approved. Any contribution?

(Silence)

The Speaker: I now put the question THAT the second amendment to the proposed be approved.

As many as are of that opinion say **Ayes!**
Majority of the Members: **Ayes!**
As many as are of the contrary opinion say **No!**
The Minority: **No!**

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

(Foot thumbing)

The Speaker: Honourable Munuve, is the second part of your amendment necessary?

Hon Munuve: It has been captured in the first part. The only difference is the 5% should be doing what. It is meant for sitting allowances....

The Speaker: No, No, No. the figures are alright. Let's move forward.

(The Speaker and the Clerk engage in consultation again)

The Speaker: (*Addressing hon Munuve*) is this part on procurement necessary?

Hon. Munuve: Yeah, but it comes after number ten (10).

The Speaker: Okay. We will handle it at that stage. Let's move ahead. Eligibility list for such projects. I think there was a proposed amendment on this one.

Hon Kinyala: Yes. Still on justification Mr. Speaker, on the original document we have...

The Speaker: What is your proposal?

Hon Kinyala: My proposal Mr. speaker is that we Delete the word "youth" appearing in point three between the words "the" and "and" by replacing it thereof with the word **community**.

(The Speaker can't locate whatever honourable Kinyala is reading)

The Speaker: Am I reading different documents? Eligibility list for such projects. Is it? Or where am I?

Hon Kinyala: Mr. Speaker we are still on justification, the last part.

The Speaker: Okay. The project should respond to the needs of the community and be labour in best. Is that the one?

Hon. Kinyala: Yes Mr. Speaker.

The Speaker: What are you proposing?

Hon. Kinyala: Replace the word youth with community Mr. Speaker.

The Speaker: Alright. I have seen it. I will propose the question THAT the word youth be replaced with the word community. I will now put the question THAT the word youth be replaced with the word community.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

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

Hon Kinyala: Thank you Mr. Speaker. I am now on eligibility and Mr. Speaker if you allow me I will read the proposed amendments in eligibility because we have a few of them Mr. Speaker.....

The Speaker: Mr. Mwove, I have here: Eligibility list for such projects was proposed as follows. Is that where you are?

Hon. Kinyala: Yes Mr. Speaker.

The Speaker: The first one you have said: Amend by deleting the words “leading to markets”

Hon Kinyala: Yes

The Speaker: That is what you should be doing.

Hon Kinyala: Thank you Mr. Speaker. And also Amend by correcting the word “swallow” to read **shallow** appearing in bullet six.

The Speaker: No. we deal with the first one first Mr. Kinyala. Now honourable members, Amend by deleting the words “leading to markets” appearing immediately after the word “roads” in bullet two. Do you have that?

Members: Yes.

The Speaker: I will propose the question that this provision be amended as proposed. I will put the question that the provision be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

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

Hon. Kinyala: Mr Speaker we amend by correcting the word “swallow” to read **shallow** appearing in bullet six.

The Speaker: I will propose the question that swallow should be amended to read shallow. This is even a spelling mistake and those ones are corrected by the speaker before he forwards. It should not appear here as an amendment. Let’s go to the next one.

Hon. Kinyala: Mr Speaker we amend by adding bullet ten indicating any other project that the community through the committee may come up with.

The Speaker: I will propose the question that this addition be added as proposed. I now put the question that this addition be added as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Number four (4). Composition and Roles of Committees. You are proposing what honourable Kinyala?

Hon Kinyala: Amend by deleting the words “with a maximum of 13 members” appearing immediately after the word programme in line two.

The Speaker: I will propose the question that you amend this clause by deleting the words “with a maximum of 13 members” appearing immediately after the word programme in line two. I will now put the question that you amend this clause as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Number five (5). Composition and Roles of Committee.

Hon. Kinyala: Amend by adding bullet four that, People living with disability to be included in the composition of the committee.

The Speaker: I will propose the question that this clause be amended as proposed. I will now put the question that this clause be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

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

Hon Kinyala: Mr Speaker we amend by deleting the word “by” appearing in between elected and members and replace it thereof with the word **from**.

The Speaker: I will propose the question that this clause be amended as proposed. I will now put the question that this clause be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **AYES** have it. Next.

Hon Kinyala: Mr Speaker we Amend by inserting the words “**for another one term**” immediately after the word renewal in the second.

(Clapping as hon Mwalili enters the Chamber)

The Speaker: Order! What is wrong with honourable clay?

A section Members: The bag. *(This is creating some disorder in the house)*

The Speaker: Order! This is what you are enjoying eh? Order, order! I will propose the question that this clause be amended as proposed. I will now put the question that this clause be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say No!

(Silence)

The Speaker: The AYES have it. Next.

Hon Kinyala: Mr Speaker, Amend by deleting the words “community side” and replacing it thereof with the words **popularly elected group**.

The Speaker: Can honourable Kinyala explain to us what he means by this.

Hon Kinyala: Mr Speaker by popularly elected group, we mean the people who are elected by the community.

The Speaker: Does this make sense to you honourable members.

Section of the Members: No!

The Speaker: I propose the question that this clause be amended as proposed.

(Hon Kilonzo rises)

The Speaker: Honourable Kilonzo.

Hon. Kilonzo: Thank you Mr Speaker sir. I need more clarification from either the chairman or the committee members what they mean by popularly elected because that is a very ambiguous word Mr speaker. Inserting it in these regulations will cause a lot of disharmony because I personally I don't know whether I was popularly elected, I don't know whether he is talking about me or somebody else. Thank you.

The Speaker: I think this amendment puts these honourable members in a very awkward position and can jeopardise the whole regulations because you have used ambiguous language.

Hon. Kinyala: Mr Speaker the language may be ambiguous but what we mean, we know that we have a committee which is elected by the community and we are talking about the membership of the committee Mr speaker. So when we talk about the members of the committee who are elected by the people. Honourable members are not supposed to be members of this committee Mr speaker according to this programme.

The Speaker: Honourable Ngoima.

Hon. Ngoima: I stand also to clarify on this issue of popularly elected. We have already disposed of bullet three (3) on the composition of the committee which talks of election through popular vote. I think the committee borrowed this word from this popular vote and that is what it means.

The Speaker: Anybody else who wants to contribute. May be a member of that committee. Honourable Sila (Munyasya).

Hon. Munyasya: Thank you Mr Speaker. I want to read the section that we were amending Mr Speaker so that members can understand better what we were doing. We are in page 3 bullet 8 of the original document. I read: The chairman will be elected....

The Speaker: Honourable Sila the speaker is not yet with you. Where are you?

Hon. Munyasya: Page 3 bullet 8. The chairman will be elected by members of the committee who are not administrators. Also, the committee will serve a term of two years but will be subject to

renewal. And then on the quorum where the amendment is; the quorum for meetings should be two thirds majority, including the chair and 50% from the community side.

Mr Speaker, instead of saying community side, we thought it would be wise to say, popularly elected group by the community. What we meant Mr Speaker is that we have the committee which has been elected. You know Mr Speaker when we were elected as members of the county assembly during the general election, there were members of parliament and other people who were elected and that was not the end of the word election. Elections still exist. That is why we elected committee members. So that is exactly what we meant. Thank you.

The Speaker: Can we hear from honourable Ndemwa?

Hon. Mbiti Ndemwa: Thank you Mr Speaker. It is well known that we are honourable members and we are popularly elected Mr Speaker and we should respect this word because it is reserved for those who are elected. This committee is trying to draw us to another direction mr speaker because when they say, popularly elected group and leave it like that, we can have a group from Uganda to come and say that it is popularly elected and they qualify. This amendment should therefore be kept out of this issue or we find another word. We must be very clear and not take things for granted. Thank you.

The Speaker: Honourable kauthi.

Hon. Kauthi: Thank you Mr Speaker sir. I wish to draw this honourable house to the county government Act section 9. The section states vividly that as members of this county assembly should have close contact to the electorate. When you talk of popularly, that means we are denying ourselves some of our roles. In that same section, we are suppose do bring views and opinions of the electorate in the house and we cannot bring those views here if we don't go to that side. This language of popularly is the MCA.

(Laughter)

The Speaker: Order, order! Honourable kauthi you are totally out of order. Sit down. Honourable Mutemi.

Hon. Mutemi: Thank you Mr Speaker. The use of this word popularly elected group is ambiguous. We understand that by community side we mean someone who will be elected from the community within that ward and that side is actually a village. So if we use popularly elected group, anybody in the ward will claim apposition in this development committee and claim that they were popularly elected by their respective groups. We know there will be election for these committees and people from different villages will be required to elect a representative in this committee. So when we replace the word community side with popularly elected group, we will create confusion and we are going to open paradox box for anybody to claim a position in this committee. Thank you Mr Speaker.

The Speaker: honourable Ngwele do you have a different view?

Hon. Ngwele: Thank you Mr. Speaker sir. I just want to request the chair if this can solve the problem; that we change this particular clause to read: a representative from each village elected at a meeting convened by the ward MCA.

(Laughter)

The Speaker: Order, order! Honourable Ngwele that is another amendment you are bringing. I have got the points as articulated by honourable Mutemi, Ndemwa and honourable kilonzo. I will now put the question THAT this clause be amended as proposed.

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

Minority of the Members: **Ayes!**
As many as are of the contrary opinion say No!
Majority of the Members: **No!**

The Speaker: The NOs! Have it. Next Honourable Kinyala.

Hon Kinyala:Mr Speaker, Amend by adding another condition that: the committee member should comply with chapter six of the constitution of Kenya 2010.

The Speaker: Right. I will propose that this clause be amended as proposed. Anybody who wants to say something? When you talk of chapter six of the constitution you need all the relevant clearance certificates from the relevant bodies among them, KRA, HELB, the CID and the like. I want you to consider all the cons and pros of every amendment. These are regulations the committee is proposing. Yes honourable Mutemi.

Hon Mutemi: Mr Speaker chapter six talks of leadership and integrity. I think all these members were subjected to the same. The problem lies with proving whether one actually complies. I don't know whether the committee by saying this, they were trying to burden whoever who will be assisting in the formation of the committees, either by educating the community on the contents of this chapter six such that those who do not have upright morals will not find their way in these committees. Those who have been involved in criminal activities and other such kind of behaviours. The other thing Mr speaker is that when we were doing this we were looking for a job and a very serious which we are really undertaking here while theirs will be voluntary services. The chairman of this committee needs to clarify what exactly they mean by adding this condition here. Thank you.

The Speaker: So what is your position honourable Mutemi because you are saying nice things but you are not declaring your position. Are for or against this amendment?

Hon Mutemi: I am for the amendment but again I am restrained because I don't know whether that is attainable at the community level.

The speaker: Right. Honourable Kilonzo.

Hon Kilonzo: Thank you Mr. Speaker sir. The chair of this committee is my uncle, a very trusted and honest. I think the words he is looking for are the words respectable, honest, honest, fair and trustworthy which are put in the first sentence. The words leader and integrity under chapter six Mr. Speaker cannot apply there. Unless this chair tells us whether these people are paid or not because I don't see why you should let me go get all these letters at my own expense when you are just giving me a sitting allowance of one thousand Mr. speaker. Thank you.

The Speaker: I think you should just think on amending this amendment. Yes honourable Kasinga.

Hon Kasinga:Thank you Mr. Speaker sir. I think the committee was trying to make sure that actually the members of that committee people who are respected, who can be trusted with whatever they are doing. The issue of integrity is a wide subject and whatever the requirement we are subjected to the law the way it is, it is not something so easy to come by as my colleagues have elaborated. The people we expect to serve in these committees are people we know from the villages and I would say that in the initial eligibility criteria, the qualifications stated are enough. For that matter I oppose this amendment. Thank you.

The speaker: I will now put the question THAT this clause be amended as proposed.

As many as are of that opinion say **Ayes!**
Minority of the Members: **Ayes!**
As many as are of the contrary opinion say No!
Majority of the Members: **No!**

The Speaker: The NOs! Have it. Roles of committees, Mr Kinyala.

Hon. Kinyala: Amend by adding that the committee will work in collaboration with the member of county assembly to implement (1) above.

The Speaker: Again I want to caution you. Do not put anything here which will change the regulations to suit you. The MCA is the overall boss both for the governor and the committee to ensure that things are done properly. When you bring yourself in the regulations, you are contravening the law. Now all the budgets of the assembly are back because of those things I have been telling you. This is a very dangerous clause. I am uncomfortable with this proposal as the speaker because it can jeopardise the regulations. You do not to be a member of that committee for your voice to be heard. You go to that committee and if they do anything wrong you can bring a motion here to disband that committee altogether and it will be disbanded. You have all the powers you don't need to jeopardise the regulations by becoming members of those committees. I now propose the question THAT this clause be amended as proposed. Honourable Munuve.

Hon Munuve: Thank you Mr. Speaker sir. I totally agree with what you have said and I propose that the entire amendment be deleted and replaced it with the following: THAT the people's representative will exercise the oversight role in project identification, prioritization and harmonization as in county government act 2012, section 9(2).

The Speaker: Where is that amendment?

(A copy is handed to the speaker)

Hon Munuve: I would like to read section 9 (2) of the county government Act. "(2) A member of the county assembly shall not be directly or indirectly involved in the –

(a) Executive functions of the county government and its administration; or

(b) Delivery of services as if the member were an officer or employee of the county government.

The way the committee has suggested, we are not supposed to implement but just to offer only the oversight role in project identification, prioritization and harmonization. I also want to remind that particular committee that the roles of this committee is not implementing but to identify, prioritize and harmonize the projects, then give directives.

The Speaker: Order, order munuve! I am avoiding a tug of war between my assembly and the independent commission. Do you need to state your oversight role in the overall management of the county executive more than it has been stated in law? Do you really need to over specify your oversight role? We will first dispose of the first amendment then we will deal with the second amendment. I will put the question which is THAT this clause be amended as proposed.

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

Majority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Minority of the Members: **No!**

The Speaker: The **Ayes** have it. Remember you have approved Kinyala's amendment. That is exactly what you have done. Therefore Munuve's amendment is written off because you cannot approve this amendment and then go ahead and approve Munuve's.

(Noise buzzes as the Members ponder over their action)

The Speaker: Order! Order! What you should have done is to reject this one and then you approve Munuve's. I will now propose the question that this clause be further amended as proposed by honourable Munuve.

(Hon Ngwele rises)

The Speaker: Yes honourable Ngwele.

Hon. Ngwele: Thank you Mr Speaker sir. I just want to tell the honourable members that approving the amendment that they have just approved is the right thing to do. This is because as we are all aware from the experience of the last one year, development at the local level is very political and it has to be guided very strongly by the person who has been given the overall political objective in that ward to deliver development and that person is the MCA. We are aware of the issue of separation of powers, but the very reality from the history of development in this country, is that it is a political process. When we were asking for votes, we promised our people that we will deliver development projects. These two programs aim at delivering development projects at the lowest level and if these members are kept out of that process, these projects may not be delivered.

The Speaker: Honourable Ngwele, you know you are not within the law. We don't know what you are debating on. We have already approved the first amendment and we are on the second amendment. Are you supporting or opposing the second amendment?

Hon Ngwele: Mr Speaker sir I am canvassing the assembly to reject the second amendment.

The Speaker: Okay, continue.

Hon Ngwele: So, Mr Speaker we have been very shy to involve ourselves in development projects for a very long time. Our experience for the last one year is that development at that local without our involvement is not taking place. It is over a year now since we approved budgets in this assembly for the pro-poor projects but up to today, nothing has taken place Mr Speaker. For instance in Ngomeni ward, only one classroom has been completed. If the MCA of this particular ward was involved in this Small infrastructural support programme, I am probably sure that more would have been. When there is no progress in development projects in the ward, it is not the committee but the MCA who is asked by the electorate. And just to remind the honourable members that we are on a performance contract for five years that we are supposed to perform A, B, C, D. and if that doesn't happen, no other person shall be question other than the MCA. I therefore request the honourable members to reject this amendment by honourable munuve so that we can keep the other one that we have just approved. Thank you.

The Speaker: Honourable Kilonzo.

Hon Kilonzo: Thank you Mr Speaker sir. I wish to read the amendment that the honourable members have just approved: Amend by adding that the committee will work in collaboration with the Member of county assembly to implement;

- i. Identify, harmonize and prioritize projects.
- ii. Co-ordinate/ oversee development projects.

Mr Speaker sir, I have a problem with the second part because what honourable munuve has just done is to change the word MCA which is creating a lot of jitters in legislation Mr Speaker.....

(Hon Mwove Kinyala rises on a point of order)

Hon Kilonzo: Protect me Mr Speaker.

The Speaker: There is a point of order honourable Kilonzo. What is the point of order honourable Kinyala?

Hon. Kinyala: Is the honourable member in order to mislead this house by saying that the amendment that he has just mentioned refers to part one and two, when the amendment is referring to part one alone?

The Speaker: Honourable Kilonzo are you in order?

Hon Kilonzo: Yes Mr Speaker, unless the chairman has changed the script he has given to us. What I have reads; to implement one and two above. Unless he wants to disapprove that and lead this House to more confusion! Mr Speaker I have a problem with number two which talks of co-ordinating, overseeing and implementing projects. And the reason why I am supporting the amendment which has been moved by the honourable member from fro Kanziku is; the oversight role is not lost and if my dear uncle from Ngomeni wants the word MCA to appear, it has been in a different language as the area people's representative. Mr Speaker we cannot go for the implementation role be we can only be there for project identification, prioritization and harmonization not beyond that.

Hon Kinyala: Point of information Mr. Speaker.

The Speaker: What is your information honourable Kinyala?

Hon. Kinyala: I think the honourable member is referring to the pro-poor programme which has one and two. I still insist that the community level infrastructural project has only (i) which talks of project identification, prioritization and harmonization.

The Speaker: Honourable members I want to assure you that with these kind of mistakes, these regulations will come back unapproved. Yes honourable Mutemi.

Hon Mutemi: Thank you Mr Speaker. I think on this one and two in the pro-poor programme.....

The Speaker: Honourable Mutemi I want you to speak on the second amendment. Forget about the first amendment.

Hon Mutemi: Mr Speaker I am in support of the amendment proposed by honourable Munuve. What honourable Munuve has proposed captures the spirit of this house for members to participate in the process of identifying, prioritizing and harmonizing projects. If you read this County Government Act 2012, Section 9, it talks about members of County Assembly and not any other representative. We are not supposed to be part of implementation but just to monitor the progress of the projects that we participated in identifying, prioritizing and harmonizing. This section of the county government act limits us to participate in service delivery as if we were executive representative. I therefore urge this honourable house to support Munuve's amendment.

The Speaker: Let's hear from honourable Kithuka.

Hon Kithuka: Thank you Mr Speaker sir. On these two amendments, the amendment by honourable Munuve, and that of the committee Mr speaker, my take on it Mr Speaker is that it is a matter of playing with words. Honestly if I listen to what Munuve is saying is just to replace the member of county assembly with people's area representative which is reflected in what the chair of the committee is saying. Let us save time on this and agree that Munuve is just trying to second the honourable chair. Thank you.

The Speaker: honourable Kasinga.

Hon Kasinga: Thank you Mr Speaker sir. Indeed I cannot agree more with my friend, honourable Kithuka. My take on the second amendment by honourable munuve, I just want to say that it is an upside down wording. When you look at the section of the county government Act that honourable munuve is referring to, that is already legislation. These are guidelines. What is already legislated we do not need to reinforce it with guidelines. Oversight is ours and nobody can take it away because it is given by the law. What we are doing here is just enforcing. Even if we were to stop at where we are, it would be good. I therefore oppose the second amendment. Thank you.

The Speaker: Honourable Ndemwa (Mbiti).

Hon Mbiti: Thank you Mr Speaker sir. I stand to oppose the amendment by honourable Munuve. Mr Speaker this committee has a lot of work to do and what honourable munuve is proposing in his amendment, is to delete all what has been said here; that is co-ordination, implementation, for some projects the committee will continue functioning. When the honourable member says that we should remain only with the oversight role, identification, prioritization and harmonization Mr Speaker, he is saying that we should go there and watch as the classrooms are being built. We are honourable members and that is not our job. We should just remain with the amendment by the committee and if honourable munuve or any other person wants to amend tis further, then they should come up with a better way of doing it. I think what honourable munuve has just done is to use very strong English statements and we are not here for that. We are here for.....

(Hon Munuve rises on a point of order)

The Speaker: There is a point of order honourable deputy speaker. What is your point of order honourable Munuve?

Hon Munuve: is the honourable member whom I do respect as the deputy speaker in order to mislead this house by saying that the amendment has used very ambiguous words. Oversight is not an ambiguous word. Are you in order to say that?

Hon Mbiti: Address the speaker not me.

Hon Munuve: Why are you misleading the house?

Hon Mbiti: Mr Speaker protect me because this honourable member is trying to be hard on me. He should address the chair not me.

The Speaker: Order! Order honourable Ndemwa! You are the one who is out of order. Continue.

Hon Mbiti: We should remain with the amendment which has been put by the committee because if we adopt the amendment by honourable munuve, the work of overseeing and implementation of projects will go away. We will have the committee identifying, prioritizing and harmonising and the other jobs will remain unattended to. So I stand to oppose the amendment by honourable Munuve.

The Speaker: So are you trying to introduce a third amendment? You are already in trouble honourable members. Because you cannot co-ordinate, oversee project implementation. I want to say loud and clear. You can do number one but you cannot do number two and that is law. Unless bwana deputy speaker you want to bring an amendment to delete number two and then remain with number one, that one I will accept.

(Hon Munuve rises on a point of order)

Hon. Munuve: It is actually a point of information to honourable Mbiti. Mr Speaker we are going to offer our oversight role in project identification, prioritization and harmonization, and I deliberately deleted the implementation because this part is for the executive not the committee. Thank you.

The Speaker: Okay. Honourable Ndemwa.

Hon. Mbiti: Mr Speaker I did not need the information from honourable Munuve because he stood on a point of order and he started giving me information. So Mr Speaker I was seeking for your guidance in other words. I know time is not on my side and I was trying to see if we can have another amendment so that we can separate point one from points two, three, and four. Thank you.

The Speaker: What exactly are you saying honourable Ndemwa? Are you trying to bring an amendment to this number two or we are on number one?

Hon. Mbiti: What I was trying to say is that that we separate not delete, but separate one from two, three and four. So that the honourable member from that area can participate in one and

The Speaker: so your amendment will be to delete two.....

(Several Members rise on a point of order)

The Speaker: Order! Order members! I will now put the question.

The Speaker: Order honourable Munuve I want to dispose of your amendment. I now put the question that this section be further amended as proposed by honourable Munuve.

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

Minority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Majority of the Members: **No!**

The Speaker: The NOs have it. Honourable Ndemwa you wanted to say something. I want to save these regulations because we have stayed with them for a very long time. I don't want them returned unapproved. Okay honourable Ndemwa.

Hon Mbiti: Thank you Mr Speaker. I am happy that it has gone that way. I want to propose an amendment that we separate (i) from the rest that is (ii), (iii) and (iv).

The Speaker: so you want this section to read: the committee will work in collaboration with the member of county assembly to implement (i)?

Hon Mbiti: Yes.

(Hon Kasinga rises)

The Speaker: Honourable Kasinga can you read the copy of the amendments from the committee because it is like I have been given the wrong regulations.

Hon Kasinga: Mr Speaker I think we are debating on an issue which is quite clear. It says: Amend by adding that the committee will work in collaboration with the member of county assembly to implement (i) above. It is just (i) above.

(Confusion reigns in the House as the Members read from different scripts)

The Speaker: Let me read what I have; Amend by adding that the committee will work in collaboration with the member of county assembly to implement (i) and (ii) above. That is what I have!

Hon Mwende: That is why we are saying we cannot work to implement (ii). We are talking of implementing only number one which is.....

The Speaker: Order! Order! The amendment of the committee is upheld and is within the law. It talks of (i) above. Let's move to the next amendment.

(Hon Mbiti rises on a point of order.)

The Speaker: Yes honourable Ndemwa.

Hon Mbiti: Mr. Speaker when we say that, who will be doing the work of recommending and implementation? Where will (ii), (iii) and (iv) go because this is the work of the committee.

The Speaker: If you put number (ii) here, this regulation will come back and as the speaker. As the speaker of this assembly I must guide you to do the right things. Next amendment please!

Hon Kinyala: Thank you Mr Speaker. On the part of the functions of the secretary, Amend by inserting the words and further submitted to the assembly for adoption with or without amendments immediately after the word approval in the fourth bullet.

The Speaker: Honourable chair with your committee, do you the implications of these amendments? Honourable members, you want reports from all the forty wards to be brought to this house for approval? You are there. You can vet them and if you think they are not worthy you have the peoples' mandate to bring any issue here for approval or disapproval. Honourable members I want you to read that one very carefully. It is your prerogative to accept or reject it. I propose the question that, this section be amended as proposed. Anybody who wants to say something? Yes honourable Mutemi. And be brief because time is not on our side.

Hon Mutemi: Thank you Mr. Speaker sir. We allocated some amounts of money to be decided by the committee at the ward level. If those committees decides on a certain project at that level, there is no need for them to bring it in the assembly for approval because it will be very tedious and again, I may not even be conversant with the geography of that particular ward and for that reason we will be expected to approve things we do not know. Every one of us here represents a single ward and if one is talented enough, they know other four or five wards in their area, how then shall we be able to decide on projects from wards we even don't know? I therefore request the house to reject this amendment. As far as the previous amendment that we have just passed is concerned, the MCAs will deal with the issues at their respective wards. Thank you.

The Speaker: Honourable Ngwele.

Hon Ngwele: Mr. Speaker honourable Mutemi has put it correctly that this amendment will make the work of this house very tedious. I do agree that the amendment will be cumbersome but I am afraid it is necessary. This is because the committee at the ward level is composed of the ward and village administrators who are employees of the county government and they report to other powers not to the ward MCA. If these members conspire to approve a project against the will of the community, the community needs a place for redress. That point cannot found anywhere else apart from the assembly. Mr. Speaker the amendment may be cumbersome but I want to plead with the honourable members that it is necessary because it offers our community with a place for redress. Thank you.

The Speaker: Honourable members you are now merely challenging your role. Honourable Ngwele what you have just said is just but simply challenging your role. Your role is oversight and it is your duty to ensure that the right thing in that committee is done and if not, then you stand in the gap and denounce it. If that persists then you bring the matter to this house and then everything will be overruled including the minister concerned. Why are you afraid? Let them continue with their business as usual and if anything, you are our representative in that ward. I am just trying to explain your role so that you don't start bringing volumes and volumes of reports here. We are even likely to make the wrong decisions because we may not even have the time to know the truth about those meetings and read all those reports.

Honourable members I will now put the question which is that, this section be amended as proposed.

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

Minority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Majority of the Members: **No!**

The Speaker: The NOs have it. Honourable Kinyala.

Hon Kinyala: Thank you Mr Speaker sir. Amend by deleting the title “members can leave the committee through” and replace it thereof with vacation of office by a committee member.

The Speaker: I will propose the question that this section be amended as proposed. I will now put the question that this section be amended as proposed.

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

Members: Ayes!

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Next Honourable Kinyala.

Hon. Kinyala: Amend by inserting the words after giving a notice of one month immediately after the word “member” in line three.

The Speaker: I will propose the question that this section be amended as proposed by the committee. I will now put the question that this section be amended as proposed.

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

Members: Ayes!

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Number ten (10).

Hon. Kinyala: Amend by inserting the words per financial year to assess the performance of the projects immediately after the word village in the third paragraph.

The Speaker: What is the implication of those members? Amend by inserting the words per financial year to assess the performance of the projects immediately after the word village in the third paragraph. I will propose the question that, this section be amended as proposed. Anybody who wants to say something about that?

(Silence)

The Speaker: I will now put the question that this section be amended as proposed.

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

Members: Ayes!

As many as are of the contrary opinion say **No!**

(Silence)

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

Hon Kinyala: Amend by deleting the word “how” appearing between the words “indicating and the” in the fourth paragraph.

The Speaker: I will propose the question that this section be amended as proposed. I will now put the question that this section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

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

(Hon Munuve rises)

The Speaker: Yes honourable Munuve.

Hon Munuve: Thank you Mr Speaker sir. I want also to include amendment number eleven (11) on procurement so that it shall read:

- i. Contractors/suppliers from the ward should be given the first priority.
- ii. Contractors will be considered for award of a single item to ensure equitability.
- iii. Procurement process should be centralized at sub county level for effectiveness and transparency purposes.

I will ask honourable Mutemi to second.

(Hon Mutemi seconds the amendment by rising and bowing)

The Speaker: Honourable Members what do you think about this amendment? Have you considered its implications? I think this will contradict the procurement procedures.

(Hon Ngwele rises)

The Speaker: Yes honourable Ngwele.

Hon Ngwele: We have very comprehensive procurement rules in this country and we should not contradict them. Anybody from any part of this country is free to tender for any job and by saying local contractors/suppliers be given first priority, we are locking out other people from applying for tenders. This is a political decision that can be made locally without putting it in black and white in such a document as this. I therefore beg to oppose this amendment.

The Speaker: Honourable Kilonzo

Hon Kilonzo: Thank you Mr Speaker sir. I stand to support this amendment. Most of us know that part 1 and 2 clearly happened even if it was not indicated. We know that is what happens even in the previous procurement processes. The only new thing here is on centralization at sub county level. The reason we saying this is because we have seen unnecessary delay from the executive. We have seen these community level projects.....

The Speaker: Order honourable Kilonzo. You are saying you have seen delay from the executive and yet I have not seen any motion here on the same. I think you admit that we have not been doing your oversight role. Continue.

Hon Kilonzo: Thank you Mr Speaker. Mr Speaker sir with the new constitution which was promulgated in 2010, we including the president of this nation have been making mistakes here and there but we are learning. Mr Speaker can you imagine four hundred projects being procured from the county headquarters of which at least ten suppliers/contractors have applied. So we are talking about over four thousand tender applications which the officers employed here have to go one by one probably marking something or trying to award some marks for evaluation. Mr Speaker all we are trying to say is that if they can try to make the process faster, then we do not have a problem with the

procurement rules put in place by the procurement authority. But the reason as to why I am in this chamber is to make laws, approve these policies and change things to favour and hasten development in our county. We want the process to be a bit faster. We have spoken about these projects for a full one year but still the electorate has not yet seen the culverts I promised them, they have not seen the classrooms I promised and this is what we are talking about here. I support that this procurement process be centralized to the sub county level Mr Speaker. Thank you.

The Speaker: Honourable Ngoima!

Hon Ngoima: Thank you Mr Speaker. I stand to oppose this amendment. The reason is that as my friend honourable Ngwele has said, we will be seen as selfish when we put it that people from our locality be given the first priority. This process should be open to everybody and then....

Hon Munuve: Point of information Mr Speaker.

The Speaker: Do you want the information?

Hon Ngoima: I don't want the information. What I am saying is that we have done much in contracting people working in our wards because we are.....

(Hon Kasinga rises on a point of order)

The Speaker: What is your point of order honourable Kasinga?

Hon Kasinga: Mr Speaker Sir, is the honourable member for Kitui Township to insinuate that we are involved in tender awarding as members of this assembly?

The Speaker: you are out of order honourable Ngoima. These members are not involved in tender awarding. They are only supposed to oversight the procedures.

Hon Ngoima: Thank Mr Speaker for that correction but what I am trying to say is that, putting this in black and white that we need the suppliers/ contractors to come from our locality is an act of selfishness. Thank you.

The Speaker: Yes honourable Munyoki.

Hon Munyoki: Thank you Mr Speaker sir. I stand to support this amendment by honourable munuve and mention that we need to centralize this procurement process at Sub County level because I know even now, the executive has employed engineers, and work officers who are working at the sub county level. As the members for Athi has said, we have seen practically this financial year when the procurement process was centralised at the county level, up to now that work has not yet been done. I therefore support the amendment because it eases the job of the executive as well as hastening service delivery to our people. We will also be working towards empowering our people by giving them the first priority in tender awarding which is the spirit of devolution. I don't imagine a scenario where a very small project from my ward is awarded to someone from another county. That will not be doing justice to our people. I therefore support this amendment.

The Speaker: Honourable members I think we are debating the wrong thing. One of the reasons I tell you to bring your amendments in time is so that I can have time to scrutinize them. This amendment is totally in contradiction of the procurement Act. I received this amendment this afternoon and I just rushed it into the house without legal consultation. We are not supposed to make any law which contradicts any other national law. I therefore rule out this amendment. Honourable chairman, Mwove Kinyala, can you take us to the last amendment?

Hon Kinyala: Thank you Mr Speaker sir. Amend by deleting the fifth paragraph entirely.

(Hon Kilonzo rises)

The Speaker: Order honourable kilonzo. I hope you are not revisiting the matter I have ruled on.

Hon Kilonzo: Mr. Speaker sir I stand guided by your chair....

The Speaker: If you are not satisfied by my ruling you know the procedure to follow.

(Hon Mutemi rises)

The Speaker: You also want to challenge my ruling?

Hon Mutemi:No. I am not challenging your wisdom because it is done through the wisdom of the house. Mr. Speaker I seek to know which part of procurement.....

(Laughter)

The Speaker: Order! Order! I want to propose the question that this section be amended as proposed.

Hon Munuve: Which one?

The Speaker: That, Amend by deleting the fifth paragraph entirely. Honourable Kinyala, which paragraph does you want to delete?

Hon Kinyala: The fifth paragraph on page six which starts with the words “members of the public...”

The Speaker: The paragraph reads: “Members of the public will be encouraged to submit written project proposals indicating how the benefits of the project and how it will be managed by the community after completion”. Can the chair tell us why they want this paragraph deleted?

Hon Kinyala: Mr. Speaker because the guideline talks of the community through the committee to propose the project they want and therefore the committee will be receiving instructions from the community which should not be the case.

The Speaker: Honourable Kasinga.

Hon Kasinga: Mr. Speaker sir I support the committee on that amendment on the basis that this section is actually ambiguous.

The Speaker: Inow put the question that section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. I am told that honourable Nyamai has an amendment. I will ask the clerk to read on behalf of honourable Nyamai.

The Clerk: Mr Speaker sir this is the proposed amendment on community level infrastructure by honourable Nyamai: That all the facilities to be constructed, be user friendly to persons living with disabilities.

The Speaker: I will now propose the question that, that paragraph be added to the guidelines as proposed. Inow put the question that section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Let's now move to the pro-poor programme and we have to move faster before we are caught up with time. It is just one page honourable members. Honourable Kinyala!

(Hon Nyamai puts up his hand.)

The Speaker: Honourable Nyamai your amendment has been approved. Honourable Kinyala proceed.

Hon Kinyala: Thank you Mr Speaker. Amend by inserting the words **minimum** funding level to be Ksh. 110 million.

The Speaker: This amendment is like the other one on community level infrastructure. I propose the question that this section be amended as proposed. I put the question that this section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Honourable Kinyala!

Hon Kinyala: Amend by deleting the word "and" appearing between the word "needy and student" in paragraph four bullet one.

The Speaker: What is the implication or it is just a correction.

Hon Kinyala: It is just a correction Mr speaker.

The Speaker: Then that one has no implication. Move on with the next amendment.

Hon Kinyala: Amend by deleting the examples Kongowea and Lingithya primary school given after the word institutions in paragraph four bullet two.

The Speaker: I propose the question that this section be amended as proposed. I put the question that this section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Honourable Kinyala!

Hon Kinyala: Amend by inserting the words "**for another one term**" immediately after the word renewal.

The Speaker: I propose the question that this section be amended as proposed. I put the question that this section be amended as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The Ayes have it. Next!

Hon. Kinyala: Mr Speaker sir I would like to seek the indulgence of the chair because this next one is on eligibility and we are still quoting chapter six of the constitution of Kenya, a similar amendment to the one that was rejected earlier. This amendment reads; Amend by adding another condition that: the committee member should comply with chapter six of the constitution of Kenya 2010.

The Speaker: We rejected the other one, isn't it?

Members: Yes.

The speaker: so honourable Kinyala can you seek leave of the house to withdraw this amendment?

Hon Kinyala: Yes Mr Speaker.

The Speaker: Are you proposing to withdraw this amendment.

Hon Kinyala: I propose that we withdraw this proposed amendment by the committee of adding another condition that: the committee member should comply with chapter six of the constitution of Kenya 2010.

The Speaker: I propose the question that the committee be allowed to withdraw this proposal. I put the question that the committee be allowed to withdraw this proposal.

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

Members: Ayes!

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The Ayes have it. Next amendment Mr Kinyala!

Hon Kinyala: Amend by adding that the committee will work in collaboration with the member of county assembly to implement (1) and (2) above. By (1) and (2) above Mr. Speaker, (1) is; to identify, harmonize and prioritize needy cases, while (2) is; identification of institutions that require assistance.

The Speaker: I propose the question that this section be amended as proposed.

(Hon Munuve rises)

The Speaker: Yes honourable munuve.

Hon Munuve: Mr Speaker I wish to move a further amendment to that amendment. I propose that the entire amendment be deleted and replace it with the following and I hope honourable Ndemwa will be comfortable with the English.

(Laughter)

The Speaker: Order! That statement is totally out of order. Withdraw and apologise to honourable Ndemwa.

Hon Munuve: Since he is my friend.....

The Speaker: Order!!

(Hon Munuve withdraws the remark and apologizes to hon Ndemwa albeit reluctantly)

Hon Munuve: I withdraw and apologise to honourable Ndemwa. I wish to read the part that should replace the entire amendment once we delete it. "That the area people's representative will exercise the oversight role in identification, prioritization and harmonization of needy cases". Thank you.

The Speaker: Read it again honourable Munuve.

Hon Munuve: the committee has proposed that we amend by adding that the committee will work in collaboration with the member of county assembly to implement (1) and (2) above, while my amendment is that we delete this proposal by the committee and replace it with the following: the area people's representative will exercise the oversight role in identification, prioritization and harmonization of needy cases.

The Speaker: Honourable members I think what honourable Munuve is doing is giving you more powers without contradicting any law. It is up to you to decide. Yes honourable Kilonzo.

Hon Kilonzo: Thank you Mr Speaker sir. Whichever way we go Mr Speaker sir, it is alright. But I wish to seek clarification from the chair when he says that the MCA be incorporated in (1) and (2), what is wrong with being incorporated in number (3)? When you talk about information dissemination (feedback), this feedback is going to who? Is it to the county assembly or to the electorate? Can the chair clarify on this so that we can see whether it can be incorporated?

The Speaker: Honourable Ngwele.

Hon Ngwele: Thank you Mr Speaker. Honestly Mr Speaker I can't see any value that honourable Munuve is adding to this amendment. The oversight role of MCAs is a constitutional responsibility. Again, why are we ashamed of saying a member of the county assembly? Is a member of the county Assembly a bad person?

(Laughter)

Hon Ngwele: Why do we have to go round and round?

The Speaker: Order, order Honourable Ngwele. Let me now dispose of this proposal. I will put the question.

(Hon Kilonzo rises)

The Speaker: Oh sorry. Honourable Kilonzo had sought clarification from the chair. So honourable Kinyala why are you not including (3)?

Hon Kinyala: Thank you Mr Speaker sir. Feedback may mean report from the committee through the relevant authority to this assembly and again it could mean from the committee to the people. So if for instance the first case applies, the MCA will not be involved.

The Speaker: I will put the question that this section be amended as proposed.

As many as are of that opinion say Ayes!

Majority of the Members: **Ayes!**

As many as are of the contrary opinion say No!

Minority of the Members: **No!**

The Speaker: The Ayes have it.

Hon Kinyala: Mr Speaker sir I rise to seek clarification. Whose amended has been passed. Is it the one proposed by the committee or the proposal by honourable Munuve?

The Speaker: Order Chairman! We are dealing with the amendment by the committee. We now move to the further amendment by honourable Munuve. I will propose the question that this section be further amended as proposed by honourable Munuve. I will put the question that this section be further amended as proposed by honourable Munuve.

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

Minority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Majority of the Members: **No!**

The Speaker: The **Noes** Have it. Next honourable Kinyala!

Hon. Kinyala: Mr Speaker sir, Amend by deleting the words **not less than** appearing before the 25% in bullet one in the second sentence.

The Speaker: I propose the question that this section be amended as proposed.

(Hon Munuve rises)

The Speaker: Yes honourable Munuve.

Hon Munuve: Thank you Mr Speaker sir. This is an indication that I worked really hard in ensuring that we end up with good guidelines. I also wish to move an amendment on the same especially on the part of sharing. That we insert the following percentages:

70% - Equal share,

15% - population size, and

10% - poverty index of the ward.

Then there is an NB: below that;

- 1.) The ministry of Administration and co-ordination of county affairs needs to avail the poverty index data in all of the 40 wards.
- 2.) The 5% will be used for sitting allowances, reimbursement of fares, trainings, monitoring and evaluation and other administrative duties.

Thank you Mr. Speaker sir.

The Speaker: Honourable Munuve is this a further amendment or it is an additional paragraph?

Hon Munuve: It is an addition and also an amendment. In the original document, it reads: not less than 25% of the budgeted funds shall be utilized for improvement of pre-primary, primary and village polytechnics and then the last one reads; 75% of the budgeted funds shall be utilized for school fees support, learning aid and materials, learning aid for children with disabilities. I am totally proposing a change on the percentages as follows:

70% - Equal share,

15% - population size, and

10% - Poverty index of the ward and then the 5%.

The Speaker: I now propose the question that this section be amended as proposed. Honourable Ngwele.

Hon Ngwele: Thank you Mr Speaker. I really do thank honourable Munuve for his commitment to amend this document as he has mentioned that he worked hard, though Mr Speaker there is a difference between working hard and hard work.

(Laughter)

The Speaker: order! Honourable Ngwele can you withdraw that one.

Hon Ngwele: I withdraw Mr Speaker. The amendments that honourable munuve is bringing here are very well intentioned, because over the period that we have been experimenting the pro-poor programme, we have been struggling with issues of equitability. For instance, Kyuso ward and Athi ward getting the same allocation for pro-poor programme as compared to Tharaka ward or Kanziku ward which is unfair. I would love to support the amendment but Mr Speaker I will not because these allocations are not clear. When he says 70% equal share, it is for what? I think what honourable munuve meant was allocation per ward and this should be very clear.

(Hon Kilonzo rises on a point of order)

The Speaker: There is a point of order from honourable Kilonzo.

Hon Kilonzo: Is the honourable member for Ngomeni, my dear maternal uncle...

(Laughter)

The Speaker: Order! Order! Honourable Kilonzo we are not talking about relationships here. Can you raise the point of order!

Hon Kilonzo: Thank you Mr Speaker. You know that is a way of appreciating each other and if it is against the rules of the house I apologise and withdraw. But Mr Speaker we have passed the other amendment. Is he in order to oppose this one now?

Hon Ngwele: Mr Speaker there is no limitation to getting enlightened. I am enlightened now. I wanted to point out that we have a problem with the structure of these regulations Mr speaker, because if my understanding of these regulations is correct, this is a subsidiary legislation and it should be framed as law, just the same way we passed the regulations for the car loan and the mortgage. So when we put it the way this member for Kanziku has done it, it is ambiguous. Is the 70% equal share for all the students that apply or it is 70% equal share for who? The 15% population share is population for what? So the way these regulations are drafted is really bad.

The Speaker: Order! So you agree with the principle it is only editing which is not done well? Because this is an editing issue which the speaker must ensure before the document is forwarded to the governor, everything is clarified.

Hon Ngwele: But Mr Speaker it must be understood that this is law. We are used to legislation referring to section this and that. I tried to raise this issue at the committee stage but some two members of the committee were very hostile to me and then they had the support of the chair and then in the end the committee ends up bringing faulty regulations to this assembly. But what do we do? We just pass them the way they are.

The Speaker: Order! Honourable Ngwele you are through. Honourable Ndemwa!

Hon Mbiti: Thank you Mr Speaker. I want to agree with the amendment by honourable Munuve but I am a bit lost and I need some clarification from him because the amendment he has talked about is good because it all talks about equity and he has brought it very well. I don't know what honourable Ngwele is trying to oppose. There is a formula in the original document and honourable Munuve has not told us how we are going to handle the same in his proposal. It is bringing some kind of confusion.

The Speaker: Order! Are supporting or opposing the amendment?

Hon Mbiti: Mr Speaker I am supporting the amendment but I stand to be guided by the mover of this amendment.....

Hon Kilonzo: Point of information Mr Speaker.

The Speaker: Do you need the information honourable Ndemwa?

Hon Mbiti: Mr Speaker I don't need it, so protect me. So Mr Speaker I am supporting but, I think there was a printing error because we should be having something like add and delete bla...bla...bla. Munuve's amendment somehow adds information to the sharing formula. So I support.

Hon Munuve: Point of clarification Mr Speaker.

The Speaker: Yeah you can clarify.

Hon Munuve: Thank you Mr Speaker. I want to first to thank honourable Ndemwa for supporting me for once. May be he was opposing my other amendments because he was not understanding them. But on number four (4) in my amendments, it is written; percentages for pro-poor programme and then down there; add above the first sentence the following. So it is just an addition to the percentages which are in the original document. My amendment is more on the equitable share at the ward level. But the other one can be applied at each particular ward. Once the ward has received its share then it can now act on the 25% percent. So the first one is equitable share at county level while the second one is within the ward. I hope that is clear now.

Hon Ngwele: Point of clarification.

The Speaker: Order! Order honourable Ngwele! I am going to put the question that this section be amended as proposed.

(Hon Ngwele and Kasinga rise again)

The Speaker: Order honourable Ngwele! Order honourable Kasinga! I will put the question that this section be amended as proposed.

As many as are of that opinion say Ayes!

Majority of the Members: **Ayes!**

As many as are of the contrary opinion say No!

Minority of the Members: **No!**

The Speaker: The Ayes have it.

(Hon Kasinga rises)

Hon Kasinga: Mr Speaker I actually wanted to propose an amendment to that. An amendment to the amendment of the amendment.

The Speaker: But we have already disposed of that.

Hon Kasinga: That is why I wanted to speak before you ruled on it.

The Speaker: No. now this is the best time for you to bring the amendment. We had to deal with this one first. I will permit you although you are supposed to forward the amendment at least two hours before. I will permit you on standing order number one (1).

Hon Kasinga: Thank you very much Mr speaker. I want to bring an amendment on the sharing formula that is, on what honourable munuve has proposed and what we have already passed, that the 10% share on poverty index be merged with the 15% population size to make 25% . This means the 25% will be shared on population size. This is because we are not even aware at the moment of the poverty index for most of our areas/wards. So instead of giving figures that may raise issues later, we can take a straight forward case about population. Allow me again Mr Speaker on the guidelines on additional formula for the ward, I have seen....

The Speaker: Order! Are you proposing two amendments?

Hon Kasinga: Yes Mr Speaker. I want to propose....

The Speaker: Order! Order! I have given you permission to make a further amendment on this particular section.

Hon Kasinga: It is the same Mr speaker. In fact in the original draft, where it is reading: not less than 25% of the budgeted funds shall be utilized for improvement of pre-primary, primary and village polytechnics. Mr Speaker sir I also want to bring an amendment that in between primary and village polytechnics we include secondary so that this section shall read: pre-primary, primary, secondary and village polytechnics.

The Speaker: But that is not within our budget.

Hon Kasinga: even primary schools are under the national government Mr speaker.

The Speaker: Let us deal with the first amendment. I propose the question that this section be further amended as proposed by honourable Kasinga.

(Hon Ngwele rises)

The Speaker: Yes honourable Ngwele.

Hon Ngwele: Mr Speaker sir I rise to oppose the amendment. There is a protocol on how amendments should be brought to the assembly. Mr Speaker I am not very good in mathematics but if you add 70% to 15% and 10%, this sums up to 95%. There is a 5% which is missing. I tried to seek clarification from the chair and he pointed out that the 5% is down there in number two (2) but doesn't apply here. The reason why it does not apply is because at the top of that amendment, we are dealing with a wholesome amount of 100%. This 5% applies to for example Ngomeni ward after getting its share, let's say 10million shillings. 5% of the 10 million shillings that Ngomeni ward receives can be used for sitting allowances, reimbursement of shares and the other expenses. 70%, 15% and 10% are percentages of a global figure of 150million as we have in the current budget. So there is already a 5% which is missing there.

Hon Munuve: Point of clarification Mr Speaker.

The Speaker: Yes honourable munuve

Hon Munuve: The honourable has confessed that he has difficulties with adding figures. The way he has said, yes it is 95% and then we leave out of the total amount of 110million; we leave 5% for administrative purpose. It does not matter the actual administrative purpose. But the 5% is out of the total allocation.

(Hon Kasinga and Kilonzo rise)

The Speaker: Honourable Kasinga and then we go to Honourable Kilonzo.

Hon Kasinga: I wanted to add on something here Mr Speaker. The 5% which is being mentioned here, I think both pro-poor and infrastructure are handled by the same committee. The pro-poor programme should be allocated 100% and not 95%. This committee should not take the 5% twice. It has already taken from the small infrastructure and should not do the same on the pro-poor programme.

Hon Munuve: Point of clarification Mr Speaker.

The Speaker: Order, Order! Honourable Kasinga I think this committee is meeting for different purposes. One time they are meeting for this and another time for the other. I therefore think that the 5% applies to both programmes. Honourable Kilonzo!

Hon Kilonzo: Thank you MrSpeaker sir.

The Speaker: Andremember honourable members we are dealing with honourable Kasinga's amendment not Munuve's amendment. We have already disposed of the amendment by honourable Munuve.

Hon Kilonzo: Mr Speaker before I speak on the amendment, I want to comment on something different. Whenever an honourable member is on the floor, it is not always that you give very negative

information. I am opposed to cases where honourable members reject to getting information and some of this information is meant to enrich their contribution Mr speaker.

(Hon Ngwele rises on a Point of information)

Hon Kilonzo: Mr Speaker I want to contribute on Kasinga's amendment and say that....

The Speaker: Order honourable Kilonzo. Honourable Ngwele wants to give you information.

(Laughter)

Hon Ngwele: Mr Speaker I want to inform honourable kilonzo that it is not the fault of the chair for members to refuse to be given information, it is really our fault. By also to add on what the honourable member has said, the 5% should.....

The Speaker: Order! Order! I gave you an opportunity to give honourable kilonzo information and you have diverted. If you don't have any information for him sit down. Continue honourable kilonzo.

Hon Kilonzo: Thank you MrSpeaker sir. I am personally opposed to the further amendment from the honourable member for Muumoni ward. I know it has been the prerogative of this house to make rules and get data correct. I know he is shying away because he does not know the poverty index in Muumoni ward which is as poor as my ward. So he should actually agree that we get experts on this so that MrSpeaker we can.....

(Hon Mbiti Ndemwa rises on a point of order)

The Speaker: What is your point of order hon. Ndemwa?

Hon Mbiti: Is the honourable member for Athi in order to say that an able an honourable member for Muumoni is not aware of what is happening in his ward.

The Speaker: Order! He was not saying that but in my own view he was telling him to forget about that amendment because his people are as poor as the people of Athi ward. I therefore think he is in order.

Hon Kilonzo: Thank you MrSpeaker for that. Actually I did not say that he doesn't know what happens there, I only said that he might not be aware of the poverty index in his Muumoni ward. Those are two different statements that the honourable member for Ngutani should note.

Mr Speaker sir, the reason why I am bringing this one across is that the reason why we came up with this poverty index is because this was a shoddy job from the executive to give us work that is not ours. It is upon the executive to hire an expert in our wards to determine the poverty index and we are not going to shy away from this. I am now holding a parameter used by the one Cheserem to share these resources in our counties. We should therefore push the executive to do their Job. They should carry out research and provide the data as far as poverty index is concerned so that in future we can have these resources shared the way they are supposed to be shared. At the look of these guidelines, it is clear that the group that was trying to do these amendments shied away from bringing the proper information. Even from CRA the biggest parameter is given to population Mr Speaker and I have the figures with me. Population is given 45%, equal share is only given 25%. I have just listened to what has been passed here and in favour of the ward which I am developing and majority of population is being marginalised; we put this figure to be 70%. The national Assembly has allocated 25% to equal share and up to 20% on the poverty levels. When I look at this document Mr Speaker, we have allocated up to 10% which is not enough. So we may in future call this programme for further amendment Mr Speakerto adhere to what the national government. Thank you.

(Hon Mutemi rises)

The Speaker: Order! Order! Order! What is honourable Mutemi is it burning?

Hon Mutemi: Yes Mr Speaker

The Speaker: Then if it's burning, can you say it in a minute or so if you can because of time?

Hon Mutemi: I will say it in a minute Mr Speaker. Mr Speaker, I am opposing the amendments because it will occasion the Executive actually not to undertake its mandate and it will make this County and this House as we continue planning, because planning we are doing it every year and as much as this County will continue as a County, we will need to continue planning. And planning without this data Mr Speaker you will find and it will beat the purpose of the Constitution of Kenya 2010, which made devolution to be living, because Mr Speaker, due to discernity is what made those people I included ready to fight for devolution, which Mr Speaker we are implementing, because if you go around the Country, you will find some area are more developed than others. So if we allow this trend to continue, actually Mr Speaker, you will find the same in our County. So it's the early time to question actually the Executive to avail this data to enable this honourable house to guide planning and use the parameters and the laws and in traditions of the Country such that they can be developed along with other areas. And Mr Speaker because the resources which we are getting indeed more than other Counties they are based on these formulas. So if Mr Speaker we don't have the same, you will find some areas which are established than others and even developing. We have not even gone Mr Speaker, I really call upon this honourable house to go ahead and domesticate a law that will even guide the resources which are left there in the hands of the Executive. We have a lot of resources Mr Speaker we are actually honest at it. The more resources left there, the billions of money, we want them to be applied the same rules and procedures. Certainly we think Mr Speaker, can avail want we are willing and wishing as a County to attain, thank you Mr Speaker.

(Foot-thumping)

The Speaker: Honourable Kasinga

Hon Kasinga: Mr Speaker Sir, thank you very much as usual I will be very brief on my point. I have and I am aware what my colleagues are putting across. My amendments actually was not on based on part that we did not what the Executive, because I do not know or nor on the issue of ambiguity. Again Mr Speaker Sir, I also want to draw the attention of the honourable house, about the issue of the 5% of the two programmes. That you will be committing a lot of money on administrative cost in my view, 5% of each committee translated in terms of figures, Mr Speaker Sir it will run to about sh18 million. You want to tell me sh18 millions per financial year, we will committed to be shared by the committee. That is the issue that we should think twice because part of that money, half of that money can go to other issues like digging of boreholes, dams and the rest and so for this matter Mr Speaker Sir, It stands as proposed...

(Hon Katumbi and Kilonzo rise on a point of order)

The Speaker: Order! Order! Order! No further discussion on this issue. Order! Order! Order! I am now going to put the question. The question is, that that honourable Kasinga is proposing further amendments on what has been approved and the amendments by and the amendment he are having is saying you add 15% with 10% and you do away with 10% index allocation so that that your 5%, 7% as calculated and that is the further amendments as proposed by honourable Kasinga and with that I will

now put the question **THAT**, this amendment with further amendments be part of the regulations as proposed by honourable Kasinga.

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

Minority of the Members: **Ayes!**

As many as are of the contrary opinion say **No!**

Majority of the Members: **No!**

The Speaker: The **Noes** Have it.

(Foot thumping)

The Speaker: Now we are coming to end of this, we should actually stop at 6:30 if we are lucky to finish before 6:30 we are supposed to bring a motion here before six and I am sure we are going to go through it before 6:30. Is that correct? Because we are almost there, we are not going to extend our sittings beyond 6:30. We are dealing with, I think we have already made a point, isn't it? Honourable Jemimah, you have not said something, what do you what to say?

Hon Jemimah: I want to remind you Mr Speaker that there is one more amendment from honourable Nyamai, which has not been attended to.

The County Assembly Clerk: We are not yet there

The Speaker: Next amendment honourable Kinyala

Hon Kinyala: Mr. Speaker Sir, there are two more remaining but these are more amended as follows; that amend by inserting the following additional requirements:-

- (i) That the projects undertaken for infrastructural improvement of pre-primary, primary, village polytechnic shall ensure a conducive and friendly environment for people living with disability.
- (ii) For the same amendments....

The Speaker: Order! How different is that one from what honourable...

Hon Kinyala: Mr Speaker I will tell you why because this is pro poor and...

The Speaker: Okay, continue number 2

Hon Kinyala: Number 2 is that, the requirement to ensure the entire pre-primary, primary and village polytechnics physical infrastructure is conducive and friendly for people living with disability and shall be achieved progressively.

- (iii) The other one Mr. Speaker is that the committee should prepare quarterly reports for submission to relevant authorities and the county assembly for adoption.

The Speaker: I will propose the question that these additional amendments 1, 2 and 3 be part of the regulations as proposed. I will put the question which is that these three paragraphs 1, 2 and 3 be part of the regulations as proposed.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Is there any other amendments we are remaining with?

The County Assembly Clerk: There is another amendment from honourable Nyamai

The Speaker: honourable Nyamai has got another amendments and the Clerk will read.

(The Clerk rises to read hon Nyamai's amendments)

The County Assembly Clerk: Thank you Mr Speaker Si, honourable Nyamai proposes and addition to be included in the proposed guideline THAT, each Ward to set aside not less than Ksh.300,000 for the pro-poor programme to address the needs of persons living with disability in the respective wards thank you Mr Speaker.

The Speaker: I will propose the question THAT these additional statements be included in the program by honourable Nyamai, honourable Ngwele.

Hon Ngwele: Mr Speaker I want to bring the attention to honourable Nyamai that what he actually meant by that amendment is that the amount be given for learners not people living with disabilities because people living with disability means everybody so correct statement should be learners living with disability so Mr speaker we agree but that correction can be made and then contributing to the motion of to the amendments I want to say that the County ministry for the last one year has they told us they have very urgent need for having that specific provision including these guidelines, the honourable member for Mutito/Kaliku Ward can confirm to this Assembly the struggle she has gone through with the County Minister for Education to get support for Children from that Ward, those learners with disability and it really happened that he did get that support and I am very sure, so that amendment alone in its entirety Mr Speaker I beg to support it.

The Speaker: I want you first to understand that there is an issue with education before you rush in making conclusions over the same. I would like you to consider the allocation for the ward, and allocating 300,000 per ward for a specific purpose. I want you to consider that very carefully. Honourable Munuve.

Hon Munuve: I want to agree with honourable Nyamai only that when I do my calculations, 300,000 per ward translate to 12 million. The budget that we passed, we allocated 10million. This financial year we were given 120 million and as the budget and appropriation committee has to take 10 million out of this budget to cater for special needs. May be we can ask honourable Nyamai to do a calculation that and propose a figure that will amount to 10 million because that is what the budget takes care of. Thank you.

The Speaker: Honourable Kilonzo.

Hon Kilonzo: Thank you Mr Speaker sir. As much as I agree with the honourable Nyamai, we need further information. It cannot work that arbitrary. Just wake up one morning and say we need five hundred for this category or this group of people. There is a lot of information which is lacking from the statement that we have just heard. I know we are living with these onus brothers and sisters but I want to refer to the guidelines where we are saying, 75% of the budget shall be utilised for school aid support, learning aid and materials. I think honourable Nyamai is emphasizing on this. In my ward Mr Speaker when I am dealing with students, I don't go discriminating that this one is physically challenged or what. They all benefit from this. What I can say is that the suggestion by the honourable member is good, but he needs to avail more information on this. I am also down to this. For instance what we shared was 800 which comes in two tranches. If you take 150 in the first tranche, and another 150 in the second tranche Mr speaker, that will take around 650 per ward. Mr Speaker we need further information which we can consider as a house and since amendments have not ceased to come to this house, we can consider and put it as part of the regulations. Thank you.

The Speaker: Honourable Kasinga.

Hon Kasinga: Mr Speaker I stand to support this additional part by honourable Nyamai, but I would rather have it reframed differently because of some of the issues that have been raised by my colleagues involving figures. I believe we have been sensitive to learners/people living with disabilities, and I want to propose that instead of putting figures here, we put it that each ward will give priority to learners living with disabilities. Because as we know, the pro-poor actually targets orphans and the

very poor from our society. So instead of putting figures, I propose we just say that we will give priority to learners living with disabilities.

The Speaker: Honourable Nyamai.

Hon Nyamai: Thank you very much Mr Speaker sir. First of all I want to begin by saying that I have heard all what these honourable members have contributed. Although the allocation for pro-poor programme covers for all learners, some of the learners who are living with disabilities have been coming to me after they have gone to the same committees, apply for aid but they are not considered. I have already addressed two cases from Athi ward where honourable Kilonzo comes from. I have used my own money to help them yet they did apply for that aid at the ward level. Why have they been neglected when first priority should be given to them?

(Hon Kilonzo rises on a point of order)

The Speaker: There is a point of order Honourable Nyamai.

Hon Kilonzo: Mr Speaker sir, is the honourable member in order to depict that the popularly elected committee which has been doing a very good job for the last one year he can dismiss it because he handled only two cases? I have personally handled over twenty different cases Mr Speaker.

Hon Nyamai: Mr. Speaker I can challenge him because...

The Speaker: Order! Order! We are not in a contest! Just speak for your people.

Hon Nyamai: Thank you Mr. Speaker I withdraw my words. I am saying this Mr. Speaker, they have said that there is amount (10 Million) which was allocated for the same, but there are others who are not learners and their needs should also be addressed. For example, we are having sports for persons living with disabilities. Mr. Speaker there was no allocation for that purpose. There is need of wheelchairs, again there is no allocation for the same. There are so many unaddressed needs for this category of people. This amount of 10 Million that has been allocated is very little. That's what I can say Mr. Speaker. But I know and I believe that with this allocation that I am proposing of Ksh. 300,000, needs for the persons living with disabilities will be addressed especially learners, and if there is any balance, I can be asked how it will be utilized. I may decide that this amount be used to address the issue of wheel chairs at the end of the year. Mr. Speaker I am not wrong to say that they be allocated ksh. 300,000. This is not my money. It is governments and it should be used to address the special needs of those people. I am not pocketing the money; it will be used by the same people in the other ministries. Thank you Mr Speaker.

(Hon Kilonzo rises)

The Speaker: Order! Order! No! No! No! Honourable Kilonzo. I overrule. Let him continue. Continue Nyamai.

Hon Nyamai: I am saying that there are so many ways in which this allocation can be used to address the needs of these people who are living with disabilities. I don't know what Mr. Kilonzo is trying to put across. Is it because he is not disabled?

The Speaker: Order! I am trying to protect you and you trying to come near the fire. I am trying to protect you and you are...

Hon Nyamai: Thank you, thank you Mr. Speaker.

The Speaker: Order! Order honourable Nyamai.

(Hon Kilonzo rises)

The Speaker: Honourable Kilonzo.

Hon Nyamai: Thank Mr. Speaker. What I am saying...

The Speaker: Order!! Wait for a point of order. What is the point of order honourable Kilonzo?

Hon Kilonzo: Mr. Speaker is honourable Nyamai in order to refer to me as Mr.? I am honourable when I'm in this house Mr. Speaker.

Hon Nyamai: (*Laughing*) Thank you. I withdraw.

The Speaker: Okay continue.

Hon Nyamai: Mr. Speaker I don't want the inclusion of that amendment to be removed. Let it be the way it is there is no minus there is no addition and I know if at all there will be any excess money it will address other needs of persons living with disabilities. Thank you Mr Speaker.

Hon Ngwele: Point of information Mr. Speaker sir

The Speaker: Honourable Ngwele be very brief because I am running short of time.

Hon Ngwele: I just want to use maybe a minute to share some information with this honourable Assembly. Really how this allocation, if they agree, of 300,000 shillings can help a lot in wards where we come from. Nearly every ward has a special school or rather should have a special school to cater for children with special learning needs from primary. A lot of these children are catered for from home because their parents fear the burden of taking them to school. What this money can do is to allocate bursaries for children with special learning needs in those special schools. Ordinarily, the pro-poor support program will not give bursaries to children in primary school. But if this provision is made the committees at the ward level can allocate, for example the one at Ngomeni ward which has 12 children who were brought just the other day, if the committee at Ngomeni allocated Ksh.10,000 per year or per half a year to each of the children that money will be able to cater for them to be kept in school and actually there are a lot of children in the communities where we come from that are being kept at home because their parents cannot afford or are afraid of the burden of taking them to school, Mr. Speaker I want to plead with this honourable Assembly that Ksh.300,000 per year is not too much to give to children who have been denied an opportunity to go to school because their parents are afraid of the burden of disability. Mr. Speaker that is the information I wanted to give. Thank you.

The Speaker: Order! Order! No more contributions. I am running out of time and I am afraid I may break the law any time. Now I want to put the question, THAT the additional clause as proposed by honourable Nyamai be added.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The **Ayes** have it. Order honourable Kilonzo. I will now propose the question which is THAT the guidelines for implementation of the two programmes be approved with amendments.

(Hon Ngwele rises)

The Speaker: Honourable Ngwele.

Hon Ngwele: Mr. Speaker I want to support that the guidelines be approved, but at the same time I reiterate my reservations really with the way that the County Executive has drafted these guidelines and the fact that a committee of this Assembly sat down and thought that it could bring these guidelines here as they are drafted. Really I think we need to demand more professionalism from the county executive. I looked at the guidelines and really what I saw here are notes that we developed

at a meeting we held at Masinga when we were discussing the pro-poor support programs and the community level infrastructure. When this Assembly asked for regulations to be developed, the county executive did not make any effort.....

(Hon Kilonzo rises)

The Speaker: Are you on a point of order?

Hon Kilonzo: Should this house continue running when there is no quorum?

The Speaker: Mr. Clerk can you ascertain whether there is quorum?

(The Clerk takes a physical count of the members)

The Clerk: There is no quorum Mr Speaker.

The Speaker: Someone ring the bell.

(The bell is rung for about three minutes)

The Speaker: Are there any members around the compound?

A section of members: Yes.

The Speaker: Are they coming?

Hon. Ngwele: Mr Speaker, may I proceed as they come?

The Speaker: Order honourable Ngwele!

The Speaker: Are there any members in the compound?

A section of members: Yes.

The Speaker: Where are they?

(A number of the Members enter the Chamber)

The Speaker: Mr Clerk, do we have quorum now?

The Clerk: We have quorum Mr Speaker.

The Speaker: Honourable Ngwele I give you a minute to wide up.

Hon Ngwele: I was just saying that our committees need to demand more professionalism from the executive side especially with the drafting of legislation. I don't know if anything happened in the implementation of these guidelines and a court of law had to refer to these guidelines, really we would be put to shame because.....

(Hon Munuve rises)

The Speaker: Order honourable Munuve! I hope you are not complicating the issue.

Hon Ngwele: Mr Speaker I... (*Hesitates*)... I beg to support.

The Speaker: I will now put the question, THAT the guidelines for implementation of the two programmes be approved with amendments.

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

Members: **Ayes!**

As many as are of the contrary opinion say **No!**

(Silence)

The Speaker: The AYES have it. Let us be upstanding so that we can adjourn the house.

(The Members rise in their places)

The Speaker: Honourable members, the house now stands adjourned until tomorrow at 9:00am

The County Assembly rose at 6:10pm