

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 13th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Honorable members, I sincerely want to welcome you back to our sessions. I call on all members to do what is pertained to us. We had a lot of things to do and we are back after meeting and sharing problems with our people out there.

I call upon members to do service delivery and make sure that our people's living standards improve. I also know that you had a training that will improve your performance.

PAPERS

PROPOSED COUNTY ROADS MAINTENANCE WORK PLAN FOR FINANCIAL YEAR 2017/2018; BY HON. PATRICK KISIERO- MAJORITY LEADER

Hon. Patrick Kisiero: Thank you Mr. Speaker sir, I stand to table a report on proposed county roads maintenance work plan for financial year 2017/2018; thank you Mr. Speaker and I ask Hon. Mokosu to second.

Hon. Lawrence Mokosu: Mr. Speaker sir I do hereby stand and this being my first time since I was born coming from a long recess I do second.

The Speaker (Hon. Werunga): Thank you Hon. Mokosu I direct that this report is taken to the Transport Committee to work on it.

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REPORT OF SELECTION COMMITTEE BY HON. PATRICK KISIERO- MAJORITY LEADER

REPORT BY THE COMMITTEE ON SELECTION ON CONSTITUTING OF MEMBERSHIP FOR PUBLIC ACCOUNTS COMMITTEE, PUBLIC INVESTMENTS COMMITTEE AND FINANCE & ECONOMIC PLANNING COMMITTEE -WRITTEN AT ELDORET WAGON HOTEL FROM 8TH - 9TH DECEMBER 2017

1. INTRODUCTION

Mr. Speaker Sir,

This is the report by the Committee on Selection on nomination of membership to committees. This follows your ruling on 30th November 2017, where this honorable House gave this Committee work to constitute membership for PAC, PIC and Finance & Economic Planning Committees.

Mr. Speaker Sir,

In that respect the committee retreated to Kika Hotel, Kisumu from 3rd - 4th November 2017 to deliberate on the matter as provided for in our Standing Orders.

2. COMMITTEE MEMBERS

Mr. Speaker Sir,

The following are the members of the Committee on Selection who took part in the nomination of members into PAC, PIC and Finance and Economic Planning Committee.

- | | |
|---------------------------|--------------|
| 1. Hon.Joshua Werunga | - Speaker |
| 2. Hon. Patrick Kisiero | -Chairperson |
| 3. Hon. Emmanuel Waswa | -Vice Chair |
| 4. Hon. Peter Waswa | -Member |
| 5. Hon. Alfred Weswa | -Member |
| 6. Hon. Daniel Kaburu | -Member |
| 7. Hon. Lawrence Mokosu | -Member |
| 8. Hon. Milkah Sugut | -Member |
| 9. Hon. Erick Musumba | -Member |
| 10. Hon. Margaret Wanjala | -Member |

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SECRETARIAT STAFF

Mr. Speaker Sir,

The following Secretariat Staff assisted members in the exercise.

- | | |
|----------------------|-------------------------|
| 1. Katama Ngeywa | - PLC |
| 2. Lucy Kibonei | -Legal Counsel |
| 3. Abraham Walubengo | -Senior Assistant Clerk |
| 4. Eutin Nakitare | - Researcher |
| 5. Moses Wanyonyi | -Financial Officer |
| 6. Rodgers Namasaka | -Committee Clerk |
| 7. Leonard Wekesa | -Hansard Editor |
| 8. Betty Chepleting' | -S.A.A |

MANDATE

Mr. Speaker Sir,

Under Standing Order 181, the committee is mandated as follows;

- 1) There shall be a select committee, to be designated Selection Committee, consisting the Leader of the Majority party who shall be the chairperson, the Leader of the Minority party not less than five and not more than seven members, who shall be nominated by County Assembly parties and approved by the County Assembly .
- 2) The Committee on Selection shall nominate members to serve in Committees, save for the membership of the County Assembly Business Committee and Committee on Appointments.
- 3) The Committee on Selection shall be appointed within ten days on assembly of a new County Assembly.

NOMINATION OF MEMBERS INTO COMMITTEES

Mr. Speaker Sir,

Committee Members deliberated and nominated members into the committees as follows;

1. PUBLIC ACCOUNTS COMMITTEE

Mr. Speaker Sir,

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The committee is established under Standing Order 184 which provides; “Chairperson who shall be a member elected by the committee from amongst members of the committee nominated from the minority or coalition of parties. In the membership of the public accounts committee, the minority party shall have a majority of one.”

Mr. Speaker Sir,

The following names are proposed to be members to serve in **Public Accounts Committee**;

- | | |
|-------------------------|--------|
| 1. Hon. Peter Waswa | member |
| 2. Hon. Jane Gaitano | member |
| 3. Hon. Daniel Kaburu | member |
| 4. Hon. Eric Wafula | member |
| 5. Hon. Lawrence Mokosu | member |

2. PUBLIC INVESTMENTS COMMITTEE

Mr. Speaker Sir,

The following names are proposed to be members to serve in **Public Investments Committee**; (S.O. 183.)

- | | |
|-----------------------------|--------|
| 1. Hon. Abraham Kirwa Birir | member |
| 2. Hon. Sarah Lubano | member |
| 3. Hon. Patrick Kisiero | member |
| 4. Hon. Elkana Kagunda | member |
| 5. Hon. Obed Mwale | member |

3. FINANCE AND ECONOMIC PLANNING COMMITTEE

The following names are proposed to be members to serve in Finance and Economic Planning Committee.

- | | |
|-----------------------------------|--------|
| 1. Hon. Benard Aliang'ana Mugunda | member |
| 2. Hon. Caroline Makokha | member |
| 3. Hon. Ben Wanjala Mlipuko | member |
| 4. Hon. Rodgers Barasa | member |
| 5. Hon. Margaret Wanjala | member |
| 6. Hon. David Kapoloman | member |
| 7. Hon. Evans Chesang' | member |
| 8. Hon. Mathew Orang'o | member |

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9. Hon. Phyllis Njeri	member
10. Hon. Simon Makhanu	member
11. Hon. Margaret Mutai	member

OBSERVATIONS

Mr. Speaker, the committee observed that:-

Some key functions have been left out on the functions in committees already constituted. Some of the key functions above mentioned falls within **Children and Community Services Committee**, and **Inter Governmental Relations committee**.

RECOMMENDATIONS

Mr. Speaker Sir,

The committee recommends that, the **Procedure and Rules Committee** invokes the provisions of standing order no. 237 and 238 to amend the standing order to include two committees namely

- Children and Community Services Committee
- Inter Governmental Relations Committee

CONCLUSION

Mr. Speaker Sir,

1. The committee humbly requests this House to adopt this report.
2. The Committee further seeks leave from this honorable House to constitute membership of the above two committees.
3. The committee requests all committees to have an induction courses for members and their Secretariat to learn their respective mandates.
4. The procedure and rules committee to review the standing orders and amend the mandate for Finance and Economic Planning Committee, Children and Community Services Committee and Inter Governmental Relations Committee.
5. The Procedure and Rules Committee to review the standing orders on the leadership of the Public Accounts Committee to align it with the established Multiparty Parliamentary Practice in Kenya.

Appended signatures;

1. Hon. Patrick Kisiero	-Chairperson
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2.	Hon. Emmanuel Waswa	-Vice Chair
3.	Hon. Peter Waswa	-Member
4.	Hon. Alfred Weswa	-Member
5.	Hon. Daniel Kaburu	-Member
6.	Hon. Lawrence Mokosu	-Member
7.	Hon. Milkah Sugut	-Member
8.	Hon. Erick Musumba	-Member
9.	Hon. Margaret Wanjala	-Member

I was the chair that day and my vice was Hon. Emmanuel Waswa, minority leader and I want to ask Hon. Kaburu to second this report.

Hon. Daniel Kaburu: Thank you Mr. Speaker sir for this opportunity and I second.

The Speaker (Hon. Werunga): Thank you majority leader for the report. I open the floor for discussion, members you can debate now. Yes member from Matumbei.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker sir. first I want to thank God for having kept us safely during the recess, I also thank the committee for the good work and I have gone through the report and i have not seen any mistakes, last time the report was faulty. On recommendation there are other committees to be added and for me I was given to chair a nonexistent committee.

The Speaker (Hon. Werunga): You are out of order Hon. Jeremiah, yes Hon Jamanour.

Hon. Jamanour Simiyu: Thank you Mr. Speaker. I want to take this opportunity on behalf of Nabiswa people; I have recommended once again the existence of female members in the first and second committees because they don't have sufficient gender equity.

The Speaker (Hon. Werunga): Yes Hon. Trikoi.

Hon. Joseph Trikoi: Thank you Mr. Speaker, I have gone through it and made some observations- out of 9 members of the committee on selection, 6 members put themselves in the same committees. Next time they should consider gender and people with disability like me.

The Speaker (Hon. Werunga): Yes Hon. Mokosu.

Hon. Lawrence Mokosu: Thank you Mr. Speaker, I would like to thank the whole House and the Speaker for allowing us to go for recess. If you look at the document and its composition we should stand with it. Let it be, one member who is only with disability is a member in almost all committees,

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he should have also considered members who are not in many committees. Next time we should follow the law. I second and support the report. I also thank the majority leader for the good work and I ask members to let us approve the report. The PIC and PAC committees have never had the sittings while others have sat.

The Speaker (Hon. Werunga): Yes Hon. Daniel Kaburu.

Hon. Daniel Kaburu: Thank you Mr. Speaker sir, also being the member of the selection committee I take this time to thank the leader of majority for taking us through it, the work was done well but I have a clarification, there is a member who talked of gender balance, out of 5 one is okay because it all satisfies gender rule. One has Hon. Jane Gaitano and another Hon. Sarah Lubano, thank you Mr. Speaker.

The Speaker (Hon. Werunga): Yes Hon. Mwale.

Hon. Mwale Mahaga: Thank you Mr. Speaker for giving me this opportunity, I differ with my colleagues as I also differ with the list, we are not here to rubber stamp what people do. We requested them to give others opportunities but they have not, I reject this report. They are in 9 committees and other members in 5 committees.

Hon. Patrick Kisiero: Point of order.

The Speaker (Hon. Werunga): Point of order or point of information?

Hon. Patrick Kisiero: point of information, I can request Hon. Mwale to read SO 183.

Hon. Mwale Mahaga: I'm not here to read SO 183.

The Speaker (Hon. Werunga): Hon. Mwale you have been requested to read SO 183.

Hon. Mwale Mahaga: (*reads so 183*).

The Speaker (Hon. Werunga): Kisiero has he read clearly?

Hon. Patrick Kisiero: Yes it says about member who is not on any committee.

The Speaker (Hon. Werunga): Has it got threshold? Then sit down I will give you another chance, yes Birir.

Hon. Abraham Birir: Thank you Mr. Speaker, I would like to take this special time to congratulate members who joined me during my home-coming party. Also I want to commend the committee for doing a great job, we have PIC and PAC which you assigned the duties and the work is already at

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our tables and these committees were not legalized, so let us adopt it. I commend the selection committee for coming up with recommendations for other committees like children and community services committee and Inter-Governmental Relation committee which are vital. Our work is related to ECDE and Welfare touching on children, very important. We should fast-track the composition of these committees, and they should do a good report and capture the interest of the House, rather than going to Nairobi and Kisumu to work on it.

The Speaker (Hon. Werunga): Yes Hon. Waswa.

Hon. Peter Waswa: Thank you Mr. Speaker, once again I say happy New Year for this session, I appreciate the responsibility of the committee, in terms of the composition of committees. When I look at the committee there is no duplication and we must have missed because we have 39 members in this House, unless if there is one who is not in any committee. The composition should be able to show commitment because once bitten twice shy. Their report was rejected here. Like the county at large we need these committees. CIDP is in progress and our people should enjoy and the committee should have been in place as early as yesterday. Thank you I request members to rubber stamp it because the committee did a good job.

The Speaker (Hon. Werunga): I now want to put the question, because everyone has been given time for input.

QUESTION PUT-POSITIVED

Next item on the order paper.

BILL

THE TRANS NZOIA COUNTY FINANCE BILL 2017 1ST READING

The Speaker (Hon. Werunga): The Bill to be referred to the Finance Committee.

Hon. Members, there being no other agenda, this House is adjourned till tomorrow morning at 9:30 Am.

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COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 14th February 2018

The House met at The Chamber,

County Assembly buildings- at 9.30am

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Deputy Speaker (hon. Njoroge): Honourable members, welcome to this morning session after a long recess. Each one must have interacted with the electorate and prepared adequately for the task ahead of bringing motions, statements and questions. Each member is encouraged to bring the issues for deliberations. As you are aware the speaker's panel was not in place and its mandate is to manage the activities of the House. I can now confirm there is no gap with the panel now consisting of the Speaker himself, the Deputy Speaker, hon. Anne Wanjiku, hon. Ben Mlipuko, hon. Margaret Wanjala and hon. Jamanour Wafula.

Next item

PETITION

PETITION BY THE KENYA NATIONAL UNION OF NURSES – REPORT BY HON. JOSHUA WERUNGA – SPEAKER

Deputy Speaker (hon. Njoroge): *(Reads)* In view of the ongoing strike and other events the Kenya National Union of Nurses, Trans Nzoia branch affirms her wish to see the stale mate brought to an end without compromising the CBA under dispute. Accordingly, we wish to request the honorable Speaker and honorable members of Trans Nzoia county assembly and state our position as follows: That the solution to the current stale mate lies squarely on the genuine good will of the COG, MOH and SRC. We request the House to lobby with His Excellency the governor Patrick Khaemba who is one of the members of COG to convince other governors into accepting the invitation by the Ministry

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of Labor for conciliation and eventual signing of the negotiated and agreed upon CBA which shall form part of our Return to work formula.

1. That the nurses of Trans Nzoia have no outstanding dispute with their employer, the County Government of Trans Nzoia. The current stale mate of CBA is a policy issue to be handled at the national level with the relevant statutory bodies. Thus the striking off of nurses from the county payroll is both unprocedural and unlawful. We request the honorable Houses to summon and prevail upon the concerned officers to return all the nurses on the payroll to avoid unnecessary inconveniences.
2. That the KNUN- Trans Nzoia branch therefore urges the county government to expedite the payment of the three months salaries without prejudice and discrimination on nurses for having exercised their right as enshrined in the constitution to participate in the current strike to agitate for proper terms and conditions of service.
3. That we reiterate our commitment to a cordial working relationship now and in future. To avoid prolonging the stalemate in Trans Nzoia, all outstanding salaries must be paid to all the nurses as we approach the end of the industrial dispute. FAILURE to honor this means that even if the strike is called off tomorrow, nurses of Trans Nzoia will KEEP OFF their duty stations until such a time when all outstanding salaries will have been paid in full.
4. That the finance committee in the county assembly of Trans–Nzoia to ascertain and investigate the availability of funds meant for the nurses’ salaries since July in the county.
5. That the health committee investigates the discriminatory treatment of clients seeking for services in Mount Elgon hospital who are all citizens with equal rights within Trans Nzoia County.
6. Finally, the union’s position remains that the strike for nurses will continue until the CBA is signed and registered in Court.

In accordance to standing Order SO 20II, I now allow for observations and any clarifications, if any.

Hon. Daniel Kaburu: Thank you Mr. Speaker Sir, Looking at the petition, it resembles the question that was brought before my Health committee. The committee will look at it squarely by inviting the CEC to look at the issue.

Deputy Speaker (hon. Njoroge): Thank you.

Hon. Benard Aliang’ana: Thank you Mr. Speaker sir for giving me this Opportunity to Contribute. The petition was brought to the House in October last year and it must now be under conclusion. We only need a report. Hon Speaker, under the committee of which...

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Hon. Daniel Kaburu: *(Point of clarification)* It was in a question form and we have handled the question.

Deputy Speaker (hon. Njoroge): This is now a petition and it has never been deliberated. Let us be guided.

Hon. Alfred Weswa: Thank you Mr. Speaker. This is now official the petition has come; it is on the nurses' strike that affected the lives of people countrywide.

It is right for nurses to demand for their dues and once the CBA has been signed, there is no compromise but for the county government to pay the nurses salaries. Once this House passes budgets, the nurses can't be denied their salaries. I suggest that the committee summons the CEC concerned and that of Public Service Management to address the grievances of the employees. Prayer number 6 says Mt. Elgon hospital was turned into a private wing and if it is true that services there are discriminatory, and then we are up to the task. The petition is a working tool to the committee to address the stalemate.

Hon. Emmanuel Waswa: Thank you Mr. Speaker. The matter of nurses is urgent and complicated. I urge members and the Speaker to liaise with accountants, the CEC and CO to give dates as to when they will deal with the matter. That is my recommendation.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker Sir, We are talking on the issues as if it is a Trans Nzoia problem. This is not because prayer number 1 and 2 confirm this as a group issue. They are lobbying with the national Government or Council of Governors, COCs in their petition. Their only prayer is a 3 –month non-payment by the Trans Nzoia county government. They have no problem with the national government but with the Council of governors.

Take note of this. So I feel the Health committee should deal with things within its mandate.

Hon. Peter Waswa: Thank you Mr. Speaker for this opportunity to contribute. I however want to differ with Honorable Jeremiah. The nurses are talking of being removed from the payroll which the government should substantiate. The second agenda is with the chair. The petition is dated October 5, 2017. Changes could have occurred between then and now. We should be discussing the current issues. The chairman's mandate is paramount and this will help us to avoid strikes in the future. The Hon. Kisiero and Hon. Waswa should liaise with the ministry for an update. Otherwise changes must have occurred between the months of January and February.

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Hon. Lawrence Moku: Thank you Mr. Speaker for allowing me to contribute. We know health activities were devolved since the devolved system of government started. The nurses' strike was not an issue of the national government but an issue lying with County Government. This is a sensitive issue that touches on the lives of people which if abandoned could lead to deaths. We are human beings just like nurses and ours is to voice their concerns which lie squarely with the County Government. We are demanding for answers and not lobbying as the member of Matumbei says. If this is not done, his (Hon. Jeremiah) career is in danger in 2022. I am a member of the Health committee where the chair is an able man and we shall take action if nothing is done. Why not pay nurses? I believe prayer Number 5 will be followed up squarely.

Deputy Speaker (hon. Njoroge): (To Hon. Jeremiah) You have spoken and once a member contributes, the remaining time is allocated to other members.

Hon. Birir Kirwa: Indeed the petition is timely considering that there is a go-slow out there. Mr. Speaker, the letter is dated October 5th 2017 and to date we don't know whether the nurses have been paid or not. Have they been paid? The issue of Health involves so many parties including the ministry of labour, Ministry of Health, national government, county government, Salaries and Remuneration Commission and COG and to arrive at a decision which will take long time. I am in agreement with prayer number 5. If the monies were disbursed, where are they? In prayer Number 2, the nurses say they have no squabbles with the County Government. Their concern is about salaries. I call upon the Trans – Nzoia County government to pay the outstanding salaries. The relevant committee should make follow up with the national government for a solution for the nurses' strike. I support.

Deputy Speaker (hon. Njoroge): According to Standing Order 204, I now commit the petition to the committees of Health and Finance to compile a report within two weeks.

PAPERS

REPORT OF THE AUDITOR – GENERAL ON THE FINANCIAL STATEMENT OF TRANS – NZOIA YOUTH & WOMEN DEVELOPMENT FUND FOR THE YEAR ENDED 30TH JUNE 2015
BY HON. PATRICK KISIERO; MAJORITY LEADER.

Hon. Patrick Kisiero: (Hands over to the Speaker) I request Hon. Emmanuel Waswa to second.

Hon. Emmanuel Waswa: I stand to second.

Deputy Speaker (hon. Njoroge): I commit the report to the PIC to peruse and bring the report to this House within two weeks.

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PAPERS

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF TRANS – NZOIA NAWIRI FUND FOR THE YEAR ENDED 30TH JUNE 2015 BY HON. PATRICK KISIERO- MAJORITY LEADER.

Hon. Patrick Kisiero: (*Hands over Report*). I request Hon. Emmanuel Waswa to second.

Hon. Emmanuel Waswa: I stand to second.

Deputy Speaker (hon. Njoroge): I commit the report to PIC and I direct that both reports be prepared within three weeks.

NOTICE OF MOTION

NOTICE OF MOTION ON RESETTLEMENT OF THE LANDLESS CITIZENS AND SQUATTERS BY HON. EMMANUEL WASWA – MINORITY LEADER

Hon. Emmanuel Waswa: (Reads) Hon. Speaker, I beg to give Notice of the following motion:

AWARE that the Trans Nzoia County has one of the largest number of landless people and squatters;

FURTHER AWARE that previous resettlements have failed to address this issue and many of our people still remain landless;

RECOGNIZING that in fact outsiders have previously been allocated land in Trans Nzoia County to the exclusion of the natives;

Mr. Speaker sir, It is important that any further resettlement of landless people and squatters in Trans Nzoia County should give priority to the inhabitants of Trans Nzoia.

Accordingly, I move that this House resolves those future resettlement programmes of landless people and squatters shall give priority to the landless inhabitants of Trans Nzoia County.

Thank you Mr. Speaker, sir. I request Hon. Jane Gaitano to second.

Hon. Jane Gaitano: I stand to second the notice of motion.

Deputy Speaker (hon. Njoroge): I commit the motion to the House business Committee for time allocation.

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Deputy Speaker (hon. Njoroge): Mr. Speaker, the HBC members to meet in my office after this. The House is hereby adjourned until. 2.30 pm.

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THE HANSARD

Second House- Second Session

Wednesday, 14th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

Hon. Birir: We don't have a quorum... *(Two members enter)* it's been met by the entrance of two hon members.

Deputy Speaker (hon. Njoroge): The chair's eyes can see that- can the clerk confirm that we have quorum?

(Clerk confirms there's quorum).

Next item on the order paper.

COMMUNICATION FROM THE CHAIR

Deputy Speaker (hon. Njoroge): I would like to welcome you all to the afternoon session and tomorrow we will be having a petition on the floor. Next item on the order paper.

PAPERS

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF TRANS – NZOIA WATER SERVICE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE 2016 BY HON. PATRICK KISIERO; MAJORITY LEADER.

Hon. Patrick Kisiero: Thank your Mr. Speaker sir, I would like to table the report on Report of the Auditor General on the financial statement of Trans –Nzoia water Service Company limited for the year ended 30th June 2016. I would like to ask Hon. Waswa to second.

Hon. Peter Waswa: I second.

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Deputy Speaker (hon. Njoroge): With me here is the report of the auditor general on the financial statement of Trans –Nzoia water Service Company limited for the year ended 30th June 2016 I therefore commit the said document to the public investment committee PIC, for further deliberations.

Next item.

PAPERS

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF TRANS-NZOIA YOUTH AND WOMEN DEVELOPMENT LIMITED FOR THE YEAR ENDED 30TH JUNE 2016- BY HON. PATRICK KISIERO; MAJORITY LEADER

Hon. Patrick Kisiero: Thank you Mr. Speaker. I would like to table the report of the Auditor General on the financial statement of Trans-Nzoia youth and women development limited for the year ended 30th June 2016 I would like to ask Hon Waswa the minority leader to second.

Hon. Emmanuel Waswa: I second.

Deputy Speaker (hon. Njoroge): With me here is the Report of the Auditor General on the financial statement of Trans-Nzoia Youth and Women Development limited for the year ended 30th June and I commit the said report to the PIC committee for further deliberations.

Next item on the order paper.

MOTION

RESETTLEMENT OF THE LANDLESS CITIZENS AND SQUATTERS

Hon. Speaker I beg to move the following motion:

AWARE that the Trans Nzoia county has one of the largest number of the landless and squatters;

FURTHER AWARE that previously resettlement has failed to address this issue and many of our people still remain landless;

RECOGNIZING the fact that outsiders have previously been allocated land in Trans Nzoia County to the exclusion of the natives;

Mr. Speaker sir it's important that any further resettlement of the landless people and squatters in Trans Nzoia County should be given preference to the inhabitants of Trans Nzoia.

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Accordingly, I move that this House resolves that future resettlements programme of landless people and squatters shall give priority to the landless inhabitants of Trans Nzoia County.

I would like Hon. Jane Gaitano to second.

Hon. Jane Gaitano: I second.

Deputy Speaker (hon. Njoroge): While you second a motion it's your chance to contribute on the same.

Hon. Jane Gaitano: Ningependa kusema tu ya kwamba serikali iangalie haya maneno kwanza sehemu za Kwanza na Chepchoina. Ni miaka mitano sasa, serikali itengeneze maneno ili iwape mashamba ya kuishi.

Hon. Patrick Kisiero: Thank you Mr. Speaker sir, I would like to congratulate the minority for the motion. The motion has said any future land resettlement should focus on Trans Nzoia people, squatters are walking with allotment letters but outsiders got the land, and even some of them are not from Trans Nzoia, I would like this House to come up with a policy on the same.

Hon. Erick Wafula: Ahsante sana bwana Spika kwa nafasi hii. Wengi wao ni wa kutoka mwaka wa 1992. Serikali kuu iliwakatia sehemu hii, nikama kulikuwa na mashamba ya kupeana hapa Trans Nzoia ilihali watu wa hapa hawajafaidika hata kidogo. Ningeomba kama kuna shamba, serikali yetu inunue mashamba ili iwape wale hawana shamba kutoka hapa. Kuna sehemu inaitwa Njoro na mwanzo wao ni wakutoka Njoro kule Nakuru na wamepewa mashamba hapa Trans Nzoia.

Hon. Benard Wambwa: On a point of order, Mr. Speaker, is it in order for the said member to claim that the people of Njoro come from Nakuru?

Deputy Speaker (hon. Njoroge): If you are rising on a point of order please quote the standing order in which you stand on.

Hon. Martin Simiyu: I would like to ask this House to proceed with caution on matters of land; Chepchoina ward borders West Pokot county on the other side; we also need to consider boundaries because the neighbors also graze their animals on this side, we also consider that.

Hon. David Kapoloman: The natives here referred to are those forcefully evicted on the Ki-boroa forest 30 years ago and up to date they are settled. The native are the Sabaot, the late Hon. Masinde Muliro allocated land to settle one community. History, according to me, 1895 the natives were the Sabaot, the mover of the motion first priority should be the people of Trans-Nzoia, we need to induct members on parts of Trans-Nzoia to know well the boundaries on the same, West Pokot

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County folks come when they are armed and our people can't do anything about it, my ward is the headquarters of the squatters.

Hon. Trikoi: While we got squatters living on our lands I would like to bring to your attention that the history of Trans Nzoia; it started way back before the arrival of white settlers. You can refer to your holy bible on Deuteronomy 28:4. It says go to your father and fathers of your fathers to show you the boundaries of your land... *(Laughter, then shouts between Hon. Kapchanga and Hon. Rodgers).*

Deputy Speaker (hon. Njoroge): I give direction that both of you Hon. Members be seated, and we can avoid the history part.

Hon. Joseph Trikoi: I'm sorry Mr. Speaker sir, we are sitting on a time bomb shell about land here in Trans Nzoia and we should avoid the word natives.

Hon. Emmanuel Orango: Thank you; to solve the issue of land in Trans Nzoia we must be keen. We represent different types and different communities; avoid the tribe part, we need to settle people living here currently despite their origin. The land should be given and we know the genuine landless people in our county. If we talk from the script both governments get credit. We must address and register and we settle once for all; we allocate land; give them and tell them to take care even if the land is small chunk. The mover had good intentions; we need to settle our people.

Deputy Speaker (hon. Njoroge): We are moving on well, however, these are my concerns, we are abusing the word on point of order and there is also limited time. We agreed every member to take utmost three minutes, when the chair is giving direction both the members on the floor are supposed to freeze and we are not allowed to attack each other's character and personality.

Hon. Benard Aliang'ana: Ahsante sana bwana Spika, wengi waliopata mashamba si wakaazi wa Trans Nzoia na kipau mbele wapewe wakaazi wa Trans Nzoia ambao hawana mashamba.

(Talking and murmuring loudly)

Hon. Benard Wanjala: Ahsante bwana spika. Maneno ya mashamba ni mengi sana, lakini leo kuna sampuli tatu za watu ambao hawana mashamba. Kipau mbele ipewe wale wafanyikazi wa ADC na ambao hawajalipwa kwa miaka mingi; wengi sana walihamishwa na ambao mashamba yao yali-uzwa na wakabaki bila chochote. Waplini wale wakimbizi wa ndani kwa ndani, serikali iwarudishie mashamba yao kwa kuwa mashamba hayachomeki, warudishiwe mashamba yao hata mheshimiwa jane anajua.

Hon. Patrick Kisiero: on point of order. Can the hon. member clarify what hon. Jane knows why is he mentioning her as a land grabber or what?

TRANS-NZOIA COUNTY DEBATE

Hon. Benard Wanjala: Ni kwa sababu mheshimiwa Jane anajua historia ya Trans Nzoia kama kiongozi.

Hon. Daniel Kaburu: Thank you Mr. Speaker sir, if we look at the words in bold, it is clear and it's not referring to any tribe, native does not refer to a tribe but rather to look at all people living in Trans Nzoia at this time regardless of their origin; they all get settled, land is a partially devolved function and we can use government land to settle down all people here.

Hon. Beninah Khisa: Thank you Mr. Speaker for this chance, the most important thing in this part of the nation is that in 1992 people were moved out of their land and the original squatters are those of the year said, it's our task to know where they come from and we scratch off the tribal line.

Hon. Mokosu Lawrence: Thank you Mr. Speaker sir, this motion has many issues within, however it's true when we go to the content of the motion the previous regime failed to resettle and solve land issues amicably and therefore it's our time to settle them reasonably. Those who were resettled, if we go to the history and look at the root cause of land resettlement, it is sad that the government failed to implement the TJRC report. The constitution protects every Kenyan wherever they are.

Hon. Peter Waswa: It's a thorny issue, the value of land in Trans Nzoia is high and it's appropriate that this House define the details of the motion. Resettlement is not about the origin but the inhabitants of the land.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker sir, history facts are not present on the few but everybody's got one- and actually deserve a piece of land to everybody in Trans Nzoia. Using the word native to our advantage and quoting the 18 AD we can as well as go back to 15 AD (*laughter*) We are looking to solve the issue of today, let's look at the intent of the mover of the motion. The different gospel according to Matthews, Luke, and John were from different types but same message. We put aside the history and we cannot rely on one side only, we are to settle the landless.

Hon. Birir Abraham: Much has been said on the motion. I'm asking if we can amend the standing order no 45 and we focus on the squatter and the landless, we also will be preventing their invasion on water catchment and forest land to provide safe and clean environment.

Deputy Speaker (hon. Njoroge): I now call the mover of the motion to say something.

Hon. Alfred Weswa: Thank you Mr. Speaker sir, my aim of the motion was that we're dealing with the current situation and focus on land that can be given out to settle the landless, and how we can save the people and how we can assist.

Deputy Speaker (hon. Njoroge): I now put the question.

TRANS-NZOIA COUNTY DEBATE

(*POSITIVED*)

The House stands adjourned until tomorrow at 2:30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 15th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

PETITION

PETITION BY MAU MAU VETERANS ASSOCIATION-REPORTED BY HON. KURU

Deputy Speaker (hon. Njoroge): I would like to report to this House that I have received a petition from Mau Mau to Trans Nzoia county Assembly as by our SO No.22, the petitioners have their prayers as follows:

Hon. Joseph Trikoi: Point of clarification; I want to clarify that some members here are not well dressed.

Deputy Speaker (hon. Njoroge): Hon. Kapchanga is referring to dressing attire; we need to be well dressed as per our guidelines. I wish that we continue, or can hon. Kapchanga tell us what his observation was so that we can address it.

Hon. Stephen Trikoi: As we were at the induction we were told that we Hon. Members should be in suit and in tie, and that's what it means by dressing properly.

Deputy Speaker (hon. Njoroge): Yes Hon. Kisaka.

Hon. David Kisaka: It's not that it means only being in a suit, but in a shirt and a tie is also okay because the weather is harsh.

TRANS-NZOIA COUNTY DEBATE

Deputy Speaker (hon. Njoroge): As I have seen around everyone is in a tie and is properly dressed in this House. As I said, I received a petition from Mau Mau from Trans Nzoia I will take you through the petition;

That, the real struggle for freedom began with our legendary forbearers including Wanyama Simukat, Masinde Muliro, Emmanuel Musakari , Migwi Wa Nduaci, Kagombe Kikomi and many others of the same genre who may or may not have been noted;

That, without dedication of the fore heroes and heroines, Mau Mau gallant fighters like Martin Shikuku, Wamalwa Kijana. The freedom being enjoyed by all Kenyans today would not have been achieved;

That, the freedom fighters from across the county suffered greatly through the application of draconian laws, detention without trial, imprisonment, torture in the notorious emergency villages, rape and beating of women, denial of the enjoyment of berate extermination of huge populations;

That we respect and acknowledge the role and mandate of democracy, respect for humanity and the land we fought for;

That, the objective of our national liberation appears to have been progressively forgotten and its values paled, resulting in tribalism and balkanization of the country;

That, the issues in respect of which this petition is made, is not pending before any court of law or constitutional or legal body In the Trans Nzoia County Assembly's Jurisdiction.

Petition

HEREFORE your humble petitioners pray that Trans Nzoia County Assembly;

- a. Considers, appreciates and recognizes all wars of resistance waged by the ancestor and those who follow in their prosperity through an Act of Trans Nzoia County Assembly;
- b. Recognizes the Mau Mau armed struggle for liberation and independence as waged by Kenyans from all corners of the country, through an Act of Trans Nzoia County Assembly; likewise recognize the struggle for more democratic space (the second liberation) through an Act of Trans Nzoia County Assembly;
- c. Facilitates the writing of the history of the freedom struggle for the benefit of current and future generations;
- d. Considers for recognizing, adequate monetary and other material compensation- all heroes and heroines of freedom struggles in the county of Trans Nzoia as stipulated below:
 - i. They are awarded some ex-gratia payment as an appreciation for this role.

TRANS-NZOIA COUNTY DEBATE

- ii. The living freedom fighters in the County be awarded pensions to see them through their twilight years.
- iii. The heroes and heroines of the freedom struggle are accorded representation in the County assembly.
- iv. That monuments in honor of the struggles and the heroes and heroines of these wars be erected especially in areas that the freedom fighters were killed and buried in large number **WE HAVE IN MIND**
Kitale Police station where Mau Mau Freedom Fighters were locked up in large numbers and subjected to torture, rape, denial of all Human Rights and denial of medical facilities. Many died of starvation.
- v. **That, a** freedom and unity university be set up in the County to promote research on nationalism and culture
- vi. **That land** confiscated from Mau Mau freedom fighters and their sympathizers during the liberation war, be returned or alternative land be granted in compensation.
- vii. **That,** the role of Mau Mau Emergency Villages, detainees and prisoners in carrying out development work such as the construction of Mau Mau Roads and Stadium in the Trans Nzoia County through hard labor, be recognized and appreciated.
- viii. **That, this petition be subjected to public debate.**

We have received this petition that was presented by those who have signed; their names are Githu wa Kahengeri(secretary general) ,Michael Ndungu kariuki, Margaret Wangari Njenga, Kabue Nuthu, Dorcas Njeri Njoroge, Leah Wambui Kamau, Julius Njuguna Wa Ng'ang'a, Ingichiri Gitau Kathami, Nderitu Ghathi Mwangi, Margaret Wambui Muturi and Eliud Ngure Kimani.

These are the petitioners and I would like to say it's now here on the floor of the House and it's our duty as per the Standing Orders; it's our opportunity to give comments and then refer it to the relevant committee to do a report.

You are free to debate- Hon. Trikoi?

Hon. Joseph Trikoi: Thank you Mr. Speaker sir. Before I make my contribution, I was trying to consult with a former MCA who is experienced; yesterday we were making contribution on squatter's resettlement and this issue was not touched. To my understanding these people on the list are not natives of Trans Nzoia- they were not here when Mzungu was here and when I look at the petition they are saying their land was confiscated.

If you go by history the kikuyu were in central, and Turkana were in Lodwar; we should not take this matter for granted because the history will come to charge us harshly because if we talk of resettling members who were not there it's not true or not touching on reality. When we talked of resettling, it is resettling people from 1992- 1993 and this one is talking of 1963.

TRANS-NZOIA COUNTY DEBATE

Hon. Ann Wanjiku: Point of information.

Deputy Speaker (hon. Njoroge): Yes Hon. Ann do you want us to inform Hon. Trikoi or the House?

Hon. Ann Wanjiku: The House. I think Hon. Trikoi is misleading the House because they say that, the real struggle for freedom began with our legendary forbearers including Wanyama Simukat, Masinde Muliro, Emmanuel Musakari, Migwi Wa Nduaci, Kagombe Kikomi and many others of the same genre who may or may not have been noted. By yesterday we said natives are people who were born here in Trans Nzoia. And what he is saying is not okay.

Hon. Joseph Trikoi: She is misleading because she said she wants to inform the House and now she is informing me. Natives are those who were born here before *Mzungu* came; my history started from yesterday and yours today because once I was a councilor; we tried to look at it; we should try to help because history is there and we should know how people came. It is a crime to accept that they were here before and say people from western were not natives.

Deputy Speaker (hon. Njoroge): Hon. Kisaka.

Hon. David Kisaka: Thank you Mr. Speaker, when they start they start with Masinde Muliro. They wanted it to look attractive, but when you look deep they are from one tribe; this matter is not for county but national level, this House has no power to make them members of this House but it rest with IEBC. If they are talking of Mau Mau streets, that's unacceptable and cannot be done here in Trans Nzoia. This petition can be localized in all county assemblies, we tried it here in the last assembly but members rejected, and I think we should give it same treatment.

Deputy Speaker (hon. Njoroge): Maybe before we proceed we make sentiments, because it's not clear, I think we can look at the dictionary and get the meaning of the word native; the dictionary says: 1. *connected with place where you were born or where you have always lived, your native language/country/city, native Londoners* 2. *connected with the people who originally lived in a country before other people, especially white people, came to live there (used about animal and plants) living or growing naturally in a particular place, this plant is native to south America.*

It's good to make good use of that word, it's connected to place where you lived or connected with white people, (reads dictionary again) *person who was born in a particular place: native of New York* 2. The people who were living in Africa, America, etc originally, before the Europeans arrived there.

I decided to take this direction to make you understand, Yes Hon. Rodgers.

TRANS-NZOIA COUNTY DEBATE

Hon. Rodgers Barasa: Ahsante Bw spika, ukiangalia hii karatasi haina msingi wowote; ukiangalia aya ya kwanza ikisema That, the real struggle for freedom began with our legendary fore-bearers including Wanyama Simukat , Masinde Muliro, Emmanuel Musakari , Migwi Wa Nduaci, Kagombe Kikomi and many others of the same genre who may or may not have been noted;

That, without dedication of the fore heroes and heroines and Mau Mau gallant fighters like Martin Shikuku, Wamalwa Kijana. The freedom being enjoyed by all Kenyans today would not have been achieved. Ukiangalia hao watu elfu moja na wale wamewakilisha ni jamii moja, ingekuwa kuna jamii tofauti tofauti ingekuwa bora.

Ukiangalia hapo mbele kwamba wale waliopigania uhuru, kuna Michael Wamalwa Kijana na tunajua Wamalwa miaka Yake ya kuzaliwa haiingiani na hii. Kitu nakubaliana nacho ni majina ya barabara wapewe kwa wale walio pigania Uhuru na pia majina ya vyuo.

Deputy Speaker (hon. Njoroge): Hon. Mlipuko.

Hon. Ben Mlipuko: Ahsante Bw. Spika kwa hii fursa, na kwanza nashukuru walio pigania Uhuru hadi leo tunafurahia matunda yake. Ukiangalia hawa walioweka sahihi hawajaweka hata kiongozi wao Dedan Kimathi. Lakini hapa Trans Nzoia waliopigania uhuru walikuwa akina Elijah Nameme, Masinde Muliro na Chetambe. Hawa pengine walitaka kuja hapa tuwape nuli hapa Trans Nzoia Assembly wapeleke hii petition yao Murang'a.

Deputy Speaker (hon. Njoroge): Kaburu.

Hon. Daniel Kaburu: I take this early opportunity to thank you so that I contribute, when you look at this report these petitioners sat down and wrote but also maybe they wanted to make this House happy- look at the title it talks of Mau Mau veterans.

Here we don't have Mau Mau, Kijana Wamalwa and Masinde Muliro were not members of Mau Mau. Mau Mau is a Kikuyu word "Mau" Hon. Speaker as we discuss let us be very careful because we had our hero's and heroines who fought for this country and let us honor them. People like Nameme- Chemonges they fought for this nation. Mau Mau is a national government issue and I don't know why we are discussing it here because it doesn't fit in the County Assembly of Trans Nzoia. Wamalwa fought for the second liberation and not the *Uhuru* of this country.

Hon. Lawrence Mokosu: Thank you Mr. Speaker, about the petition which has landed before us, when we said yesterday, tomorrow and days to come, that if we don't work well we will be judged harshly, whoever removed boundaries committed a crime. I thank Mau Mau for the good work they did, the people who suffered are Kikuyu and it's on record, and the first president was jailed because of the same in Kapenguria.

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TRANS-NZOIA COUNTY DEBATE

When we say we must respect history it must prevail, the white man protected the boundaries of Uganda. When you go there, there is no Title deed; it's only here in Kenya. Kenyans and Africans to sit down and organize themselves, when whites came here they found chief Keses, and that is in lands carter commission in 1932 and if I could get time I will read and show you. The chief that led the Masai Elgon is no one other than Keses who was here. When the settlers came they chased Sabaot and employed other communities because they could not employ Sabaot.

The Mau Mau went to Mt Kenya forest; in 1963 when we got independence, things changed. Then mzungu took over; there were no Kikuyus and when they took laborers they took from other tribes because they could not employ Sabaots who were richer like them. Kikuyus are not mentioned but other tribes are mentioned. They requested Uganda and that's why the boundaries were opened.

In 1963, Kenyatta changed the constitution- that Kenyans be allowed to live anywhere. After Mzungu evicted the indigenous, the natives came in, Mau Mau went to London and to court and they were compensated, led by lawyer Muite who was in charge. This document distorts the history, changing history it's what I hate, because we will be judged harshly.

Deputy Speaker (hon. Njoroge): Under SO 24, the same document should be committed to the relevant committee, and I do commit it to the committee on Gender Culture Welfare Sports Committee.

Next item.

PAPERS

COUNTY PUBLIC SERVICE BOARD OF TRANS NZOIA'S ANNUAL REPORT FOR THE CALENDAR YEAR 2017; BY HON. PATRICK KISIERO.

Deputy Speaker (hon. Njoroge): Proceed Hon. Makhanu.

Hon. Simon Makhanu: I am Hon. Simon Makhanu, the deputy majority leader and I table this report and ask Hon. Waswa to second.

Hon. Emmanuel Waswa: I stand to second the document.

Deputy Speaker (hon. Njoroge): Hon. Members, I want to report to this House that I have received the report, and I direct it to the Labour and Social Services Committee to prepare the report in two weeks.

Having no other item, the House is adjourned until next week Tuesday evening.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 20th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

PAPERS

SECOND SESSION CALENDAR

SECOND SESSION	13 TH FEBRUARY, 2018 -6 TH DEC., 2018
<u>FIRST PART</u>	
A. Sitting Days Tuesday, 13 Th February – Thursday 29 th March, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
B. Short Recess: Friday, 30 th March – Monday, 9 th April, 2018	
C. Sitting Days Tuesday, 10 th April- Thursday, 3 rd May, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
D. Long Recess: Friday, 4 th May –Monday, 4 th June, 2018	

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TRANS-NZOIA COUNTY DEBATE

<u>SECOND PART</u>	
E. Sitting Days Tuesday, 5 th June –Thursday, 12 th July, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
F. Short Recess: Friday, 13 th July-Monday, 23 rd July, 2018	
G. Sitting Days Tuesday, 24 th July – Thursday, 30 th August, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
H. Long Recess: Friday, 31 st August – Monday, 24 th September, 2018	
<u>THIRD PART</u>	
I. Sitting Days Tuesday, 25 th September – Thursday, 25 th October, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
J. Short Recess Friday, 26 th October, - Monday, 5 th November, 2018	
K. Sitting Days	

TRANS-NZOIA COUNTY DEBATE

Tuesday, 6 th November – Thursday, 6 th December, 2018	Tuesday (afternoon), Wednesday (Morning and afternoon) and Thursdays (afternoon)
L. Long Recess: Friday, 7 th December, 2018 – Monday, 11 th February, 2019	

Hon. Ann Wanjiku: (Point of order) Mr. Speaker Sir, We have not achieved the required quorum.

Deputy Speaker (hon. Njoroge): Can the Clerk Confirm?

THERE ARE 11 MEMBERS.

Deputy Speaker (hon. Njoroge): The quorum requires 13 members (*Hon. Emmanuel Orango walks in the chamber*) Can the Clerk confirm again?

Clerk: Yes, there are 13 members.

Deputy Speaker (hon. Njoroge): Yes there are 13 members.

(*Directing Hon. Lawrence Mokosu who was on the floor*)

Proceed.

Hon. Lawrence Mokosu: Can I table the report from where I am?

Deputy Speaker (hon. Njoroge): You are in order.

Hon. Lawrence Mokosu: I stand on behalf of the Leader of Majority Hon. Patrick Kisiero to table. I ask Hon. Margaret Wanjala to second.

Hon. Margaret Wanjala: I stand to support.

Deputy Speaker (hon. Njoroge): I confirm I have the calendar of the Trans Nzoia County Assembly which will give us guidance. You are free to comment and give any observations.

Hon. Alfred Weswa: Mr Speaker Sir, this will guide us. I propose we adopt it for the smooth running of the House.

TRANS-NZOIA COUNTY DEBATE

Hon. Emmanuel Orango: Thank you Mr. Speaker. I rise to support. It is in order. We have now a running programme in the Assembly. It is a good guideline. I support.

Hon. Beninah Khisa: I support the order.

Hon. Abraham Mwale: Thank you Mr. Speaker. Looking at the calendar, it is put in order.

Deputy Speaker (hon. Njoroge):

(Question Put- POSITIVED)

Next item

NOTICE OF MOTION

PACKING OF GOODS AT SUPERMARKETS- BY HON. EMMANUEL WASWA; MINORITY LEADER

Hon. Alfred Weswa: I stand on behalf of Hon. Emmanuel Waswa: (Reads) “Hon. Speaker, I beg to move the following notice of motion:

AWARE that the National Environmental Management authority banned the use of plastic material in this County;

FURTHER AWARE that previously Super Markets packaged goods purchased by customers in plastic bags;

NOTING that after the banning of plastic bags super markets no longer package items for their customers;

Mr. Speaker Sir, this behavior by supermarkets has now become a conduit for exploitation of consumers. The practice is also inconveniencing to the shoppers in many ways. It is standard practice that whoever displays goods for sale ought to have a proper way of packaging the same at the time they are sold to consumers;

Accordingly, I now move that by Resolution of this House, all supermarkets and other Retail shops in Trans Nzoia County be required to provide bags at their cost for packaging of goods purchased from their shops.

I request Hon Abraham Mwale to second.

Hon. Abraham Mwale: I second.

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TRANS-NZOIA COUNTY DEBATE

Deputy Speaker (hon. Njoroge): I commit the notice of motion to the House Business committee for time allocation. Next item.

NOTICE OF MOTION

LOADING AND OFFLOADING OF LORRIES WITHIN KITALE TOWN CBD BY HON. ALFRED WESWA.

Hon. Alfred Weswa: (*Reads*) “Loading and offloading of Lorries within kitale town CBD”

Hon. Speaker, I beg to give Notice of the following motion:

AWARE that the number of Lorries being loaded within Kitale town’s Central Business district is very large,

FURTHER AWARE that these Lorries cause a lot of obstruction and inconvenience to other street users;

Mr. Speaker, it is prudent that the loading of these Lorries be controlled so that there’s order in our streets.

Accordingly, I now move that by Resolution of this House, loading of cargo Lorries be done from Ware-Houses away from the streets and if such loading or offloading has to be done within street premises, then the same done at night.

Thank you Mr. Speaker Sir. I request Hon. Margaret Wanjala to second.

Hon. Margaret Wanjala: I second.

Deputy Speaker (hon. Njoroge): I commit the notice of motion to the House Business committee for time allocation.

NOTICE OF MOTION

UNDERGROUND PARKING FOR HIGH RISE BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT- BY HON. ALFRED WESWA

Hon. Alfred Weswa: Hon. Speaker, I beg to give Notice of the following motion:

AWARE that the number of motor vehicle within Kitale Town has been on a steady increase in the recent times;

TRANS-NZOIA COUNTY DEBATE

FURTHER MORE that lack of parking space is now a very serious problem within Kitale Town;

Mr. Speaker Sir, it is important that the County Government comes up with a policy or Regulations to govern the Construction of high rise buildings within the Central Business District in Kitale town, to provide for among other matters the mandatory provision for underground parking for such buildings;

Accordingly, I now move that by Resolution of this House, the Executive Committee Member responsible for matters of Physical Planning presents to this House a policy or Regulations on construction of high rise buildings; which policy ought to include a requirement for mandatory underground parking for such buildings.

I further move that in the meantime, by resolution of this assembly, approvals of building Plans for high rise buildings that do not meet these criteria be halted forthwith. Thank you Mr. Speaker Sir. I request Hon. Emmanuel Orango to second.

Hon. Mathew Nyarango: I second.

Deputy Speaker (hon. Njoroge): I commit the notice to the House Business Committee for time allocation. As members we should generate work and bring issues to the House. We need a lot of work. We have a lot outside the House to make us busy let us do something.

Hon. Martin Jamanoor: I have an issue here and it is urgent. From last week the sewerage in town has been following everywhere and this can lead to an outbreak of Cholera. This is a notice of motion.

Deputy Speaker (hon. Njoroge): You are out of order but I allow you to continue because the matter is important. I did not want to rule you out of order because learning is a continuous process. Such a matter of interruption of the business of the House is contained in standing Order No. 40 where the Speaker is informed and is set for discussion every Tuesday. (*Reads part of SO No 40*) But in this case you were out of order.

The House adjourns until tomorrow at 9.30 am.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 21st February 2018

The House met at The Chamber,

County Assembly buildings- at 9.30am

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (hon. Werunga): Welcome again members. As the deputy Speaker had passed the decision, I want to emphasize that you look around for more work and share within us for proper service delivery. We have able staff that can assist in drafting motions. The public is counting on us and by doing more work; our Assembly will be rated through hard work. As the deputy Speaker had also said when committees go out to compile reports they must do so. There is no logic for committees to go out like to Kisumu and fail to submit their reports. Otherwise, this might lead us to problems. Thank you very much.

MOTION

PACKING OF GOODS- BY HON. EMMANUEL WASWA; MINORITY LEADER

Hon. Abraham Mwale: Thank you Mr. Speaker Sir, I stand in for Hon. Emmanuel Waswa (*Reads*) “Hon. Speaker, I beg to move the following motion:

AWARE that the National Environmental Management Authority banned the use of plastic material in this County;

FURTHER AWARE that previously, Super Markets packaged goods purchased by customers in plastic bags;

NOTING that after the banning of plastic bags super markets no longer package items for their customers;

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir, this behavior by supermarkets has now become a conduit for exploitation of consumers. The practice is also inconveniencing to the shoppers in many ways. It is standard practice that whoever displays goods for sale ought to have a proper way of packaging the same at the time they are sold to consumers;

Accordingly, I now move that by Resolution of this House, all supermarkets and other Retail shops in Trans Nzoia County be required to provide bags at their cost for packaging of goods purchased from their shops. I ask Hon. Benard Aliang'ana to second.

Hon. Benard Aliang'ana I stand to second.

The Speaker (hon. Werunga): The floor is open for debate.

Hon. Jeremiah Wakhulia: Ahsante sana Bwana Spika kwa fursa hii. Nashukuru mheshimiwa Waswa kwa Mswada huu. Maduka ya jumla yanaponunua bidhaa, huwa zimepakikiwa na hawa wafanyi biashara wanajificha nyuma ya Ilani ya NEMA kuuza mifuko. Jambo hili linakera sana. Mbona maji yanazidi kuuziwa kwa plastiki? Je, NEMA ina uhusiano gani na wafanyibiashara wa maji? Ni lazima NEMA iondole mapendeleo. Hoja hii ilikuja wakati mwafaka. Naunga mkono. Ahsante sana.

Hon. Rodgers Wafula: Ahsante sana Bwana Spika. Nashukuru Mheshimiwa Waswa kwa hoja hii. Hivi majuzi nililazimika kubeba mkate mkononi kwa kukosa karatasi ya kupakia. Hapo awali mifuko hii iliuzwa kati ya shilling 5 na 10 na kwa sasa bei imepanda hadi shilling 30. Hapo awali pia tulipewa makaratasi haya bila malipo. Bidhaa nyingi kama mkate bado zinauzwa kwa plastiki. Ni heri NEMA ichukue hatua mara moja.

Hon. Benard Aliang'ana: Nami pia nashukuru aliyeleta mswada. Sisi kama wabunge hatungependa kuona mambo kama haya. Kama ni kupiga marufuku, NEMA ni lazima iondolee mbali viti vya plastiki, maji na mikate pamoja n mahindi yanayopakikiwa kwa mifuko hii. Pengine mtu alitaka kubenefit kutoka NEMA; mfuko unauzwa kwa shilling 10 na itatubidi kualika NEMA watueleze uwezekano wa paper bags kurudishwa.

Hon. Abraham Birir: Ningependa kujua tunajadili hoja au mswada. Ni vizuri ifafanuliwe vyema.

The Speaker (hon. Werunga): The member has said what he said, we are discussing a motion; it does not matter the language used. The members themselves understand.

Hon. Alfred Weswa: The motion is timely and I rise to support it. Our people are being exploited by super markets that make billions in profits. Small traders like mama mbogas have packages for their commodities. Suppliers bring the wares while packed. It is unfortunate people like Gigamatt

have taken advantage of the ban to exploit the common man. When I was away in Rwanda, I learnt that papers are not dumped anyhow but the system has been improvised. It is the responsibility of supermarkets to protect their clients. It does not cost much on paper bags. We require laws for alternative packages. I propose that after the motion is passed, the Nasipwondis and Wanjikus are protected immediately. The meat traders have improvised on their packing. Even a similar motion was passed in Uasin Gishu County. I support.

Hon. Joseph Triko: Thank you Mr. Speaker Sir. It is the right of consumers to have their goods packed. Supermarkets are robbing people of their money. Before the ban, the packets were being issued free and the traders have taken advantage of the ban. This under the Bill of rights no 46(Reads). Recently, I was forced to carry bread on the shoulders after I was told there were no packaging carriers. This is not reasonable. It is high time the materials are issued without charges. The government should take stern action and come up with legislation on this. Thank you and I support.

The Speaker (hon. Werunga): *(To Hon. Abraham Mwale)* you had time as a seconder to contribute.

Hon. Emmanuel Waswa (Point of information) I am sorry I came late and I am the mover of the motion. I was out on assignment for my position for this House and for the duty affecting Hon. Mwale's area. That is why he stood in for me. I request that he be allowed to contribute.

The Speaker (hon. Werunga): *(To Hon. Mwale)* you will be supporting.

Hon. Abraham Birir: Naunga mkono hoja hii kwa maana inahusu mazingira tunamoishi na kufanya biashara. Maduka ya Jumla yanatumia nafasi hii kugadamiza wananchi. Mfuko uliuzwa kwa kati ya shilingi 5- 8 sasa unauzwa kwa shilingi 30 na ikiwa mifuko 400 inauzwa kila siku, faida yao ni kubwa mno. Shida ni kama mswada huu utatekelezwa ikiwa utapitishwa, Bado kuna matumizi ya Karatasi hizi kwa nyama na mikate. Ni lazima tuangalie ni mbinu gani tutahitaji kuunda sheria hii. Naunga mkono. Ahsante Bwana Spika.

Hon. Abraham Mwale: Ahsante kwa fursa hii ya kujiunga na wenzangu kushukuru kiongozi wa wachache kwa mswada huu. Kila mbunge analipwa kwa kuongea na ni heko kwa ofisi yako na CAF kuona kwamba hili linatimizwa. Wafanyibiashara wamenyanyasa wananchi vya kutosha. Unaponunua bidhaa ya gharama ya shilingi 10,000 unalipia ushuru mbali na mifuko ya kubebea. Ni heri baada ya kupitisha hoja hii, jambo hili lifuatiliwe na kutekelezwa.

Hon. Benard Mlipuko: Ahsante Bwana Spika Bunge hili limetunga sheria baada ya kupigiwa kura na matajiri waliotundika kazi. Bei ya bidhaa na mifuko imewekwa tofauti. Ni jukumu la wafanyibiashara kulinda maslahi ya wateja wao. Inafaa maduka ya jumla wajifunze kutoka kwa mama mboga. Nakubaliana na mswada Ahsante.

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Hon. Eric Wafula: Ahsante na ninashukuru mheshimiwa Waswa kwa mswada huu. Hata nami nilipata aibu kwa kufungiwa bidhaa kwa gunia na hawa Walaghai. Hata wakati mwingine haupewi masalio ya fedha badala yake unapewa tamutamu. Hoja hii itasaidia wakaazi wa Trans Nzoia. Hata kwa Hoteli, huwezi kuuziwa chakula pamoja na sahani. Kama Bunge lazima tusimamishe mambo hayo. Nakubaliana na kwamba baada ya mswada, ni lazima askari wetu waambiwe kuchukua hatua.

Hon. Beninah Khisa: Ahsante sana kwa nafasi hii lakini naunga mkono tofauti kidogo. Hiyo pesa ya mifuko yafaa irudishwe kwa kusafisha mji wetu wa Kitale. Mji wetu uko mbali kwa usafi uki-linganisha na miji mingine. Nina bahati kuwa huko Rwanda wakati mmoja na miji yao inadumisha usafi. Naunga mkono; Naomba kamati ya mazingira kutembelea nchi ya Rwanda ili kujionea wenyewe.

The Speaker (hon. Werunga): Looking at the deliberations, they have taken shape and there is almost no resistance, it has shaped well.

(Question put- POSITIVED)

I commit the motion to the committee of Trade, Co-operatives and Industry to look at it seriously and bring a report to this House within 21 days considering that NEMA has already laws on that.

Next item.

MOTION.

MOTION ON LOADING AND OFFLOADING OF LORRIES WITHIN KITALE TOWN CBD; BY
HON. ALFRED WESWA

Hon. Alfred Weswa: *(Reads)* I request Hon. Abraham Birir to Second.

Hon. Abraham Birir: I stand to second.

Hon. Alfred Weswa: As the chair of the Urban Planning, this town is chaotic. Parking is a big problem. *(Phone rings loudly)*

The Speaker (hon. Werunga): Can the member of the phone get out to accomplish his/her mission? *(Hon. Everlyne Chesari storms out of the chamber).*

Hon. Alfred Weswa: Trans Nzoia County is pathetic. The said Lorries for manufacturers should have designated parking bays...

(Interruption)

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The Speaker (hon. Werunga): It is irritating for phones to ring in the House. If one does not want the calls, just remove the battery from the set or set it on the Silent mode. It is unfortunate. We should stick to discipline and order. Even for me, I left mine in the office. This is serious and let us co-operate.

Hon. Lawrence Mokosu: *(On point of information)* Mr. Speaker Sir, I agree with you. It is only the ladies' phones that keep on ringing.

The Speaker (hon. Werunga): That is bad information.

Hon Abraham Birir: *(Point of information)* Hon. Mokosu should withdraw the remarks on Honorable ladies. It is in bad taste.

The Speaker (hon. Werunga): *(To Honourable Mokosu)* you should withdraw.

Hon. Lawrence Mokosu: The first ringtone came from a lady, the second came from a Lady again and the third might come from a lady. I respect ladies including my wife. I withdraw.

Hon. Alfred Weswa: Designated parking generates revenue. Movement has become difficult thus denying the county revenue. The traffic flow has become a big problem as well as many activities which have stalled. We should do it rightly so as to accommodate interests of other road users. In Nairobi, it is rare to find Lorries entering the CBD. If they have no business in town, let them use the by-pass. Some drive at night to occupy the lanes. Even motor bikes should have designated areas.

The Speaker (hon. Werunga): Differentiate between Lorries and motor bikes. Are you talking of Lorries or motorbikes? That will be for another motion.

Hon. Alfred Weswa: It is my stand that the motion be passed.

Hon. Abraham Birir: Thank you, obstruction starts with me and you. For this case, the traffic shared is due to lack of parking lanes and for loading and offloading. We have functioning lights which could allow for evening loading and offloading and improve the parking. For me, I was almost booked in for wrong parking as I talked with friends but I was left free because of my position.

The Speaker (hon. Werunga): *(Intervention)* you must withdraw. Don't break the law as a leader. You must lead by example. Don't bring your Kangaroo talk to this House. This is not how to do things.

Hon. Abraham Birir: I withdraw. We need to do something on parking.

TRANS-NZOIA COUNTY DEBATE

Hon. Judith Wakwabubi: Ahsante Bwana Spika. Mswada ni mzuri .Ni ukweli kuna lori nyingi kuliko magari na hizi lori ni za changarawe. Ni heri mswada upite tupunguze lori mjini.

Hon. Emmanuel Waswa: Ahsante Bwana Spika. Wanaohusika wanafaa kujifunga vibwebwe kupunguza kutapakaa kwa lori mjini haswaa baada ya wakristo kufuata sheria ya Bibilia na kuzaana maradufu. Imekuwa vigumu haswa kwa watumizi wa pikipiki -wanagongana na lori ambazo zafaa kufanya kazi nyakati za usiku.

Hivi majuzi dereva wa lori aliua mfanyi biashara kwa sababu ya utovu wa nidhamu. Katika Bunge lililopita, tulipitisha hoja ya magari kuelekezwa kwenye barabara ya laini Moja na mpaka sasa hakuna mkazo uliotiliwa. Naomba waheshimiwa na kamati inayohusika, tutilie mkazo. Ahsante Bwana Spika.

Hon. Eric Musumba: Ahsante kwa fursa hii na nashukuru mheshimiwa Waswa kwa hoja hii. Mimi Kama mwenyekiti wa kamati ya biashara niliulizia stakabathi ili kutekeleza mpango huu ili biashara hii ifanyike nyuma ya maduka au wakati wa usiku. Hii ni njia moja ya kubuni kazi kwa vijana wetu. Nawaomba wenzangu wabunge waunge mkono hoja hii.

Hon. Rodgers Wafula. Ahsante sana Bwana Spika. Ningependa kumwambia mwenzangu ne-no *parking* sio Kiswahili lakini nakubaliana na kuunga mheshimiwa Waswa mkono. Mji hauna mpangilio ambapo *godowns* (laughter for mixing English) Za Khetia *Supermarkets* na *Petrol Stations* ziko kando ya barabara ambapo lori huegezwa. Ni kero kubwa kwa wakazi wa Trans Nzoia ambapo nidhamu imesahaulika. Kamati inayo husika lazima iwe na mpangilio.

The Speaker (hon. Werunga): We are harmoniously linguists. In law, there is a saying that whoever seeks justice must go with clean heads. Don't throw stones if you live in a glass door.

Hon. Margaret Wanjala: Nashukukru Mheshimiwa kwa hoja hii. Malori yaliyojaa hapa huwa sio ya Trans – Nzoia lakini ni ya kusafari nje. Kama mwenyekiti mdogo wa kamati ya usafiri, lazima sehemu iwekwe kwa lori zinazo safiri kutoka Eldoret. Naunga mkono.

Hon. Carolyne Makokha: Ahsante kwa hoja hii. Mimi nimekuwa na gari lakini lilipata ajali iliyo sababishwa na lori hizi. Yafaa tuamue kupitisha sheria kwa lori hizi. Mimi ni muathiriwa. Naunga kwa dhati hoja hii naomba wenzangu tupitishe.

Hon. Everlyne Chesari: I stand to support the motion given that the town is congested. I thank Honorable Waswa for the motion. So many accidents have occurred in town. Wholesalers have go-downs but without proper lanes. I don't think they are connected to lanes. They should be made to pay taxes for the period they have parked. This way the county will be able to collect revenue.

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Hon. Philis Njeri: Thank you and I stand to support. We need to do something like putting up sign posts. I support.

Hon. Eric Wafula: Thank you. I stand to support. The shrewd traders have taken advantage of this to slot themselves 10 parking yards in front of their offices. The main street is horrible. I want to agree that in case of loading, let it be done at specific times and behind the shops so as not to inconvenience others. Certain streets do not belong to groups of people who think the town belongs to them. Strict measures should be put in place to all road users. Thank you, I support.

The Speaker (hon. Werunga): It has shaped up well and I want to put the question.

(Question Put- POSITIVED)

You have done so well and now this is the property of the House. The committee of Transport is hereby directed to do thorough investigations including involving all stakeholders to come with a report within 21 days. They are now up to the task to ensure the law is enforceable to all.

With no more agenda, the House stands adjourned until 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 21st February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Hon. Jamanour Simiyu in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Speaker (hon. Jamanour): I'm standing in for the position of the Speaker today and it has rained, I look forward to a positive and lively discussion.

MOTION

UNDERGROUND PARKING FOR HIGH-RISE BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT- BY HON. ALFRED WESWA

Hon. Alfred Weswa: Hon. Speaker sir, I beg to move the following motion:

AWARE that the number of motor vehicles within Kitale Town has been on a steady increase in the recent times;

FURTHER AWARE; that lack of parking space is now a very serious problem within Kitale Town;

Mr. Speaker sir, it is important that the county government comes up with a policy or regulations to govern the constructions of high rise buildings within central business district in Kitale town to provide for among other matters the mandatory provision for the underground parking.

ACCORDINGLY; I now move that by the resolution of this House, the Executive committee member responsible for the matters of Physical Planning presents to this House a policy or regulations

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on construction of high rise buildings; which policy ought to include a requirement for mandatory underground parking for such building's .I further move that the in the meantime by resolution of this assembly, approvals of plan for high rise building that do not meet the criteria be halted.

I request Hon Abraham Mwale to second.

Hon. Abraham Mwale: I Abraham Mwale do second.

Speaker (hon. Jamanour): I now propose the mover.

Hon. Alfred Weswa: I want to thank you Mr. Speaker sir for the opportunity, the motion in the morning here was about the parking space. The design of this town is of the colonial times; owing to the fact that the town was small but now we have an increase in population, a lot of traffic overflow, businessmen who are building high rise buildings should be able to provide parking for their tenants to avoid congestion in town.

Speaker (hon. Jamanour): I now open the floor for discussion.

Hon. Emmanuel Orango: Nataka kushukuru mjumbe ambaye ameleta mswada huu. Mji wetu wa Kitale ni mji ambao unakua kwa kasi sana na pia biashara inakua; miaka ijayo hakutakua na mashamba ya maegezo katika mji huu kwa sababu mji unakua. Naunga mkono mswada huu ili pia sisi tusiwachwe nyuma kwa maendeleo wakati majirani wetu wanafanya maendeleo. Ghorofa ambazo zitajengwa kutoka saa hii wawe na ngazi moja ya kugeza. Pia sisi bunge hili tukijenga jengo jipya tuweke ghorofa moja ya kugeza ili tuwe mfano mzuri kwa wengine.

Hon. Benard Aliangana: Ahsante sana, ningependena kushukuru mjumbe ambaye ameleta mswada huu. Mji wa kitale unakua na ninaunga mkono yale yamesemwa na mheshimiwa Orango. Pia wale ambao wako na ploti katikati mwa mji na wameshindwa kujenga, serikali inunue mashamba hayo ili tuweze kujikimu. Tunaomba serikali ya Jubilee itupatie shamba la prison ili tuweze kupanua mji ndio tuweze kupunguza msongamano mjini. Ahsante.

Hon. Ben Mlipuko: Ahsante sana Spika, ningependa kuungana na wale waheshimiwa wameongea mbele yangu. Kama serikali tuwe na mswada ili majengo mapya yawe na eneo la maegezo ya magari na pia barabara zenye ziko katikati mwa mji zipanuliwe.

Hon. Margret Wanjala: Ahsante sana bwana Spika, ningependa kuunga mkono mswada huu, mimi ni mmoja wa wafanyibiashara katika mji. Ila tu wasibomoe yale majengo; tuweze kupanua mji wetu, Ahsante sana.

Hon. Evans Chesang: Ahsante sana. Ningependa kujua nani alipewa kandarasi ya ujenzi wa stage.

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Hon. Abraham Mwale: On a point of order Mr. Speaker sir, the hon. member is going out of topic.

Speaker (hon. Jamanour): Hon. Evans Chesang you are out of order.

Hon. Evans Chesang: Thank you Mr. Speaker I support the motion.

Hon. Jeremiah Wakhulia: I thank you Mr. Speaker sir, Kitale is an economic hub owing to the fact that it's serving two other counties; West Pokot and Turkana, and also our neighboring country South Sudan. Therefore we need to find spaces for parking. We are not demolishing anything, neither does our motion says anything to do with demolition. The county government has to tell the developers to establish parking space and we can establish other parking outskirts of town. Thank you.

Hon. Philip Nyongesa: Thank you Mr. Speaker. A lot of business is growing; I join my fellow members that we should have a good plan and a conducive environment for our business people.

Hon. Everline Cheshare: I want to join my fellow members. I would like that a relevant ministry furnishes us with necessary information on how many parking spaces are available. Thank you Mr. Speaker sir.

Hon. Judith Mutonyi: Pia nami naunga mkono mswada huu.

Speaker (hon. Jamanour): I now call the mover of the motion.

Hon. Alfred Weswa: My prayers from the contribution is that high rise buildings should be able to build an underground parking if it's approved- I would have achieved my goals as the chair to the committee of Land, Housing, Physical Planning and Urban Development. Thank you.

Speaker (hon. Jamanour): That by the resolution of this House, the Executive Committee Member responsible for the matters of Physical Planning presents to this House a policy or regulations on construction of high rise buildings; which policy ought to include a requirement for mandatory underground parking for such buildings. I further move that in the meantime, by resolution of this Assembly, approvals of plan for high rise buildings that do not meet the criteria be halted.

In as many of the same opinion say "aye" in as many of the contrary opinion say nay.

The "ayes" have it.

The House is hereby adjourned till tomorrow 2:30 pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 22nd February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Deputy Speaker (hon. Njoroge): I would like to welcome each of you in today's Thursday evening session. Secondly I take this opportunity to thank you members, because I can see you generating a lot of work through motions and I urge you that if we go that way, we will cover a lot.

Thirdly, I request members that you are informed not to hold your microphone while standing because it interferes with the smoothness of the voice. Also, while you talk don't hold it close to your mouth, please let's practice it and it will be recorded properly by the Hansard. Next item

NOTICE OF MOTION

SCHOLARSHIP FOR VOCATION TRAINING STUDENTS- BY HON. ABRAHAM B. KIRWA;
KIPTOROR/CHEPSIRO WARD

Hon. Abraham Birir: I beg to give notice of the following motion. (*Reads*)

Scholarship for Vocation Training Students

AWARE THAT Trans-Nzoia county government established vocational training centers in every ward across the county.

FURTHER AWARE that the same vocational training centers are running without funds meant for operations, lack of enough tutors, and improper constitution of board of management e.t.c.

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NOTING THAT the first batch of students got county Government bursary funding and most of them being self-sponsored students out to make a living from the knowledge acquired.

Mr. Speaker sir,

These institutions started with a high enrolment due to scholarship but have dwindled since scholarships are no longer given hence many students dropped due to demand for school fees.

Mr. Speaker sir,

Accordingly I now move that by resolution of this House, the county government should create a scheme similar to that of national government famously dubbed free primary and secondary education through capitation system where money is allocated to these institutions depending on the number of learners studying there (county government vocational training scholarship program) so as to subsidize the fee paid by the students.

Thank you Mr. Speaker and I ask Hon. Members to support this motion. Also, today is my birthday and I ask Hon. Chesari to second.

Hon. Everlyne Chesari: Thank you Mr. Speaker, I stand to second and I say that vocational training is important in our wards because it will cater for students who didn't join Universities.

Deputy Speaker (hon. Njoroge): Hon Chesari you are out of order, this is a Notice of Motion and not a Motion, you are only supposed to second.

Hon. Everlyne Chesari: Then I stand to second.

Deputy Speaker (hon. Njoroge): Yes Kapoloman?

Hon. David Kapoloman: Mr. Speaker she was on point of order, when notice of Motion is presented she can say a few words.

Deputy Speaker (hon. Njoroge): I want to give more direction on this, let's proceed because the Notice of Motion was given and seconded and it's committed to the House business for time allocation.

Next item on the order paper.

NOTICE OF MOTION

DECENTRALIZATION OF FINANCE AND PROCUREMENT- BY HON. ERIC WAFULA
(HOSPITAL WARD)

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Hon Ann Wanjiku: I stand to give notice of Motion on behalf of Hon Eric.

Decentralization of Finance and Procurement

AWARE THAT, the Constitution of Kenya was made on the spirit of devolution and decentralization of power and services;

THAT decentralizing services give room for faster and efficient delivery of services:

THAT in Trans-Nzoia County, every line Ministry has its CECM and Chief Officer capable of manning the ministry efficiently;

NOTING WITH CONCERN THAT most of the services in Trans-Nzoia County Government like procurement and finance are still centralized;

FURTHER AWARE THAT the Public Procurement and Disposal Act 2005 requires that each Public entity establishes procedures to provide for the making of decisions on behalf of the public entity relating to procurement;

NOTING THAT on 25th March 2013 the Minister for Finance gazette the Public Procurement and Disposal (County Government Regulations) as Legal Notice No. 60 of 2013 enacting guidelines to be followed by the County Governments when carrying out procurement processes within the county;

DEEPLY CONCERNED THAT public procurement processes within the County Government are bureaucratic in nature and there isn't enough personnel to handle the workload, resulting in delays in implementation of public projects and attracting unnecessary extra costs that are met by taxpayers across the county;

Accordingly by a Resolution of this honorable House the County Government to move with speed and ensure that procurement process and finance within the County government is decentralized to the respective existing departments or entities of the county government in order to expedite the procurement processes and implementation of projects within the stipulated time and at a reasonable cost.

Thank you Mr. Speaker Sir.

And I beg to request Hon Mercy Tanui to second.

Hon. Mercy Tanui: Thank you Mr. Speaker I second the notice of motion.

TRANS-NZOIA COUNTY DEBATE

Deputy Speaker (hon. Njoroge): The Notice Motion has been moved and seconded and it's committed to the House Business Committee for time allocation. Next item on the order paper.

Next item.

NOTICE OF MOTION

MANAGEMENT OF NZOWASCO- BY HON. ERIC WAFULA; HOSPITAL WARD

Hon. Ann Wanjiku: Mr. Speaker Sir, I beg to give Notice OF the following motion again on behalf of Hon. Eric.

AWARE THAT water supply in Trans Nzoia County is managed by the Nzoia water services company limited (NZOWASCO) which has its headquarters in Webuye Bungoma County

FURTHER AWARE THAT the source of the water by the company is in Trans Nzoia County being Cherangany Hills among others

CONCERNED THAT the residents of Trans Nzoia County are not fully benefitting yet Trans Nzoia is the source and there has been a water shortage in the recent past in the County with the residents having nowhere to complain to.

Mr. Speaker Sir,

By a resolution of this House, the County executive should:

- I. Initiate the process of the management of distribution of water and also moving the headquarters of Nzowasco to Trans Nzoia County,
- II. Expedite the process of ensuring that the residents in the water catchment areas benefit from the water resource to the maximum.
- III. The department of water, Environment and natural resources to report to the House on the course and remedy of the current water shortage.

And I request Hon. Phylis Njeri to second.

Hon. Philis Njeri: Thank you and I stand to second.

Deputy Speaker (hon. Njoroge): I do confirm that the notice of motion has been given and seconded; I do commit it to the House Business Committee for time allocation.

TRANS-NZOIA COUNTY DEBATE

NOTICE OF MOTION

COMMUNITY HEALTH VOLUNTEERS-BY HON. DANIEL KABURU; SITATUNGA WARD

Hon. Emmanuel Orango: Thank you and I stand to give Notice of Motion on behalf of hon. Kaburu.

Mr. Speaker Sir,

AWARE that Health Services is a devolved function;

FURTHER AWARE that there are health workers working at different levels including community health workers;

APPRECIATING that these community health workers play a major role in primary health care services and giving advice among other issues on HIV/AIDS antenatal and post natal and on family planning;

CONCERNED that despite the great role they play in the community, they remain unpaid hence not motivated to do their job.

Mr. Speaker sir,

These community health volunteers are of great linkage between the communities and the medical facilities and they prevent a lot of deaths.

Mr. Speaker sir,

By a resolution of this House, the department of Public Service Management in liaison with the treasury should consider in the budget of the financial year 2018/2019 the payments of stipends to the said volunteers.

Thank you Mr. Speaker.

I now request Hon. Beninah to second.

Hon. Beninah Khisa: Thank you Mr. Speaker and I stand to second.

Deputy Speaker (hon. Njoroge): I do confirm that the notice has been given and seconded and I do commit it to the House Business Committee for time allocation.

Next item.

TRANS-NZOIA COUNTY DEBATE

NOTICE OF MOTION

SEWERAGE SYSTEM IN KITALE TOWN- BY HON. MARTIN SIMIYU (NABISWA WARD)

Hon. Martin Simiyu: Thank you Mr. Speaker, I stand to give a notice of motion.

Mr. Speaker Sir,

AWARE that sewerage is a devolved function;

FURTHER AWARE that so many sewer lines have been bursting in the recent past;

Mr. Speaker sir, a case example is the bursted sewer line at the Tuskey's round-about right in the middle of the town.

CONCERNED tha leakages, blockages and overflows of sewers expose the members of the public to health hazards.

Mr. Speaker Sir,

Accordingly, by a resolution of this House the county executive department for water and natural resources should expedite the repairing of sewer lines to prevent outbreak of diseases.

Thank you Mr. Speaker.

I call upon Hon. Chesang to second.

Hon. Evans Chesang': Thank you Mr. Speaker, I stand strongly to second.

Deputy Speaker (hon. Njoroge): I stand to tell that Notice has been given and seconded and it's committed to the House Business Committee for time allocation.

STATEMENT

QUESTION NO. 01/2018: QUESTION UNDER THE OFFICE OF THE COUNTY SECRETARY-
BY HON. STEPHEN KURU NJOROGI; MAKUTANO WARD.

Hon. Alfred Weswa: Thank you Mr. Speaker sir, since you are chairing you can't read your question. The question is very important let's do it for you.

AWARE that there were various ward specific projects provided for in the 2016/2017 Financial Year across the ward;

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TRANS-NZOIA COUNTY DEBATE

Could the respective departments provide this House with the following information?

1. All the Ward Specific projects under their respective departments
2. Whether each of the projects was funded;
3. The level of completion of each of the projects;
4. The fate of any stalled projects.

Thank you Mr. Speaker Sir.

Mr. Speaker we have set aside some money to go to 25 wards 2016/2017. Last year when elections were being prepared, we budgeted it here but we were busy we never followed, and when you go to the office to make inquiry on the status of those development Mr. Speaker you are told don't mention former projects but just mention the current.

We should request each CECM and C.O to bring records of all development status, and the much that was spent. And the ones that are underway. I know 80% of members of this House went home because of development and the new MCA's should know how to make follow ups.

Deputy Speaker (hon. Njoroge): I propose that the question goes to the County Secretary or we direct it to someone else. It's an open debate. I propose the question, and any observations, yes Kapoloman.

Hon. David Kapoloman: Thank you Mr. Speaker, it will be in order if it goes to the County Secretary, the CECM may not get time because it's tedious. Let it go to the County Secretary and he will inform all CECM to bring details of all projects. It's in order to direct it to the County Secretary.

Hon. Mathews Orang'o: Thank you Mr. Speaker, I want to comment over the same. It's something we should have done before because if you look at Trans Nzoia we don't account for funds that have been used in ward specifics, the projects were allocated funds and it's in order not to request but to demand. We have to be given these documents to know what went on.

To know the ones that were executed and the ones that are almost to be completed, we should not truck our feet because it's not touching one ward but across the county. When you go to ward specifics, it's a must to do it or we will be missing on our goal. The question should be sped to the County Secretary to give us answers to know about money. Otherwise I support that it goes to the County secretary.

TRANS-NZOIA COUNTY DEBATE

Deputy Speaker (hon. Njoroge): I thank you members. The question will be forwarded through the clerk's office to the office of the County Secretary. Next item on the order paper

STATEMENT

QUESTION NO. 02/2018: QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON HEALTH; QUESTION BY HON KABURU- SITATUNGA WARD.

Hon. Mathews Orang'o: I stand on behalf of Hon Kaburu.

Mr. Speaker sir,

APPRECIATING that health is a devolved function,

We have recently noted with concern that patients in our major hospitals especially Kitale Referral Hospital still buy drugs among other basic amenities when admitted.

Mr. Speaker,

Could the county executive committee member for health services furnish the relevant committee with the following?

1. Report on the dispatch of pharmaceutical & Non Pharmaceutical from KEMSA in the financial year 2017/2018.
2. The bed capacity of Kitale referral Hospital.

Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): There is this question under the department of health on Pharmaceutical and KEMSA on Financial year 2017/2018; I propose, do we put the question to the said office?

Hon. Alfred Weswa: Thank you Mr. Speaker, I propose that we put the question, this being the county referral and our people are buying drugs hence they are being supplied. We have been approached by patients to be given waiver and most claim that they spent more money on buying drugs, so it's in order for CECM to furnish us with details from KEMSA so that we can know if they are under supplies. We want to know how many beds the Referral hospital has so that we can do a good budget.

Hon. Martin Simiyu: Thank you Mr. Speaker, mine is just a clarification. Are we looking at 2016/17 or 2017/2018; because 2017/2018 is ending in June?

TRANS-NZOIA COUNTY DEBATE

Deputy Speaker (hon. Njoroge): Yes Hon. Kapoloman.

Hon. David Kapoloman: It's 2016/2017 and it's not true I think there is a typing error, was he referring to 2016/2017 or 2017/2018?

Hon. Ann Wanjiku: Thank you Mr. Speaker, I want to get clarification on beds, in referral, is it the current or the newly under development? We also in the Implementation Committee are going to call CECM for questions; I only need clarification on the first part.

Deputy Speaker (hon. Njoroge): It's lacking clarity can the mover shed light on it.

Hon. Mathews Orang'o: Thank you Mr. Speaker, of course it's a concern of members on first point on 2016/17, or it's an error. We are in the final stage of 2017/2018. We were following up on issues of supplies 2017/2018 to get quarterly reports; if you look around drugs are not supplied in dispensaries.

We want to know from KEMSA because quarterly supplies should have been done by now, and we should find out before the year ends. We need the report to know if drugs were not enough and I will make another question next Tuesday. On referral we are talking of Kitale district hospital and not County referral, I think mheshimiwa should differentiate between the two.

Deputy Speaker (hon. Njoroge): He has been clear because he asks of the last quarters and also he has been clear on Kitale district hospital and County referral hospital.

Hon. David Kapoloman: The mover of the motion was having an issue and if it's second and third quarter then it should go for amendments, we should know the procedures of amending questions.

Deputy Speaker (hon. Njoroge): Let us consult a bit; as we are consulting further I will like to confirm that we have amendment of motion, am trying to pick SO number. We take it as it is, for motions, we can propose amendments on the floor and you have to write to the Speaker, I will invoke SO 121 and the Speaker will decide because it's not proper let it go as it is, and I put it to Health Committee to give information in two weeks.

Hon. Alfred Weswa: We have the mistake and the committee of health will not correct or work on it as it is. With polite note you can withdraw the question and that's the point of information- can I get clarification?

Deputy Speaker (hon. Njoroge): You are out of order, because the ruling had been made!

Next item on the order paper.

TRANS-NZOIA COUNTY DEBATE

STATEMENTS

QUESTION NO.03/2018: QUESTION UNDER THE DEPARTMENT ON FINANCE AND ECONOMIC PLANNING- BY HON. BENARD ALIANG'ANA; MOTOSIET WARD

Hon. Benard Aling'ana: My name is honorable Benard Aling'ana from Motosiet ward. I beg to move this Notice of Motion:

Mr. Speaker sir,

Appreciating that revenue collection in the county has been on steady decrease over the recent past;

The committee has also noted that finding packing space in Kitale town has become a problem.

Mr. Speaker sir,

Could the County Executive Member for Finance and Economic Planning furnish the relevant committee of this House with:

1. Statistics on the total number of packing slots in Kitale town;
2. The number of revenue collectors and their terms of employment in the county;
3. Statements showing the amount of revenue collected in the first quarter of financial year 2017/2018?

Thank you Mr. Speaker.

I would like to call upon Hon. Caro to second.

Deputy Speaker (hon. Njoroge): There is no need for secondment, this is a question we just second reports and motions, we do have the question by Hon. Benard directed to CECM finance, it requests;

1. Statistics on the total number of packing slots in Kitale town.
2. The number of revenue collectors and their terms of employment in the county.
3. Statements showing the amount of revenue collected in the first quarter of financial year 2017/2018.

I request observations, Hon. Kapoloman.

Hon. David Kapoloman: The first appreciating in first paragraph means the work was done well. Appreciating; meaning you are praising, this is the House of Confusions.

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Hon. Emmanuel Waswa: Thank you Mr. Speaker, I have a notification. It talks of decrease of revenue collection, and he should give figures so that we know if there was a decrease.

Hon. Benard Mlipuko: Ningependa kujua wale wanao kusanya fedha wajulikane kwa sababu mambo ya pesa ni magumu na yanataka mwangaza.

Hon. Eric Wafula: Thank you Mr. Speaker. Even though I have come late I was in my ward for official duty and I believe when you appreciate it's okay. Whether in good or bad faith, you first appreciate then start complaining. Most areas here in town are ear-marked for parking and lines are not drawn and the County is losing money. So the question asked is very important because it will help to know us to know.

We don't have proper people to collect money and it's good for the committee on planning to know if we really need order because revenue is lost. People move around and collect money from Mama Mboga and we don't know if they work with the County or just con people, we should know these people. People in the county have not been paid for months and there is no money. Money should be collected and taken to the treasury and get to the use. People are paying tax but honestly the executive has not told us how much is collected and with which department. They should centralize revenue collection; the question asked by Benard Aliang'ana should be taken seriously.

Deputy Speaker (hon. Njoroge): Yes Philip.

Hon. Philip Nyongesa: Thank you Mr. Speaker. May I commend Hon. Benard for the good question, Finance department being a good department should do its work well. We have been having good questions especially for revenue collections. The person in charge of revenue collection was given notice to give the office to another person and we don't know why. And I am aware we have Lorries in the town and they are paying 300 per lorry. It's good; the department should come out clearly so we know how revenue issue is moving.

Deputy Speaker (hon. Njoroge): Yes Orang'o, it's observation.

Hon. Mathews Orang'o: I want to appreciate my colleague, it should not be challenged, the language is simple in fact as a County we are not in good books in terms of finances, and we can't compare with other counties like Turkana, Uasin Gishu and Busia. We should go deeper, if you see the issue that it's raised here that revenue collection is decreasing, it's true.

Hon. Emmanuel Waswa: I want to know, is it contribution or observation Mr. Speaker.

Deputy Speaker (hon. Njoroge): It's observation and that was my stand.

TRANS-NZOIA COUNTY DEBATE

Hon. Mathew Orang'o: He is closer to the Governor and that's why he doesn't want more to be discussed.

Hon. Emmanuel Waswa: Is it in order for him to claim that I am closer to the Governor?

Deputy Speaker (hon. Njoroge): Can the member substantiate or withdraw and apologize.

Hon. Mathews Orang'o: I withdraw the statement and apologize.

Hon. David Kapoloman: Mr. Speaker when you allow him to contribute the more he makes mistakes, you can't compare Trans Nzoia to Turkana and Busia, let him come with observations, give direction Mr. Speaker.

Deputy Speaker (hon. Njoroge): We are not giving contributions, we will when it comes from the committee; let us be brief. Hon. Orango I think I'm giving you 1 minute to finish.

Hon. Emmanuel Orango: The question is well framed, we will debate when time comes. The issue of packing and number of revenue collectors should be addressed. I come from a ward where people pay revenue and I support and appreciate the question by the member.

Hon. Lawrence Mokosu: I echo Mugunda. As a teacher by profession Mr. Mugunda is a good student, without collection we will not survive. The only problem the questions raised here are not worked on and as the chair of Implementation Committee there are many questions. I am going to work on it, if the question comes here it should be responded on and I will sit down with members and ensure that work is done.

Hon. Emmanuel Waswa: He should be specific and not rely on heresays.

Deputy Speaker (hon. Njoroge): Hon. Mokosu sit down, he was giving a statement but time will come for that but today was just giving general observations.

Hon. Ann Wanjiku: Thank you Mr. Speaker, I want to comment on Hon. Aling'ana's question. This question is good, look at question 3. On ticketing, you pay and you are told to wait for message and it will never come. In CIBROP report the target was 500million but they collected only 270million.

Hon. Abraham Birir: I am not here to shower praises to the mover because he is here paid to do this; last collection it was 230million short of 500million to be collected. It's not expected of this County because we operate on the same level with Uasin Gishu, Bungoma, there is laxity on tax collectors and they are also arrogant.

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Hon. Emmanuel Waswa: Hon. Member says we are at par with Uasin Gishu and they have 45 members and we have 25.

Hon. Abraham Birir: They have 30 members, let me proceed.

Deputy Speaker (hon. Njoroge): Before you proceed let Hon. Waswa Confirm because he can't interrupt when he is not sure how many members are in Uasin Gishu.

Hon. Emmanuel Waswa: Between me and him who is misleading? Hon Speaker it's plus nominated, they are 30 elected, who is misleading?

Deputy Speaker (hon. Njoroge): You have to withdraw and apologize because you are interrupting.

Hon. Emmanuel Waswa: We go to the dictionary; there is difference between 30 and 25.

Deputy Speaker (hon. Njoroge): I am still on Waswa to confirm.

Hon. Emmanuel Waswa: I stand, if you can confirm difference between 30 and 25.

Deputy Speaker (hon. Njoroge): Withdraw and apologize.

Hon. Emmanuel Waswa: I withdraw the statement and apologize.

Hon. Erick Musumba: Nilitaka kuambia mwenzangu kwamba aliweza kugeza gari na akaachwa hakulipa na yeye ndiye analalamika.

Hon. Mwale Mahaga: He wasn't caught for failing to pay parking fee but obstruction.

Hon. Lawrence Mokosu: There are people here who are interrupting debate; they are just disrupting debate Mr. Speaker.

Deputy Speaker (hon. Njoroge): Continue Hon. Birir.

Hon. Abraham Birir: Because of interruption, I beg more time. As I was saying the collection of Trans Nzoia is same as of Uasin Gishu based on population and geographical points, and the revenue in Uasin Gishu is higher.

Hon. Erick Wafula: Hon. Birir, so revenue collected in Uasin Gishu is higher?

Hon. David Kapoloman: I want to know why Hon. Birir talks of Uasin Gishu to have higher revenue than Trans Nzoia, and you can't compare with us because Uasin Gishu has many institu-

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tions like universities and factories, even their airport is bigger and the deputy president comes from there, can we give observations and not debate.

Deputy Speaker (hon. Njoroge): Hon. Birir, it is just observations.

Hon. Abraham Birir: Let me end there because these people will spoil my birthday.

Hon. Martin Simiyu: My question is to question 3, can it be three quarters and not 1. We should request for three quarters for comparison and analysis.

Hon. Mwale Mahaga: My observation on question two is to ask about the modalities that are used to collect cash? Otherwise I do congratulate Hon Benard for the good question.

Deputy Speaker (hon. Njoroge): Observation on number two, I think it will start showing amount collected 2013/14, 2014/15, 2015/16 and 2016/2017 so to be able to get to know the decrease and increase.

Hon. Abraham Birir: Point of information, I think there was a paper that we were given showing all collections and the minority leader doesn't read books; so they don't know those books have details.

Deputy Speaker (hon. Njoroge): Let's commit this question to the Committee on Planning to go deeper and prepare the report.

Hon. Mathews Orang'o: Point of order.

Deputy Speaker (hon. Njoroge): It should be in connection with the question and if not please don't. I think you should raise a question connected to the question, can we have next item on the order paper. The member was trying to use SO 41, its statement hour in 2(c) for the interest of the House.

Hon. Mathew Orang'o: I wanted to make amendments to the statement.

Deputy Speaker (hon. Njoroge): We had already concluded earlier, any amendments should be at the committee, next item on the order paper.

Deputy Speaker (hon. Njoroge): The House stands adjourned until Tuesday evening.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 27th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): I want to welcome all of you honorable Members to today's session and I'm impressed with the motion that you are bringing to this House.

MOTION

SCHOLARSHIP FOR VOCATION TRAINING

Hon. Abraham Birir: Mr. Speaker, I beg to move the following motion,

AWARE THAT Trans-Nzoia county government established vocational training centers in every ward across the county;

FURTHER AWARE that the same vocational training centers are running without funds meant for operations, lack of enough tutors, and improper constitution of board of management e.t.c;

NOTING that the first batch of students got county government bursary funding and most of them being self-sponsored students out to make a living from the knowledge acquired.

Mr. Speaker sir,

These institutions started with a high enrolment due to scholarship but have since dwindled since scholarships are no longer given hence many students dropped due to demand for school fees.

Mr Speaker sir,

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Accordingly, I now move that by a resolution of this House the county government creates a scheme similar to that of national government famously dubbed free primary and secondary education. Through capitation system where money is allocated to these institutions depending on the number of learners studying there (county government vocational training scholarship program), so as to subsidize the fee paid by students.

Thank you Mr. Speaker.

I wish to ask Hon. Mwale to second.

Hon. Abraham Mwale: Thank you; I would like the member to specify which Mwale because we are two Mwales.

(Murmuring)

Hon. Abraham Mwale: Thank you Mr. Speaker, I second.

The Speaker (Hon. Werunga): The motion is before the House, I wish to allow the floor for a debate.

Hon. Kisaka: We have a challenge to address here concerning the vocational training centers, we need to do a public awareness on the same and let them know that the vocational trainings are for their own benefit; we also need to do an audit on how they are skeptical in running and also increase allocation of bursary. The village vocational training centers should take their share since they are devolved, and increase the number of tutors in each of the school and all to have a fixed amount of money allocated to them. Thank you and I support.

Hon. Eric Musumba: Thank you Mr. Speaker sir, I want to say that vocational centers are there to help the needy people and those that are poor and those who didn't attain the good grades, I propose that we do adopt and allocate money. I also visited vocational training and the money allocation of 39 million from the National Government which the county government has not released the funds up to now which is to go to the vocational and ECD, and also the county government to build more vocational training structures and increase the money allocation to the Centres. Thank you Mr. Speaker and I support.

Hon. Eric Wafula: I want to agree with the mover of the motion for scholarship programs. If you see vocational training, most students are from poor backgrounds and because of their poverty they might have been able to finish school and this vocational trainings might come in handy in helping them. The students don't have any other source of income because of their poor background. Let the scholarship be fully funded so that they are provided with the learning materials and after comple-

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tion they be opened a business center to display their skills hence improving their source of livelihood. Thank you I support.

The Speaker (Hon. Werunga): I can see Hon. Abraham Mwale's hand up, let me give directions on the same. If you called to second a motion you can second and expound on the same.

Hon. Abraham Mwale: Thank you Mr. Speaker sir, I want to say that most of these vocational trainings are far end, and I support that they also be developed into boarding facilities. Thank you, I support.

Hon. David Kapoloman: Thank you Mr. Speaker sir, I was drafting a motion of a similar kind, I want to state that the constitution has already provided for the free primary and secondary education, since this part of the education was devolved and also ECD. I support that we have capacitation; in my ward we have Mokuia Vocational Training with a budget of 3 million since inception in 2016 and more than 40 students have gone through it, and these institutions don't have enough tutors to teach the ever increasing students. The board of managers also have meeting without any single cent and they are supposed to look at the welfare of the school; its capitation can help the school to secure more tutors, more learning materials. They need repair and maintenance of equipments. I support the same.

Hon. Trikoi Kapchanga: Thank you Mr. Speaker, I would like to say that I'm representing people living with disabilities and I would like to say that the people living with disability to be given 100% scholarships to empower them and decrease the number of them begging on the streets, and also the county government to come up with short course programs, I want to congratulate Hon. Kisiero for building one.

Hon. Eric Wafula: (on a point of information). Hon Kisiero didn't build the training center it's through his initiative.

(Nonverbal cues)

Hon. Trikoi: I want to correct that it's through his initiative, thank you and I support.

Hon. Mokosu: Thank you Mr. Speaker, it's indeed good that this motion is here. If you are around and see the drop out in S4 and this vocational training can be of great value to them.

The Speaker (Hon. Werunga): Hon. Mukusu what is S4 in Kenya?

Hon. Lawrence Mokosu: Mr. Speaker it S1, S2, S3, S4.

The Speaker (Hon. Werunga): Are you referring to form four.

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TRANS-NZOIA COUNTY DEBATE

Hon. Lawrence Mokosu: Equipping this vocational training is paramount, the level of dropout in these training centers are high because they are not equipped properly; they lack basic needs for training and most of these students are from poor backgrounds. I would like the county government to come up with funds, and my ward is biggest and requires more vocational training.

Hon. Sarah Lubano: Thank you Mr. Speaker, I stand to support this motion brought forth. When children drop out of school they want to pursue their education but because of poor background they cannot and this vocational training helps as they continue with their dreams.

To encourage them, I would like this House to make these vocational trainings relevant; the ones running now are not relevant. Introduce also manual works because the current education system doesn't have but the previous ones had the system which was brushed by the 8-4-4 system. We are also trying to make a boarding facility because some of these training center locations are far and many cannot afford transport on daily basis. We should also allocate money for building more of the vocational trainings so that many can gain skills to use.

Hon. Milkah Sugut: Pia Mimi naungana na wenzangu kusema kwamba shule za anuwai zipe-we pesa ili pia ziweze kuwasaidia wale wanadada ambao waliacha shule kwa kupata uja uzito wakiwa shuleni ili ziwasaidie kujikimu katika maisha

Hon. Emmanuel Waswa: Naomba kusimama kwa hoja ya nidhamu, mheshimiwa aseme kama shule za anuwai ni za akina dada pekee ama watoto wote?

Hon. Milkah Sugut: Naomba kurekibisha, ni shule anuwai za wototo wote.

Hon. Martin Simiyu: Thank you Mr. Speaker sir, I want to think in terms of enrollment, in my ward I got 95 students; we should allocate more money to make it work- this is the only vocational training that needs day to day support and also improve additional tutors and structures. The ratio between tutors and students is large and we also establish business centers for them to showcase their skills and enable them to earn a living. Thank you, I support.

The Speaker (Hon. Werunga): I welcome the mover of the motion.

Hon. Abraham Birir: I donate one minute to both the majority and minority leaders, it seems they have a burning point.

Hon. Kisiero Patrick: Thank you hon. Birir for the time donation, the mover's intentions were clear that the same vocational trainings don't have a proper constitution of boards of management. Soon we will have a supplementary budget, let's allocate more money to the vocational trainings votehead.

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Hon. Emmanuel Waswa; Ahsante sana, pia mimi ningependa kuunga mkono mswada huu kwa ajili ya shule za anuwai na kwa kila mwaka shule za anuwai hupewa asilimia ya milioni mia moja. Inafaa kuongezwa kwa asilimia tutakapokuwa tukikariri bajeti ya mwaka huu ili kuangalia udhamini wa elimu katika shule za anuwai ili wapate mafunzo na tajriba itakayo waisaidia katika maisha, Ahsante.

The Speaker (Hon. Werunga):Hon. Birir you donate your time to the two leaders I want to put the question resolution of this House the county government create a scheme similar to that of national government famously dubbed free primary and secondary education. Through capitation system where money is allocated to these institutions depending on the number of learners studying there (county government vocational training scholarship program) so as to subsidize the fee paid by students.

In as many of the same opinion say “aye” in as many of the contrary opinion say nay

Ayes have it.

Next item

MOTION

SEWERAGE SYSTEM IN KITALE- BY HON. MARTIN SIMIYU

Hon. Martin Simiyu: Mr. Speaker Sir,

I beg to move the following Motion:

AWARE that sewerage is a devolved function;

FUTHER AWARE that so many sewer lines have been bursting in the recent past;

Mr. Speaker sir a case example is the bursted sewer line at the Tuskeys round about right in the middle of the town;

CONCERNED that those leakages, blockages, and overflows of sewers expose the members of the public to health hazards;

Mr. Speaker Sir,

Accordingly, I move that by a resolution of this House, the county executive department for water and natural resources expedite in repairing the sewer lines to prevent outbreak of diseases.

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Thank you Mr. Speaker.

To put more emphasis on the same, in no time we might be facing health hazard issues in the county, I ask hon. Mwale Obed to second me.

Hon. Emmanuel Waswa: Point of information Mr. Speaker.

The Speaker (Hon. Werunga): Hon member, do you want to be informed?

Hon. Simiyu Martin: Not at all.

Hon. Emmanuel Waswa: I want to inform the House, Mr. Speaker sir that this should have come as a question because we already have the ministry in place which has the mandate of the same.

Hon. Kapoloman: Thank you Mr. Speaker. But the mover had good intention and the setup is more of a question than a motion, we can debate on the fixing of the sewers; what do we pass here?

Hon. Eric Wafula: Thank you Mr. Speaker sir, I'm also amazed when the hon. Member is talking about sewerage while in his own backyard people don't have sewerage in Kiminini. The county government should construct sewerage in town. I think it should come as a question.

The Speaker (Hon. Werunga): Hon. Members, in as much as you represent the people of your specific ward you also represent the interest of this county. I'm almost agreeing that this should come as a question and not as motion, we have a leakage in town which is draining to Kipsongo and they will be affected by the same; it's good we look at the paper clearly and see. The member had wanted sewage system to be repaired; I want to agree with members that it should be a question.

Hon. Eric Wafula: the sewerage around Tuskys has been repaired,

Hon. Martin Jamanur: Mr. Speaker sir, the sewer around Tuskys supermarket was an eye opener; in future something should be done.

The Speaker (Hon. Werunga): Is the hon. member right to say that in Kiminini there are no Toilets?

Hon. Kisaka: I think the member wanted to say the difference between sewers and toilets.

The Speaker (Hon. Werunga): Hon. Kaburu can you guide us on the same.

Hon. Kaburu: Thank you Mr. Speaker sir, I want to clarify on the same; the area might not have toilets but they do have toilets and pit latrines and according to the mover of the motion, he has

TRANS-NZOIA COUNTY DEBATE

already given the direction on what has to be done concerning the issue. We might want it to come as a question. Thank you.

The Speaker (Hon. Werunga): I want it to go to record that Mr. Eric withdrew his statement that people of Nabiswa might not feel offended with the same.

Hon. Eric Wafula: I withdraw.

The Speaker (Hon. Werunga): I give the directions that this is a question and I commit it that the relevant officer appears before the Committee Of Environment, Water And Natural Resources.

The Speaker (Hon. Werunga): The House stands adjourned till tomorrow at 9 am.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 14th February 2018

*The House met at The Chamber,
County Assembly buildings- at 9.30am*

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Hon. Eric Wafula: Mr Speaker, it seems there is no quorum

The Speaker (Hon. Werunga): Can the Sergeant At Arms ring the bell for five minutes. (*After five minutes without quorum*) As the powers bestowed on me, the House stands adjourned until tomorrow at 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 2nd March 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

MOTION

MANAGEMENT OF NZOWASCO- BY HON. ERIC WAFULA (HOSPITAL WARD)

Hon. Eric Wafula: Thank you Mr. Speaker I beg to move the following motion:

AWARE THAT water supply in Trans Nzoia County is managed by water services company limited NZOWASCO which has its headquarters in Webuye Bungoma County;

FURTHER AWARE THAT the source of water by the company is in TransNzoia County being Cherangany Hills among others;

CONCERNED THAT the residents of Trans Nzoia are not fully benefitting yet Trans Nzoia is the source and there has been a water shortage in the recent past in the county with the residents having nowhere to complain to.

Mr. Speaker Sir,

By a resolution of this House, the county executive should:

- I. Initiate the process of the management of distribution of water and also moving the headquarters of Nzowasco to TransNzoia County.
- II. Expedites the process of ensuring that the residents in the water catchment areas benefit from the water resources to the maximum.

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- III. The department of water, environment and natural resources to report to the House on the course and remedy of the current water shortage.

Thank you Mr. Speaker

Deputy Speaker (hon. Njoroge): I don't know if there is someone to second.

Hon. Eric Wafula: I request Hon. Kisaka to second.

Hon. David Kisaka: Thank Mr. Speaker, I thank Hon. Eric for bringing this motion and I think this motion should have come as early as yesterday, because this water comes from Trans Nzoia and goes to Bungoma and we don't get any profit and it is we who come from water tower and should have been given priority. Like you Mr. Speaker, you come from Cherangany near water tower and your people should be given first priority. Thank you and I second.

Deputy Speaker (hon. Njoroge): Thank you and now the floor is open for debate, You Hon. I am forgetting your name (tries to remember) I am forgetting the name; remind me...oooh Hon. Kapchanga.

Hon. Joseph Triko: It's unfortunate than you are forgetting my name but it's ok, NZOWASCO gets water from Trans Nzoia and the management doesn't come from Trans Nzoia, we should know that they are supposed to give corporate social responsibilities to Cherangany people; they are also not doing anything to preserve the water catchment areas and this House should demand the financial statements from them to know how much they collect from Trans Nzoia. We are lagging behind because we are exporting water and get nothing in return. All board of directors should come from Trans Nzoia. Companies like Mumias sugar build roads for its community and NZOWASCO does nothing, Kapsara roads are very poor.

Deputy Speaker (hon. Njoroge): Thank you Hon. Kapchanga.

Hon. Benard Aling'ang'ana: Ahsante sana bw kiranja kwa kunipa muda huu, licha nmeingia muda mfupi uliopita. Haya maji yanatoka Cherangany na tangu yachukuliwe ni miaka mingi iliyopita na hata walifinya paipu na maji ni kidogo, kwangu paipu ni inchi mbili juzi nilitembea na engineer akaambiwa shida na hawajashughulia. Mi mi pia naunga mheshimiwa Eric na pia NZOWASCO warudishe uongozi wetu tujiongoze, niko hapa kusapoti.

Deputy Speaker (hon. Njoroge): Yes Hon. Rodgers.

Hon. Rodgers Barasa: Ahsante sana Bw Spika, Mimi nakubaliana na Hon. Eric kuleta hii hoja, Watu wa Trans Nzoia tunapata shida. Tunajua wasimamizi wa NZOWASCO wako Bungoma na tukiwa na shida ya maji hawaji, unajua pia wanasimamia maji taka na juzi tuliona hapa Trans Nzoia pipe

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ya maji taka ilipasuka hapo Tuskys na hawakuja kwa wakati. Usimamizi wa maji urudishwe kwa kaunti na tujisimamie. Naunga mkono.

Hon. Everlyne Chesari: Thank you Mr. Speaker, I congratulate the mover of the motion and I support this motion. NZOWASCO to be brought back to Trans Nzoia because we have two water towers, that's Kabolet and Mt Elgon and Trans Nzoia, should be the one to benefit. And we should conserve our water sources because we don't want to see them dry up. I do support.

Deputy Speaker (hon. Njoroge): Hon. Milcah.

Hon. Milcah Sugut: Ahsante Bw. Spika, nashukuru Mheshimiwa Eric kwa hii hoja, haswaa tunaotoka eneo la cherangani tukiwa pamoja na Spika, juzi nilikua Makutano school na nikaona watu wakihlangaika na maji yanatoka kitu kama kilomita tano yakienda Bungoma. Bore holes zimekauka na hata mimi pia nimechelewa kufika hapa kwa sababu ya kuenda kutafuta maji. NZOWASCO ije hapa tuweze kujisimamia; naunga mkono.

Hon Ann. Wanjiku: Thank you Mr. Speaker, I want to join the rest to thank Hon Eric, it has come at a good time. Even here we had no water but I thank the Welfare chair who is the mover, the water is back in the cloak rooms. We have a problem of water and it comes from here and even there is water rationing also; rates are high and there is a problem with management of NZOWASCO, we should not get used with this company, we need to have ours.

There is a project done at Kabolet and it's of the national government and we should be the first to benefit. Looking at financial reports, this company has been making loss and their only job is distributing water. I second the motion.

Hon. Mwale Mahaga: Thank you Mr. Speaker, I join my fellow colleagues to support this motion and as we all are aware, we come from constituency where this water comes from. It's prudent that NZOWASCO benefits first Trans Nzoia people -and are you aware that if we split NZOWACO we will be generating revenue and jobs for our people?

Hon. Peter Waswa: Thank you Mr. Speaker, I thank hon. Eric Wafula Mwangale from Hospital ward for coming up with this motion. Today we have to deliberate on NZOWASCO, and its name is from Trans Nzoia and Bungoma should have its own company.

The water in Trans Nzoia is not even half of the connection from NZOWASCO and Trans Nzoia water use gravity and Bungoma use power to get water from Nabuyole and Matisi sources and we get nothing from that water as a return.

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This House collectively should ensure NZOWASCO remains here in TransNzoia. Koitabos and Waitaluk water have been vandalized and all machinery taken to Bungoma. So it is a high time we split from Bungoma and machinery collected from this county to be returned. When we have budget, we budgets for water sector, so we can have connections from even Mt.Elgon. I do support the motion.

Deputy Speaker (hon. Njoroge): Yes honorable Kaburu.

Hon. Daniel Kaburu: Thank you Mr. Speaker; first and foremost, I take this opportunity to thank my friend from hospital ward. And first of all, the issue of NZOWASCO is a burden for people of TransNzoia. The Bungoma people are collecting rates and the water comes from TransNzoia. As much as all water comes from TransNzoia we pay the same rates. If we break we are going to have enough water here and our people will even practice modern agriculture.

The reactions from members mean there has been a problem even sewerage breakages has been experienced and prone our people to diseases.

If we break we will have our own people employed because NZOWASCO have not done so. Look at the bills they are over exaggerated, so we support the issue. And we will make sure it is implemented.

Hon. Jeremiah wakhulia: Thank you Mr. Speaker sir, I want to add my voice by congratulating the mover, water is precious because this is what if you miss by even a minute you can cause harm to your body. The Nzoia River originates from TransNzoia and managed in other county. NZOWASCO is only felt to some extent in only Kitale town and much of TransNzoia people don't have even a drop of water. Members should vote anonymously that it be brought back here.

Like Turkana County they have oil and they are happy and i have never seen in this world where resources from other part is headquartered somewhere else. I support this motion because I want water to be felt in this county.

Hon. Philis Njeri: Thank you Mr. Speaker sir. This NZOWASCO issue is serious because water comes from Tranzoia and the beneficiaries are from Bungoma. In December we got the wrong tariffs and there payments is through M-Pesa and we don't get replies on time furthermore they come to disconnect water. They are giving us hard time, people do apply meters and they say it will be ready in five days and you will never get it. I do support the motion.

Hon. Margaret Wanjala: Ahsante sana bwana Spika, Nafikiria kampuni ya NZOWASCO imekuwa kwa muda tangu wakati wa mabaraza na saa hii ni kaunti. Kwa kusema kweli watu wa Tranzoia wameteseka kwa sababu ya NZOWASCO. Hata tusiende mbali kwa hili bunge hatuna maji. Na kwa

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hivyo hatutaki kuteseka na bunge iliyopita tulisema tuwe na kampuni yetu na tuwache NZOWASCO. Tukikatiwa maji inachukua muda na Spika wakati unafanya uamuzi amua maji yarudi Tranzoia.

Deputy Speaker (hon. Njoroge): I thought we have given time to this motion. Let me invite the mover to congratulate members.

Hon. Eric Wafula: kweli umeona umuhimu kuwa Nzowasco irudishwe Trans Nzoia kwa sababu vijana wetu hawana kazi na watapata itakaporudi. Na kwa sababu hatuna, maji yakirudi tutajiongoza na kila mtu atapata maji. Kama pale Tuskys hiyo sewer ilipasuka na ni kama waliona haiwahusu. Hawakuondoa kwa haraka. Sasa nawasihi tutengeneze kampuni yetu na watu wetu wapate maji. Ahsanteni kwa kuiunga mkono.

Deputy Speaker (hon. Njoroge): Thank you so much for deliberating on the motion. We county of Tranzoia will Initiate the process of the management of distribution of water and also moving the headquarters of Nzowasco to TransNzoia County.

We will expedite the process of ensuring that the residents in the water catchment areas benefit from the water resources to the maximum.

The department of Water, Environment and Natural Resources should report to the House on the cause and remedy for the current water shortage.

And now I want to put the question.

QUESTION PUT- POSTIVED

And this motion addresses serious issues. I direct the committee on water to take up this matter and handle in three weeks and the Committee on Implementation to follow up the matter and give the level of compliance in one week's time.

Next item on order paper

MOTION

COMMUNITY HEALTH VOLUNTEERS- BY HON. DANIEL KABURU (SITATUNGA WARD)

Hon. Daniel kaburu: i beg to move the motion.

AWARE that Health Service is a Devolved function;

FURTHER AWARE that there are health workers working at different levels including community health workers;

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APPRECIATING that these community health workers play a major role in primary health care services and giving advice among other issues on HIV/AIDS antenatal and postnatal and on family planning;

CONCERNED that despite the greater role they play in the community, they remain unpaid hence not motivated to do their job.

Mr. Speaker Sir,

These community health volunteers are of great linkage between the communities and the medical facilities and they prevent a lot of deaths.

Mr. Speaker Sir,

By a resolution of this House, the department of Public Service Management in liaison with treasury should consider in the budget of the financial year 2018/2019 the payments of stipends to the said volunteers.

Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Thank you, I would like you to appoint someone to second.

Hon. Daniel Kaburu: I request Hon Jeremiah to second.

Hon. Jeremiah Wakhulia: I stand to second. The forefather who came into power and gave priority to number of people to eradicate diseases in this country did a great job because if there is ailment, there will be no development, and maybe because of lack of resources. It could be difficult to eliminate it, so we need manpower to ensure that everything is okay. And there are these volunteers who came to assist and ensure that you and me are born safely including your offspring and we have forgotten them that they are helping us. But only we remember them when we need their help, we should know and remember them through this motion. I ensure that we pass this motion because it will ensure that our children are born safely. Let pay them stipends, and I do support the motion.

Hon. Peter Waswa: Thank you Mr. Speaker sir, I congratulate the mover Hon. Daniel Kaburu from Sitatunga ward thus I underline that health is wealth and a lot of people take medicine at the counter because health is expensive in private sectors. We need these people close to our family to even help us with nutrition's issue because fruits like avocado and banana will help our male to have a good libido and help to function better. I do support the motion.

Hon. Eric Wafula: I wonder, I am not a medic and want to know if honorable member can justify what he has said.

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Deputy Speaker (hon. Njoroge): Can you justify.

Hon. peter Waswa: Because he is representing hospital ward and I think he knows all matters about health, I wish to support that we need this people so they should train our people on the ground about health matters and I support the motion.

Hon. Benard Wabwa: Thank you Mr. Speaker, the said people are doing tremendous work. I have been a victim for taking care of a person with HIV and it was a difficult experience. These volunteers should be motivated and I support the motion.

Hon. Emanuel Waswa: Thank you Mr. Speaker Sir and I congratulate Hon Kaburu and the seconder Jeremiah. Remember in the last assembly we did something same to this under ward specific to pay the volunteers. I want to urge members to follow up through the committee of health to know if the funds are still there.

Hon. Eric Wafula: If you look at these volunteers in my ward, they are three hundred and does good job in areas where medics don't reach. They help people with HIV and are wakungas who assist women to deliver. They are the first hand doctor on the ground. The county should try and pay them because there are diseases which you can't go to hospital. So I support the motion.

Hon. Joseph Trikoi: I rise up to support the motion like in my area in Mt Elgon you can't go to the hospital and these volunteers should be given stipends because they are even doing a risk job because they do without gloves.

Hon. Caroline Makokha: Ahsante sana bwana Spika Na pia namshukuru Kaburu na kumpa kongole haswaa nyumbani hao watu wamefanya kazi nzuri na pia wanahuruma kwa sababu wanafanya kazi bila kupewa chochote. Katika mgawo waweze kupewa kitu. Ahsante sana, na ninaunga mkono.

Hon. Martin Simiyu: Thank you Mr. Speaker, I want to congratulate the mover and my fellow learned friend Kaburu for coming up with the motion and I do agree that health care is devolved and community health workers are important mostly with HIV patients. There was 500M in ward specifics financial year 2017/2018 and we have many volunteers. The amount will be equivalent to 400 shillings per person if you do calculation. So we should increase allocation, and I do support the motion.

Hon. Ann Wanjiku: Thank you Mr. Speaker, I do thank Hon. Dr. Kaburu. Community Health Worker volunteers are important because they carry roles in dangerous environment, and some of them are retired nurses and doctors and I do support them to be given stipends. Our children are at risk of being pregnant and becoming HIV positive and because of these volunteers they will help by giving advice to our children even our men who will eat avocado and banana to have high libido will benefit by getting condoms from them ,Thank you and I support.

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Deputy Speaker (hon. Njoroge): Does banana and avocado help men? I wonder and I do welcome the mover to say a few words and congratulate the members.

Hon. Daniel Kaburu: Thank you Mr. Speaker, I do thank the members for their contribution and if the motion is implemented the health issue will be okay but now we are at zero percent. These are people who do all issues of health and I inform Hon Trikoi when I moved I mentioned antenatal and post natal and also HIV is part of it ,even the circumcised are part of it and i thank member for supporting it.

Deputy Speaker (hon. Njoroge): Thank you, in the motion it's concerned that despite the great role they play in the community- they remain unpaid hence not motivated to do their job. And I want to put the question.

QUESTION PUT- POSITIVED

And I direct the office of clerk to forward it to the executive and also I say indeed we set aside allowance to go to the said people so I request the Committee on Implementation to do a follow up and report to this House.

Next item on the order paper

THERE IS NO OTHER ITEM TO DELIBERATE ON BY THIS HOUSE.

Deputy Speaker (hon. Njoroge): Then the House is adjourned until next week Tuesday.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 6th March 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Hon. Martin Jamanour in the Chair]

PRAYER

Speaker (Hon. Jamanour): Next item on the order paper.

COMMUNICATION FROM THE CHAIR

Speaker (Hon. Jamanour): Thank you members and I welcome you for today Tuesday evening's session, let us debate and contribute.

Next item.

PAPERS

RECOMMENDATION ON THE SHARING OF REVENUE BETWEEN NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR 2018/2019- BY HON. PATRICK KISIERO (MAJORITY LEADER)

Hon. Patrick Kisiero: Thank you Mr. Speaker, with me I have the report on recommendation on the sharing of revenue between national and county governments for the financial year 2018/2019 and I beg to present.

Speaker (Hon. Jamanour): Members, I confirm I have received report on recommendation on the sharing of revenue between national and county governments for the financial year 2018/2019 and I would forward the report to finance committee and economic planning and it should give the report to the House in the next 30 days.

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Next item.

COUNTY FISCAL STRATEGY PAPER (CFSP) 2018- BY HON.PATRICK KISIERO (MAJORITY LEADER)

Hon. Patrick Kisiero: Mr. Speaker I have the report on county fiscal strategy paper (CFSP) 2018 and I ask to table.

Speaker (Hon. Jamanour): I confirm I have received county fiscal strategy paper (CFSP) 2018 and I direct it to committee of finance and economic planning and they should give the report in 30 days.

Next item on the order paper.

COUNTY BUDGET DEBT MANAGEMENT STRATEGY PAPER (CDMSP) - BY HON. PATRICK KISERO

Hon. Patrick Kisiero: Thank you Mr. Speaker and I table the report on county budget debt management strategy paper (CDMSP).

Speaker (Hon. Jamanour): I confirm I have received the county budget debt management strategy paper (CDMSP) and I direct it to finance and economic planning and I give then 30 days to report back.

Next item.

REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON COUNTY BUDGET REVIEW OUTLOOK 2017 (CBROP) -HON. DAVID KISAKA

Hon. David Kisaka: Thank you Mr. Speaker, as the chair of budget I rise to give the report on CBROP, we had our sitting in Kisumu KIKA Hotel from 1st march to 6th march and according to SO 187 its okay to go out and make report on the budget, we made subsequent recommendations. The first committee was gender.

1. GENDER, SPORTS, YOUTH AND CULTURE COMMITTEE

Mr. Speaker Sir,

Gender, Sports, Youth and Culture Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

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Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) Hire facilities – it was not well explained, members wanted information on the types of facilities that hired verses the amount collected from them.
- b) The committee did not analyze comprehensively document rather it lifted directly work from CBROP document without analysis, discussing and giving their own independent views and recommendations from that department, the report lacked basic qualities of a standard report.
- c) According to CBROP document, the departments of Gender had surpassed/exceeded their allocation of development budget.

Recommendations

Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) The report on CBROP under gender committee to be referred to Liaison committee for conclusive deliberation analysis and rewriting.
- b) CEC Member, Chief Officer and Directors to the department to be invited by the Liaison committee to give more insight to enable it come up with a detailed report explaining the huge variance experienced.

2. ICT EARLY CHILDHOOD EDUCATION AND VACATIONAL TRAINING COMMITTEE

Mr. Speaker Sir,

ICT, Early Childhood Education and Vocational Training Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) The report did not state where the hired 756 ECDE caregivers and 140 polytechnic instructors were deployed across 25 wards.
- b) The committee did not discuss the CBROP and did not base their recommendations on each vote head allocated to the department.

Recommendations

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Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) The report to state where the hired 756 ECDE caregivers and 140 polytechnic instructors deployed across 25 wards/institutions and student enrolment in youth polytechnics.
- b) The committee to discuss the CBROP and base their recommendations on each vote head allocated to the department
- c) The committee to carry out field visits to all 25 wards to check on the status of all ECDE classrooms and vocational training colleges (VTC) twin lab block and come up with a status report.
- d) Bursary fund – the department to state the list of beneficiaries and the number of applicants per ward to justify the increase to Ksh 500,000,000. (20million per ward)

3. TRADE COMMERCE, INDUSTRY AND COOPERATIVES COMMITTEE

Mr. Speaker Sir,

Trade Commerce, Industry and Cooperatives Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following is the observation made by the committee;

- a) Revenue collection method has not been fully automated.

Recommendations

Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) The committee to look for technical officers to help it carry out site visit exercise on the main markets, open air markets, market stalls and bands to establish how many we have in the county and how much is collect per day in each market.
- b) Revenue collection method to be automated
- c) The committee to establish cost of revenue collection in the county.
- d) The revenue collection officers to be on rotation more frequently.
- e) The revenue department to provide the committee with the list of the revenue collector officers, furthermore PSM department to provide the committee with payroll of revenue collection officers to enable it to the comparison.
- f) The committee to invite the market superintendents and interrogate them.

- g) The Budget and appropriation committee to invite and interrogate all revenue collectors in the county.

4. AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVE DEVELOPMENT COMMITTEE

Mr. Speaker Sir,

Agriculture, Livestock, Fisheries and Cooperative Development Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Recommendations

Mr. Speaker Sir, the following is the recommendation made by the committee;

The committee report lacked basic qualities of a report. The committee did not interrogate the CBROP document, do its analysis and come up with its views and recommendations. The report was referred to liaison committee to deliberate on it and come with a good report.

5. TRANSPORT AND PUBLIC WORKS COMMITTEE

Mr. Speaker Sir,

Transport and Public Works Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) The committee deliberated on the CBROP document however on the part of completion of 100 bodaboda parking sheds stated as a milestone is not a milestone since construction in most wards was not done.
- b) Street lighting and high mast floodlights-it is not a milestone most of this projects are not fully installed to operate furthermore, it's not clear how many street lights are working.

Recommendations

Mr. Speaker Sir, the following were the recommendations made by the committee;

TRANS-NZOIA COUNTY DEBATE

- a) The road leading to fire station should be tarmac.
- b) The committee to be provided with the list of bodaboda sheds stating their physical location across all 25 wards.
- c) The committee to revisit the CBROB document and give status report on;
 - i. Bodaboda sheds
 - ii. Street lighting
 - iii. Backstreets

6. LABOUR AND SOCIAL WELFARE COMMITTEE

Mr. Speaker Sir,

Labour and Social Welfare Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Recommendations

Mr. Speaker Sir, the following is the recommendation made by the committee;

The committee report lacked basic qualities of a report. The committee did not interrogate the CBROB document as required, do its analysis and come up with its views and recommendations. The report was referred to liaison committee to deliberate on it and come with a good report.

7. WATER ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Mr. Speaker Sir,

Water Environment and Natural Resources Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) The status of the projects is not well explained.
- b) The department was allocated ksh.257million and not Ksh. 97 as claimed by the CEC member.

Recommendations

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Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) Solid waste management –a proper measures to be put in place in order to maintain cleanliness in all market centre's
- b) The committee to revisit the budgetary allocations for the last two financial years and establish the pending bills since the department claims of not having money to start new projects but to clear up on pending bills every financial year yet they have allocation each year
- c) The department to research on the natural resources that are in the County and explore them. A vote to be created on the budget for the same.
- d) The department to set aside a tree planting day each year.
- e) The committee to work with technical officers from the department and legal officers to fast track the split of NZOWASCO.
- f) The department to form a new board to actualize on splitting of NZOWASCO and the same to be allocated a vote to enhance that process.

8. PHYSICAL PLANNING, LANDS HOUSING AND URBAN DEVELOPMENT COMMITTEE

Mr. Speaker Sir,

Physical Planning, Lands Housing and Urban Development Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) The department is not working as expected hence no capacity to deliver, it registered no changes on the development vote for the last two financial years.
- b) The has always been allocation on the budget every year on preparation of County spatial plans and no report has ever been brought on its progress,
- c) The department has never spend its development allocation for the last two years.

Recommendations

Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) The department to furnish the committee with information on Trans Nzoia County public land, its size and location.

- b) The department needs to table the report to the committee stating how much the surveyor has been paid.
- c) The department to explain why they have pending bills yet they have unspent money.

9. HEALTH SERVICES COMMITTEE

Mr. Speaker Sir,

Health Services Committee deliberated on the CBROP specifically its corresponding department at the executive. After Budget and Appropriation committee went through the report, it came up with the following;

Observations

Mr. Speaker Sir, the following were the observations made by the committee;

- a) The committee went through the CBROP document and came up with observations, which it contradicted itself;
 - i. Construction of health centre staff quarters- the information given by the CEC member contradicts with what they claims to be milestone whereas he only state that they have managed to construct one staff quarter.
 - ii. It states that it achieved automation management information system then it further states that the department's allocation on automation was diverted to the county.

Recommendations

Mr. Speaker Sir, the following were the recommendations made by the committee;

- a) Health committee to dig deeper and find out how many health facilities are in the county?
- b) Budget committee to find out the following issues;
 - i. How much the department collects per day?
 - ii. How much they spend at source?
 - iii. Where they got the mandate to spend local revenue collected at the source?
 - iv. How the department ended up having a special bank account?
 - v. Who are the signatories to the account?
- c) The Health department to inform the committee how much they use to Procure/pay for drugs and the department to inform the committee how much drugs have they received so far.

A. GENERAL RECOMMENDATIONS

Mr. Speaker Sir,

TRANS-NZOIA COUNTY DEBATE

As a committee we recommend;

- a) That all sectoral committees get training on interrogating budget documents.
- b) Committee clerks be trained on report and minute writing skills.
- c) The county executive departments to be tabling quarterly reports.

B. CLOSING REMARKS

Mr. Speaker Sir,

The committee led by Hon. David Kisaka appreciates the efforts taken by the office of the Clerk for facilitating it to go to Kisumu and come up with this report.

NAME	SIGNATURE	DESIGNATION
1. Hon. David Kisaka		Chairperson
2. Hon. Milcah Sugut		V/Chairperson
3. Hon. David Kapoloman		Member
4. Hon. Alfred Weswa		Member
5. Hon. Margaret Wanjala		Member
6. Hon. Simon Makhanu		Member
7. Hon. Ben Wanjala		Member
8. Hon. Stephen Njoroge		Member
9. Hon. Emmanuel Waswa		Member

With that remarks I table the report and ask my vice to second.

Hon. Milka Sugut: Thank you Mr. Speaker I stand to second the report.

Speaker (Hon. Jamanour): The report of budget on CIBROP is with us and the floor is open for debate, any contribution and discussion?

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Hon. Abraham Birir: Is it in order that we give debate on this voluminous report, since we had received the report copies as we entered; we need time to debate or we will be doing a sketchy work.

Speaker (Hon. Jamanour): It's the report you got and it's what various committees did and you are surprising me now that you are not ready to contribute.

Hon. Lawrence Mokosu: Thank you Mr. Speaker, I would like to thank the Budget Committee for the good work and I believe they are ok not to hide anything and I support that it's true that bur-sary is a problem affecting the whole of Trans Nzoia and it has been proposed to be increased and we should give it a total support. And I real second the recommendation that it be increased, because its vital for our people to be allocated enough money in our wards because there is a lot of outcry from our people .When you look at measures used for revenue collection, they are bad. We need to modernize it because we are living in the modern world, and why don't they adopt the method; because a lot of money is lost and you can't compare Trans Nzoia and North eastern county.

As the chair of Implementation, we found them saying they constructed 100 bodaboda sheds and in my ward we have only one shade ,we should go deeper and interrogate it but I want to concur with my friend and the committee of budget and let every committee liaise and scrutinize their recommendations.

Speaker (Hon. Jamanour): Kapoloman

Hon. David Kapoloman: Thank you Mr. Speaker, I am a member of this committee and I would like to emphasize on few areas; one Land Housing, Physical Planning and Urban Development and I know we have an able chair but what is interesting is that all money was sourced at least a third; in two years we allocated a lot but they spent only 10million, we need to push the chief officer to ensure that all money is used.

Secondly, the recommendation we came up with is that all committee clerks were doing copy and pasting and we want them all to be trained on reports and minute writing. The committee can sit down but when they write they do not capture the whole proceeding and we urge clerks to be serious, we have members who can also be taken for training though we have others who are doing great, we need a quarterly report from all departments so that we can gauge how much they have sourced and the much they spent because it was embarrassing that land department didn't use the money allocated to them. The report will enable the House to know each department what it has done and not.

Speaker (Hon. Jamanour): Each member should only have 3 minutes.

Hon. Jeremiah wakhulia: Thank you Mr. Speaker and you have limited to 3 minutes.

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Hon. Eric Wafula: Thank you Mr. Speaker, I would like to commend the budget committee, they have come up with a true interrogation, the things that county were talking of milestone it's not true, it's like three people sit and bring report to the House and call it millage, the ball is back to liaison because the committee didn't understand the report and it's like they were editing CBROP report. Things like street light, that it's talked in the report is not complete. Most of things they are talking about is sugar coating and we should get back and interrogate and come up with a proper report because it's like departments don't do report. Budget committee dint agree with the report because what in the report is not a clear picture of what is on the ground.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker, I want to commend this committee although to me it looks like it was a marking scheme of what the report should have been written because it's like all the reports had problems or shortcomings. And when I touch on CBROP most leaders like chief officer disowned what was on CBROP and its means the report was misleading. Like what was achieved in livestock, they talked of putting up cattle shade and that project has existed for a number of years. If it's about increasing of bursary that's is ok because it touches every member here, and that one I stand to support and good thing will be done in future.

Hon. Patrick Kisiero: Thank you Mr. Speaker, it's true that what we went through was not good and mine was to analyze on general recommendations on page 10. As a committee we recommend;

- d) That all sectoral committees get training on interrogating budget documents.
- e) Committee clerks are trained on report and minute writing skills.
- f) The county executive departments to be tabling quarterly reports.

All clerks to be trained to understand their roles. And county executive members should also table quarterly reports of their departments.

Speaker (Hon. Jamanour): Yeah Hon, remind me of your name.

Hon. Emmanuel Orango: I am Orango the only Kisii in this House. First and foremost I want to thank the committee chair Hon. Kisaka for coming up with this detailed report, it has given us opportunity to understand what to do and not, from Committee report about education in My ward there is problem with polytechnic there are no facilities and things are not working if we make a visit we will see, this project were milking cows, the report was uncompleted ,ECD teacher can't be caregiver, they are teachers and I agree they are working but the problem is we don't know where they come from and if you ask they say they were brought by the county and I think they should have come from the area or around.

In that report they didn't include the modern stage and we want to know about it and its cost, Mr. Speaker we want also that information because wananchi need to know, were are giving more year

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in year out. He Chief Officer talked of building of staff Houses in hospitals and on the ground there are no Houses, like in Suwerwa dispensary the Houses are occupied by teachers and they pay rent to National Housing Corporation and nurses have no Houses. And if county say it has done a lot then its cheat why they never said about dips, and money was allocated long time ago and we give more each and every year like in water when we interrogated the CECM of water he said they were allocated 97 million and the report says 257 million and look of things we should give value for the money.

The budget should help us to chain people like in health, they are operating account, they should tell us who gave them authority and how they did they get an account? We should be told who the signatory are and I think these are the issue that every member in this House should be concerned with. Hon Kaburu should help us to understand, and Hon Speaker let me wind up, in Mwaita there is a water project that cost 3 million and it has never been done.

Speaker (Hon. Jamanour): Is it on point of information Hon. Mokosu?

Hon. Lawrence Mokosu: Yes Mr. Speaker on the issue of the account Hon. Kaburu was once an employee of that place and he knows about it, he should tell us.

(Laughter from members)

Speaker (Hon. Jamanour): Can you withdraw that statement and apologize.

Hon. Lawrance Mokosu: I withdraw and apologize.

Speaker (Hon. Jamanour): Yes Honourable Obed.

Hon. Obed Mwale: Thank you Mr. Speaker though I didn't raise my hand but you have chosen me let me just contribute; according to the report by budget I concur with what the committee and secretariat said that clerks go for training because when we were doing the report we had difficulties, otherwise I support and I beg next time if I have not raised my hand don't pick me.

Speaker (Hon. Jamanour): Hon Kapoloman.

Hon. Daniel Kaburu: Thank you Mr. Speaker, fast and foremost I thank the budget committee for good work done and indeed we can agree it's a good work touching all area of concerns as per the departments. I would wish to give my observation, when we interrogated CBROP most of C.O had no privy knowledge on CBROP, it's like it was not done by them. There is more weight, but respective departments did not capture all details and important things like pass park never came up, also issue of bursary there was no list of beneficiaries. Revenue in health care was also not there, so we request that we be given more days to come up with a good report in future.

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Training of clerks is important and it will act as bonding between them and Honorable members because Hon. Members should be privy to everything. It will look good to train members because some members lack capacity to look at reports.

In labour committee, they should have captured some issue, me being the member we advised that people who were seconded from national government to be told to go back, I thank Hon Kisaka for urging committee to come up with a detailed report.

Speaker (Hon. Jamanour): Let's welcome Hon. Kisaka to thank members for their contributions.

Hon. David Kisaka: Thank you Mr. Speaker, I do thank members who contributed and even those who didn't, as I said earlier there are things that are discussed at committee level but when writing the report they are not highlighted. Hon. Orango asked about the ECDE teachers- why they are called caregivers and I want to tell him that in last assembly there was a court case between Knut and county government so we had a motion to change the name. Next time when we go we will write a detailed report, thank you.

Speaker (Hon. Jamanour): Thank you Hon. Members, now I want to put the question.

QUESTION PUT-POSITIVED.

Next item

MOTION

DECENTRALIZATION OF FINANCE AND PROCUREMENT- BY HON. ERIC WAFULA
(HOSPITAL WARD)

Hon. Eric Wafula: I beg to move the following motion

DECENTRALIZATION OF FINANCE AND PROCUREMENT

Hon. Speaker, I beg to move the following motion:

AWARE THAT the Constitution of Kenya was made on the spirit of devolution and decentralization of power and services;

THAT decentralizing services gives room for faster and efficient delivery of services; THAT in Trans-Nzoia County, every line Ministry has its CECM and Chief Officer capable of manning the ministry efficiently;

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NOTING WITH CONCERN THAT most of the services in Trans-Nzoia County Government like procurement and finance are still centralized;

FURTHER AWARE THAT, the Public Procurement and Disposal Act, 2005, requires that each Public entity establishes procedures to provide for the making of decisions on behalf of the public entity relating to procurement; noting that on 25th March, 2013, the Minister for Finance gazette the Public Procurement and Disposal (County Government Regulations) as Legal Notice No. 60 of 2013 enacting guidelines to be followed by the County Governments when carrying out procurement processes within the county;

DEEPLY CONCERNED THAT public procurement processes within the County Government are bureaucratic in nature and there isn't enough personnel to handle the workload, resulting in delays in implementation of public projects and attracting unnecessary extra costs that are met by taxpayers across the county;

Accordingly, by a resolution of this honorable House, the County Government to move with speed and ensure that procurement process and finance within the County government is decentralized to the respective existing departments or entities of the county government in order to expedite the procurement processes and implementation of projects within the stipulated time and at a reasonable cost.

I want to amend the motion.

Amendment to motion S.O 51-4

Mr. Speaker Sir, I beg to amend the motion by inserting in the prayer of the motion the following words "SUPPLY CHAIN MANAGEMENT in between procurement and process.

Thank you Mr. Speaker sir.

Thank you Mr., Speaker, Sir.

And I request Hon. Kisaka to second.

Hon. David Kisaka: Thank you Mr. Speaker and i stand to second the motion as read by Hon. Erick. It's secure we seek that payments be decentralized; we have a case like people work but the paying office decides whom to pay and not to pay. Our contractors are discouraged- if we decentralize it, it will make us work faster.

Speaker (Hon. Jamanour): Thank you Hon. Members, I think the motion is in order because the amendment has been done. I now want to put the question....ooh the floor is open for discussion.

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Yes Hon. Chesari.

Hon. Everline Chesari: Thank you Mr. Speaker, I have the following to make an input; the way financial issue is handled it affects the common man and we need to decentralize finance and procurement. It's bureaucratic and if we have ministry at the sub county level it will be easier to manage and it will also create jobs and monitoring of those projects and we will know which sub county is doing well and give good service to common mwananchi, I rise to support.

Hon. David Kapoloman: Thank you Mr. Speaker, it's coming at a timely manner because in Trans Nzoia we want to decentralize finance in all the departments and the basis of devolution was to ensure that finance and services go to the ground and in Trans Nzoia we are different. There was a time that we had a joint account between executive and county assembly we really suffered and we went to Nairobi to separate because it was difficult and we suffered a lot, the new members are enjoying of what we fought for. I support that finance be decentralized in all department. In the last assembly we wanted to know why finances were delayed and we passed a motion and Governor didn't implement. I pray we pass and it be implemented. We passed that 300 million to go to the ECD but they didn't get the money, the essence of devolution was to ensure Naliaka and another person in the village gets the feel of the money. I want finance to be devolved, when project are done and taken to procurement payments are delayed until the year ends.

It's true we need decentralization and the members who care should have capability to ensure what we talking its implemented, Coming up with ward specific was not easy and we went to controller of budget and he told us that our work is to legislate and oversight and we explained why we wanted it and it because of procurement issues and how things are not managed well. I agree with it and we are even late to demand the decentralization of finance to all departments and we will enjoy the fruits of devolutions, even MCAs are reduced to beggars going round to chase for projects.

Soon we are employing the chief officer and they are people we are going to deal with and serve us, we should ensure that we put in place people who are able, I support the motion.

Hon. Obed Mwale: Thank you Mr. Speaker, regarding decentralization of procurement I thank Hon. Eric because the current situation we face in Trans Nzoia is that all documents regarding procurements are being done at one department, decentralization can be done so that things can move, we have bureaucracy and its very annoying to follow along cue and the problem now is pending bills. Like water there is a problem I support this motion or else we will be controlled by cartels and it's only by Decentralization that we will finish corruption because procurement is corrupt.

Hon. Elkana Kagunda: Thank you Mr. Speaker sir, the motion was debated earlier. I propose we adopt the motion and adjourn the House.

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Speaker (Hon. Jamanour): Hon. Aliang'ana.

Hon. Benard Aliang'ana: Ahsante Bw Kiranja na nitachukua muda mfupi.

Hon. Abraham Birir: Point of order Mr. Speaker.

Speaker (Hon. Jamanour): Are you on point of order Hon. Birir.

Hon. Abraham Birir: You didn't rule on Hon Kagunda's adjournment.

Speaker (Hon. Jamanour): The mood of the House was not welcoming it, Hon Benard.

Hon. Benard Aliang'ana: Ningependa kwamba director wa finance ajue hii ni serikali na sio kwake.

Hon. Abraham Mwale: Point of information, I want to inform Hon.Benard from Motosiet that director is not a signatory.

Hon. Obed Mwale: Whenever we talk people are walking out, can you adjourn.

Hon. Benard Aliang'ana: Hawa watu wanaongea wanakula na hao majamaa.

Speaker (Hon. Jamanour): Hon. Aliang'ana withdraw that statement.

Hon. Benard Aliang'ana: I withdraw. Mimi nimewahi kuwa liason officer Katika executive na contractors wengi walichukua loan kufanya kazi na kuna waliofanya zaidi ya miaka tatu na ha-wajalipwa lakini naomba waweze kujua wale waliofanya kazi wanafaa walipwe. Juzi kuna mwenye aliniambia anataka kujitia kitanzi, naunga huu mswada.

Speaker (Hon. Jamanour): Kaburu.

Hon. Daniel Kaburu: Thank you Mr. Speaker, the issue of decentralization of finance department is overdue. Members the CEC signed performance contract and it was set on target, we can't set target if we can't comply and we have to look at it and devolve revenue and procurement. The budget committee need to work with the executive to come up with the bill to help with devolving and give us to wind up and have units because they will enable us to go out on our way and see revenue and appropriation bill or we will not achieve for the department to get donations from outside the country. The departments should also be devolved to the sub counties like if chera are buying condoms, we will know and if also kwanza is buying tractors we also know, I support the motion.

Speaker (Hon. Jamanour): I now want to put the question.

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Hon. Jeremiah wakhulia: Mr. Speaker, we still want to contribute.

Speaker (Hon. Jamanour): You are out of order.

Hon. Jeremiah Wakhulia: We are here to contribute.

Speaker (Hon. Jamanour): Get to your chair.

I now put the question; it is put as amended, and I direct it to the office of the clerk to make it reach the executive.

Next item

THERE IS NO OTHER ITEM.

Speaker (Hon. Jamanour): I want to tell you Honorable members that there is one of us who will attend the court in Eldoret tomorrow and they will be back on Thursday, and having no other item the House is adjourned until tomorrow morning at 9:30am.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 7th March 2018

The House met at The Chamber,

County Assembly buildings- at 9.30am

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Thank you members and welcome you all. I can see the number is small. Other members have gone to Eldoret for a Court matter and we pray for them. Next Item.

PETITION

PETITION FROM BUKUSU COUNCIL OF ELDERS TO ACCEPT, RECOGNIZE, ADOPT AND COMPENSATE THE RENOWNED FREEDOM FIGHTERS IN THIS REGION WHO FOUGHT ALONGSIDE OTHER FREEDOM FIGHTERS IN OTHER PARTS OF THE COUNTRY KENYA, BEFORE AND AFTER INDEPENDENCE.

The Speaker (Hon. Werunga): With me is the petition of the Bukusu Council of Elders (*Reads Prayers*)

1. “The Trans Nzoia County Assembly through public participation recognizes the freedom fighters from this region who fought for our freedom that we are enjoying now.
2. That the Trans Nzoia County Assembly come on Act of the County government of Trans Nzoia to:
 - (a) Compensate the freedom fighters that were based in Trans Nzoia with land so that their people can settle
 - (b) Erect monuments in honour of renowned freedom fighters
 - (c) Name roads, institutions and public facilities in embrace of their struggle against the colonial rule.

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- (d) Come up with Trans – Nzoia County HEROES DAY or CULTURAL DAY where these heroes and heroines efforts can be celebrated annually
- (e) A library and a cultural centres be established where learners and the general public can visit and the air facts and writings about the freedom fighters country-wide.

N/B – It is a shame and heartbreaking when we see the main streets in Kitale Town being named of leaders from other communities while our own heroes who fought for freedom from this region are left out. Not only that, in the recent past the names of the main rivers and streams have been renamed while our leaders have kept quite without raising a finger as if nothing has happened and these are the things that will haunt our present and future generation socially and politically. We urge our able honourable members of the County Assembly of Trans Nzoia County to accept consider and adopt this petition bearing in mind that this petition is for all of us as Trans Nzoians.” Any comment from members?

Hon. Eric Wafula: Ahsante sana Bwana Spika Nakubaliana kuwa tuwakumbuke wazee waliopigania Uhuru. Sehemu hii ina jamii tofauti tofauti na hii jamii ya Mau Mau inapigania watu wao tuu. Jamii ya Bukusu imefanya mengi lakini hawaoni faida ya Uhuru kama vile mashamba. Ni heri serikali kuwakumbuka pamoja na jamii zingine kujenga maghala kwa kumbukumbu ya wanasiasa kama Masinde Muliro, Martin Shikuku na Ngeiywa. Vile vile *streets* zinamiwe kwa majina ya watu hatuwajui. Mashamba yako kwa mikono ya watu kutoka nje. Huko Kakamega Masinde Muliro amekumbukwa lakini sio hapa kwetu. Katika kamati hii hatuna Wamama wa Kibukusu ambao wangehusiswa. Kamati hii lazima ichunguze swala hili.

Hon. Abraham Birir: Thank you Mr. Speaker. In my view, the petition is timely and good as it will help the new generation to know where they came from by reading the history of Bukusu which has never been captured anywhere except for Wanga’s. We recognize our heroes and heroines. I am in support of the prayers calling for the erection of monuments; naming of streets; setting of a cultural day and construction of a library except the compensation of fighters with land which is an emotive issue in Trans Nzoia. Land is scarce and today Bukusus who will make their claim, yesterday it was Kikuyus and tomorrow it will be Sabaots or Nandis. It is a shame the streets are named after the people they know but in the cases of Nairobi and Eldoret, for example it is about diversity and not regions and fighters. The Pokots may be living in Trans Nzoia as Luhyias in Marakwet and it is about respect. I support and I ask that you direct the relevant committee to take up the matter.

Hon. Joseph Triko: Nashukuru. Hivi majuzi wakikuyu walikuwa na matarajio haya na inaonekana kama Trans Nzoia haina wenyewe

The Speaker (Hon. Werunga): Please Honorable Triko, withdraw the remarks that Trans Nzoia does not have the owners. Trans-Nzoia has its owners in diversity. Let us be responsible and sober as we discuss this matter. We can’t shy away from the truth.

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Hon. Joseph Triko: Nashukuru kwa mwongozo. Hapo zamani tulikuwa na commissions the Akiwumi na Krigley lakini maoni yao hayakutiliwa maanani. Katika Biblia kulikuwa na wamama wawili walio gawana mtoto mmoja baada ya mmoja kuaga. Msione kama jamii moja ni wajinga kwa kukosa kuleta petition hapa. Sisi Sabaot tumebaguliwa na kusukumwa na hali hii mbaya inaweza kuleta mizozo na vifo hapa Trans-Nzoia. Hivi sivyo vitisho.

Hon. Rodgers Wafula: (*Point of Order*) Ahsante Bwana spika. Hapa tunaona kwamba kuna vitisho na wasiwasi kuwa jamii moja itakufa.

The Speaker (Hon. Werunga): Let us have responsibility. Many things will come and go. This is an eye-opener and let us assist in planning and naming of our county. You can't just wake one morning and find a street named Friends Quakers Street. This is not proper. We have laws to guide us. We are diversified and indeed the petition I am about assisting one another. I have no doubt the respective committee will do its work effectively. I had only allowed for a few comments. I direct that the committee of Gender takes up the matter and a report be brought this House within 21 days.

Hon. Lawrence Mokosu: (*Rises up*) Point of order, Mr. Speaker.

The Speaker (Hon. Werunga): Please! Please! I have already made a ruling.

Hon. Lawrence Mokosu: (*Shouting*) you are not being fair to us! This House does not belong to you, it belongs to us. You are a dictator!

The Speaker (Hon. Werunga): Please vacate the House. Move out! Out! Out!

(Honourable Mokosu is escorted out by the sergeant at arms)

I have made a ruling. It is our desire we bring our people a ruling. It is our desire we bring together. There is no tribal competition here. I look at things and give direction accordingly. I had only allowed a short debate and to the responsible committee to move forward and it is not about Bukusus attending the committee. If you are not to vote, next Item.

PAPERS

The Speaker (Hon. Werunga): I have received a list of County chief officers CCOs from the governor which was forwarded to this House. I want to inform you about the list (*reads*)

1. CHIEF OFFICER: OFFICE OF THE GOVERNOR

Mr. Pius Wamalwa Munialo – ID No. 9176253 50 years old is a Luhya resident in Kiminini Ward. He holds a Master of Business Administration (Executive) from Moi University (2012) A Bachelor of

Education (Arts) from Moi University (1993) He also holds a Senior Management Course Certificate from Kenya Institute of Administration (2012) and a Diploma in Contemporary Public Administration Management for Galilee International Management Institute (2017).

Mr. Munialo is currently Acting County Secretary, Trans Nzoia County a position he has held since July 2016. Previously, he was the Assistant Secretary (Nov. 2014 to June 2016) Before transferring to Trans Nzoia County, Mr. Munialo was the Municipal Manager and Deputy Town Clerk, Eldoret Municipality for almost six years. He started his career in the education sector where he was a teacher Municipal Education officer and Senior Schools Adviser for more than 15 years.

2. CHIEF OFFICER : PUBLIC SERVICE MANAGEMENT

Mr. John Kwemai Meng'wa- ID No. 20078614 is 40 years old, a Kalenjin and resident of Endebess ward. He holds a Master of Public Health from Moi (2010); Bachelor of Education (Science) from Moi (2001) Diploma in Contemporary Public Administration Management for Galilee International Management Institute; Israel (2016)

Mr. Meng'wa is currently the Chief Officer, Education and acting Chief Officer, water, Environment and Natural Resources in the County Government of Trans Nzoia, positions he has held since 2014. Prior to this, he spent two years as an Associate Lecturer at Mt. Kenya University and part time lecturer at Moi University. Mr. Meng'wa has also been a high school teacher for more seven years.

3. CHIEF OFFICER; LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT.

Ms. Susan Nekesa Ngera – ID No. 11364636 is 47 Years old, a Luhya and a resident of Kwanza Ward. She holds a Master of Science in Entrepreneurship from JKUAT (2014); Bachelor of Science in Agriculture & Home economics from Egerton University (1996)

Ms. Ngera is currently Assistant Director Agriculture in the County Government of Bungoma, a position she has held since 2016. She has worked as a Principal Agricultural for 3 years and an Agricultural officer 11 for 7 years mostly in Bungoma and West Pokot Counties.

4. CHIEF OFFICER : PUBLIC WORKS, TRANSPORT AND ENERGY

Mr. Philip Wanjala Wasike – ID No. 22077677 is 37 years old, a Luhya and a resident of Nabiswa Ward. He is a holder of MBA in Project Management from Africa Nazarene University (2011); Bachelor of Technology in Civil and Structural Engineering from Moi University (2007) and is registered with NEMA and the Institute of Engineers of Kenya.

Mr. Wasike is currently the Chief Officer for Transport and Infrastructure in the County Government of Trans Nzoia, a position he has held since 2014. For 2 years, he was the Estate Manager and Civil/Structural Engineer at Multimedia University of Kenya. Mr. Wasike also worked as a Project Civil and structural Engineer at National Housing Corporation for almost 1 ½ years and as a Design Civil and Structural Engineer at Apex Systems Consulting Engineers Ltd for 3 years. Previous to this, he was a Highway/ Roads Engineer at Kinconsult Associates Consulting Engineers for 1 year.

5. CHIEF OFFICER : EDUCATION

Dr. Robert Juma Masinde - ID No. 10718941 is 46 years old, a Luhya and a resident of Hospital ward. He is a PhD holder in Education English Language from Moi University (2011); Master in Educational Communication from Moi University (2005); Bachelor of Education Arts from University of Nairobi (1996); Diploma in IT from JKUAT (2015) and Diploma in contemporary Public Administration Management from Galilee International Management Institute, Israel (2016) Dr. Masinde also holds a Certificate on Disciplinary Hearing & Grievance Handling from ESAMI, Kampala, Uganda (2017) and Strategic Leadership Program Certificate from KSG (2015).

Dr. Masinde has been a member of the County Public Service Board, Trans Nzoia since 2013 to date. He has and continues to chair several sub- committees which facilitate the Board's mandate. Prior to this appointment, Dr. Masinde was a lecturer at Moi University where he had been for five years. He has over 14 years experience as a high school principal, deputy principal and high school teacher in various schools. Dr. Masinde has produced several publications and continues as chairperson BOM of St. Johns Girls and St. Peters Nyakinywa Schools.

6. CHIEF OFFICER AGRICULTURE

Mr. Robert Wanjala Musikoyo – ID No. 14542842 is 42 years old, is a Luhya and resident of Motosiet Ward. He holds a Master of Arts (in Project Planning & Management) from UoN (2012), a Bachelor of Science degree in Agricultural Education and Extension from Egerton University (2001)

Mr. Musikoyo is currently a Consultant with Bertia Company Ltd Since 2014. Previously, he was a Deputy Project Manager & Head of Training at Community Empowerment Unit for almost 3 years, as a Zone Manager for 6 years. He also worked as Head of Training at Community Empowerment Unit for almost 3 years as Zone Manager for 1 year and as Field Extension Officer for 2 years with Swedish Cooperative Centre – VI Agro forestry Project.

7. CHIEF OFFICER: LIVESTOCK, FISHERIES AND COOPERATIVES DEVELOPMENT.

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Mr. Shadrack Kimutai Kirop – ID No. 7395726 is 52 years old, A Kalenjin and a resident of Suwerwa/Cherangany. He is a holder of a Bachelor of Education, degree from Moi University (1993).

Mr. Kirop is currently the Chief Officer Livestock, Fisheries & Cooperatives Development before which he was Chief Officer Gender, Youth, Sports & Tourism in the County Government of Trans Nzoia, Positions he has held since 2014. Previously, he was Principal and teacher for 20 Years. He was also Chairman- Marakwet Development Group for 5 years and continues to be Chairman, Supervisory Committee Eldoret Shuttle SACCO since 2005.

8. CHIEF OFFICER : TRADE, COMMERCE AND INDUSTRY

Mrs. Emily Muhonja Cheptabuk- ID No. 3445767 is 54 years old, a Luhya and a resident of Kwanza ward. She holds a Bachelor of Science in Electrical & Electronic Engineering from JKUAT (2013); Diploma in Technical Education from KTTC (1992) and is a registered engineer.

Mrs. Cheptabuk is currently an Industrial Training Officer at the National Training Authority where she has been since 2015. She also has 12 years experience as a lecturer at KTTC Kitale.

9. CHIEF OFFICER : GENDER , SPORTS , CULTURE AND TOURISM

Mr. Eliud Kipkurui Bichii – ID No. 6061108 is 51 years old, a Kalenjin and a resident of Keiyo Ward. He holds an MBA (Executive) from Moi University (2006); Bachelor of Arts from UoN (1990) and a registered member of IHRM

Mr. Bichii retired as Head of HR and Administration at Coca Cola late 2016 after more than ten years in this position. Prior to this, he accumulated nine years' experience as a Deputy HR Manager, Chief HR Officer at NCPB.

10. CHIEF OFFICER: ECONOMIC PLANNING

Mr. Milton Kibitok Koech- ID No 24598589 is 32 years old, a Nandi and a resident of Motosiet Ward. He holds a Master of Science in Mathematics (Biostatistics) from University of Eldoret (2013); Bachelor of Science in Applied Statistics with Computing from Moi University (2010)

Mr. Koech is currently an Assistant Lecturer at the University of Kabianga, a position he has held for about 3 years. Previously, he was lecturing full/part time for 8 years in different universities. He has also worked as a data analyst for 6 years and as an Independent Monitor and Intern for 6 months.

11. CHIEF OFFICER: FINANCE

Mr. Emmanuel Sikuku Wanjala- ID No.21406605 is 40 years old, a Luhya and a resident of Si-
rende Ward. He holds an MBA (Executive) from Moi University (2009); a bachelor of Business Man-
agement (Accounting) from Moi University (2008) and CPA (K) from KASNEB (2007) and CPS from
KASNEB (2008). He is a CPA and CPS member.

Mr. Wanjala is currently a Director of Finance in the County Government of Nandi, a position he
has held since 2015. Prior to this, he was Interim Chief Officer Finance in the same county for almost
2 years. He was also a Treasurer in various County Councils for more than 6 years, Revenue Officer
and Accountant for 8 years at Nzoia County Council.

12. CHIEF OFFICER: MEDICAL SERVICES

Dr. Maurice Nyongesa Wakwabubi- ID No.10857235 is 46 years old, a Luhya and a resi-
dent of Kapomboi Ward. He holds a Masters of Medicine (in Surgery) from University of Nairobi
(2006) Bachelor of Medicine and Bachelor of Surgery from University of Nairobi (1997) and is a
member of the surgical society of Kenya.

Dr. Wakwabubi is currently the Chief Officer for Health in the County Government of Trans
Nzoia, a position he has held since 2014. Previously he worked as a consultant Surgeon and County
Director of Medical Services for 7 months; as a Medical specialist and Medical Services Provincial
Director for 1 year; as a Medical Superintendent for 7 years; as Medical Officer for 4 years and intern
for 1 year.

13. CHIEF OFFICER: HEALTH CORPORATE SERVICES

Mr. Charles ward. He holds a Bachelor of Science (Agricultural Engineering) from Egerton
(1993) and is a member of the Engineers Board of Kenya. He is also registered by NEMA.

Mr. Barasa is currently the senior superintend Engineer at the Department of Agriculture,
County Government of Trans Nzoia- a position he has held since 2013. Previously, he was Manager at
the Agriculture Mechanization Centre in Makueni and at Agricultural Technology Development centre
in Bungoma for a total period of almost nine years. I will now allow a few comments.

Hon. Everlyne Chesari: Thank you Mr. Speaker sir. The list is not gender-balanced. Out of
14 there are only 3 women and the gender rule demands that the figure should be 5.

Hon. Margaret Mutai: Ahsante Bwana spika. List hii sio mbaya lakini Trans-Nzoia ina
makabila 43 na ninaona list hii ina makabila ya Kalenjin na Waluhya.

Hon. Daniel Kaburu: Thank you. A third of 14 is 4 or 5.

TRANS-NZOIA COUNTY DEBATE

Hon. Abraham Birir: Mr. Speaker Sir, this is the worst list to this Assembly as it is not sensitive to the youths. We have 1 Youth out of 14 nominees. This is incompetence and it should be sent back. It has overlooked the gender issue and its intention; it looks like it was brought to be thrown away. It is total.

Hon. Benard Mlipuko: Ahsante Bwana Spika. Ni Vyema tupewe historia zao kwanza ili tuangazie miaka yao.

The Speaker (Hon. Werunga): Nilidhani mtatazama nyuma ya Makaratasi haya kuona tajriba na taaluma zao.

Hon. Joseph Triko: Thank you. In fact the analysis is not bad but people with disability have been left out. It is absurd. Trans- Nzoia as a cosmopolitan County needs ethnic balance but the list has 10 nominees from one community. It has also not covered all the sub- counties. We have one Sabaot, no Kikuyu, no Teso and no Luo. It is not good for a CEC and CCO from one community to head one Ministry. It is not good in the eyes of God. It is discouraging and irritating us. Some of the nominees have been brought back after not performing especially the nominee for the health department.

The majority of patients in Endebess are heavily taxed. The hospital is in bad shape. We are crying. The list should be bad shape. We are crying. The list should be dismissed.

Hon. Eric Wafula: Ahsante na ninashukuru gavana kwa kuangalia *qualification* na curriculum vitae. Kazi yetu ni kupiga msasa list hii kabla ya kufanya uamuzi wowote. Hakuna barometer ya kupima *Curriculum Vitae*, Kenya kuna makabila karibu 44 na haingewezekana makabila yote kupewa nafasi. Siko hapa kwa niaba ya Wabukusu bali kwa watu wa Hospital Ward walionituma kuwafanyia kazi. Hatuko hapa kulaumu maafisa wa zamani. Tuna uwezo wa kuwachunguza.

Hon. Margaret Mutai: Ahsante Bwana Spika. Orodha hii sio mbaya lakini Trans – Nzoia ina Makabila 43 na naona list hii ina makabila mawili ya Kalenjin na Waluhya.

Hon. David Kaburu: Thank you. The orodha is wise as it has names based on merit and qualifications. As a House, we have the mandate of debating on policies and not tribal issues as a way of having tools to expedite on work. Yesterday, we were discussing on how the finance and procurement departments can be devolved to departmental level as a policy for improvement. And this cannot be achieved if we don't discuss issues as they come and we should grow up to do this on the basis nationally. The government can't give to all of us. The gender issue may be that the applicants could not make up to the one third rule and we should not be speculative. My prayer is that the respective committee will come up with a mature report. Thank you Mr. Speaker sir.

TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): My attention has been drawn with the jumping of the gun. The names are now hereby being directed to the relevant committee and reports brought to this House within 21 days. I direct the clerk to communicate to the said committee. Next item.

ADJOURNMENT

The Speaker (Hon. Werunga): As the norm and the culture of this House, the members will head for a seven –day retreat starting from now. You will be communicated to. The House is hereby adjourned to next Tuesday at 2.30 Pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 14th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

Deputy Speaker (hon. Njoroge): Next item in our order paper.

COMMUNICATION FROM THE CHAIR

Deputy Speaker (hon. Njoroge): Thank you honorable members, I would like to take this opportunity to welcome each one of you this afternoon session. I know we have been away trying to compile our reports. So I take the earliest opportunity to welcome each one of you back to the assembly. I would also like to take this opportunity to welcome our deputy clerk; she has been away on a very long recess and we are very happy to have her back with us and she is very welcomed -and she has done us proud by increasing the population of this country. Also I would like to take this opportunity to welcome our guest in the gallery they should feel free in the assembly and they should feel in the right place.

We have Elmas Academy from Trans Nzoia; I would like to welcome them; let them follow the proceedings of the Assembly comfortably; they should feel welcomed. Alongside that I would like also to welcome Matunda Secondary School from Kakamega County. I don't know whether they are In the House- I doubt if they are in the House.

Further, today I would like to inform all the honorable members that tomorrow we are having public participation; the event will be taking place at the museum at 9.00am and it will be about the financial bill 2017 and all are invited so that we can give our views getting to the same that is the finance bill 2017. Next Item on the order paper.

PAPERS

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TRANS-NZOIA COUNTY DEBATE

Report of the Public Investment Committee on Auditor General's report on Trans Nzoia County Nawiri Fund for the year ended 30th June 2015 -by honorable Abraham Birir.



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF TRANS NZOIA
COUNTY ASSEMBLY HALL



Tel No. 054-31380/31617

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KITALE

Email:transnzoiaassembly@gmail.com

SECOND ASSEMBLY- SECOND SESSION

**REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE AUDITOR
GENERAL'S REPORT ON TRANS NZOIA COUNTY GOVERNMENT NAWIRI FUNDS
FOR YEAR ENDED 30TH JUNE 2015.**

MARCH 2018

PREFACE

Mr. Speaker Sir,

This is the report of the Public Investment Committee on the affairs of the Trans Nzoia County Nawiri Fund for the period ending 30th June 2015. The committee held several sittings at the County Assembly Board Room before retreating to write its report.

On behalf of the committee and in pursuant to the provision to standing order 186(1) it's my pleasant privilege and pleasure to present to this honorable House the report of the Public Investment Committee findings on the report of the Auditor General on the financial statement of Trans Nzoia County Nawiri Fund for the year ended 30th June 2015.

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TRANS-NZOIA COUNTY DEBATE

MANDATE OF THE COMMITTEE

Mr. Speaker Sir,

The committee derives its mandate from Standing Order 186(2) which states that:-

“There shall be a select committee to be designated the Public Investment Committee and the following are the mandates:-

-Examination of reports and accounts and working of the County Public Investment Committee.

-The examination of the reports (if any), of the Auditor General on public Investment.

-The examination of affairs and efficiency of the public investments; whether the public investments are being managed in accordance with sound financial or business principles and prudent commercial practice.

-Matters of consideration of which machinery is established by any special statute under which particular county investment is established.”

COMMITTEE MEMBERSHIP

Mr. Speaker Sir,

The Committee comprises of the following Honorable Members:-

1. HON. ABRAHAM BIRIR	CHAIRPERSON
2. HON. SARAH LUBANO	VICE CHAIRPERSON
3. HON. OBED MAHAGA	MEMBER
4. HON. PATRICK KISIERO	MEMBER
5. HON. KAGUNDA ELKANA	MEMBER

SECRETARIAT

Mr. Speaker Sir,

In compiling its report the Committee was assisted by the following secretariat staff;

1. ABRAHAM WALUBENGO	SENIOR CLERK ASSISTANT
2. IRENE SERONEY	COMMITTEE CLERK
3. LOICE KETER	HANSARD
4. EUTIN NAKITARE	SENIOR RESEARCHER

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5. EDWARD NGEIYWA
6. NICHOLAS NANDASABA

PRINCIPAL LEGAL COUNSEL
SERGEANT AT- ARM

EXECUTIVE SUMMARY

Mr. Speaker Sir,

Following your ruling on Auditor General's Report REF: ELD/TZCE/9E/15/17, the Committee held several sittings over the Report and it interrogated some of the relevant officers of the Nawiri Fund.

The Nawiri Fund was established pursuant to the Trans Nzoia County Nawiri fund Act of 2015. The Act was published on the 5th May 2015 and commenced on 19th May 2015.

This law was enacted to facilitate grant and loans to business people within the county.

Mr. Speaker Sir,

The Principles of Public finance under Article 201 “...*shall guide all aspects of public finance in the Republic...*”

These principles include *inter alia*, that;-

“....there shall be openness and accountability, including public participation in financial matters;

...Public money shall be used in a prudent and responsible way; and

.... Financial management shall be responsible, and fiscal reporting shall be clear. “

The Public Investment Committee places a high premium on these principles, among other constitutional and legal provisions on public finance management and the Committee was guided by these principles in the entire process that culminated in this report.

Article 226(5) of the Constitution is emphatic that;

“If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

In the discharge of its mandate, the Public Investments Committee has hoisted high this constitutional provision as the basis for holding each individual Accounting Officer and other Public Officers directly and personally liable for any loss of public funds under their watch. The Committee has and will

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continue to invoke this provisions in its recommendations to hold those responsible personally accountable. This is also intended to serve as a deterrent measure against accounting officers who violate the law. The Committee now calls on Accounting Officers to take notice of this provision and act prudently to safeguard public funds from loss or face dire legal consequences.

Section 74 of the Public Finance Management of 2012 in supplementing article 226(5) gives Accounting Officers powers to discipline errant officers under their jurisdiction. The same section also gives the Appointing Authority of Accounting Officers powers to discipline errant Accounting Officers.

Section 149 (1) of the same PFM Act stipulates that:

“An accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is lawful and authorized; and effective, efficient, economical and transparent.”

This provision obligates all accounting officers to appear before the Public Investment Committee of the County Assembly to respond to queries in their respective ministries/departments.

This provision has sealed a longstanding loophole that has previously seen accounting officers continuously commit or preside over fiscal indiscipline and malpractice in their ministries with impunity without sanction. Public Investments Committee strongly holds the view that these provisions of the law were intended to be fully employed to give effect to the principles in Article 201 of the Constitution as stated hereinbefore, to ensure prudent and responsible use of public funds.

The Committee shall, therefore, not hesitate to apply these provisions in its recommendations if need be.

COMMITTEE PROCEEDING

Mr. Speaker, Sir,

The committee held 5 sittings at the County Assembly Board Room during which it sought for clarifications from the various accounting officers in the departments of trade and commerce of County Government of Trans Nzoia whose dockets had elicited audit queries. All the officers were subjected to thorough examination by the committee which critically analyzed both oral and written submissions. The committee then retreated to compile and write its report at Kika hotel in Kisumu. The records of evidence, documents and notes received by the Committee formed the basis of the Committee's observations and recommendations as outlined in the report.

INTERROGATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR TRADE AND COMMERCE

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Pursuant to its powers under Article 195 of the Constitution, the Committee invited the CECM for Trade and Commerce for interrogation on the 1st March 2018. The CECM Mr. Simon Kisigei appeared before the committee with a view to informing the committee and further clarify on the following committee and auditor's questions;-

- i. Whether Nawiri Fund was disbursed in full from the County to County Treasury on 13th September 2014?
- ii. Whether the Fund's operations were legal at the time of inception?
- iii. Why the county had a budgeted expenditure of Kshs 4,000,000 while the actual expenditure was zero (0)?
- iv. Who authorized transfer of money if there was no Board of Management in place?
- v. What were the reasons for late submission of the Fund's report to the Auditor general 'office, 7 month after the statutory deadline?
- vi. Why in the presenting of financial statements; statement of management responsibility at part (iii) of the financial statement was not signed by the management.
- vii. Whether the management of the Fund took part in the preparation and presentation of the financial statements and why they never signed them if they took part?
- viii. Why the cash book, bank confirmation certificates and bank reconciliation statement were not produced for audit verification?
- ix. Was there a balance of Kshs 4,000,000 in the Fund Account in that specific financial year and the fate of the said sum of money?

RESPONSE FROM THE CECM TRADE

Mr. Speaker Sir,

The committee invited the CECM Trade Mr. Simon Kisigei who appeared on 1st March 2018 at the County Assembly Boardroom at 9:00Am, Whose response was that;

Trans-Nzoia County Government in the year 2013 through the ministry of Economic Planning Commerce And Industry had a vision of promoting business growth in the county within the model of SACCO formation and facilitation.

The fund was managed by the board consisting of Chairperson appointed by executive member responsible for economic planning commerce and industry, chief officer in the department of economic planning commerce and industry, the chairperson of Kenya national chamber of commerce and industry-Trans-Nzoia county, three representatives of the businesses community one of whom shall be of either gender two representatives from trade office – Ex-official (ANNEX1)

Mr. Speaker Sir,

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The committee further learned that the functions of the funds were to:-

1. Provide affordable and competitive credit to both formal and informal traders
2. Provide opportunity to small scale entrepreneurs to gain commercial experience to enable them play their part in development in the county.
3. Provide enterprise development services

The NAWIRI Fund Management Board was not in place at the time of submission of the financial statement for auditing; it was constituted on 2nd December 2015. (ANNEX 1)

Mr. Speaker Sir,

The CECM Economic Planning and Trade further stated that after formation of the NAWIRI Fund Management Board, there were several challenges faced;

- i. Slow picking up of fund operations
- ii. None disbursement of voted funds from county treasury to NAWIRI fund account,
- iii. Prolonged political period affecting beneficiary SACCO in terms of servicing the loans.

INTERROGATING THE BOARD OF MANAGEMENT

Mr. Speaker Sir,

The Board of Management NAWIRI FUND appeared on 6th March 2018 at the County Assembly Board room at 9:00am.

Mr. Speaker Sir,

The director tabled a list of membership of the board of management constituting of nine members. Namely;

- | | |
|----------------------------|-----------|
| 1. Mr. Mike Shiundu | Chairman |
| 2. Mr. Fred Simiyu | Secretary |
| 3. Dr. Lewis Wachilonga | Member |
| 4. Ms. Mary Triza Masika | Member |
| 5. Ms. Jane Nyagoa | Member |
| 6. Mr. Samuel Warui | Member |
| 7. Ms. Caroli Njalale | Member |
| 8. Mr. Julius OtienoRadido | Member |
| 9. Ms. GetrudeNalianya | Member |

TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

The following members represented the Board;

- | | |
|-------------------------|----------|
| 1. Mr. Mike Shiundu | Chairman |
| 2. Ms. Getrude Nalinya | Member |
| 3. Dr. Lewis Wachilonga | Member |

Mr. Speaker Sir,

The questions that were posed to the CECM Trade Commerce and Industry were also posed to the Board of Management and they gave the following response;

1. The board of management was constituted on 2nd December 2015.
2. The CECM Finance gave authority to open an account, which was established to mobilize funds to be disbursed according to the Act.
3. The funds were not utilized until after MAY, 2015 when the fund was legally established under Nawiri Act 2015.
4. The county had budgeted expenditure of sh.4, 000,000. However the expenditure was zero(0) at the end of financial year 2013/14 because the board was not in place(ANNEX 3)
5. The management did not sign financial statements because the appointment of the board was on 2nd December 2015.
6. The preparations of the statement of the funds are done by the Secretary of the Fund (Chief Officer) and approval by CEC Finance before being audited.
7. The bank confirmation certificate was availed late July 17th 2015. (ANNEX2).

COMMITTEE OBSERVATIONS

Mr. Speaker Sir,

The committee came up with the following observations;-

1. The budget for the ministry was sh.4,000,000/= which was disbursed in full from the County Treasury on 13th September 2014. The enabling legislation for the fund commenced on 19th May 2015.
2. The committee learned that the money was not spent because the board had not been established.
3. The funds were utilized after May 2015 when the Nawiri Act 2015 was in place.
4. The financial statements for the year ended 30th June 2015 were submitted to the Auditor General's office 7 months after the statutory deadline.
5. The management did not take part in the signing the financial statement.

TRANS-NZOIA COUNTY DEBATE

6. The certificate of bank balance was made available, the cash book for year 2015/2016 showing the opening balance of sh.4,000,000/= which was to be supported by the certificate of bank balance stated above. The fund was rolled on to the next financial year. (ANNEX4)

RECOMMENDATIONS

Mr. Speaker Sir,

Having considered the responses from the relevant officers of the County Government department of Trade and Commerce and the NAWIRI Board of Management as regards to the audit query and the committee's own observations, the committee hereby recommends as follows:-

- i. Proper reporting structure in NAWIRI Board of Management should be put in place.
- ii. While constituting the board the CECM should consider Competence.
- iii. NAWIRI Board of Management to prepare quarterly reports.
- iv. Proper record keeping should be done.
- v. CECM Trade and Commerce to formulate and forward regulations under section 25 of the Nawiri Fund Act to the County Assembly for scrutiny by the Delegated County Legislation Committee.
- vi. That segregation of duties and restriction of access should be fully adopted to realise internal controls and hence shield against possible abuse of the system.
- vii. The Board of Management to adherence to Nawiri Fund Act, the PFM and constitution of Kenya.

CONCLUSION

Mr. Speaker Sir,

The committee's observations and recommendations on all matters in question are in compliance with the Constitution of Kenya 2010, the Public Financial Management Act and the Trans Nzoia Country Nawiri Fund Act.

APPRECIATION

Mr. Speaker Sir,

The Committee would like to thank all the persons who appeared before it and provided evidence orally, written and relevant documents to enable the Committee come up with this report. Glowing tribute goes to the offices of the Hon. Speaker and the Clerk of the County Assembly for facilitating the Committee in its sittings and Report Writing. The committee also appreciates the secretariat staff for its technical advice and in the preparation and compilation of this report. Finally, I wish to express my

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TRANS-NZOIA COUNTY DEBATE

appreciation to the Honorable Members of the Committee for offering their time and energy to participate in the deliberations that have culminated in this report.

Mr. Speaker Sir,

It is now my singular duty and privilege, on behalf of the Public Investment Committee to table this report and recommend it to the House for approval and adoption.

Thank you very much Mr. Speaker Sir.

SIGNED **DATE.....**

HON. ABRAHAM BIRIR

NO	NAME	POSITION	SIGNATURE
1	HON. SARAH LUBANO	VICE CHAIRPERSON	
2	HON. KAGUNDA ELKANA	MEMBER	
3	HON. PATRICK KISIERO	MEMBER	
4	HON. OBED MAHAGA	MEMBER	

CHAIRPERSON, PUBLIC INVESTMENT COMMITTEE

We, members of Public Investment Committee (PIC) do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report.

Hon. Emmanuel Waswa: Point of order Mr. Speaker!

Deputy Speaker (hon. Njoroge): You are out of order Hon. Waswa. I would like to request the mover or the chair of the said committee to request for the seconder as I see far the report.

Hon. Abraham Birir: Mr. Speaker, I want to take this opportunity to request my deputy honorable Lubano to second, thank you.

Hon. Sarah Lubano: Yeah thank you Mr. Speaker sir. On behalf of the Public Investment Committee, I stand here to second the report that has just been tabled. Thank you very much Mr. Speaker sir.

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Speaker: Thank you the chair of Public Investment Committee for tabling this wonderful report. I would like to confirm that I have received the report of Public Investment Committee on the Auditor General's report on Trans Nzoia County Government Nawiri Fund for the year ended 30th June 2015. I will now propose the question that the said report as tabled be adopted by this House.

Hon. Emmanuel Waswa: Mr. Speaker sir

Deputy Speaker (hon. Njoroge): Hon. Waswa.

Hon. Emmanuel Waswa: thank you Mr. Speaker sir, for giving me this opportunity so that I can also, I was trying to enquire from my neighbor honorable Trikoi he had a point of information whereby he can identify there is something where when the honorable chair was reading through the report he had been adding one words and also removing others, so that is what honorable Trikoi wanted to get the information or correction, direction from you Mr. Speaker sir, so I beg to give a donation of one minute to my honorable Trikoi so that he can air out the views.

Hon. Joseph Trikoi: Thank you honorable Waswa for donating one minute to me. Mr. Speaker sir, when the chairman of the committee was reading or tabling this report, I was following very keenly and I noticed that he was deleting some words without amendment and also inserting some words without amendment. I would like to know if it is in order for a report which is printed in white and black to be tabled and you insert and delete words on the spot; I want to report- allow me to report bwana Speaker when he was reading he managed to amend 2013/2014 that it should be 2014/2015, I don't know if it is in order to amend on the floor such amendments and also he managed to avoid, when he was reading that recommendation that proper reporting structure in our area board of management should but he avoided 'should be put in place', then he managed to insert in 'number four' that 'there is need' and 'there is need' is not printed and is not in the report. I don't know if it is in order when you are tabling the report you delete and insert words. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Thank you honorable member for the observations. I would like to call upon the mover of the report to confirm whether he deleted and omitted; and if there were omissions, were they deliberate or it was actually in his report -the report that I do not have, you can make that clarification in the House.

Hon. Abraham Birir: Thank you Mr. Speaker. Mr. Speaker you understand the honorable member nominated representing the disabled; Mr. Speaker my advice to him Mr. Speaker, these are just typos Mr. Speaker. Like 2013/2014 it's a small typo; it's supposed to be 2014/2015 but Mr. Speaker I request my colleague to see the content of what is there than rather dwelling so much on these small issues Mr. Speaker. This fund is 4million that should go to business people who are supposed to uplift their standards Mr. Speaker so I think these are small errors; it's just omissions.

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Deputy Speaker (hon. Njoroge): I would like to make this ruling that the chair indeed has confirmed that these are typographical errors and indeed if he skipped one word it did not alter the content of the report and the report remains as tabled and let us proceed- Hon. Erick from hospital.

Hon. Erick Wafula: Thank you Mr. Speaker sir, first I would like to congratulate the team of honorable members that went on to interrogate this audit report but I believe honorable Speaker with devolution growth comes to the grassroots and if you look at why the Nawiri Fund was established it was established to help the common mwananchi, mama mboga, those people who sell charcoal maybe the people who brush shoes; but if I look at this report the only thing maybe the committee erred, I want to begin with this, you see, when you give somebody money the first thing to consider is how that person will spend that money.

I have looked at the report from their accounts they only gave money to two people. There is one a 2.8 million from equity that was withdrawn and that was cashed. I don't know because they haven't told us this cash they gave to who; looking at the report here they withdrew 2.8 million and you know Mr. Speaker sir, with the Kenya we have the people who withdrew that 2.8 million am sure without malice if they were genuine and were going to give genuine traders, they should have specified which people they gave the 2.8 million coz with the money 2.8 million giving to just a group cash I want to question why the committee didn't look at that and in the first place they did not tell us where the 2.8 million went to they were saying they were supposed to give to small groups when you look at the same account there is another group again that was given 42000 that's called Pamoja Enterprise they were given a cheque of 42000, the same Pamoja Enterprise again was given another cheque of 42000

Hon. Abraham Birir: Point of information

Deputy Speaker (hon. Njoroge): Hon. Erick would you like to be informed?

Hon. Erick Wafula: Yeah, he is the one who tabled. I believe he can inform me sir.

Deputy Speaker (hon. Njoroge): proceed.

Hon. Abraham Birir: Thank you Mr. Speaker, the report that I tabled this afternoon Mr. Speaker is that of 2014/2015; it is clearly written that year ended in June 2015, so the report of 2015/2016 Mr. Speaker is yet to be tabled in the House, so what the honorable member has tried to look in to is what is coming Mr. Speaker so for us it was 2014 June 2015 only Mr. Speaker and we left as that.

Hon. Emmanuel Waswa: Mr. Speaker sir I want to stand for point of order.

Deputy Speaker (hon. Njoroge): I would like Hon Erick to continue

Hon. Erick Wafula: Thank you Mr. Speaker sir, when the honorable member talks of a report being tabled; he has tabled the accounts and he should be honest enough to tell us. Y see, once you table the accounts we want to agree this is what you also went through and he is to tell us then he should show us the account that the money has not been spend but once you are showing us a report and money has been spend then what you are trying to tell us is that you didn't go through the report properly, what am just trying to bring forward Mr. Speaker sir is an observation I don't know if they overlooked it coz money was spend this money has been spend he is telling us he is looking at the report of 2013/2014 the Nawiri Fund was established in 2015 so I don't know if the honorable member is informed that Nawiri Fund was established in 2014/2015. Mr. Speaker sir, let's not just accept and table things that we have not gone through properly. We were to interrogate the 4million that the Nawiri Fund was given, it's not just about the establishment of the Nawiri Board. There was some money that they were supposed to account for. I believe that's what we as honorable members are supposed to be looking at- not who are on the board. Our role as members in the first place- he talked of accountability. When you talk of accountability what are you supposed to account for, registration or the money? so when I look at this report Mr. Speaker sir, I believe yes members had their good intention but it looks like what they interrogated to me was not proper so my observation is - let them go back and look at the money; who was given the money and is it true that money reached to small scale traders, thank you Mr. Speaker sir.

Deputy Speaker (hon. Njoroge): Hon Waswa.

Hon. Emmanuel Waswa: Ahsante sana bwana Spika kwa kunipa fursa hii kuchangia ile hoja ambayo imeletwa katika bunge. Kwangu bwana Spika, kuongea jambo la miaka ni jambo la muhimu katika sheria. Mimi binafsi naweza sema nilizaliwa 1886 badala ya kusema nilizaliwa mwaka wa 1986. Kulingana na ripoti ningeomba mwenyekiti wakati amekuwa akiwasilisha hii ripoti angeweka kuwa na ule uwazi wa kusema anaiweka ikiwa chini ya marekebisho. Ingekuwa vyema kwa sababu lile jambo limeandikwa na useme anaomba wabunge wamuunge mkono. Kwangu mheshimiwa Spika ninaona kama ni kigumu; ni kama unyenyepeki kazi na hii ni Nyumba ya heshima bwana Spika. Kwa hivyo mimi naomba kamati ilikuwa na nia nzuri lakini kwa jambo la mwaka asiseme sisi tuunge bila marekebisho. Bwana Spika huo mtazamo wangu katika huu ukurasa nimepewa; wameandika 2013/2014 badala ya 2014/2015 bwana Spika.

Deputy Speaker (hon. Njoroge): Hon. Rodgers.

Hon. Rodgers Barasa: Ahsante sana bwana Spika, kwanza kabisa mimi nataka kumuunga mkono mheshimiwa Erick kwa wazo ambalo amesema hapa. Pia nikipinga hii ripoti ambayo imeletwa na mheshimiwa Birir- kwa sababu ukiangalia ule mwaka ameweka hapa- hata kama tutaweka 2014/2015 vile mwenyewe amesema na ametueleza ya kwamba tujadili hii ripoti katika mwaka wa

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2014/2015, zaidi ya hapo tuachane nayo sasa kidogo. Bwana Spika nilikuwa na wasiwasi kwa sababu ukijadili mambo ya pesa lazima uangalie hizo pesa ziko kwa akaunti gani na mambo ya akaunti ya pesa yako mwaka wa 2015/2016; ambayo mwenyekiti amesema tusiweze kuzijadili na ukiangalia pale pia kuna receipts ambazo ameattach kwa hiyo ripoti lakini ametukataza tusijadili kwa hivyo yeye anataka tujadili wale watu ambao walikutana naye katika hoteli kule Thika akawaongelesha akapata hiyo ripoti. Sasa bwana Spika, kama ni kukataa hii ripoti...

Hon. Emmanuel Waswa: Point of order Mr. Speaker sir.

Deputy Speaker (hon. Njoroge): On a point of order.

Hon. Emmanuel Waswa: Is it in order for the honorable member to say they met in a hotel of which he also went there!

Hon. Rodgers Barasa: Ahsante sana bwana Spika. Ukiangalia haya maelezo...

Deputy Speaker (hon. Njoroge): Hon. Rodgers it's good for you to clarify; were they meeting in the hotel with a very good motive or they were meeting to write a report?

Hon. Rodgers Barasa: Najieleza bwana Spika nipe muda; Yule alileta hii ripoti alitueleza ya kwamba...

Deputy Speaker (hon. Njoroge): No just clarify on my question because he was on a point of order.

Hon. Rodgers Barasa: Am clarifying bwana Spika...

Deputy Speaker (hon. Njoroge): What is the intention?

Hon. Rodgers Barasa: walikutana kwa hoteli kuandika ripoti na iko ndani ya ripoti ya kwamba walikutana katika Thika hotel. Sasa walipokuwa wakiandika ripoti ni kama walisahau ripoti ambayo wanaandika labda wakarudi katika starehei zingine. Ahsante sana.

Deputy Speaker (hon. Njoroge): Hon. Waswa.

Hon. Peter Waswa: Thank you Mr. Speaker for giving me this opportunity.

Deputy Speaker (hon. Njoroge): You are out of order Waswa.

Hon. Emmanuel Waswa: We are all Waswa; we don't know whom you are referring to.

Deputy Speaker (hon. Njoroge): Waswa minority leader you are out of order.

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Hon. Peter Waswa: thank you Mr. Speaker for giving me this particular opportunity to underline a few things on this report. First Mr. Speaker I would like to put that on the preliminaries the report on Public Investment Committee on Auditor General's report on Trans Nzoia County Nawiri Fund for the year ending 30th of June 2015; having worked on that report I believe the chair was in order to give us the details. You will find that Mr. Speaker the transaction which was made of 2.9 from equity bank was made on 6th of July 2015 which is out of bracket of what we are discussing but on 30th of June 2015, the balance brought forward was 4million. So we are yet to have a report from him from 1st of July 2015 to give us the detailed report on the breakdown on how the 4million was spent and I think the chair was in order to have underlined in the preliminary that the report was to end as at the 30th of June. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Thank you Hon. Sarah Lubano.

Hon. Sarah Lubano: Thank you Mr. Speaker sir, I am standing here on a point of order. Mr. Speaker sir, the member who just left the floor honorable who is this Rodgers who just left the floor. Mr. Speaker sir when people are sent by the county government to go and write a report they are sent officially to a place and they will sit there and they will critic each and everything; they have the files with them, they have the accounts with them, and will start critiquing everything that is there and then when someone just comes here and says that they were sitting in that particular hotel and maybe walikuwa wanafanya starehe zao, you know Mr. Speaker sir that one is a very irresponsible statement and I stand here to request that honorable member to withdraw. Thank you Mr. Speaker sir.

Speaker: Hon. Rodgers I was calling you earlier on to substantiate what you did but it is appearing as if the earlier statement offended the members. Can you substantiate if not possible you withdraw and must apologize.

Hon. Rodgers Barasa: I withdraw the statement and I apologize Mr. Speaker sir.

Deputy Speaker (hon. Njoroge): let's proceed.

Hon. Abraham Birir: On a point of information.

Deputy Speaker (hon. Njoroge): On a point of information?

Hon. Abraham Birir: Yes.

Deputy Speaker (hon. Njoroge): You want to inform the House?

Hon. Abraham Birir: Yes.

Deputy Speaker (hon. Njoroge): Go ahead

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Hon. Abraham Birir: Thank you Mr. Speaker. Something is not clear Mr. Speaker to the honorable members and the reason is - they have no time to go through this report. Mr. Speaker I want to inform the House that on 13th September 2014 those members who are here passed that 4million of the budget should be allocated for Nawiri Fund; that was passed and the same money was disbursed on 13th September 2014, which is 4million. Mr. Speaker the money could not be used as at that time because there was no act -the enabling act to enable the money to be used because the board was not in place and also Mr. Speaker that act was published on 5th may 2015, the enabling act and Mr. Speaker on 19th may 2015 that was when the fund was available for use but again Mr. Speaker the funds could not be used as at that time because the board was not in place; the only time the board sat and it became official for the money to be used was on 2nd December 2015 and you know Mr. Speaker that was already in to another financial year and you know Mr. Speaker we were limited on the use of these funds to June 2015 and that is where we ended and when we wanted to confirm if indeed by June 2015 how much was in that account we indeed confirm Mr. Speaker that 4million was in that account as honorable Waswa from Bidii has elaborated. That is Mr. Speaker shown by the statement of the account annex 3, I want us to go there I was a teacher Mr. Speaker and I want to take these people, these students .Mr.Speaker...

Deputy Speaker (hon. Njoroge): Hon. Birir, are you still informing the House?

Hon. Abraham Birir: I am still informing the House.

Deputy Speaker (hon. Njoroge): If you are still informing the House, you're allowed to proceed.

Hon. Abraham Birir: Mr. Speaker, I want to inform honorable Erick that annex 3 statement of account. Mr. Speaker, they should look at the date on the 30thJune 2015's balance brought forward. Mr. Speaker, it's very clear the balance that was brought forward shows 4million so anything after 30thJune 2015 Mr. Speaker we are yet to go there; so Mr. Speaker the House should be informed that as at 30thJune 2015, 4million was in the account so these others Mr. Speaker you can see even from the dates the 1.6million he is talking about the 2.9 million, he is talking about what was withdrawn- that was on 8thJuly 2015; that is past what we were supposed to have looked at. I hope now Mr. Speaker the House is informed. Mr. Speaker I would like to urge the honorable members that they should be discussing now the usage of this Nawiri Fund, can we increase so that more traders in our county can be empowered- something like that Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Jeremiah.

Hon. Wakhulia Jeremiah: Thank you Mr. Speaker sir. I believe that this is a plenished report. It is a detailed report but almost accurate. It is almost accurate because of the type of record which we know. In that Mr. Speaker, I don't find it good for us to rubbish a detailed report, a report which was

sponsored by the tax payers; that we reject a report of such magnitude on account of type of certain errors. Mr. Speaker recently I was reading the constitution of this country and interestingly, I also found some errors there and Mr. Speaker even when you speak you can have a slip of the tongue and therefore you cannot be accused of crucifying on that account. Mr. Speaker let the members of this House be objective in looking at this document which has described as the detailed spending which is most accurate. Mr. Speaker in fact what was in mind and which is accredited by the honorable members, I was looking at the figure of 4million which translates to only 800,000 per sub county and for example 800,000 went to Endebess sub county where we have 3 wards; that means we shall have around 300,000 per ward and if for example I have 1000 traders in my ward, it means everybody will go home with only 300 shillings. Mr. Speaker, it is my conviction that this one is the best report that we have to improve on it especially to foster allocation is correct. Because Mr. Speaker people out there are starving and they want these things. And Mr. Speaker, we want also to go further and say that in spirit of devolution, I want Nawiri to devolve down to the sub counties and that even if they give out the funds -let us go through the beneficiaries from the respective wards so that these funds cannot go to one corner of the county. Mr. Speaker with those remarks, I whole-heartedly support this report. Thank you.

Deputy Speaker (hon. Njoroge): Hon. Orango

Hon. Emmanuel Orango: Thank you Mr. Speaker. First I want to thank the committee under the chairmanship of Hon. Birir for coming up with this honorable report of Nawiri fund of Trans Nzoia County. Mr. Speaker have taken time to reason and read through the report. That we are looking into small errors to force the report to go to amendment stage instead of tackling the bigger part of it, as though as opening the eyes of men I being one of them. The report is a very clear report Mr. Speaker it has brought in our attention for us to understand what Nawiri fund stands for who should be the beneficiaries, who can be the beneficiaries and who will be the beneficiaries. But looking into it Mr. Speaker, as the chair was expressing and explaining, I think a few of us in quote Mr. Speaker we might not be able to understand some financial terminologies and we should not be excused when we come with some excuses when asking questions for an amendments Mr. Speaker. Because when you look at what is there, it is very clear and elaborate. When I look to it like where they are talking of 2014/2015 those are clerical errors and typical errors like they were saying but the point there is 4million Kenyan shillings that was disbursed to help the people of Trans Nzoia county to business groups. Now as an honorable House I being from Cherangany Suwerwa, my issue should come out that how much is my ward getting, my business groups of Cherangany Suwerwa, what is the share from this money, because when they dwell with those merry go round issues I don't even have answers to my people who are waiting to know this money... *(Interruption, Hon. Erick wants to inform but Hon. Orango refuses- he doesn't want to be informed)*

Deputy Speaker (hon. Njoroge): The member on the floor, do you want to be informed?

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Hon. Emmanuel Orango: No Mr. Speaker.

Deputy Speaker (hon. Njoroge): When you talk of merry-go-round you are out of order please!

Hon. Emmanuel Orango: So Mr. Speaker, as it has been elaborated here; September 2014, 4 million; this money was budgeted and was disbursed from the treasury for expenditure. What we needed to know from the report that has been tabled here before you go to the last annex of the expenditure drawn from the equity bank, it was not utilized for 2014/2015; it was kept in account for no good reason. An act was passed before this honorable House with a wrong invasion that when we pass things here we don't follow them for enactment and full execution of those bills and acts. That makes us to have questions with our people, where is this money we are calling Nawiri fund, where is the money for business people, where is the money for groups when we go back home. He has mentioned about Saccos here or somebody from the Saccos groups. These are people who are on our neck every-day asking for money. So I will be able to say that instead of going far, what Mheshimiwa Jeremiah from Matumbei has said that 4 million divided by Trans Nzoia sub counties, it is about 800,000 and when you divide the money Mr. Speaker by 25 wards, the money is intact. It cannot serve the interest and the purpose of its intention Mr. Speaker. And I wanted to think and want members to say we better work for this money to be increased from the 4 million to about 20-30 million so that every Kenyan can have an impact of this money. People can be able to speak that we have business money from the county. Otherwise Mr. Speaker mine will be an addition of a proposal that let's think give the people of Trans Nzoia money for business, let's empower people economically, let's not have people begging us day in day out in our noses. Let's have money so that we can be able to speak when we go to those barazas. When we go to these meetings that we have money for you to pick from the county for business and economic empowerment. Otherwise I will be able to say let's increase the money from the 4million to 30 million for a start up. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Mokosu.

Hon. Lawrence Mokosu: Thank you Mr. Speaker. I was even intending to make any contributions today because last time I was objected from the House. Mr. Speaker I am really today humbled and patient listening sit here and listen to my friends and go home peacefully. And I would like to thank the Speaker that he did not rule out the period of time I should stay out of this House and that's why you will find me in the hearing. Mr. Speaker, I would like to thank the committee which went outside to give on them after interrogating the necessary offices or persons who were responsible for the funds. But Mr. Speaker, when reports are just brought here, I feel they should have gone further to interrogate the beneficiaries. This could just be a report where people have been allocated funds and you find that they write cheques that this man is not part of the group like the group they mentioned here, they have gone further to interrogate that group; they are the beneficiaries or the persons who

benefited from this money. Mr. Speaker, with time the report could be that comprehensive. Mr. Speaker I also suggest the report is good. Though Mr. Speaker I would like to suggest that they should go further to interrogate the persons who benefited from this fund. They go further Mr. Speaker. Because when you look at the corruption within the system these days and the African society Mr. Speaker I think that my friends you know very well that corruption these days surpasses almost everything. So Mr. Speaker I thank all members who came up with this report although I am the chairman of implementation Mr. Speaker, I feel that the members should go far in details. But Mr. Speaker you will find that the 4 million allocated even if it is located for traders, Mr. Speaker you will find that it is only one sub location. Whereby in my ward Mr. Speaker I have six sub locations I have over one thousand registered both women and youth groups, who are really begging for support of their welfare. Because Mr. Speaker when we talk of the word Nawiri alone tells you it is to shine. They want to shine. But will the 4 million make people shine; do they own these methods by Nawiri? Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Wambwa.

Hon. Benard Wambwa: Thank you Mr. Speaker. Let me also take this opportunity to thank the chairman and the committee for coming up with this report. Mr. Speaker when I was in school, when I got 80 marks that was good Mr. Speaker. And looking at this report Mr. Speaker to me I can rate it at 80 Mr. Speaker. So Mr. Speaker this committee has read it right, let's give its support I know this is an auditor general report and Mr., Speaker, the chairman is going to dig deeper into this report and ensure Mr. Speaker that next time he comes with a good report. But Mr. Speaker, comprehensively the chairman and his committee have really tried and I support this report Mr. Speaker. Thank you.

Deputy Speaker (hon. Njoroge): Hon. Beninah

Hon. Beninah: Thank you much Mr. Speaker for having given me this chance. I have to comment this committee and comment the chairman for bringing up this issue in order to unearth what our people also need outside there. I want to say if we have to help our people we have to see them in these 4 million shillings. Having been given that we have 25 wards, even dividing 4 million by 25 you will get nothing even looking at your people back at home, the only thing you will have to do is learn as Hon. Okuria said not to rubbish every report that comes in. Let's feel and have our people at heart and even pity them and remind ourselves why we are here. We are here on behalf of Trans Nzoia people. And these are the people with problems. So even as we look at this 4 million as an embarrassing thing to give to 25 wards, We should even be overburdening the people putting in mind I am nominated; I am looking at people who are related as if they have even nothing to give the wards as per the 4 million. So what I can say I want to thank this committee for writing this comprehensive, in fact this is a very comprehensive report. As we go through this report, let's thank this committee and ask other

committees to follow suit; So that when we come to this House, we are not going to make jokes. Let us increase this amount of money for our people to get better. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Weswa

Hon. Alfred Weswa: Thank you very much Mr. Speaker sir. Mr. Speaker, I also want to commend the committee under the able chairperson Hon. Birir. Mr. Speaker, we did not have transition time, we had a lot of challenges but the intention of the fund was very good; especially trying to promote small traders of this county Mr. Speaker. Mr. Speaker, as you move today, you will find that in every minute there is a trader. When you look at the mandate of the committee I think Mr. Speaker the committee was only limited to the order general spot. But when we go further and think the intention of the fund and probably where the fund is. Having been in the first parliament Mr. Speaker, I have always been worried that that fund could be inexistent. I am also Mr. Speaker surprised by the annex which is now open to this House for discussion because it is the property of the House that at one given time Mr. Speaker the money was withdrawn in cash. Mr. Speaker, I know to be very sincere government transactions are not done in cash. And if there was any disbursement Mr. Speaker, this disbursement could have been either in form of aggregates to respective traders' accounts or Mr. Speaker in form of cheques payable to respective trader names. Mr. Speaker, at 21st century, we cannot convince this House that we are today in Kenya handling cash Mr. Speaker. Mr. Speaker as we are speaking today when we pass this legislation in this House Mr. Speaker, we had a very good intention. The fact the CECs delayed in nominating the board members Mr. Speaker, we are also foreseeing some loopholes and these loopholes will not be limited to Nawiri fund alone Mr. Speaker; we are also worried that even youth and women funds, if we are very careful with our good intention of coming up with this fund Mr. Speaker, it will not benefit the people of this county Mr. Speaker. Mr. Speaker, we cannot be exited as a House just to support the report because there are actual set as the money is concerned Mr. Speaker. Because you see this was a revolving fund and even the money is given to traders and given that even the traders are very few, looking at the annex from the equity Mr. Speaker, you will find that the account has been closed. So Mr. Speaker it is our responsibility and prayer through your humble way that the committee for trade under the CEC goes far and sees whether we can revive this fund so that we put forward as we go to prepare for the budget so that people of Trans Nzoia can benefit. Mr. Speaker if there is any problem we go forward and see how we can solve the problem and make sure there are no loopholes before we make further proposal of the fund Mr. Speaker. Because if Mr. Speaker we never used the 4 million shillings, am sure the people of Suwerwa ward, we are yet to get the report we also want to know how many people benefited from my ward, how many people benefited from each sub county so that we can pay for more money to go to those people Mr. Speaker. And Mr. Speaker when I look at the letter here, it is a letter of appointment forming annex one and when looking at it Mr. Speaker, this letter is not clear. I wanted to get it clear from the chair whether it is a governor who was nominated to chair the board or it is a name of an individual. Because it is like there is a letter signed by the CEC appointing that the is a letter for Trans Nzoia county Nawiri fund

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management. I don't know what the purpose of that Mr. Speaker was, and in any case if it was involved then it reflects the board management and the board of that fund. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Trikoi.

Hon. Joseph Trikoi: Thank you Mr. Speaker for giving me this chance. Only to complain the other time Hon. Speaker the chairman should have tabled this report which has evidence. Although it has been ruled out and I conquer with hon. Jeremiah that when you place this amount of money, if you can sub divide with sub county you can see that each sub county will only get 800,000. Hon. Speaker, if you see the statement from Equity, on 19th Jan 2016, there is a group called Pamoja Enterprise Sacco which was given 940,000, just imagine. Let's not take this thing for granted. We have to know who is this pamoja Sacco, who are the Kenyans and which sub county does it come from or which ward? Because this can be another cartel depositing government money to their accounts and used by crooks which are nonexistent. If you see hon. Speaker on 6th July 2016, 2.9 million was withdrawn. The money was 4 million. 2.9m was withdrawn and there is no explanation that this money was withdrawn and taken where. And we are being told to adopt. How can we adopt something with a lot complications? I think we should accept and refer this thing Mr. Speaker to the committee of implementation to follow this thing...

(Interruption from members; point of information)

I don't want to be informed. I would like Hon. Speaker that you allow the committee of implementation to go and overlook and peruse who is this Pamoja; which elephant is this Pamoja; and from which ward. Maybe it comes from somebody, the chairman is so and so and the treasurer is so and so. We need to establish. Secondly the committee for public accounts should come up with a report for withdrawal of 2.9 million. Who withdrew this money and where did this money go and why and it went through transfer of funds who organized. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): I think before we continue, it is good to guide the House that the said committee is only mandated to peruse audited reports like the one we had that was tabled before this House by the Auditor General, and their work was restricted up to 30th June 2015. So what we are saying now is on the incoming audited report between July 2015 and 30th 2016. So the chair could not have done everything because we still have to wait for that report to reach his office (interruption from members; point of clarification) I have communication from the chair. So as we debate, let us be informed that we are dealing with that period up to 30th June- and that is where the chair was very clear; I heard him that he is giving us up to 30th June and by that time the 4 million should be in the account. I think that is a true position. So as we debate let us not miss the two, let us not force the chair to give a report on an issue that has not been tabled before this House. Let us continue. Hon. Erick you you had your time. No you cannot inform. Point of order Hon. Mokosu.

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Hon. Lawrence Mokuu: Thank you very much Mr. Speaker. Was it in order for security to table? Though there is a period for them to interrogate and come up with the report before this House. Was it in order to withdraw the money, was it in order to table the annex and withdraw the money and table before this House or just confusing the members of this House. Thank you Mr. Speaker.

Deputy Speaker (hon. Njoroge): Hon. Chair, can you explain whether you were in order to annex this report especially the statement from the bank, were you in order.

Hon. Abraham Birir: Mr. Speaker, all these statements from the bank were kind of a requirement from us to prove indeed the 4 million was taken to the account. These are just supporting documents. Thank you.

Deputy Speaker (hon. Njoroge): I would now give the chair his time to request the members as we come to the end.

Hon. Birir: Mr. Speaker, I would like to take this opportunity to thank honourable members for that wonderful contribution, and I still humbly request Mr. Speaker, honorable members to pass this report. Because it is very important Mr. Speaker for us to add some more funds so that our business people can thrive in what they do. Mr. Speaker looking at the first disbursement, I reiterate that the 4 million was not used because the board was not in place. And to answer honorable member from Sirende on the letter from the CEC Economic, Commerce, Planning and Industry that the letter was not clear is to propose Nawiri fund board members. This annex one Mr. Speaker is there just to confirm that the board started its operation on 2nd December 2015. That's the date stated there, there is also a reference number which is also there Mr. Speaker. So Mr. Speaker this report is good if adopted and I believe in honorable members of this committee. I believe in the secretariat we work together Mr. Speaker, that next report that is coming that is 2015/2016 where the 4 million was now used we are going to investigate to be able to know and understand how the 4 million was used. We want to know what the criteria used for those Sacco's to acquire those funds and all those others were, Mr. Speaker. So mine is to say Thank you and I wish this report is adopted as we move forward Mr. Speaker. Thank you.

Deputy Speaker (hon. Njoroge): Thank you chair. Indeed we have tried to go through this report on the Public Investment Committee on the Auditor General's report on Trans Nzoia county Nawiri fund for the year ended 30th June 2015. The prayer of the chair of the committee is that we approve the report and at the same time we adopt it. And the report is approved and adopted by this House. Further to that I would like to move you further and request the Committee On Implementation to take up this issue and within two weeks report on the progress about the same that's Nawiri fund. We need to know if the money is safe so that the chair should prepare a report to this House within two weeks' time. Next item on the order paper.

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NOTICES OF MOTION

ESTABLISHMENT OF SPORTS ACADEMY CENTRE; BY HON. ABRAHAM MWALE (SINYERERI WARD)

Hon. Emmanuel Waswa: Mr. Speaker, I beg to give NOTICE of the following motion:

AWARE that Trans Nzoia County has thousands of youths who are multi- talented in sports; ranging from Athletics, Football, Basketball, Volleyball, Rugby and other activities including Arts and Culture;

FURTHER AWARE that many of these gifted youths end up wasted for lack of equipment, technical expertise and funding leading the youths to indulge in illicit, immoral and destructive habits.

Mr. Speaker, there is need in Trans Nzoia County to enable our youths to compete effectively both at local and international levels. This will help to create employment and will heavily contribute to the County economy and development.

Mr. Speaker Sir, it is for this reason that this honorable Assembly should, by resolution, require the County Executive Committee in charge of Sports, Youths, Arts and Culture; and Finance and Economic Planning to come up with a policy on the establishment of a Sports Academy Centre to nurture upcoming talents- one in every sub-county and a Scheme to support and fully fund at least two soccer teams in every Ward based on merit.

Thank you Mr. Speaker Sir.

I stand to give a notice of motion and I ask hon. Japheth Wambalaba to second.

Hon. Japheth Wambalaba: I second.

Deputy Speaker (hon. Njoroge): I receive the notice of motion of establishment of sports academy Centre. I therefore commit it to the House Business Committee for time allocation.

Next item on the order paper.

NOTICE OF MOTION

INTRODUCTION OF COW MILK AND PORRIDGE PROGRAM FOR PRE-PRIMARY PUPILS

Hon. Sarah Lubano: Mr. Speaker, I beg to give notice of the following motion:

AWARE that milk is very important for the health and the development of a child;

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FURTHER AWARE that milk in schools shall improve enrolment, attendance and performance in our early childhood centers;

Mr. Speaker Sir, the government is obligated to enforcing the right to basic nutrition, shelter and healthcare under Article 53(1) (c) of the Constitution of Kenya 2010.

Accordingly, I MOVE that by resolution of this honorable House, the County Government to come up with a policy for implementing a school milk and porridge program in our Early Childhood development Centers.

Thank you Mr. Speaker. I would like to ask hon. Daddy Wambwa to second

Hon. Benard Wambwa: I second.

Deputy Speaker (hon. Njoroge): I have received a notice of motion on introduction of cow milk and porridge programs for pre-primary pupils and I therefore commit it to the House Business Committee for time allocation.

Next item on the order paper

THERE IS NO OTHER ITEM ON THE ORDER PAPER.

Deputy Speaker (hon. Njoroge): The House is therefore adjourned till tomorrow at 2:30 pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 15th February 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Hon. Jamanour Simiyu in the Chair]

PRAYER

Speaker (Hon. Jamanour): Next item on the order paper.

COMMUNICATION FROM THE CHAIR

Speaker (Hon. Jamanour): Hon. Members you are welcomed to today's session despite too much rain. Next item.

Hon. Abraham Birir: Based on the standing order written somewhere, I think there is a quorum hitch, some of our colleagues are somewhere and I don't know how they reach there. We are short of one member for the quorum to be okay...

(one member enters).

Speaker (Hon. Jamanour): Thank you Hon. Member. It's okay

(Clerk confirms)

HON. SPEAKER, THERE IS NO QUORUM

Hon. Matthew Orango: Mr. Speaker I think madam clerk missed it; we have the quorum because we are 13.

Speaker (Hon. Jamanour): Madam Clerk confirm again.

TRANS-NZOIA COUNTY DEBATE

THEY ARE 13; ONE HONORABLE MEMBER MISSED MY EYE

Speaker (Hon. Jamanour): Next item on the order.

**REPORT OF THE HEALTH COMMITTEE ON THE PETITION FROM KENYA
NATIONAL UNION OF NURSES- KITALE BRANCH BY HON. DANIEL KABURU**

Hon. Joseph Trikoi: Thank you Hon. Speaker, my name is Hon. Joseph Trikoi; deputy chair of the Health Committee and I'm standing in for our chair; he is in Mombasa.

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF TRANS NZOIA

[2ND ASSEMBLY- 2ND SESSION]

FIRST REPORT OF HEALTH SERVICES COMMITTEE

**REPORT OF THE HEALTH COMMITTEE ON A PETITION FROM KENYA NATIONAL
UNION OF NURSESS KITALE BRANCH**

MARCH 2018

ACRONYMS

CECM	County Executive Committee Member
KNUN	Kenya National Union of Nurses
CO	Chief Officer
CBA	Collective Bargaining Agreement
AIE	Authority to Incur Expenditure

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INTRODUCTION

Mr. Speaker Sir,

This is the report of Health committee on The Public Petition presented to The Trans Nzoia County Assembly from Kenya National Union of Nurses –Kitale branch on the 14th of February 2018.

The committee held several sittings in the County Assembly boardroom between the 15th -28th February 2018. The committee then retreated to Kisumu at Kika Hotel for report writing on 7th -13th March 2018.

MEMBERSHIP OF THE COMMITTEE

Mr. Speaker Sir,

The following are the members of the committees as constituted by this Honorable House and who were present:-

1. HON.DANIEL KABURUCHAIR
2. HON.TRIKOI KAPCHANGA..... VICE CHAIR
3. HON.ORANG`O MATHEW.....MEMBER
4. HON.DAVID KAPOLOMAN.....MEMBER
5. HON.PETER WASWA.....MEMBER
6. HON.JEREMIAH WAKHULIA.....MEMBER
7. HON.MILCAH SUGUT.....MEMBER
8. HON.LAWRENCE MOKOSU.....MEMBER
9. HON.EMMANUEL WASWA.....MEMBER
10. HON.BENINAH KHISA.....MEMBER
11. HON.ERIC MUSUMBA.....MEMBER

SECRETERIAT STAFF

Mr. Speaker Sir,

The secretariat staff who aided the committee were;

1. ABRAHAM WALUBENGO.....SENIOR CLERK ASSISTANT
2. VALERIE KISAKA.....COMMITTEE CLERK
3. LEONARD WEKESA.....HANSARD

TRANS-NZOIA COUNTY DEBATE

4. MATHEW WANYAMA.....SERGEANT
5. LUCY KIBONEI.....LEGAL COUNSEL

IN-ATTENDANCE

Mr. Speaker Sir,

The following people were invited by the committee for interrogations and whose input was useful in the writing of this report;

1. WILLY SIFUNA MURESIA..... BRANCH SECRETARY KNUN
2. EDWARD CHERUIYOT..... CHAIR, KNUN
3. BENSON BULUMA..... DEPUTY BRANCH SECRETARY KNUN
4. HON.CHRISTINE TANGULI CECM HEALTH
5. DR.WAKWABUBI MAURICE.....C.O HEALTH

MANDATE OF THE COMMITTEE

The health committee is one of the sectoral committees contemplated under Standing order 191.

The mandate of the committee includes:

- ❖ All matters related to health services, including in particular county health facilities and pharmacies, ambulance services
- ❖ Promotion of primary health care
- ❖ Licensing and control of undertakings that sell food to the public
- ❖ Veterinary services (excluding regulation of the profession)
- ❖ Cemeteries
- ❖ Funeral parlors and crematoria
- ❖ Refuse removal and refuse dumps
- ❖ Solid waste disposal

OBJECTIVES

Mr. Speaker Sir,

The objectives of the committee were;

- I. To find a permanent solution to the chronic problem of the Nurses strike in the County
- II. To improve the working relationship between the Nurses and their employer.

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TRANS-NZOIA COUNTY DEBATE

MEETING WITH THE CO AND CECM HEALTH

Mr.Speaker Sir,

The committee invited the co and CECM health department on 1ST February 2018 at the county assembly boardroom. During the meeting the committee noted the following;

- I. On the status of the payroll, it was affirmed that all Nurses that had been struck off the payroll had all been reinstated.
- II. The three months' salary arrears of the striking nurses had been cleared.
- III. Nurses had reported back to work, upon an agreement on a return to work formula
- IV. The process of signing the CBA was ongoing.

MEETING WITH KNUN OFFICIALS

Mr.Speaker Sir,

The committee invited the officials from the KNUN, on the 28th of February 2018 at the County Assembly Boardroom and noted the following;

- I. The Nurses went on three month`s strike because of failure to reach an agreement between them and their employer.
- II. Health workers went on strike from the 12TH JUNE 2017 to 2ND DECEMBER 2017 because they were aggrivating for better terms and conditions of service.
- III. The strike was called off on 2nd of December 2017.
- IV. The Nurses reported back to work on 4th of December 2017.
- V. During the three month`s strike, Salaries for the Nurses had all been withheld as a way of intimidating them, and prompting them to go back to work.
- VI. All the nurses that had been struck off the payroll had all been reinstated.
- VII. During the strike Mt. Elgon hospital had been allowed to operate so that they could attend to emergency cases.

OBSERVATIONS

Mr. Speaker Sir,

The following were the observations of the committee;

- I. It was the constitutional right of the Nurses to participate in the strike, as envisaged in the constitution of Kenya in article No:41
- II. The Nurses called off the strike after a return to work formula was agreed upon by the employer and the Union representatives.

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TRANS-NZOIA COUNTY DEBATE

- III. The three months withheld salaries of the striking Nurses were paid upon calling off of the strike.
- IV. Patients faced a lot of challenges and discriminations in the only operating Mt.Elgon hospital during the strike period which led to a high mortality rate.
- V. The process of signing the CBA was ongoing.

RECOMMENDATIONS

Mr. Speaker Sir,

The following are the committee`s recommendations;

- 1) That the union should always petition to the County Assembly in matters that affect the welfare of their people to enable the assembly to intervene in time.
- 2) The union should engage the County executive in matters affecting the welfare of their staff, so that the County government can take appropriate action in time and avoid industrial action.
- 3) The executive should avoid withholding of salaries of employees who participate in mass action to aggravate for their rights since it is their constitutional right.
- 4) The County executive department of Health, should ensure that there is a well constituted posting and deployment committee that should handle issues of transfers /redeployment of staffs without discrimination and/prejudice.
- 5) The union should place their focus on the professionalism of their members, through agitating for better health service provisions.
- 6) The County executive should work on a finance bill that will specifically define how revenue collected is spent in the Health sector.
- 7) The County executive should ensure that there is timely disbursement of health equipments, drugs and also improved working conditions for the nurses.

RESOLUTIONS

Mr. Speaker Sir,

- 1) The committee resolved that it will make a close follow up with the county executive member in charge of health, to fast track the process of ensuring that the CBA is signed.
- 2) The Implementation committee to follow up the suggested recommendations to make sure that they are implemented by the executive and the return to work formula agreed upon is abided by.

SIGNED;

TRANS-NZOIA COUNTY DEBATE

NAME	SIGNATURE	DESIGNATION
1. HON.DANIEL KABURU		CHAIR
2. HON.TRIKOI KAPCHANGA		VICE CHAIR
3. HON.ORANG`O MATHEW		MEMBER
4. HON.DAVID KAPOLOMAN		MEMBER
5. HON.PETER WASWA		MEMBER
6. HON. JEREMIAH WAKHULIA		MEMBER
7. HON. MILCAH SUGUT		MEMBER
8. HON.LAWRENCE MOKOSU		MEMBER
9. HON.EMMANUEL WASWA		MEMBER
10. HON.BENINAAH KHISA		MEMBER
11. HON. ERIC MUSUMBA		MEMBER

Thank you Mr. Speaker I beg to table this report and request hon. Orango to second.

Hon. Matthew Orango: I do here stand to second the report as tabled.

Speaker (Hon. Jamanour): Thank you hon. Members. Before me is the report of health committee on the petition from Kenya National Union of nurses Kitale branch by hon. Daniel Kaburu and I thank the vice for presenting the report. It's now open for debate .Yes hon. Mokosu.

Hon. Lawrence Mokosu: Speaker, this House is a law making authority and if the document comes it's adopted. I don't want to go into details but I thank my chair and vice-chair and all members. The observation was that I want to go to records and I signed in this report and let's go to the last page, all members did not sign. Even Orango who seconded didn't sign and I say that clerks should wake up. What Trikoï took us through is good and we did a good job and It's one that we deliberated on . Thank you Mr. Speaker.

Speaker (Hon. Jamanour): Hon. Orango.

Hon. Matthew Orango: Before I make my contributions. I want to sign my disappointment. I was in there in person when making this report but I didn't sign am worried if someone goes to Hansard and finds I didn't sign, I will be in trouble. I request the office of the clerk to ensure that reports are signed. The committee did its work; we interrogated the CEO and CO and the union officials. The CO agreed that we act on the report as it is, this county is developing a sickly problem and when the strike they took it as campaigning tool and health is a fundamental thing. When we went through some documents, it's like it was calculated, so a report showing that a patient in Mt Elgon was referred to a pri-

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TRANS-NZOIA COUNTY DEBATE

vate hospital and the county paid money but cannot sit with the nurses and discuss about it. It is high time for this House to come up with policies that will force people in this department to work because people there are serving their masters. We are here to represent the people of Trans Nzoia county and when people are crying its true no one wants to listen to nurses, let us not sit and assume. Nobody wants to be told these guys should be made to work in a good environment. People are suffering and these Nurses are the most vulnerable group of people working in this county. You get one nurse Manning one dispensary owned by the county where they don't want to take care of its people and they need our attention and we should send back clear message to CECM of the finding and they must tell us why they don't pay them promptly. Their salaries come next month in the 20s and if you are sick and goes to dispensary and you are not attended to its bad. We should get serious, we need to address the problem in a simple manner and the CECM should explain why and we cannot take lightly the challenges with our health and nurses. I must not be told to go to Kenyatta hospital or referred to Eldoret. Wherever they want to air their grievances there is a plan by the county to silence them and they have their rights to air their issues, we cannot use our position to prevent them from airing their issues. They should be taken seriously so that they can work well.

Last is the confirmation of these guys at the hospital, the other day we saw an internal advert saying they want people to apply but at the end of the exercise they gave jobs to people of their own choice. I send a clear message that let them come to my ward I will chase them out. Those who serve in the hospitals were not given a chance. We can't entertain some serving for 6month without a penny and now they are bringing their own people. Let those who serve be given the job. Otherwise I want to support the motion and other members should look at it and give their own contribution. Thank you Mr. Speaker.

Speaker (Hon. Jamanour): I want to direct that the original copy of the report be signed by all the members.

Hon. Abraham Birir: I would also like to take this opportunity to thank the chair and the vice and members together with the secretariat. I go to recommendation that the union should always petition to the County Assembly in matters that affect the welfare of their people to enable the assembly to intervene in time.

The union should engage the County executive in matters affecting the welfare of their staff, so that the County government can take appropriate action in time and avoid industrial action.

The executive should avoid withholding of salaries of employees who participate in mass action to aggravate for their rights since it is their constitutional right.

TRANS-NZOIA COUNTY DEBATE

The County executive department of Health, should ensure that there is a well constituted posting and deployment committee that should handle issues of transfers /redeployment of staffs without discrimination and/prejudice.

This report is very important; there has been massive transfer that was done. All medical superintendents were transferred, nurses and clinical officers were not left and it was a one man show, and there was public outcry and they need to think before they do it again.

Let's adopt this report in this House, Trans Nzoia and other counties health is an ailing issue like in my ward I have Chepsiro health centre and its recommended to have 8 nurses but it has only 2 nurses .I recommend that health services to be returned to the National Government, the way the county is holding is like it's not ready for it. I state the health committee should add my recommendation; that health should be returned to the National government.

Hon. Alfred Weswa: I want to commend the Health Committee for a good job and am in agreement and I want committee clerks to ensure that the report is signed otherwise it will raise audit query. Health is devolved and we can't think of it going back to the national government. We have to look at where things went wrong, is the union to help nurses when they have issue and should have dialogue. labour department should look into that issue , they should let them demonstrate because it's their right to demonstrate ,for them to be promoted and they should have not refused to pay them while on strike . Looking at the records I believe the health committee to look into that matter. If brought in this House we should approve to ensure our nurses are in good condition secondly, we have an advert for the casual to be adsorbed, we wanted it to happen and those volunteering to be given priority for those jobs. Third, we have spent a lot of money on referral and our people still go to MTRH we want it to be operational. I commend members let us take responsibilities that promotion of nurses to be done based on qualification, let it be fair without any malice and where there are no enough nurses we recommend the service board to recruit, I support the report and thank you Mr. Speaker.

Speaker (Hon. Jamanour): Hon. Beninah.

Hon. Beninah Khisa: Thank you Mr. Speaker and I did not raise my hand to talk but I appreciate because I am a committee member of health and I request it to be adopted. People in charge to ensure that nurses don't go to strike again. The nurses are not paid and they have children to take to school, so they suffer, a health nation is a prod nation. Let us support the report and also support one another. We don't want patients to suffer like how they did recently. Nurses go through problem and then they are molested. I assure u that I support what the member said, we have it, the committee to follow up that matter in health and our people will be happy, and nurses will work well.

Speaker (Hon. Jamanour): I call the mover of the motion to give communication.

TRANS-NZOIA COUNTY DEBATE

Hon. Joseph Triko: I thank Hon. Members for their contributions; I want to make two observations that we establish a committee to enable promotion of staff. There is a transfer that is going on and it's taken like a one man show. We should send a signal to CECM to know that that thing should be discouraged. Second it is highest time that this House to lobby that KNUN is a national entity and it should be dissolved and formed at county level, so to avoid others coming from far to incite our nurses. On behalf of our able chair and all members that participated tirelessly to come up with this report I say thank you for supporting.

Speaker (Hon. Jamanour): I now want to put the question.

QUESTION PUT-POSITIVED

The report is adopted and forms part of the Assembly records and I direct the clerk's office to forward it to the CECM of health for implementation. Next item

QUESTION NO. 04/2018:

QUESTION UNDER THE DEPARTMENTAL COMMITTEE FOR WATER, ENVIRONMENT AND NATURAL RESOURCES- BY HON. STEPHEN KURU (MAKUTANO WARD)

Speaker (Hon. Jamanour): I am informed that Hon. Kuru has not communicated on the question and since he is not around I give back to HBC for another time allocation. Next item on the order paper.

QUESTION NO 05/2018: QUESTION TO THE COUNTY ASSEMBLY SERVICE BOARD- BY HON. SIMON MAKHANU (WAITALUK WARD)

Speaker (Hon. Jamanour): It is given the same fate as question one, next item.

QUESTION NO. 06/2018: QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING- BY HON. SIMON MAKHANU-WAITALUK WARD.

Speaker (Hon. Jamanour): The same thing happens to that question. Next.

THERE IS NO OTHER ITEM ON THE ORDER PAPER, THANK YOU.

Speaker (Hon. Jamanour): Having no other business the House is adjourned until Wednesday 9:30 am, and it's because most of the members will be having different activities; others are in Mombasa and the majority leader and another team will be in Endebess for security meeting. The House is adjourned.

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TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 21st March 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Welcome honorable members. This is the last week before we go for a short recess. I received the list of nominees from his Excellency the Governor and which I committed to the respective committees for vetting and which will be brought to this House for adoption or otherwise. We shall have no sittings until next month so as to give the committee enough time to enable them to go an extra mile and come up with good reports and in time. We shall have a legislative conference sometime next month and all logistics have been put in place. I want to wish everybody a happy Easter. Please convey my gratitude. Thank you. Next item

PAPERS;

PAPERS ON THE OFFICE OF THE CONTROLLER OF BUDGET; COUNTY GOVERNMENT'S BUDGET IMPLEMENTATION REVIEW REPORT QUARTER FY 2017/2018 - BY HON. PATRICK KISIERO (MAJORITY LEADER).

Hon. Benard Wambwa: I stand on behalf of Hon. Patrick Kisiero (*Tables*).

The Speaker (Hon. Werunga): I commit the report to the budget and implementation committee. Next

STATEMENTS

TRANS-NZOIA COUNTY DEBATE

QUESTION NO. 04/2018 UNDER THE DEPARTMENTAL COMMITTEE FOR WATER, ENVIRONMENT AND NATURAL RESOURCES- BY HON. STEPHEN KURU; MAKUTANO WARD

The Speaker (Hon. Werunga): The member is not around. He is in Nairobi for official issues. We can move forward, next.

QUESTION NO 05/2018 TO THE COUNTY ASSEMBLY SERVICE BOARD BY HON. SIMON MAKHANU- WAITALUK WARD

The Speaker (Hon. Werunga): Differed. Next

MOTIONS

MOTION ON ESTABLISHMENT OF SPORTS ACADEMY CENTER BY HON. ABRAHAM MWALE - SINYERERE WARD

Hon. Abraham Birir: On behalf of hon. Abraham Mwale I beg to move the following motion on...

The Speaker (Hon. Werunga): Were you given the authority?

Hon. Abraham Birir: I only got a call from him.

The Speaker (Hon. Werunga): According to the House Standing Orders, you have to have written authority. Motions will come in years and at this stage you must have learnt this. Next agenda.

INTRODUCTION OF COW MILK AND PORRIDGE PROGRAM FOR PRE-PRIMARY PUPILS- BY HON. SARAH LUBANO

Hon. Sarah Lubano: Mr. Speaker sir I beg to move the following motion (*Reads*)

AWARE that it is very important to the health and development of a child;

FURTHER AWARE that milk in schools will improve enrolment, attendance, punctuality and performance for pre-primary centers.

Mr. Speaker Sir, the government is obligated to enforcing the right to basic shelter and healthcare under Article 53(1) (c) of the Constitution of Kenya 2016.

Accordingly, I MOVE that by resolution of this House, the County Government should come up with a policy of implementing a school milk and porridge programme in our Early Childhood Development. I ask Hon. Margaret Wanjala to second.

TRANS-NZOIA COUNTY DEBATE

Hon. Margaret Wanjala: Ahsante sana Bwana Spika. Nasimama kupinga mswada.

The Speaker (Hon. Werunga): Unatakikana kuunga mkono kama ulivyoulizwa.

Hon. Sarah Lubano: I ask Hon. Jane Gaitano to second.

Hon. Emmanuel Waswa: I stand to give some information. The typing errors are proving a headache to Hon. Trikoi as a person with disability and with one eye, he can't read properly. It was an error for him (Hon. Gaitano) to reject the motion other than seconding.

Hon. Lawrence Mokosu: (*Point of Order*) is it in order for the honorable member to belittle Honorable Trikoi of having one eye as yet he has two? (*Laughter*)

The Speaker (Hon. Werunga): (*To Hon. Trikoi*) do you feel offended?

Hon. Joseph Trikoi: I don't feel offended so long as am leading a good life.

The Speaker (Hon. Werunga): Honorable Mokosu is a neighbor to Hon. Trikoi that is why he is defending him

Hon. Abraham Birir: (*Point of Order*) Is it in order for Hon. Waswa Emmanuel to refer to Hon. Gaitano as a he? He should clarify the gender.

Hon. Emmanuel Waswa: It was a slip of the tongue. I know Trikoi as a he. Check on your words. I said her and not him

The Speaker (Hon. Werunga): It is natural for the slip of the tongue. You can't start counting scars until the end of the journey. You will keep learning and I encourage you to do so. It always happens in debates. This matter was handled in Mombasa and it is upon us to see how the way forward for the programme. Yes, former speaker Hon. Jamanour.

Hon. Martin Jamanour: Thank you Mr. Speaker sir. I rise to support. I thank the mover Hon. Lubano for the good motion. I support it because it encourages enrolment and at the same time sustainability of pupils in schools. It should be allocated funds. The programme would have started like yesterday

Hon. Jeremiah Wakhulia: The motion is timely and as you have said I have vast experience by interacting with children. Now that the National Cereals and Produces Board NCPB has declined buying maize, farmers should now sell their maize to schools to support this programme. Their motion talks of cow milk but it would also have included goat milk which has more nutrients.

Hon. Erick Wafula: Ahsante sana Bwana Spika. Namshukuru Mheshimiwa Lubano kwa hoja hii. Watoto wengi hukosa kuonja chochote wanapoelekea shuleni. Na huko kwangu Shimo la Tewa

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watoto wengi hupewa Busaa wakidhani ni uji na hivyo kuogopa kuenda shule. Kuna shida kubwa nakubaliana na Lubano kama mama anayeelewa watoto vyema. Hapa Hospital Ward watoto wengi wanaugua *malnourishment* (shouts; utapiamulo from the floor) kwa kukosa malisho bora. Sisi kama county tuko na pesa na twafaa kugharamia. Shule zingine za uma kupata *lunch*, maharagwe na hata *mabwoni*. Njaa haina chaguo. Miongoni mwetu kuna wabunge ambao wanatarajia kupata watoto hivi karibuni na itabidi maziwa kupatikana hapa.

Hon. Peter Waswa: I want to thank the mover. We had this same programme in 1979 and 1992 started by retired president Daniel Moi and this is only a comeback through the partnership of the Kenya Dairy Board and the United States Agency for Aid and Development (USAID). Throughout the country and county, the population is becoming vulnerable due to lack of basic necessities such as milk. The programme will improve economic earnings of women groups which rear cows for milk production by supplying to the new Kenya cooperative creameries KCC. Thank you Mr. Speaker sir.

Hon. Daniel Kaburu: Thank you Mr. Speaker for this opportunity for me to also contribute. First and foremost, I want to thank honorable Lubano for this wise and timely motion on the issue of the child whose development depends on brain. The child has a lot of protection on the brain from fish protein and also milk which plays a key role to the brain capacity and academia. The Mombasa conference only developed the milk programme as a devolved unit and it is up to the county government to supplement the national budget. The same projects started in 1979 and let us do this in stages. I request for a budget for this noble cause for our healthy children and babies. Thank you, I support.

Hon. Abraham Birir: I stand to support. Research scientists such as one Abraham have shown motivation to physical growth in early childhood development emanate from milk within the higher and lower needs of food. The two categories will have the advantage of accessing the milk and give them balanced growth of kids for poor and well to do families. This will cater well for uninterrupted school learning speaker. Let us adopt it.

Hon. Ben Mlipuko: Ahsante Bwana Spika, nami nina muunga mkono mheshimiwa Lubano kwa wazo zuri hili ambalo elimu kote duniani ni swala muhimu. Watoto hawa hushinda shuleni kwa kukosa chakula kama kivutio na badala yake kurandaranda mitaani. Huko Israeli, wafuasi walikataa kuandamana na Farao kwa kukosa maziwa hadi pale Nuhu alipokabidhiwa maziwa na kuelekea hadi Canaan. Maziwa hayo sio lazima kupewa shule za chekechea pekee bali pia shule za kawaida baada ya mabadiliko kufanywa. Hata hapa bungeni, paka mzee hunywa maziwa na hivyo watu wazima ni lazima wapewe maziwa hayo.

The Speaker (Hon. Werunga): Wacha tumsikize mjumbe mteule.

Hon. Joseph Triko: Ahsante sana Bwana Spika. Nampongeza na kumvulia kofia mheshimiwa Lubano kwa tajriba hii nzuri ya kudumisha afya ya watoto. Mpango huu hata ungeendelezwa shule ya Scholastic ya walemavu huko Endebess kwa sababu ya kuongezeka kwa utapiamlo katika maeneo

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hayo. Hapa Trans Nzoia kwa mashamba ya Agricultural Development Corporation (ADC) ambapo watu wananyanyaswa. Mtoto mdogo ana kilo kidogo kama saba hivi kwa sababu ya utapiamlo. Naombea maradufu yule aliyeleta mswada huu.

Hon. Benard Aliang'ana: Ahsante Bwana Spika. Ni shukrani kwa mswada. Mimi nilikuwa mtu wa kwanza kupewa *microphone* huko Mombasa kuchangia mradi huu. Maziwa ya Nyayo yalikuwa ya muhimu na sisi sote tuko tayari kuunga mkono. Naunga mkono Ahsante.

The Speaker (Hon. Werunga): Let the mover thank members for their contributions.

Hon. Sarah Lubano: Thank you Mr. Speaker. I stand once again and urge members to follow up the matter closely in their wards. No ward lacks ECD and for children who go to schools early in the morning, they should be able to maintain their stomachs and sustain their education and grow up well. I did not attend the Mombasa conference but I did this out of my divine intervention. Let us move forward.

The Speaker (Hon. Werunga): (*Puts question*)

POSITIVE

Next item... Sorry clerk, hold on. I rule that the clerk informs the Executive so that they start engaging the necessary gears for the programme to roll out to enable livestock farmers sell their cows for their economic gain.

Next item.

ADJOURNMENT

Hon. Emmanuel Waswa: Mr. Speaker sir, I beg to move the following motion:

AWARE that this Honorable House passed the Calendar for the session at its beginning;

FURTHER AWARE that the said calendar indicates that the House proceeds for a short recess from Friday 30th March 2018 to 9th April 2018.

Mr. Speaker Sir,

Accordingly, by resolution of this House, the County Assembly should proceed for short recess and resume on the 10th day of April 2018.

I ask hon. Benard Wambwa to second.

Hon. Benard Wambwa: I stand to second.

TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): It is clear as indicated per the calendar of the House. The House can now debate on the same.

Hon. Alfred Weswa: As earlier communicated we have a tight schedule for vetting the county chief officers and I ask that the committees be given time to retreat and prepare on how they will handle the cases. My committee will be the first one on the vetting programme.

Hon. David Kapoloman: I rise to support. We have remained with few hours before the chief officers are vetted and we have not been told where we will sit. We are going to vet professionals and we must get the right people. Where I sit there is no desk or chair and I request the clerk to work on this. We have had many motions passed but there is no opposition; all members when they rise, they all back up the motions.

Hon. Abraham Birir :(*Point of Order*) is it in order for the member to deviate and call members as rubberstamps?

The Speaker (Hon. Werunga): Can you substantiate or withdraw, we have had many motions where they have been voted for and even today you are the only one who had a NAY vote on an earlier motion! We deliberate and come to a consensus; withdraw if you can't substantiate!

Hon. David Kapoloman: Mr. Speaker, you would first listen to me. It is not me who said the word rubberstamp. It is Birir.

The Speaker (Hon. Werunga): Okay, stick to the agenda.

Hon. David Kapoloman: I rise to support the adjournment. We represent people but not offices. We request the committees to be facilitated (*applause*).

The Speaker (Hon. Werunga): Thank you.

Hon. Philip Wafula: Thank you Mr. Speaker sir. I also stand to support the adjournment so that we can have time to vet the chief officers since the old ones, their terms will expire this end month. Let us go and have enough time to vet the chief officers who will deliver social services.

Hon. Rogers Wafula: Ahsante Bwana spika. Mimi ni mwanakamati na mpaka sasa sijui tutaketi wapi, na kama pia tutapewa maji. Kama kamati naomba tusiende Kisumu kuandika ripoti kwa sababu ya kuvamiwa na wafuasi wa *Orange Democratic Movement* (ODM) kwa kuwa mimi ni mfuasi wa wa Ford-Kenya.

The Speaker (Hon. Werunga): I understand and when a member cries you need to listen. You have said it and you will be protected against any political suffering and brutality.

TRANS-NZOIA COUNTY DEBATE

Hon. Ann Wanjiku: I support the motion because the vetting is on tomorrow. Those of us who are new must be oriented so that we can prepare properly.

Hon. Emmanuel Orango: Ahsante Bwana spika. Kwa kweli kuna changamoto kwa kuwa wengi wao wana masomo ya viwango vya juu na heri tupange leo jioni ili tujue jinsi ya kukabiliana nao. Kwa upande wa Mheshimiwa Rogers Wafula, ndoa ya Raila na Uhuru sio...

The Speaker (Hon. Werunga): You are deviating. We are not discussing politics; please spare us the political acrimony.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker. The short recess will lead us somewhere to prepare questions for this vital exercise to interrogate the list of people who will lead us for the next five years. This can only be done if we have adequate time. For a farmer to get good yields he must prepare land adequately and this is the stage we can equate to the vetting. We can't wait for them to underperform so that we start criticizing.

Hon. Abraham Birir: Thank you Mr. Speaker. I want to join my colleagues in supporting that we get a good group of officers who will lead the county for the next five years. If we fail it will be noisy, messy and ugly. As Kapoloman said let us not be rubberstamps.

Hon. David Kapoloman: *(On point of Order)* As I said earlier, I am not the one who used the word rubber stamp. Can Birir respect me as a pioneer of devolution? As a senior member, I stand to be respected.

The Speaker (Hon. Werunga): Please respect the pioneer of devolution.

Hon. Abraham Birir: I respect the former deputy speaker. I was only commenting at the integrity and competence of the officers, I support.

Hon. Sarah Lubano: Thank you for the third time for supporting the motion strongly but mine was the concern that the Mombasa summit of April 9th -14th might coincide with the coming back to the House.

The Speaker (Hon. Werunga): I can see as the doctrine, we have come to the ripe. Let me go back to the Minority Leaders to thank the members.

Hon. Emmanuel Waswa: Thank you members. Mine was to request us to adjourn so that we could get the direction on the vetting. On Friday, we shall have visitors including the Deputy President who will visit Chepchoina over the local land frictions. I respect all members.

The Speaker (Hon. Werunga): The vetting will proceed as earlier planned. We had advertised for the interviews in the local dailies and let us respect time. We also respect the Deputy Presi-

TRANS-NZOIA COUNTY DEBATE

dent's coming and we can make a memorandum. We are looking forward to meeting the leadership of this county and we will know how the national government will support the county.

QUESTION PUT- POSITIVE

I request committee chairmen to remain behind. Other members will be communicated to. One member Hon Everline Chesari is in Agha Khan hospital Kisumu and as Christians we offer her our prayers for quick recovery so that she can come back and join us. The House stands adjourned until 10th April, 2018.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 11th April 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Thank you members. Today is the beginning of the conclusion of the appointment of the county chief officers. I want to thank all the committees for their work. The reports of respective committees are big in volume and I want to ask the chairs to only read the recommendations for the sake of time. Thank you. Next item

REPORT ON LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT.

Hon. Alfred Weswa: Thank you Mr. Speaker. I want to present the recommendations for the report of Lands, Housing, Physical Planning and Urban Development Committee on the vetting of nominee for appointment to the position of Chief Officer; Lands, Housing, Physical Planning and Urban Development.

Mr. Speaker sir, after the committee's deliberations on the nominee's ratings, the committee gave an average score of 91.5% to the nominee. Pursuant to Article 179(2) (b) of the constitution, section 30(2) (d) of the County Government Act 2012, and standing order 194, the committee recommends that this County Assembly approves the nomination of MRS. SUSAN NEKESA NGERA for appointment by H.E the Governor. Thank you. I ask Hon. Emmanuel Waswa to second.

Hon. Emmanuel Waswa: I stand to second.

Hon. Alfred Weswa: Mr. Speaker sir, I now beg to table the report to you. Thank you.

(Hon. Weswa tabled the report)

The Speaker (Hon. Werunga): Next item

REPORT ON TRANSPORT AND PUBLIC WORKS.

Hon. Emmanuel Waswa: Thank you Mr. Speaker sir. I stand in for hon. David Kapoloman; the chair of the committee of Transport and Public Works, to table the report of Transport and Public Works committee on vetting of the Chief Officer for Energy, Transport and Public Works.

Mr. Speaker Sir, pursuant to Article 179(2) (b) of the constitution, section 30(2) (d) of the County Government Act 2012 and standing orders, and the committee recommends the following: the nominee meets the integrity test; the nominee exhibits impressive knowledge, experience and qualification to warrant his nomination. The average mean score attained from committee members was 89.8% which is equivalent to 90%. The committee now presents Eng. PHILIP WASIKE to this house for approval as a Chief Officer for Energy, Transport and Public Works in Trans-Nzoia County. I ask Hon. David Kapoloman to second. Thank you.

Hon. David Kapoloman: I am glad the report has been read on my behalf. I second the report.

Hon. Emmanuel Waswa: Mr. Speaker Sir, allow me to hand over the report to you. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON WATER, ENVIRONMENT AND NATURAL RESOURCES.

Hon. Obed Mahaga: Thank you Mr. Speaker. I represent the committee for Water, Environment and Natural Resources. I now want to present the recommendations of the report of Water, Environment and Natural Resources Committee on sewage system in Kitale town. Mr. Speaker Sir, having considered the response from the County Executive Committee Member and the committee's own observation, the committee hereby recommends as follow:

1. The county should acquire exhaustor trucks for every sub county. The exhaustor will assist in emptying septic tanks and latrines before overflows occur. The exhaustor will assist in unblocking sewer lines to avoid contamination of the living environment.
2. A new sewage system should be built to meet the demands of the ever growing population. The current sewage system has been built-in service for many years. A holistic approach should be taken to upgrade and replace the existing systems with new efficient equipment and technology.
3. The department for water, environment and natural resources should procure enough manhole covers to close all the open sewer lines. Manhole cover theft has become a serious problem in Kitale town because of the steel material in it. The department should procure concretely reinforced manholes to avoid future theft.

4. A sewerage inspection department should be set up to assist in monitoring and control of the sewerage system.
5. Environmental Impact Assessment should always be done before all constructions are done in town to avoid future destruction of manhole covers.
EIA assists in evaluation of potential risks and provide assessment to the public and decision makers.
6. Rerouting should be done on sewer lines that were not well laid before to avoid future blockages. Skynest sewer line was not well laid and it has been experiencing frequent overflow and blockages.
7. The department of Water, Environment and Natural Resources should work hand in hand with the department of Lands, Housing, Physical Planning and Urban development in doing a proper plan for the sewerage system in town.
8. Exhaustible latrines should be constructed for hospitals, public schools and market centres.
9. All estates in town should be connected to the sewer lines.
10. All the full latrines in market should be exhausted.

I ask Hon. Bernard Wambwa to second.

Hon. Bernard Wambwa: I stand to second.

Hon. Obed Mahaga: It is my honour to table this report to this House. Thank you.

The Speaker (Hon. Werunga): Next item

REPORT ON ICT, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING.

Hon. Simon Makhanu: Thank you Mr. Speaker. I stand to present the recommendation on the report of the committee of ICT, Early Childhood Education and Vocational Training on the vetting of the nominee.

Mr. Speaker Sir, after the committee's deliberations on the nominee's ratings, the committee gave an average score of 91% to the nominee. Pursuant to article 179(2) (b) of the constitution , section 30(2) (d) of the County Government Act, 2012 and standing order 194, the committee recommends that this County Assembly approves DR. ROBERT JUMA MASINDE for appointment by H.E the Governor. I ask Hon. Abraham Mwale to second.

Hon. Abraham Mwale: I stand to second.

Hon. Simon Makhanu: Mr. Speaker Sir, it is now my honour and privilege to table this report of the ICT, Early Childhood Education and Vocational Training committee to this Honourable House for approval and adoption. Thank you.

The Speaker (Hon. Werunga): Next item.

TRANS-NZOIA COUNTY DEBATE

REPORT ON LABOUR AND SOCIAL WELFARE (I)

Hon. Bernard Wambwa: Thank you Mr. Speaker. I rise to present the recommendation of the report of Labour and Social Welfare committee on the vetting of nominee for appointment to the position of Chief Officer, Office of the Governor.

Having considered the constitution and statutory requirements relating to the office in question; having assessed the suitability of the nominee for appointment proposed and having regard to his credentials; abilities; experience and qualities- the committee unanimously recommends that this house approves the nomination and subsequent appointment of **MR. PIUS MUNIALO** to serve as the Chief Officer, Office of the Governor. I ask Hon. Simon Makhanu to second.

Hon. Simon Makhanu: I stand to second.

Hon. Bernard Wambwa: Mr. Speaker Sir, I now table this report to you. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON LABOUR AND SOCIAL WELFARE (II)

Hon. Bernard Wambwa: Thank you Mr. Speaker. I stand once more to table the recommendation of the Labour and Social Welfare committee on the vetting of nominee for appointment to the position of Chief Officer; Public Service Management.

Mr. Speaker Sir, after the committee's deliberation on the nominee's ratings, the committee gave an average score of 88% to the nominee. Having considered the suitability, capacity and integrity of the nominee; and pursuant to Chapter Six of the constitution, section 7(8) of the Public Appointment (County Assembly Approval) Act No. 5 of 2017, the committee unanimously recommends that this house approves the nomination and subsequent appointment of **MRS. LINEKA BWILE** to serve as the Chief Officer -Public Service Management. I ask Hon. Obed Mwale to second.

Hon. Obed Mwale: I stand to second.

Hon. Bernard Wambwa: Mr. Speaker Sir, I now hand over this report to you. Thank you.

Speaker: Next item.

REPORT ON AGRICULTURE LIVESTOCK, FISHERIES AND COOPERATIVES DEVELOPMENT (I)

Hon. Mercy Tanui: Thank you Mr. Speaker. I stand to present the recommendation of the Committee on Agriculture, Fisheries, Livestock and Co-operative Development on the vetting of the nominee for the appointment to the position of Chief Officer Agriculture.

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Mr. Speaker Sir, after the committee's deliberation on the rating of the nominee, it gave an average of 93% to the nominee. Pursuant to Article 179(2) (b) of the constitution; 30 (2) (d) of the County Government Act 2012 and the standing orders, the committee's findings as outlined in this report enabled it to conclude that MR. ROBERT WANJALA MUSIKOYO is suitable to serve as Chief Officer in the department of agriculture as nominated; and accordingly approved the nominee for appointment. I ask Hon. Stephen Njoroge to second.

Hon. Stephen Njoroge: I stand to second.

Hon. Mercy Tanui: Mr. Speaker Sir, it is now my pleasure to hand over this report to you. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON AGRICULTURE, LIVESTOCK, FISHERIES AND CO-OPERATIVE DEVELOPMENT (II)

Hon. Mercy Tanui: Thank you Mr. Speaker. Again I wish to table the recommendation of the committee on Agriculture, Fisheries, Livestock and Co-operative Development on the vetting of the nominee for the appointment to the position of Chief Officer for Livestock, Fisheries and Co-operatives Development.

Mr. Speaker Sir, after analysis of the nominee's ratings, the committee gave an average score of 89% to the nominee. Pursuant to Article 179(2) (b) of the constitution; 30(2) of the County Government Act 2012; and the Standing Orders, the committee's findings as outlined in this report enabled it to conclude that MR. KIROP SHADRACK KIMUTAI was suitable to serve as Chief Officer in the department of Livestock, Fisheries and Co-Operatives Development as nominated and accordingly approved the nominee for appointment. I ask Hon. Jeremiah Wakhulia to second.

Hon. Jeremiah Wakhulia: I stand to second

Hon. Mercy Tanui: Thank you Mr. Speaker Sir, allow me to hand over this report to you. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON TRADE, COMMERCE, INDUSTRY AND COOPERATIVES.

Hon. Erick Musumba: Thank you Mr. Speaker. I stand here to present the recommendation of the Trade, Commerce, Industry and Cooperatives committee on the vetting of nominee for appointment to the position of Chief Officer, Trade, Commerce and Industry Cooperatives.

TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir, after the committee's deliberation on the nominee's ratings, the committee gave an average score of 86% to the nominee. Pursuant to article 179(2)(b) of the constitution; Section 30(2)(d) of the county government Act 2012; and Standing Order 194, the committee recommends that this county Assembly approves the nomination of MRS. EMILY MUKONJA CHEPTABUT for appointment by H.E Governor. Thank you, now I ask Hon. Margaret Mutai to second.

Hon. Margaret Mutai: I stand to second.

Hon. Eric Musumba: I now hand over this report to you Mr. Speaker. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON FINANCE AND ECONOMIC PLANNING (I)

Hon. Bernard Aliang'ana: Thank you Mr. Speaker Sir. I want to present the recommendations of Finance and Economic Planning committee on vetting of the Chief Officer for Economic Planning.

Mr. Speaker Sir, pursuant to Article 179(2)(b) of the Constitution; Section 30(2) (d) of the county government Act 2012; and Standing Orders, the committee recommends the following:

1. The nominee meets the integrity standards
2. The nominee exhibits impressive knowledge, experience and qualification to warrant his appointment.
3. On average the nominee scored 85% hence suitable for the position.

The committee now presents MR. KOECH MILTON KIBITOK to this house for approval as chief Officer for Economic Planning by his Excellency the Governor.

I ask Hon. David Kisaka to second.

Hon. David Kisaka: I stand to second.

Hon. Bernard Aliang'ana: Allow me now to present this report to you, Mr. Speaker. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON FINANCE AND ECONOMIC PLANNING (II)

Hon. David Kisaka: Thank you Mr. Speaker Sir. I want to present the recommendations of Finance and Economic Planning committee on vetting of the Chief Officer for Finance.

Mr. Speaker Sir, pursuant to Article 179(2) (b) of the Constitution; Section 30(2) (d) of the county government Act 2012; and Standing Orders, the committee recommends the following:

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1. The nominee meets the integrity standards.
2. The nominee exhibits impressive knowledge, experience and qualification to warrant his appointment.
3. On average the nominee scored 88% hence qualifying for the position.

The committee now presents MR. EMMANUEL SIKUKU WANJALA to this House for approval as Chief Officer for Finance by his Excellency the Governor.

I ask Hon. Caroline Makokha to second.

Hon. Caroline Makokha: I stand to second.

Hon. David Kisaka: Mr. Speaker Sir, I now beg to table the report to you. Thank you

The Speaker (Hon. Werunga): Next item.

REPORT ON GENDER, CULTURE, YOUTH, SPORTS AND TOURISM.

Hon. Abraham Mwale: Thank you Mr. Speaker. I stand to present the recommendation of the committee on vetting of the Chief Officer for Gender, Culture, Youth, Sports and Tourism.

Mr. Speaker Sir, after the committee's deliberations on the nominee's ratings, the committee gave an average score of 93.3% to the nominee.

Pursuant to Article 179(2) (b) of the Constitution; Section 30(2) (d) of the County Government Act 2012; and the Standing Orders, the committee recommends that this County Assembly approves the nomination of the following person for appointment by His Excellency the Governor. I ask Hon. Beninah Khisa to second.

Hon. Beninah Khisa: I stand to second.

Hon. Abraham Mwale: I now hand over this report to you Mr. Speaker. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON HEALTH (I)

Hon. Daniel Kaburu: Thank you Mr. Speaker. I stand here to present the recommendation of the Committee for Health on the vetting of Eng. Charles Wafula Barasa for appointment to the position of Chief Officer; Health Corporate Services in Trans-Nzoia County.

Mr. Speaker Sir, after the committee's deliberations on the nominee's ratings, the nominee was awarded with an average score of 82%, which showed that he was highly suitable for the job position.

TRANS-NZOIA COUNTY DEBATE

Pursuant to Article 179(2) (b) of the Constitution; Section 30(2) (d) of the county government Act 2012; and Standing Orders, the Committee recommends that this County Assembly approves the nomination of ENG. CHARLES WAFULA BARASA as the Chief Officer for Health Corporate Services- for appointment by His Excellency the Governor.

I ask Hon. Jeremiah Wakhulia to second.

Hon. Jeremiah Wakhulia: I stand to second.

Hon. Daniel Kaburu: Mr. Speaker Sir, allow me now to table this report to you. Thank you.

The Speaker (Hon. Werunga): Next item.

REPORT ON HEALTH (II)

Hon. Daniel Kaburu: Thank you Mr. Speaker. I stand once more to table the recommendation of the committee for Health Services on the vetting of Dr. Maurice Nyongesa Wakwabubi for appointment to the position of Chief Officer for Medical Services in Trans-Nzoia County. After the committee's deliberations on the nominee's ratings, the nominee was awarded with an average score of 82%, which showed that he was highly suitable for the job position.

Pursuant to Article 179(2) (b) of the Constitution; Section 30(2) (d) of the county government Act 2012; and Standing Orders, the Committee recommends that this County Assembly approves the nomination DR. MAURICE NYONGESA WAKWABUBI as Chief Officer for Medical Services- for appointment by His Excellency the Governor.

I ask Hon. Milkah Sugut to second.

Hon. Milkah Sugut: I stand to second

Hon. Daniel Kaburu: Mr. Speaker Sir, It is my honour to table this report to you. Thank you.

The Speaker (Hon. Werunga): Thank you member. I now have various reports for chief officers and I will allow members to give a brief debate. The floor is open.

Hon. Eric Wafula: Thank you members. I want to commend members for the report. I was part of the interviewers and I found that all the nominees are qualified and have been recommended by the County Public Service Board. Things had stuck and all we have is to agree that the nominees have the capacity.

Corruption was cited as a hindrance to development of projects and all the nominees said they were going to fight corruption to the best of their ability. I have no doubt the people of Trans Nzoia

TRANS-NZOIA COUNTY DEBATE

will gain. We have waited for the CCOs for the last seven months. Let us pass the reports and give them the opportunity.

When I was being elected, I was not looked at as holier. Not everybody is a saint. We shall play our role as oversight. If they fail, we shall also have failed. Let us pass the list.

Hon. Alfred Weswa: The list has been long overdue, and a long journey. Service delivery has not been rendered because of lack of the CO s. Let us approve the list.

Hon. David Kisaka: Thank you. The reports have been tabled and the best thing would be to put the question.

Hon. Beninah Khisa: Thank you. I attended all the interviews and I learnt of the personality, academics and public relations of the nominees. Each of them was capable; let us agree (laughter).

Hon. Martin Jamanour: Thank you and I support that we go ahead as the whole House to pass the reports. They will be subject to contract performance and we shall be bound to work at it if they don't perform.

Hon. Abraham Mwale: Thank you. I want to appreciate the Governor for the nominees who are now up to the task. If a member turns away from the report, he is free to go away. We have lagged behind in service delivery.

The Speaker (Hon. Werunga): From the mood of the House, I want to put the question.

(QUESTION PUT- POSITIVE)

Adjournment

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 12th April 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

PETITIONS

PETITION BY THE KOONY COUNCIL OF ELDERS, TRANS-NZOIA COUNTY (C.B.O) - BY
HON. PATRICK KISIERO; MAJORITY LEADER

Deputy Speaker (hon. Njoroge): It is clear the Leader of Majority is not in the House. I request a member of the House to represent him.

Hon. Bernard Wambwa: Thank you. On behalf of the Leader of Majority, I table the petition.

Deputy Speaker (hon. Njoroge): I now confirm that I have received the petition by the Koony council of elders- Trans-Nzoia County and under Standing order 203, I allow 30 minutes for comments, clarifications and observations.

Hon. Joseph Triko: Thank you Mr. Speaker sir. It is unfortunate we don't have copies of the petition.

Deputy Speaker (hon. Njoroge): It is allowed and I now commit the petition to the committee of culture. Next.

Hon. Bernard Wambwa: It would be fair that the copies be given to the committee members.

Deputy Speaker (hon. Njoroge): I have already made a ruling. Each member will be issued with a copy. Next.

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TRANS-NZOIA COUNTY DEBATE

PAPERS

COUNTY ANNUAL DEVELOPMENT PLAN FOR FINANCIAL YEAR 2018/2019- BY HON. PATRICK KISIERO; LEADER OF MAJORITY

Hon. Bernard Wambwa: On behalf of the Majority Leader, I table the report (tables)

Deputy Speaker (hon. Njoroge): I confirm I have received the paper on County Annual Development Plan for Financial Year 2018/2019 and commit it to the Committee of Finance for perusal. Next.

REPORT OF WATER, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON SEWERAGE SYSTEM IN KITALE TOWN- BY HON. OBED MAHAGA

Hon. Ann Wanjiku: *(As she prepares to read)*. My chair has just walked in to the House.

Hon. Obed Mahaga: Mr. Speaker Sir, this is the report of Water, Environment and Natural Resources committee on sewerage system in Kitale town. This follows your ruling in the House on the motion tabled by Hon. Martin Simiyu on 27th February 2018. The committee held several sittings at the County Assembly Boardroom before retreating to Kisumu Kika hotel to write its report between 7th and 13th March 2018.

On behalf of the committee and in pursuant to the provisions from our Standing Order 191, it's my pleasant privilege and pleasure to present to this honourable House the report of Water, Environment and Natural Resources committee on Sewerage System in Kitale town.

ACKNOWLEDGEMENTS

Mr. Speaker Sir,

Allow me to commend each Honourable Member of the Committee for their commitment and exemplary work which made the production of this report a major success. The committee registers its unreserved thanks to the Office of the Speaker, the Clerk of the County Assembly for facilitating it in its sittings and report writing. The Committee would also want to thank the County Executive Committee Member for Water, Environment and Natural Resources for appearing before it to enable the Committee come up with this report. The committee also appreciates the secretariat staff for its technical advice and in the preparation and compilation of this report.

The commitment and devotion to duty to all those involved in this noble task made the work of the committee and production of the report a success. We thank each one of them.

MANDATE OF THE COMMITTEE

Mr. Speaker Sir,

The committee derives its mandate from Standing Order 191 which states:-

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TRANS-NZOIA COUNTY DEBATE

-Implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation, forestry and control of air and noise pollution and other nuisances and outdoor advertising.

COMMITTEE MEMBERSHIP

Mr. Speaker Sir,

The Committee comprises of the following Honourable Members:-

1. HON. OBED MAHANGA	CHAIRPERSON
2. HON. ANN WANJIKU	VICE CHAIRPERSON
3. HON. EMMANUEL ORANGO	MEMBER
4. HON. JOSEPH TRIKOY	MEMBER
5. HON. STEPHEN KURU	MEMBER
6. HON. DAVID KAPOLOMAN	MEMBER
7. HON. BENARD WAMBWA	MEMBER
8. HON. MERCY TANUI	MEMBER
9. HON. ERIC WAFULA	MEMBER
10. HON. BENINAH KHISA	MEMBER
11. HON. RODGERS BARASA	MEMBER

SECRETARIAT

Mr. Speaker Sir,

In compiling its report, the committee was assisted by the following secretariat staff;

1. ABRAHAM WALUBENGO	SENIOR CLERK ASSISTANT
2. TIMON SAMOEI	COMMITTEE CLERK
3. LEONARD WEKESA	HANSARD EDITOR
4. LUCY KIBONEI	LEGAL COUNSEL
5. MATHEWS WANYAMA	SERGEANT AT- ARMS

COMMITTEE PROCEEDINGS

Mr. Speaker Sir,

The committee held two sittings at the County Assembly Boardroom during which it sought for clarifications from the County Executive Committee Member for Water, Environment and Natural Resources. The committee then retreated to write and compile its report at Kika hotel in Kisumu.

INTERROGATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER, ENVIRONMENT AND NATURAL RESOURCES

Pursuant to its powers under Article 195 of the Constitution, the Committee invited the CECM for Water, Environment and Natural Resources Committee on 5th March 2018. The CECM; Mr. Maurice

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TRANS-NZOIA COUNTY DEBATE

Lokwaliwa appeared before the committee with a view to informing the committee and further clarify on the following:-

- x. Why it took too long to repair a burst sewer at the Tuskys Supermarket round-about
- xi. Why most of the sewer lines lacked manhole covers
- xii. If his department had an inspectorate department
- xiii. Why a sewer line was done at Milimani area for a few individuals and yet tax payers money was used
- xiv. The long term plans the department had for the sewerage system
- xv. If cholera outbreak in Kipsongo was as a result of a split sewer at the Tuskys Supermarket round about
- xvi. If the department owned an exhauster truck
- xvii. Number of personnel attached to the sewerage department
- xviii. If Environmental Impact Assessment (EIA) was done before road constructions in some streets in town begun.

RESPONSE FROM THE CECM WATER, ENVIRONMENT AND NATURAL RESOURCES

Mr. Speaker Sir,

The committee invited the CECM for Water, Environment and Natural Resources; Mr. Maurice Lokwaliwa who appeared on 5th March 2018- at the County Assembly Boardroom at 9:00Am. His response was that:

- i. Most of the manhole covers had been vandalized by the scrap metal dealers and that his department had reinvented the design of the manholes. The new manholes are going to be concretely reinforced to avoid further theft.
- ii. Blockage had been caused by a burst sewer at the at the Tuskys Supermarket roundabout. The sewerage team took 4 days to repair because they had to do some rerouting which was located in the Tuskys supermarket building.
- iii. The sewerage connection in Milimani area was done after a request from Galilee hospital due to the requirement from NEMA. Four connections were done at that time and an additional sixteen had been done to make it twenty.
- iv. The sewerage team had a total of eleven personnel allocated to it.
- v. The storm water that had been experienced in town was as a result of poor drainage. The department of roads was responsible for drainage.
- vi. His department had procured 500 manhole covers which were going to be used to cover the open sewer lines in the next one and half weeks.
- vii. The sewage overflow that was experienced in town was as a result of demolished manhole covers by contractors who were doing road works in some streets in town. The demolished manhole covers allowed silt into the sewer line and thus causing overflow.
- viii. The Skynest line was not well laid and the department was planning to do a rerouting to avoid frequent blockages.
- ix. The department was planning to acquire an exhauster in the next financial year.
- x. The County legal department was drafting a bill on water and sanitation. Once the bill is enacted into law it will assist in regulation of water and solid wastes disposal.

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- xi. Plans were underway for the expansion of the sewage to meet the current population. The department was currently negotiating with the French government for funding on the same.

COMMITTEE OBSERVATIONS

Mr. Speaker Sir,

The committee came up with the following observations:-

1. The department lacked an exhaustor to use when the sewer lines are blocked and the department has been depending mainly on private exhaustors which are relatively expensive.
2. The sewage that is currently in place is too old and small to meet the demands of the ever growing population. The sewage is 60 years old and was built to meet the demands of 30,000 people. Due to urbanization and industrialization, the current population has grown to 130,000 people, which has resulted into creation of higher waste water and thus overloading of the sewerage system.
3. Most of the sewer lines in town and its environs lacked manhole covers. Most of the sewer lines have been left open for the past 10 years.
4. The department of Water, Environment and Natural resources lacked an Inspectorate department for sewerage system.
5. Some of the manhole covers were destroyed by contractors doing road works in some streets in town and as a result it allowed silt into the sewer line thus causing frequent blockages.
6. The committee noted that there was no proper legislation on water and solid waste management.
7. Some of the sewer lines were not well laid and thus resulting into frequent blockages.
8. The sewerage team is not well equipped to effectively and efficiently mitigate on sewer overflows.
9. There was poor town planning since some of the buildings in town were on sewer lines.
10. Some of the estates in town were not connected to the sewerage system. These caused tremendous public health risks.
11. The department for Water and Natural Resources didn't have a sewerage plan for upcoming towns like Kachibora, Endebess and Kiminini.
12. The town lacks an elaborate drainage system and as a result it causes storm sewer.
13. Some market centers in the county had full latrines. Gitwamba and Kapsara markets were the major areas affected.

RECOMMENDATIONS

Mr Speaker Sir,

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Having considered the response from the County Executive Committee Member and the committee's own observations, the committee hereby recommends as follows:-

1. The County should acquire exhaustor trucks for every sub-county. The exhaustors will assist in emptying septic tanks and latrines before overflows occur. The exhaustor will also assist in unblocking sewer lines to avoid contamination of the living environment.
2. A new sewage system should be built to meet the demands of the ever growing population. The current sewage system has been in service for many years. A holistic approach should be taken to upgrade and replace the existing systems with new efficient equipment and technology.
3. The department for Water, Environment and Natural Resources should procure enough manhole covers to close all the open sewer lines. Manhole cover theft has become a serious problem in Kitale town because of the steel material in it. The department should procure for concretely reinforced manholes to avoid future theft.
4. A Sewerage Inspection Department should be set up to assist in monitoring and control of the sewerage system.
5. Environmental Impact Assessment (EIA) should always be done before all constructions are done in town to avoid future destruction of manhole covers. EIA assists in evaluation of potential risks and provide assessment to the public and decision makers.
6. Rerouting should be done on sewer lines that were not well laid before to avoid future blockages. Skynest sewer line was not well laid and it has been experiencing frequent overflow and blockages.
7. The department of Water, Environment and Natural resources should work hand in hand with the department of Lands, Housing, Physical Planning and Urban development in doing a proper plan for the sewerage system in town.
8. Exhaustible latrines should be constructed for hospitals, public schools and market centres.
9. All estates in town should be connected to the sewer lines.
10. All the full latrines in market centres should be exhausted.

CONCLUSION

Mr. Speaker Sir,

A good sewerage system plays an important role to the residents of Kitale town in sanitation and disease prevention. Waste water can contaminate the local environment and drinking water, thereby increasing the risk of disease transmission. Therefore to improve public health, it is vital to develop and maintain a good water and sewerage system.

Mr. Speaker Sir, It is now my singular duty and privilege, on behalf of the Water, Environment and Natural Resources Committee to table this report and recommend it to the House for approval and adoption.

TRANS-NZOIA COUNTY DEBATE

Thank you very much Mr. Speaker Sir. I ask hon. Bernard Wambwa to second.

Hon. Bernard Wambwa: I stand to second.

Hon. Obed Mahaga: (*tables*)

Deputy Speaker (hon. Njoroge): Thank you. I know confirm I have received the report from the committee of water and I propose that the report be absorbed by the House. The floor is now open.

Hon. Joseph Triko: Thank you Mr. Speaker. I am disappointed with the response of the CEC in paragraph six where he promised that the manholes would be refilled within one and a half weeks but up to now it is a month and the manholes have not been repaired. It seems the CEC is taking us MCA's for granted. I need direction from the House.

Deputy Speaker (hon. Njoroge): Honourable member from Kiminini.

Hon. Martin Jamanour: I am not a member from Kiminini...

Deputy Speaker (hon. Njoroge): I must apologize.

Hon. Martin Jamanour: The time frame is too low and the CEC told us he has 11 personnel who can respond to the broken sewerage within 24 hours. We must stand firm on the sense of responsibility so as to enforce the safety of Trans-Nzoia people.

Hon. Jeremiah Wakhulia: Thank you. I commend the committee for an elaborate and detailed report. The main concern is on the response of the CEC which is only futuristic and has no time frame. He is only talking of plans for acquisition and being underway. For how long? The promises maybe fulfilled in the next decade which could be null and void. We should hold on time frame. Notwithstanding- I support the report.

Hon. Peter Waswa: I rise to support. The response is challenging. NZOWASCO's headquarters are based in Bungoma where there's effective response and empowerment. NZOWASCO should have been split as early as yesterday. Funds allocated are utilized in Bungoma without our knowledge. The regional manager is incapacitated and should be committed to power.

Hon. Ann Wanjiku: I commend members. We had twenty questions and we interrogated the CEC and NZOWASCO officials. The equipment and personnel are based in Bungoma and their response took long. We were not convinced with their answers. We had on March 10th requested the Clerk for funds to enable the committee to attend to emerging matters but we are told there are no funds.

We want Trans Nzoia people to benefit from the committee's work. If somebody can swallow a toothbrush, is it not possible to split NZOWASCO?

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Hon. Obed Mahaga: I support the adoption of the report. Water is the key factor in Trans Nzoia and it is a pit that it is the greatest challenge to the residents and businessmen. The split of NZOWASCO could be brought to the House on a different motion. NZOWASCO is a private company whose split requires consultation and impact analysis between Bungoma and Trans Nzoia Counties so as to know the root problem. It has debts and we can't just rush. Trans Nzoia belongs to Bungoma and Bungoma belongs to Trans Nzoia; they are symbiotic. Meetings have become impossible. We can't execute the mandate of the committee.

Hon. Erick Wafula: Ahsante Bwana Spika. Nashukuru kamati. Shida ya watu wa Trans Nzoia ni kana kwamba waziri alituchanganya. Swala la *sanitation*, ni la wizara ya Afya. Ni ukweli alitaka kutufurahisha. Wizara ya maji haina uwezo kwa mambo ya usafi. Jambo hili la *sanitation* ni la wizara ya afya.

Hon. Peter Waswa: (*On a Point of Information*) According to the Oxford Dictionary, (*reads from mobile phone*) sanitation goes together with water.

Hon. Erick Wafula: Ahsante sana. *Sanitation* ni swala la afya na maj isafi ni jukumu la wizara ya afya. Katika wadi yangu ya Hospital, swala la *saniation* ni kubwa Zaidi.

Hon. Martin Jamanour: (*On Point of Information*) The honourable member is misleading the House and is outside the scope.

Hon. Ann Wanjiku: (*On Point of Information*) Sanitation is about water disposal. Mazingira na usafi ni mambo ya *environment*.

Deputy Speaker (hon. Njoroge): Can you stick to the report? This is causing concern and conflict.

Hon. Ercik Wafula: Ukweli lazima usemwe. Siku moja itajulikana. Hata hawa *madirectors* wamechanganyikiwa. *Sewerage* sio jambo la maji.

Deputy Speaker (hon. Njoroge): Please go back to the report. I have given you two minutes to wind up

Hon. Erick Wafula: Nakubaliana na report lakini *sewerage*....

Deputy Speaker (hon. Njoroge): You are still going out of the report.

Hon. Obed Mahaga: I would like to inform the House; the discussion in the House usually has to minimize on debates which are done at committee level.

Hon. Bernard Aliang'ana: Ahsante, napongeza kamati and the people of hospital ward kwa kumchagua Honourable Erick to come and learn. The dictionary has said it all.

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Deputy Speaker (hon. Njoroge): From the mood of the House, I want to put the question.

(Question put- POSITIVE)

I direct that the report be taken to the Committee of Implementation and I saw the chairman (Hon. Lawrence Mokosu) in here to take up the issues mentioned and report back to this House. Next.

REPORT OF THE PROCEDURE AND RULES COMMITTEE ON THE CREATION OF COMMITTEES AND THEIR MANDATES- BY CHAIRMAN; HON. SPEAKER

Deputy Speaker (hon. Njoroge): Due to the technicalities as informed by the clerk, the matter is to be taken back to the House Business Committee. Next.

NOTICE OF MOTION

NOTICE OF MOTION ON MODERNIZED HOUSING UNITS AND ESTATES- BY HON. ALFREDWESWA

Hon. Alfred Weswa: Mr. Speaker, I beg to give notice of the following motion:

AWARE that the defunct municipal council of Kitale and county council of Nzoia had built decent Houses for their employees and citizens and market stalls for renting out to small and medium entrepreneurs in their areas of jurisdiction;

FURTHER AWARE that trans Nzoia county has 18 estates and 1053 residential units which are old and unfashionable spread across the county, which units consume large sums of money every financial year with claims of renovations and facelifts,

DEEPLY CONCERNED that most of these Houses are vandalized and were poorly designed, built and the estates are not properly managed,

NOTING provision of decent housing to employees and other citizens in the county is one very important way of creating an enabling environment for provision of efficient and acknowledged services and the provision of well-built market stalls is the best way of encouraging emerging and small entrepreneurs hence raising revenue collection;

FURTHER NOTING, that all the estates in the all the estates in the whole county generated less than KShs.500, 000 for the financial year 2016/2017 due to a fall in demand for services from the department yet this is the most potential sector for the county's revenue collection.

Mr. Speaker sir this honourable House urges the county executive members in charge of fiscal planning, lands, housing and his or her finance and economic planning counterpart to come up with a county housing policy on modernized housing units or estates which will House the raising numbers of

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county staff and citizens among others hence raise our revenue base. The policy should consider the possession of all Houses and market stalls and ensure there are no other agents who are engaged in offering this service. I ask Hon Abraham Mwale to second.

Hon. Abraham Mwale: I stand to second.

Deputy Speaker (hon. Njoroge): I commit the Notice of Motion to the House Business Committee for time allocation. Next item?

BILL

THE TRANS NZOIA COUNTY ALCOHOLIC DRINKS BILL 2018.

First Reading

Deputy Speaker (hon. Njoroge): I move to confirm receiving the Trans-Nzoia County Alcoholic Drinks Bill 2018 for the first reading and I now commit it to the committee of trade. Next.

There being no other business, the House stands adjourned until Tuesday at 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 17th April 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

The Speaker (Hon. Werunga): Next item on our order paper

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): I would like to take this opportunity to welcome all the members to today's afternoon session. We have a lot today and I hope we will be able to go to the end.
Next item

Hon. David Kisaka: *(On a point of order)* thank you Mr. Speaker, we seem not to have quorum in the House.

The Speaker (Hon. Werunga): Can the clerk confirm whether we have quorum in the House?

THANK YOU HONORABLE SPEAKER, WE HAVE 12 MEMBERS; WE ARE LEFT WITH ONE TO MAKE A QUORUM. THANK YOU.

The Speaker (Hon. Werunga): It is confirmed we have 12 members in the House and therefore I direct that the quorum begins after 10 minutes and as the bell is being rang, there is no movement in the House.

(Bell rang)

The Speaker (Hon. Werunga): Can the clerk confirm whether we have quorum in the House?

HONORABLE SPEAKER, I CAN CONFIRM THAT WE NOW HAVE QUORUM IN THE HOUSE. THANK YOU.

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The Speaker (Hon. Werunga): Thank you, you can proceed to the next item on the order paper.

PAPER

REPORT OF THE PROCEDURE AND RULES COMMITTEE ON THE CREATION OF THE COMMITTEES AND THEIR MANDATES- BY THE CHAIRPERSON; HONORABLE SPEAKER JOSHUA M. WERUNGA

Hon. Everline Chesari: Thank you Mr. Speaker sir. I am a member of the Rules and Procedure and I was mandated to read this report of Procedure and Rules Committee on Sectoral Committees' Mandate Amendments.

Mr. Speaker sir,

This is a report of Procedure and Rules Committee on amendment on our Standing Order, pursuant to Standing Order 187(4). Due to constitution of new committees, some committees' mandates were affected hence amendments were to be made to the affected committees.

Mr. Speaker Sir,

This follows the Speaker's ruling after tabling the Selection Committee reports; that this committee reviews the Standing Orders to make sure that all Sectoral committees have specific mandates to guide the committees in carrying out their duties.

The Committee Mandate

The committee derives its mandate from the standing order 187 which states:-

1. **The County Assembly Procedure and Rules Committee shall consider and report on all matters relating to these standing orders.**
2. **The County Assembly Procedure and Rules Committee may propose amendments to these standing orders and any such amendments shall upon approval by the county assembly, take effect at the time appointed by the county assembly.**
3. **The County Assembly Procedure and Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the county assembly, continue in force until amended or repealed by the county assembly.**
4. **Any rules approved under paragraph (5) shall be annexed to the standing orders and shall be binding upon committees to the same extent as these standing orders.**

Committee Membership

Mr. Speaker Sir,

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The following were the members present:

1. Hon. Joshua Werunga..... Chair
2. Hon. Stephen Kuru..... V. Chair
3. Hon. Margret Sabina Wanjala..... Member
4. Hon. Joseph Triko Kapchanga.....Member
5. Hon. Mercy Tanui.....Member
6. Hon. Simon Makhanu.....Co-opted Member
7. Hon. Abraham Mwale.....Member
8. Hon. Philip N. Simiyu.....Member
9. Hon. Anne Wanjiku.....Member
10. Hon. Judith M. Wakwabubi.....Member
11. Hon. Japheth Wambalaba..... Co-opted Member

Secretariat

Mr. Speaker Sir,

In compiling its report, the committee was assisted by the following secretariat staff:

- Abraham Walubengo Senior Clerk Assistant
- Katama Ngeywa Principal Legal Counsel
- Shadock Kinara Committee Clerk
- Benjamin Biloi Sergeant At Arm

Creation of committees.

This committee resolved to create the following committees:

- i. Children and Community Services Committee;
- ii. Intergovernmental Relations Committee;
- iii. Disaster Management Committee;

And the same became operational immediately hence its adoption.

Mandate of committees

For the purpose of the committees that didn't have the mandates and those whose mandates were colliding- with consultation of the legal department, the committee came up with the mandates that will guide them in their duties. The following are the mandates for the committees:

1. LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT

Oversights Matters related to:

- i. lands and settlement
- ii. County planning
- iii. County survey and mapping
- iv. Spatial planning

- v. Urban development and zoning

2. INFORMATION COMMUNICATIONS TECHNOLOGY (ICT), EARLY CHILDHOOD DEVELOPMENT & VOCATIONAL TRAINING

Oversights matters related to:

- i. ICT development and management.
- ii. Early Childhood education and development.
- iii. Vocational Training Centers, Village polytechnics and home craft centers.
- iv. Education, Research and Technology.
- v. Education, training, research and technological advancement.

3. WATER, ENVIRONMENT AND NATURAL RESOURCES

Matters relating to:-

- i. Water resources management.
- ii. Climate change.
- iii. Environmental management and conservation.
- iv. Forestry.
- v. Wildlife.
- vi. Mining and natural resources.
- vii. Control of pollution and other public nuisances.
- viii. Waste management.

4. FINANCE AND ECONOMIC PLANNING

Matters related to:-

- i. Public finance.
- ii. Monetary policies.
- iii. Public debt.
- iv. Financial institutions and banking.
- v. Insurance.
- vi. Population and county statistics.
- vii. Economic planning.
- viii. County development, etc.

5. BUDGET AND APPROPRIATION COMMITTEE

The committee investigates; inquiries into all reports on all matters related to coordination, control and monitoring of the county budget.

Examines the budget policy statement and examines Bills related to the county budget.

6. TRADE, COMMERCE, INDUSTRY AND COOPERATIVES

Matters related to:-

- i. Markets
- ii. Trade licenses
- iii. Fair trading practices
- iv. trade development

- v. investment and divestiture policies
- vi. pricing policies
- vii. revenue policies
- viii. tourism promotion and management
- ix. industrialization
- x. enterprise promotion and development
- xi. Commerce etc.

7. AGRICULTURE

Matters related to:

- i. Agriculture
- ii. Crop husbandry; including crop disease and pest control
- iii. Animal husbandry; including livestock sale yards county abattoirs, animal disease control
- iv. Animal control and welfare; including licensing of dogs and related animals
- v. Irrigation
- vi. Fisheries development
- vii. Crop and animal production and marketing.

8. GENDER, CULTURE AND SPORTS

Matters related to;-

- i. Cultural activities
- ii. Public entertainment
- iii. Public amenities such as county stadia, entertainment venues, sports parks
- iv. Beaches and other recreational sites
- v. Historical sites and monuments
- vi. Betting
- vii. Casinos
- viii. Control and licensing of Lottery and other forms of gambling
- ix. Racing
- x. Cinemas and video shows
- xi. Libraries
- xii. Museums
- xiii. Control of Pornography
- xiv. Control of drugs and other substances, including alcohol and liquor licensing

9. DISASTER MANAGEMENT

Matters related to;-

- i. County security related matters
- ii. Fire fighting

- iii. County Inspectorate and security enforcement
- iv. Natural disasters.

10. CHILDREN AND COMMUNITY SERVICES COMMITTEE.

Matters related to;-

- i. Child welfare, including street children
- ii. Child labour
- iii. Violence against children
- iv. Child day care facilities and children homes
- v. Elderly and vulnerable members of society
- vi. Persons living with disability.

11. INTERGOVERNMENTAL RELATIONS COMMITTEE

Matters relating to;-

- I. Devolution
- II. Intergovernmental Relations
- III. Inter-County Relations

Recommendation.

Mr. Speaker sir,

The committee recommends that it be given more time to amend the remaining parts of the standing order.

The committee recommends that new formatting and binding be done on the revised standing order.

The committee recommends that the committee on selection works with speed to table the membership of

- a. Children and Community Services Committee
- b. Intergovernmental Relations Committee
- c. Disaster management committee.

Thank you very much. I would like to call upon honorable Sabina Wanjala to second, thank you.

Hon. Sabina Wanjala: Thank you Mr. Speaker sir, I stand here to support the report; thank you.

Hon. Everline Chesari: Thank you Mr. Speaker sir, I table the same report.

The Speaker (Hon. Werunga): Honorable House, I have received a report from the Procedure and Rules Committee on Sectoral committees' mandates amendments and it is properly seconded. I would like now to propose the question that the said report be adopted by this House. Hon Kisaka, I am proposing, proposing means that am inviting for debates so we can discuss the report thank you.

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Hon. David Kisaka: Thank you Mr. Speaker. I stand to first of all congratulate the committee that came up with the report and also support the report because we have been having challenges as committees where most of our mandates have been colliding- where we have one, two or three committees dealing with the same issue, borderline who is mandated and those not. I can also add that in so doing also request that the Legislation Committee and the House harmonizes the membership of the said committees. With those few remarks I support. Thank you.

The Speaker (Hon. Werunga): Thank you, Hon. Jamanour?

Hon. Jamanour Simiyu: Thank you honorable speaker, I stand to support the report but with few remarks. The members who actually constituted the committee; I think only few members have signed the report and am assuming the original copy, the entire community members have signed.

The other thing as we move forward for the selection committee who place the members in to the committees; it is my humble request that the honorable members do not take advantage of putting them first because that has been the practice and I ask your guidance through this honorable House that actually they consider other honorable members; me being one of them, that we only have two committees that we are in. thank you.

The Speaker (Hon. Werunga): Hon. Kaburu I can see you've got an issue.

Hon. Daniel Kaburu: Thank you Mr. Speaker sir. I also join others in supporting the report; the whole thing of reviewing the mandates of specific committees was overview and I think when you look at it in line with our standing orders, I fully support the report. Also just to add on what msheshimiwa Jamanour has just said, I think once the Selection Committee proceeds on putting the various members in specific committees, is my humble request that we look on the issue of gender and also make sure the committees are balanced. Thank you Mr. Speaker sir.

The Speaker (Hon. Werunga): Hon. Njeri Gaitano.

Hon. Njeri Gaitano: Ahsante sana Bwana Spika. Pia name ningependa sana kuunga hii ripoti na ningependa kusema hivi: committee ya selection ikienda nje, iangalie maneno ya gender na pia mtu asijiweke kwa committees nyingi kwa sababu Selection Committee ikienda nje inarudi. Hiyo selection team yote iko kwa hiyo kamati sasa nawauliza tu kwamba mkienda nje mfanye kazi vizuri lakini msi-jiweke sana na pia members wa Procedure Committee; mkifanya mikutano msign ripoti ili ionekane iko sawa. Ahsante Bwana Spika.

The Speaker (Hon. Werunga): Thank you, Erick Musumba.

Hon. Erick Musumba: Thank you honorable speaker, mine is to concur with my colleagues who have earlier said that the document is well and The Procedure and Rules committee creates for more committee members. Mine is to give information to what my friend Jamanour has said- he is

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misleading the House because committee members are 11 and we have 22 committees; so when he says that the Selection Committee members are the only ones on the committees, he is misleading the House. So my friend everyone has a committee and in fact you are the chairman with a committee so when you say the selection committee is biased you are misleading the House. Thank you sir.

The Speaker (Hon. Werunga): Honorable Triko.

Hon. Joseph Triko: Thank you Mr. Chairman and Mr. Speaker sir for allowing me to give my recommendation. First and foremost, I would like to thank the Procedure and Rules Committee for coming up with this comprehensive report and also by separating the duties.

But it is my humble request honorable speaker that when you see the liaison committee; the people who are members of the Liaison Committee- all of them belong to the same gender. It is my humble request that the three new created committees should be headed by ladies so that we can get gender balance being the gender talker for those ladies. I do recommend and support that the issue be given consideration as a permanent action. This is a House that should not violate the laws and even the constitution. It is good that we honor the constitution; we honor the Standing Orders and bring in all the honorable members inclusive to the House leadership because we are seeing that our honorable women are being left out on the House decisions.

Otherwise I don't want to add more I beg to support the document on condition that the chairpersons of these committees should be women. Thank you.

The Speaker (Hon. Werunga): Thank you, Hon. Sarah?

Hon. Sarah Lubano: Thank you Mr. Speaker sir. I stand here to strongly support the report that has just been tabled - but I have 3 comments to make:

First comment- Mr. Speaker sir, there are two gentlemen here that are talking under the table. I would like you to tell them to be attentive. So may I proceed, Mr. speaker sir?

My first comment is that we have Sectoral committees you find a member in only one Sectoral committee, another in two and another member is appearing maybe in 4, 5, 6 Sectoral committees. Mr. Speaker sir, I would request that when the Selection Committee goes out, they should look at the work that was done before and try to harmonize these Sectoral committees so that at least each one of us can appear in only 3 Sectoral committees and then these others can be topped up on those Sectoral committees.

The second remark is that there are some very serious committees the way people have been tabling reports here; Mr. Speaker sir, sometimes I want to look down at the table because maybe somehow am feeling ashamed about something because the gallery is full of people and the way we

are tabling this report suggests that we really do not have a lot of know-how in this particular committee.

So I want to suggest to this particular committee that will go out; that if we are really serious and we want to work, we can try to talk to some of our leaders of some committees like Finance for example and also Budget. We can just talk to them so that they can relinquish that post to another person who can do it a little bit better but not the best but just better than the one who is there so that when we come here and we are talking about financial matters or financial bills as it is coming, somebody that is well versed or somebody that will be able to defend that particular bill without fear or without ignorance in that particular presentation. Thank you Mr. Speaker sir.

The Speaker (Hon. Werunga): Thank you Hon Sarah. Hon Jeremiah?

Hon. Jeremiah Wakhulia: Mr. Speaker thank you very much for according me this chance. I also want to commend this committee of Rules and Procedure for the report which they have tabled today and Mr. Speaker; I should be one of the people who should be first in asking this House to adopt this report. Although Mr. speaker I find that when they were defining the responsibilities of each those committee, it has come to my attention that they left out the Committee on Health and I stand corrected Mr. speaker if maybe it's quiet an oversight; and funny enough Mr. speaker, I remember last week we had contention here where members were contributing; some members thought that some responsibilities were supposed to be given to the department of health others proceeded to say that it should be in the department of environment and therefore Mr. speaker that committee should come out clear and make sure that we have responsibilities that do not appear in both departments. Mr. Speaker I am very excited with this especially with the introduction of the Committee of Disaster Management. Mr. Speaker, we have witnessed this in this county where the fires razed down the businesses of people of this county in Kamukunji and there was no committee in this House that was obligated to handle that. Mr. speaker at the same time, we also witnessed the fire razing down the business in Kiminini and at the same time Mr. speaker there was no committee in the House which was charged with the responsibility of looking into that and therefore Mr. speaker, when I see that now we have in place the Committee on Disaster Management which by extension also touches on security- that one fills me with encouragement.

Mr. speaker, I am asking this House to adopt the report and yes Mr. speaker, like others have said that we have a committee that is going to place members in these committees, these members- we have been singing this song for long and we believe that for this long they have understood every word of the song we have been singing that yes, you have the duty, you have the responsibility and you have the mandate to go out and that we should serve others first before we serve ourselves. Thank you Mr. Speaker.

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The Speaker (Hon. Werunga): Thank you Hon Jeremiah, I would like to make it very clear that the mandates of the committees as indicated in the report only touch on the committees whose mandates were overlapping with others; so with Committee of Health, the mandates are very clear so hence there was no need to be included in the report. Hon. Erick Wafula?

Hon. Daniel Kaburu: Point of information?

The Speaker (Hon. Werunga): Point of information.

Hon. Erick Wafula: Ahsante sana Mheshimiwa Spika. Sikuwa nimebeba mkono lakini kwa mawazo yako... (*Speaker indulges*)

The Speaker (Hon. Werunga): There is a point of information Hon. Erick.

Hon. Daniel Kaburu: Mr. Speaker sir, I wish to give some clarity especially on the issue of the two departments; we realize that we have been having a problem especially when it comes to the department of health and public health. Like for example, I can give a case where we have been having a problem in Kiminini where issues of construction of pit latrines have been a problem of health but you look at the whole thing - yes it appears to be a problem of health but resources are not in health but are in environment. So we want you to look at mandates so that you can revise because resources follow mandates. So we have a problems- actually we cannot say the mandate is very clear; we can decide that the mandates for environment go to health or they take it and also resources follow. So that is where the problem is.

The Speaker (Hon. Werunga): If there is an issue with mandates of the said Committee of Health then it is in order for you as the chair to write to the chair of Procedure and Rules requesting for the committee to go in and just find out what the issue is. Thank you, let's proceed. Hon. Erick?

Hon. Erick Wafula: Ahsante sana mheshimiwa Spika. Kwanza ningependa kushukuru kamati hii kwa kutuelekeza vile kamati inafaa kufanya kazi. Pengine ningependa kuwashukuru kwa yale wamekuja kutengeneza; kamati mpya. Kwanza nikiangalia kwa maswala ya watoto; hivi karibuni kulikuwa na watoto wanahojiwa kule grassland na hatukukuwa na kamati iliyotakikana kuwakilisha ama kuhakikisha kwamba kile ilikuwa kimefanyika; hapa bungeni nasi tunahusika. Mimi nawapatia heko kwa kuwakumbuka watoto wale mayatima. Watoto wale wa streets; hata ukiangalia hapa bungeni, kuna wakati mheshimiwa Jamanour alileta mswada kwa maswala ya watoto wanaoranda randa mitaani; la kushangaza, walipewa karibu mwezi mmoja ama sijui siku ngapi- lakini mpaka sasa hata ukienda kule streets utashangaa sana; watoto wamejaa. Sasa kwa ile kamati imeundwa pengine hao ndio watachukua jukumu la kuhakikisha kwamba hao watoto wamepelekwa mahali ama waje hapa bungeni watuelezee ni lipi wanaenda kuwafanyia hao watoto wamejaa mitaani.

Kuendelea mheshimiwa Spika, juzi nakumbuka wakati nilikuwa nasimama hapa kupinga ile ripoti yenye mheshimiwa Obed alileta bungeni; wengi walidhani ya kwamba mheshimiwa Erick alikuwa ameshikwa na kichaa, lakini kwa ukweli hizi kamati mbili; kamati ya Health na kamati ya Maji - ukiangalia kwa ukweli, hizo kamati mbili zinatatikana ziende ziangaliwe vizuri vile mheshimiwa kaburu anasema. Pesa ziko kwa upande wa maji lakini yule anayesimamia mambo ya sanitation ako kwa upande wa Health. Sasa, ingawa hatutaki kukubaliana nayo, tutamuita hapa yule mwenye anasimamia mambo ya sanitation; mambo ya maji safi na maji taka ili naye aje atuelezee.

Ukiangalia hizo kamati mbili; hata wakati tulimuita mheshimiwa anayesimamia mambo ya maji; maswali mengine hangeweza kujibu na ni kwa sababu ukiangalia mambo ya usafi, hata nimeona wamemuongezea ingine ile ya public nuisance, mambo ya public nuisance nadhani hayako kwa upande ya NEMA pekee; pia yako tena kwa upande ya Health. Sasa naomba waende wafanye research kabisa ili waje watuhakikishie mandate ya hawa ni gani na mandate ya watu wa Health ni gani.

Kuendelea mheshimiwa Spika, wakati huu vile wamesema kwamba Selection Committee wamepewa nafasi waende waleta wanakamati wengine- ombi langu kwao ni kwamba wacha tufanye kwa haki. Hili ni bunge lenye linaheshimiwa. Hili ni bunge lenye tunatarajia wakati umepewa nafasi, wacha tuweke kwa kamati watu wenye wanaweza. Ingawa sisi wote ni wabunge- hatufanani.

Nataka tu kupinga yale mheshimiwa deputy whip amesema; ukweli ni kwamba ukweli hadi usemwe; wakati mlienda mambo ya selection, wengi wa ile kamati walijipea nafasi. Hata juzi vile mlikuwa kule Kisumu nyinyi wenyewe mljijonea; mwanakamati mmoja ankaa kwa kamati kutoka asubuhi hadi jioni ilhali mimi kama member wa hili bunge naangalia tu. Sasa wakati huu ata wakienda Procedure and Rules Committee wangekaa chini na waseme kwamba kila Sectoral committees; kila member anafaa kuwa na tatu pekee ili kila member wa hili bunge awe kwa Sectoral committee. Lakini ukiangalia hao wenyewe walijijazia na wakajipa zile kubwa kubwa ndio unaona hata wengine wakati walikuwa wanaambiwa kamati inaendelea kule Mumias, mwingine hakuwa anajua anafaa kuwa huko. Sasa ombi langu kwa hii Procedure and Rules Committee- wacha waende tena wakae ili watoe mwelekeo waseme kila member wa nyumba hii anatakikana awe kwa Sectoral committees 3 ili mwingine asiwe na 9 mwingine akiwa na 1.

Kwa kumalizia, ni yale mambo ya Disaster Management. Nimeona mheshimiwa Jeremiah amekuwa akihema kila mara anauliza maji yako wapi, moto umechoma wapi? Mimi kama rafiki wake ama member wa nyumba hii; yeye ameonyesha mwelekeo. Selection Committee pengine ombi langu ingawa sitakikani kuomba mapema, wacha mheshimiwa ajipigie pole na kile chake ameomba. Ahsanteni sana.

The Speaker (Hon. Werunga): Hon. Chesang' I saw your hand.

Hon. Evans Chesang: Thank you Mr. Speaker for giving me this opportunity to contribute. First and foremost may I take this opportunity to thank the Committee of Procedure and Rules for

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coming up with this committee; in fact I am the only elected member of county who has no chair. It is my prayer that may I be given.

The Speaker (Hon. Werunga): Member from Hospital, on a point of order?

Hon. Erick Wafula: Yes Mr. Speaker sir, I want to be protected there are some members here who are telling me to give them water. I don't know where I can get water because I am the chair of welfare.

The Speaker (Hon. Werunga): Hon. Chesang' continue as the clerk's office corrects on the issue of water.

Hon. Joseph Trikoi: Point of information!

The Speaker (Hon. Werunga): You're informing the House or the member?

Hon. Joseph Trikoi: The member.

The Speaker (Hon. Werunga): Do you want to be informed?

Hon. Evans Chesang': No

The Speaker (Hon. Werunga): Then carry on.

Hon. Evans Chesang': Okay, I think the only thing that I can urge the House is that, let me also be considered and it's my prayer that I may be given this chair of Intergovernmental Relations. Why? Because am the only elected who has no chair. I think that's all, thank you.

The Speaker (Hon. Werunga): Hon. Aliang'ana?

Hon. Benard Aliang'ana: Ahsante sana Bwana Spika, nashukuru sana kwa yale tunayochangia katika bunge la pili hapa Trans Nzoia. Mimi nikiwa mmoja wa kamati ya Finance, sijafurahia jinsi Mheshimiwa Sarah ameweza kuzungumza kuhusu kamati ya Finance na ninapotazama nafikiri kama yeye angekuwa msomi Zaidi, angeweza kufanya Bank badala ya kukuja hapa bunge. Langu nataka kumueleza awithdraw hiyo statement ya kusema kwamba waheshimiwa wengine hawajui kitu wanafanya katika kamati maana sote tulichaguliwa kwa kupigiwa kura na kuja hapa tumeenda wote kusoma na ninadhani finance inafanya vizuri sana maana sisi ni watu wa kwanza kuleta bill; hivi karibuni tumeleta bill ya finance na tutaileta bungeni tukiwa watu wa kwanza. So ningemuomba tafadhali; mheshimiwa Sarah uweze kuheshimu viongozi wenzako. Najua maybe wewe ulikuwa mwalimu, wajua mengi lakini hapa bungeni- sisi tunajua mengi kushinda wewe. Kwa hivyo ningomba awithdraw hiyo statement ya kusema ya kwamba kuna watu kwa makamati kadhaa hawaelewi. Kutusi kamati yangu; kama ni wenzangu ambao tuko nao kwenye kamati hawaelewi chochote, si lazima arudishwe pale. Maana kamati yangu tukiungana na kamati ya Budget naona tuko sawa na hata hivi ka-

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ribuni tunafanya mambo mazuri katika bunge. Kwa hivyo ningemuomba awithdraw hiyo statement ya kupuuza ama kujaribu kudharau kamati yangu ya Finance nikiwa kama chair. Singelifurahia kuona mtu akidharau kamati ya mwingine, hivi sasa nimeona mwenzangu pia. Kama ni mimi ningesema amelemewa kikazi; ambaye ni wa welfare- hatuna maji hapa hatuwezi sema yeye amezembea kikazi ijapokuwa kuna visababu vidogo vidogo ambavyo vinaweza tokea.

So sisi tukiwa kama Finance, nashukuru sana tumeweza kujifunza mengi kutoka kwa budget chair na tunaendelea vizuri na hivi karibuni tutakuwa tunaleta finance bill katika bunge. So ningemuomba awithdraw hiyo statement ya kupuuza wenzangu katika kamati. Thank you very much.

The Speaker (Hon. Werunga): Thank you, I think on that I would like to say that all of us we are in a learning process and let us accept that all of us are beginners in everything and as we move on we are going to perfect ourselves wherever you are or in whichever committee we are going to perfect ourselves. So in the very near future all the committees will be working very well and am very happy from where I sit to say that the chairs are doing very well; the committees are doing very well, we have witnessed very good reports coming on the floor of the House. So let us agree that we are learning and we will be okay when we move on, thank you. Hon. Mlipuko?

Hon. Ben Mlipuko: Ahsante sana bwana spika kwa kunipatia nafasi hii pia nami nitoe mchango wangu katika hoja inayoendelea katika bunge. Kwanza ni pongezi kwa wale waliokuja na hoja kwamba tuweze kuwa na kamati ingine na ninaamini tumefanya hivyo ili kurahisisha kazi. Tuko hapa kutoa huduma na kufanya kazi ifike kwa kila mmoja wetu. Kama vile wezangu wamesema, kwa kweli mara nyingine tumepata nafasi lakini tumeitumia vibaya; watu wamejipenda wenyewe kuliko wengine. Lakini tukumbuke ya kwamba tuko hapa kwa kutoa huduma na huduma hiyo ifikie wale walitutumama tuwe hapa.

Mimi nataka niunge swala la kusema ya kwamba tuwe na upanuzi wa kamati lakini watakao pata nafasi hii ya kutumwa kule nje lazima wapate nafasi ya kuchunguza na kuona tuko hapa na sisi sote tuko sawa machoni pa mwenyekiti yeyote ambaye ako hapa. Mheshimiwa Spika, nataka niseme hivyo kwa sababu mjumbe wa Chepchoina amesema yeye ni wa kipekee ambaye hana kamati yoyote na mimi nataka nimueleze ya kwamba hata mimi niliwezwa kupigwa chenga lakini kama mkristo ninayeamini katika maandiko; ukiangalia katika kitabu cha Timotheo, Paulo anasema kuridhika kwa moja na kuteuliwa ni faida kubwa.

Mheshimiwa Spika, hakuna jambo linaweza faulu bila kumueka Mwenyezi Mungu mbele. Nimetaka kumkumbusha mwenzangu tu aridhike hata kama watapata nafasi na tena waende wakuwe na hiyo roho ya kujitakia, mimi nataka kumueleza mwenzangu aridhike maana tuko hapa kuwatetea wengine. Kwa hivyo mimi nataka tukubaliane ya kwamba tuwe na kamati zingine lakini tusiangalie kuna wengine walio bora kuliko wengine; sisi sote tuko sawa na tuko hapa kuwakilisha watu wa

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County ya Trans Nzoia. Kwa hivyo bwana Spika, mimi nakubaliana na wale wamekuja na hilo wazo-lakini liwe kwa manufaa ya watu wa Trans Nzoia; si manufaa ya kipekee. Ahsante sana bwana Spika.

Hon. Jamanour Simiyu: Point of information!

The Speaker (Hon. Werunga): Do you want to inform the House or the honorable member on the floor?

Hon. Jamanour Simiyu: The House, honorable speaker; I would like to inform honorable members concerning chairs; it is the honorable members who will elect the chair and I want to inform the House that they should not put their request for chairmanship in this House but the honorable members of those specific committees that will inform, who will be the chair. Thank you.

The Speaker (Hon. Werunga): Thank you for sharing that with the House. Indeed it is the membership of the committee that will elect the chair. So after the constitution of the membership, I think they will sit and come up with the chair and vice. I don't know, we are almost agreeing. Hon Birir?

Hon. Abraham Birir: Thank you Mr. Chair, at least today am happy because I have caught the speaker's eye unlike last time when we were here. Mr. Speaker, I stand to support this report on two grounds; looking at the recommendation Mr. Speaker, that the new format and binding to be done on the revised standing order Mr. Speaker. You understand Mr. speaker, the current Standing Orders that we have are too cumbersome and I also propose that the standing orders be bound; should be pocket size friendly and am sure Mr. speaker, no honorable member here has a standing order with him- not because they don't want to come with it, but it's because Mr. speaker it's too big if we walk around with it we will look like school kids; at least women have because they have the bags. Mr. Speaker secondly... *(interrupted)*

Hon. Ann Wanjiku: Point of order!

The Speaker (Hon. Werunga): On a point of order.

Hon. Ann Wanjiku: Mr. Speaker sir, I want to understand from the honorable member- which women?

Hon. Abraham Birir: Mr. Speaker, I think there is no day I have denied myself that am a man and so I ask the member Mr. Speaker, to accept their title: honorable women. Thank you speaker.

The Speaker (Hon. Werunga): I think maybe to guide you further there is what we call the parliamentary language and 'women' is not part of that language.

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Hon. Abraham Birir: Thank you Mr. Speaker. Secondly, looking at the composition of these committees, though we are working Mr. speaker, the first time when they were constituted I think they were hurriedly done; there was no consultation at all; honorable members were fixed in those committees out of their choice.

My point Mr. speaker is that these committees as they stand need harmonization. They need a total overhaul so that they start working and doing their mandates Mr. Speaker, because currently as they are, I think I am not happy at the progress of these committees Mr. speaker.

Lastly Mr. Speaker; as the Select Committee retreats to form the membership of these three committees Mr. speaker- though it is the work of the committee members, I would wish that all the chairs be honorable men because Mr. speaker am disappointed; recently the names were forwarded here which were less by one to make that 1/3 gender rule and all the honorable women In this House went numb; they never complained. So I think Mr. Speaker, let us men take over everything in this House Mr. speaker.

The Speaker (Hon. Werunga): Hon. Mwale then Hon. Ann who have the right to reply on the report.

Hon. Abraham Mwale: Thank you Mr. Speaker for giving me this opportunity. First Mr. speaker I would like to thank the Procedure and Rules Committee for constituting the mandates of the said committees- but Mr. speaker to some extent I pity some honorable ladies who are in this House; they are here Mr. Speaker but as you can see I was so shocked when I went to Kisumu when I found out some honorable ladies are representing more than 5 committees while others have one. So Mr. speaker as the Selection Committee goes out, let the whole of this thing be divided; let the honorable ladies be given their position and let it be shared equally; let no one have a committee as a vice chair while others have none. So Mr. Speaker, let the Committee of Selection go out there and do the harmonization so that these honorable ladies can have a space to chair.

Mr. Speaker I can also confirm that there are some people here who are chairs and at the same time they are the vice chairs. Mr. Speaker, my friend here from hospital ward is the chair for Welfare Committee and at the same time is the vice chair for PAC committee Mr. Speaker I don't see if that is in order.

Hon. Erick Wafula: Point of information!

The Speaker (Hon. Werunga): Are you informing the House or the honorable member?

Hon. Erick Wafula: the House, thank you Mr. Speaker. I wonder how honorable Mwale can stand here and lie; I am sure if the chairman of PAC is here we have not even done the selection of the vice chair- so maybe can he just withdraw; maybe he is wishing for me but the chairman of PAC is

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here I don't know if they did some selection somewhere and they decided to anoint me as their vice chair.

The Speaker (Hon. Werunga): I would like to request honorable Mwale to withdraw that statement about the vice chair of PAC.

Hon. Abraham Mwale: Mr. Speaker I withdraw but the honorable member from hospital ward won't get that position; so Mr. Speaker, the chairman of that PAC committee- let honorable Erick not be given that position; that position is reserved for ladies and that is a fact. So Mr. Speaker, as the selection committee is going out; let them not allocate themselves any positions in the two committees that are going to be constituted. Thank you Mr. Speaker.

The Speaker (Hon. Werunga): Thank you, I think Ann, for the point of reply as we wind up.

Hon. Ann Wanjiku: Okay thank you Mr. Speaker sir, I want to thank honorable members for contributing to this noble debate and especially for those who have supported the gender case. I still want to echo honorable Triko's sentiments that these three committees should be put aside for honorable ladies so that we fill out the 1/3 gender rule.

In the Liaison Committee we also request our chairperson Honorable Milkah to sit in the same committee so that our issues are properly presented. For the selection committee, you know very well that when the hyena wants to eat the young one it starts by telling it smells like a goat. You told us all the committees are the same but we understand they are not the same. So let every member have equal Sectoral committees and the standing committees come as a bonus. Thank you very much Mr. Speaker sir.

The Speaker (Hon. Werunga): Thank you, the report before the House we have debated on it.

(Puts the question- POSITIVED)

Further to this, I would like to direct that as it is recommended, the selection committee to retreat with PIC to constitute the membership of the three newly created committees. I would like the said committees to be joined by the speaker's panel so that we can be able to harmonize the membership and also look into other areas that some members are feeling dissatisfied so that when they table the final document I think it will be agreeable by each one of us and it will be very favorable to all of us and I think the selection committee I know the members are here I would like to have the document soonest.

The speaker's panel; you will go there to oversee what is happening so that we are able to clear all the issues relating to membership of all committees.

Next item in our order paper?

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REPORT OF GENDER, CULTURE, YOUTH, SPORTS AND TOURISM ON MAUMAU VETERAN ASSOCIATION- BY HONORABLE ABRAHAM MWALE

Hon. Abraham Mwale: Thank you very much Mr. Speaker, it is my pleasure to table a Report of Gender, Culture, Youth, Sports and Tourism Committee on MAUMAU Veteran Association at Pika Hotel in Kisumu.

Mr. Speaker sir, this is a Report of Culture, Youths, Sports, Gender and Tourism Committee. The committee held several meetings at the county assembly boardroom before retreating to write this report.

On behalf of the committee and pursuant to the provision of standing order 191 (59) (1) (b) of the county government act; It is my pleasure to present to this honorable House The Report of Culture, Youth, Gender and Tourism on MAUMAU Veterans Association.

Mr. Speaker as the document is voluminous, I don't think if am going to pass through the whole document but I will just go to the recommendation of the committee.

(Reads)

Now I call upon Mheshimiwa Trikoï to second.

Hon. Joseph Trikoï: thank you Mr. Speaker I stand to second.

Hon. Abraham Mwale: Thank you, I now table the report.

The Speaker (Hon. Werunga): I would like to confirm through this honorable House that I have received a Report on Gender, Youths, Culture, Sports and Tourism Committee on MAUMAU Veteran Association Delegation which was properly seconded and I therefore propose a question: THAT the said report be adopted by this House. Hon. Kisaka?

Hon. David Kisaka: Thank you Mr. Speaker, I would also like to support the report from the gender committee. But as earlier debated in this House before it was forwarded to the committee, I think most members of this House had already rejected the committee then found what members had said in the House; that the issue of MAUMAU has been addressed at the national level. So with that, for the sake of the honorable members, you should put a question and decide as early as possible.

The Speaker (Hon. Werunga): Hon. Birir?

Hon. Abraham Birir: Mr. Speaker, I just want to clarify something here to the honorable members.

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Honorable members, if we support this report it means that we are in agreement with the committee that we have no land for MAUMAU in Trans Nzoia. If we reject this report it means we have land somewhere to give the MAUMAU. It's as simple as that.

The Speaker (Hon. Werunga): Hon. Mokosu?

Hon. Lawrence Mokosu: Thank you Mr. Speaker sir for allowing me some time. I want to commend the committee for coming up with some other issues pertaining the MAUMAU. First of all Mr. Speaker, we should at least define what MAUMAU is. MAUMAU are the freedom fighters- that is acknowledged. At times I keep my things straight and my records clear. Mr. Speaker do you mind if I ask: from which area are freedom fighters; and where in the republic of Kenya?

It is very clear and it is very true Kenyans fought for independence and there are designated areas that they fought in collaboration or in relation to other Kenyans and that is why we have independence in this country. It is indeed acknowledged MAUMAU fought; they lost lives, they lost properties, and they lost wealth but where were they at that time; were they in Trans-Nzoia- Which is the question we should ask.

We should not mislead this House; we should not mislead our children and the generation to come. The history has to remain history. The way the bible is, it is true all of us are created in the image of God but from different mothers, locality and background. So Mr. Speaker I want to say that if this motion really goes through; our friends who are claiming that they fought terribly within Trans-Nzoia- then we are lying and one day we shall be judged harshly when we appear before the eyes of God- one day when we shall leave this world.

Mr. Speaker, my brothers; the constitution is very clear, it provides that every Kenyan has a right to live everywhere in the Republic of Kenya and the government of Kenya has a right to protect the life and property of those persons in the republic of Kenya. When it comes to compensation, the cases of our brothers of MAUMAU- their case was in London and they were told they will be shown their way to Mt. Kenya. These people fought and acknowledged that they went to London and their representative during that case was Hon. Mwiria and their case went through. I don't know what recognition they want again, yet international committees recognize them; they have been legalized, they are given compensation. I don't know what they want again. Mixing issues, bringing in hon. Wamalwa Kijana, Hon. Martin Sikukuu, my brother Chemonges, my brother Moses- it is also telling us that we are also freedom fighters (*laughter*) so let us go to records straight. Freedom fighters were there and those people died; those people roaming around that are freedom fighters in this republic could be common, they want to use this name of freedom fighters to distort money from the public; so that they take their papers and tell these people that: "*we are fighting for you; we shall get benefit tomorrow so join us*" and Mr. Speaker, I want to request you to reject this process. Thank you Mr. Speaker, I want

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to say this report should be rejected (*shouts from the crowds, no!.. no!.. it should be adopted!*) oh sorry so the report has rejected the MAUMAU, isn't it so- the report should be adopted(*laughter*)

The Speaker (Hon. Werunga): Hon. Mlipuko then Hon. Jeremiah.

Hon. Ben Mlipuko: Ahsante mheshimiwa Spika kwa kunipa nafasi pia kutoa mchango katika wale waliopigania uhuru; ambao wanajulikana kama MAUMAU.

Mhesimiwa Spika, kwanza nashukuru kamati kwa taarifa ambayo wameweza kuleta kwa hili bunge. Wameeleza vizuri sana na ukiangalia vile wameeleza, wamekubaliana na hoja ambayo ilikuwa hapa ya kuwa MAUMAU wana haki ya kuuliza chochote kutoka kwa serikali kuu si mambo ya serikali ya ugatuzi.

Na mheshimiwa Spika tulipokuwa hapa tukijadili tuligundua kuwa kuna watu wengi ambao walipigania uhuru. Sehemu hii tulikuwa na dini ya msambwa. Pale katika bonde la ufa kulikuwa na ndugu yetu Koitalel Arap Samoei. MAUMAU wakawa sehemu ya central...

Hon. Abraham Birir: Point of order Mr. Speaker - it is a point of information. Mr. Speaker, Koitalel Arap Samoei did not fight for independence he only resisted the coming in of the white man.

Hon. Ben Mlipuko: Asante Mhesimiwa. Spika kwa kuniunga mkono. Ni lugha tu kama vile unajua Kiswahili ni kigumu so mwenzangu imebidi aotee kidogo. Lakini tunakubaliana nawe – walipigania uhuru. Mhesimiwa Spika nilikuwa nasema hivi; ukiangalia kamati hii wameeleza vizuri kuomba kuwa kama wangepewa nafasi; wale walio omba haya maombi waweze kuketi na kuongeza watu wengine.

Ukiangalia nambari nne, wamesema kwamba kamati iende iketi na waongeze community zingine. Mhesimiwa Spika, kwangu mimi- hatuko hapa kuona kwamba wale hawakufanya kazi wamehusishwa mahali popote. Tuko hapa kutetea haki za mtu yeyote ambaye alifanyakazi.

Kwangu mimi naomba bunge hili kwa Pamoja tuitupilie mbali. (*Shouts- 'asante'*) Ahsante mheshimiwa Spika.

The Speaker (Hon. Werunga): Hon. Jeremiah ...

(*Interruption- Shout: 'point of information'*)

Is it point of information for this House?

TRANS-NZOIA COUNTY DEBATE

Hon. Joseph Trikoï: Allow me to inform this House that I was a member of this committee and the committee rejected. So if this House rejects ni kama hawakubaliani na kamati. Walikataa. Nataka niambie Nyumba hii; kamati ilikataa hiyo taarifa.

Hon. Jeremiah Wakhulia: Mr. Speaker it is unfortunate that I was not here when this motion was tabled. First and foremost I want to say that this report be adopted.

Mr. Speaker, I have been looking at the prayers of MAUMAU and like everybody knows Mr. Speaker; that the independence of this county did not come on a silver plate. People fought, people lost property, people also lost life. Mr. Speaker there is no way we can restore the lives that were lost through fighting for this country.

A lot of property was also lost and we cannot restore it. Mr. Speaker, people also lost the dignity. Our mothers those days lost their dignity by the immoral behaviours of the whites and we cannot restore that dignity. And therefore Mr. Speaker if we lost the piece of lands somewhere and if it was prosperous- wherever it was, we cannot find a way of restoring it elsewhere. Mr. Speaker, we fought for independence and when you fight for something there is always a price, a cost you pay. The ultimate price was that people lost whatever they lost but I don't see there was a loss because at the end of the day we gain because the independence that we were fighting for ultimately was achieved and if we achieved what we were looking for- we cannot ask to be compensated for achieving what we were looking for.

Mr. Speaker, independence was fought for at regional levels. Mr. speaker as you know, people in the western parts; the coast and rift valley- everywhere fought for independence and we know the MAUMAU was centralized and was concentrated in the central province; Mr. speaker that is the reason why in 1952, if I remember very well; am not a good historian, that Jomo Kenyatta was arrested as the leader of MAUMAU and Mr. Speaker Kenyans acknowledged that MAUMAU played a central role in the achieving of independence and what they did Mr. Speaker, the Kenyans collectively decided to reward the MAUMAU with presidency in 1963.

Therefore what other thing do you require if we gave to MAUMAU the presidency? Mr. Speaker without talking so much with emotions, if we went by the prayer of the MAUMAU; that they be represented in every county (and we hope every prayer has been presented in other counties that there will be a representative of MAUMAU in the 47 counties) what is that?

Mr. Speaker, let us be satisfied that having voted Mzee as the president, that was rewarding the MAUMAU and we gave him a lee way to take some pieces of land and give to the MAUMAU; You know the thousands of acres in Nakuru and if he decided to own it they should go to him and ask for it because already we gave them a piece of land. Mr. Speaker...

TRANS-NZOIA COUNTY DEBATE

Hon. Lawrence Mokosu: (*Point of order*) Mr. Speaker is it in order for the honourable member to mislead this House by saying Kenyatta was voted so the MAUMAU benefitted; is it in order, yet Kenyans by Kenyatta being jailed were not jailed because of one community- he was jailed because of all Kenyans. That is why we have I dependence. Is it in order for this man to mislead the House?

Hon. Jeremiah Wakhulia: I think he was jailed because of all Kenyans as he said but he was jailed because of being the leader of MAUMAU and we the other Kenyans therefore decided to say- yes this man who was arrested and jailed because of all Kenyans, we reward him with the presidency and that is what we did Mr. speaker. So am not misleading the House. So Mr. Speaker I pledge the House that we adopt the report.

The Speaker (Hon. Werunga): Thank you. Hon Kaburu?

Hon. Daniel Kaburu: Thank you Mr. Speaker, I also take this opportunity to join others in ensuring we adopt this report.

But there are some clarifications; I would wish that before we start discussing the reports, it is prudent that we let the members; it is good, first of all to indulge members to either reject or adopt the report because following the discussion that is going on in the House it appears that the members are not sure either to say ‘adopt’ or ‘reject’ the report. But as per the procedure, the committee has tabled the report before us and it is prudent to either say adopt or reject.

For this case for myself first of all I would like to say we adopt the report. Thereafter now we can tell the members to discuss as a way forward. Just to go to the bit of the same, I remember last time when this petition was brought to the House; we discussed this issue and we were on the verge of throwing out the petition- but just to refer, there were petitions in the committee and the committee has given its clear mandate and explained why they think the report shouldn’t be done at this county level. So it is an illegality in this House that issues that are supposed to be discussed by the national government again are being discussed at the county.

For me, we adopt the report and actually as we adopt it I know the whole issue is a National Government mandate and it should be referred to the National Assembly. Thank you Mr. Speaker.

The Speaker (Hon. Werunga): Thank you honourable House. I think we have had enough time to discuss the report that was tabled to us by the Gender Youths Culture, Sports and Tourism committee on how they turn the association’s petition. They had their recommendation which were clearly read to us, we have been able to go through all of them in our debate and I will therefore like to put the question.

TRANS-NZOIA COUNTY DEBATE

(Puts the question- POSITIVE)

Next item in the order paper.

MOTION

ESTABLISHMENT OF SPORTS CENTRE- BY HONOURABLE MWALE; SINYERERE WARD

Hon. Mwale: Thank you very much Mr. Speaker for giving me this opportunity. Mr. Speaker I now beg this honourable House to postpone this motion to tomorrow. I beg Mr. Speaker.

The Speaker (Hon. Werunga): What is before us is a Motion on Establishment of Sports Centre Academy, it is a motion.

Hon. Mwale: Maybe I think Mr. Speaker the one who typed this; it is not a notice of motion but the whole thing was a motion to be discussed. Now I beg the Honourable Speaker to do it next.

(Point of information)

Mr. Speaker sir, I remember when this motion was brought in, the Honourable Member was not in and it was postponed; so it is still a notice of motion. Thank you.

The Speaker (Hon. Werunga): All the same the mover of the notice or the motion- whichever the case has requested the House we drop it out for today. So as we retreat, the clerk's office should investigate from the committee minutes of House Business to establish whether his was supposed to be a motion or notice of motion; but I think it will still go back to the House Business Committee for time allocation. Next item in the order paper.

**HONOURABLE SPEAKER WE HAVE NO OTHER BUSINESS ON THE ORDER PAPER.
THANK YOU.**

The Speaker (Hon. Werunga): There being no any other business, this House is adjourned until tomorrow 9:30 am

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 18th April 2018

The House met at The Chamber,

County Assembly buildings- at 9.30am

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Thank you members for availing yourself. The coming week will be a busy one bearing in mind; we shall be having the devolution conference in Kakamega where dignitaries such as the Head of State, Deputy President, Cabinet Secretaries- whom we shall be able to dine with and have side talks. I know you are raring to go and as has been the culture, you have always dressed smartly for which I commend you. Tomorrow, we shall break for his Excellency the Governor who has invited you for public participation on the Bus Park and market at Kitale museum at 9.00 am- to update you on the project so that you can understand the procedure and tell the residents how they will benefit. I hope you will engage the governor on the exercise.

The Committee on Agriculture has been invited to attend to the Tea subsidy launch at Kapretwa tomorrow, while on April 20th 2018 it will be in Makutano ward for another function. The clerk to prepare for the same. That is the much.

Next item.

NOTICE OF MOTION

CONSTRUCTION OF POST-TRAUMA CENTRE- BY HON. ANN WANJIKU

Hon. Ann Wanjiku: Mr. Speaker, I beg to give Notice of the following Motion:

AWARE that every person has the right to freedom and security which includes the right not to be subjected to any form of violence from either public or private sources;

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FURTHER AWARE that international laws and instruments such as Convention of Elimination of all Forms of Discrimination Against Women (CEDAW), UN Resolution 1325 and 1820 deprecate violence against women as it impedes the advancement of women and maintains their subordinate status;

NOTING that Maputo Protocol of the rights of women which states that parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence;

DEEPLY CONCERNED that most survivors of Sexual and Gender Based Violence (SGBV) continue to lack post-trauma care due to lack of adequate facilities;

ACKNOWLEDGING that despite enactment of various laws addressing sexual and gender based violence such as Sexual Offence Act 2006, Witness Protection Act 2006, Female Genital Mutilation Act 2011, Victim Protection Act 2014, The Protection against Domestic Violence Act 2015, Sexual and Gender Based Violence Crimes continue to rise.

Accordingly by Resolution of this Honorable House, the County Executive should set aside funds to facilitate the construction of Post-Trauma Care facilities at all Sub-County Hospital and ensure existing ones are rehabilitated and equipped to offer temporary stay for survivors of Sexual and Gender Based Violence (GBV) survivors in Trans-Nzoia County.

Thank you Mr. Speaker sir, I ask hon. Daniel Kaburu to second.

Hon. Daniel Kaburu: I stand to second.

The Speaker (Hon. Werunga): I commit the Notice of Motion to the House Business Committee for time allocation. Next.

PUBLIC UTILITIES LAND- BY HON. ERICK WAFULA

Hon. Erick Wafula: Before I move, I want to express my displeasure over the timeline of notices of motion. The timeline is not taken into consideration. Last year, there were so many notices that were moved but up to now they have not been brought back.

The Speaker (Hon. Werunga): Go straight to the motion. We shall handle that.

Hon. Erick Wafula: Mr. Speaker sir,

AWARE that land grabbing is a reality within Trans-Nzoia County and elsewhere;

AND FURTHER AWARE that most of the land that has been grabbed may be that meant for public utilities;

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Mr. Speaker sir, it is important that this assembly and the general public be provided with an inventory of all land meant for public utilities in the county with their respective acreages.

Accordingly, I intend to move that by **Resolution** of this House; could the County Executive Committee Member for Lands, Housing and Physical Planning provide the Assembly with an inventory of all land reserved for public utilities including schools, ECD centers, markets, cattle dip, dams and so forth in the county- with their respective acreage and the measures undertaken to recover any grabbed or encroached public land.

Thank you Mr. Speaker sir, I ask Hon. Elkana Kagunda to second.

Hon. Elkana Kagunda: I second.

The Speaker (Hon. Werunga): The same to be taken to the House Business Committee for time allocation. Next.

MOTION

ESTABLISHMENT OF SPORTS ACADEMY- BY HON. ABRAHAM MWALE

The Speaker (Hon. Werunga): I have received authority that hon. Martin Jamanour moves the motion on behalf of hon. Abraham Mwale who is not around.

Hon. Martin Jamanour: Mr. Speaker, I beg to move the following motion:

AWARE that Trans-Nzoia County has thousands of youth who are multi-talented in sports ranging from athletics, football, basketball, volleyball, rugby and other activities including Arts and Culture;

FURTHER AWARE that many of these gifted youths end up wasted for lack of equipment, technical expertise and funding leading the youths to indulge in illicit, immoral and destructive habits.

Mr. Speaker, there is need for Trans-Nzoia County to enable our youths to compete effectively both at local and international levels. This will help to create employment and will heavily contribute to the county's economy and development.

Mr. speaker sir, it is for these that this Honorable Assembly should, by Resolution, require the County Executive Committee in charge of Sports, Youth, Arts and Culture; and Finance and Economic Planning to come up with a policy on the establishment of a Sports Academy Centre to nurture upcoming talents- one in every Sub-County and a scheme to fully support at least two soccer teams in every ward based on merit.

Thank you Mr. Speaker sir, I ask Hon. Bernard Wambwa to second.

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Hon. Bernard Wambwa: I second.

The Speaker (Hon. Werunga): The floor is now open.

Hon. Mercy Tanui: Thank you Mr. Speaker sir; I also want to thank the mover for the good motion. I want to give my small input. Since it is expensive to establish such centers, this would start with the county level before moving to sub- counties.

Hon. Lawrence Mokosu: It is God's wonder- the speaker's eye has me (*laughter*). The current generation is full of youths with different shapes, cultures and talents. There are those with big legs who can play football and those with small legs who can do athletics. Our youths travel to counties such as Uasin Gishu, Nandi and Elgeyo Marakwet to run and do trade there. The taxes remain there. It is high time we look for sponsors to open such centers. Our boys are disadvantaged. I commend the mover. My ward is hilly and conducive; I propose the centers begin from my ward.

Hon. Everline Chesari: I rise to support and thank the mover. Sports enhance talent, mental health and employment. Strong team work among the youths will stop them from activities such as drug taking. With 42 different cultures in the county, our youths will be able to make artifacts that will attract tourists and enable them to earn income in the long run. Thank you.

Hon. Beninah Khisa: Thank you. I also thank the mover. Trans-Nzoia is privileged to have the first athlete Ben Jepcho to have gone outside the country; he can bring friends to come and donate towards the academy. Sabaots can have curio- shops where items such as handcraft can be sold. I encourage this.

Hon. Joseph Triko: Thank you Mr. Speaker sir. First and foremost, I thank the mover. Trans- Nzoia has produced sportsmen and women such as Ben Jepcho as was said by Hon. Khisa and Peter Dawo, the former footballer. It is good practice to nurture God's talent. It is only fair to promote sports for revenue-building, tourists' attraction and investment. Eldoret has grown big because of investments done by athletes as well as Kisumu because of sports. We should also have recreational centers for people with disabilities. In Meru, the disabled emerged winners in the volleyball game. I do support that every ward has such centers like in Australia where we had Commonwealth games; Kiprop who was denied as a Kenyan moved to Uganda and successfully represented the country.

The Speaker (Hon. Werunga): These are allegations, you must speak the truth. You must be careful and this can lead us to trouble as a Legislative House.

Hon. Joseph Triko: I only wanted to bring it to your attention that those who find doors locked against them may find their way out elsewhere. The youths must co-exist so that they don't find themselves engaging in bad practices and politicians misusing them.

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Hon. Daniel Kaburu: Thank you and I thank the mover. An academy is a special institution for training and improving activities. Many youths who loiter around can exercise their talents there and be captured into resources to avoid unnecessary behavior such as drug-taking and alcoholism. We have different talents and the good ones can be established and supported to ensure each sub-county can own its own center. This is a noble idea. I thank the mover once again.

Hon. Ann Wanjiku: Thank you Mr. Speaker sir. I also thank the mover for this noble motion. We can start from Kenyatta stadium which is centrally placed and will require no payments. There is one at the Nakumatt Center for internet browsing. Most of our youths are idling around and turning violent. We should encourage them to become self-reliant and earn a living by involving them in drama festivals. The Honorable members are team players and they can shine up to the national levels. I support the Academy.

The Speaker (Hon. Werunga): *(puts the question- POSITIVE)*

With no more items, the House is hereby adjourned until 2:30p.m

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 18th April 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Hon. Jamanour in the Chair]

PRAYER

Speaker (Hon. Jamanour): Next item in the order paper?

COMMUNICATION FROM THE CHAIR

Speaker (Hon. Jamanour): Honorable members, welcome to this afternoon session. I just want to pass the message from the executive members of finance and economic planning; there will be a stakeholders' workshop that will be held on Friday and all members are actually requested to attend at west side hotel from 8am. Next item on the order paper.

PAPERS ON PROGRESS REPORT ON LANDS, HOUSING PHYSICAL PLANNING AND URBAN DEVELOPMENT COMMITTEE- BY CHAIRMAN; HON. ALFRED WASWA.

Hon. Everline Chesari: Thank you Mr. Speaker sir. Here is the progress report on Lands, Housing, Physical Planning and Urban Development Committee on devolution and eviction of people in Lavington estate -Kitale, presented to the Trans Nzoia County Assembly on 5th December 2017 by Hon. Obed Mahaga of Matisi ward.

The committee sat and discussed the matter with the CEC in the affected ministry. Mr. Speaker sir, the following are the members of the committee as constituted by this honorable House; and who are present:

- | | |
|--------------------------|------------|
| 1. Hon. Alfred Weswa | chair, |
| 2. Hon Everline Chesari | Vice chair |
| 3. Hon. Daniel Kaburu | member |
| 4. Hon. Benard Wambalaba | member |

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- | | |
|--------------------------|---------|
| 5. Hon. Margret Wanjala | member |
| 6. Hon. Eliud Musumba | member |
| 7. Hon. Peter Waswa | member |
| 8. Hon. Emmanuel Waswa | member |
| 9. Hon. Lawrence Mogusu | member |
| 10. Hon. Abraham Mwale | member |
| 11. Hon. Patrick Kisiero | member. |

The in attendance was:

1. Ms. Susan Nelima; CEC Lands, Housing, Physical Planning and Urban Development.
2. Ms. Lineka; Chief Officer.

The secretariat staff was:

- | | |
|----------------------|-------------------------|
| 1. Erick Omondi | Committee clerk, |
| 2. Abraham Walubengo | Senior clerk assistant, |
| 3. Johannes Satia | Hansard, |
| 4. Mathew Wanyama | SAA. |

Mandate of the committee

The Lands Committee referral of the secretariat committees understanding order 194, and is provided for under second schedule in the standing orders of the county assembly.

This is the committee mandated to deal with among other issues:

1. All matters related to statistics,
2. Land survey and mapping,
3. Boundaries and fencing,
4. Housing and electricity and
5. Energy regulation.

Mr. Speaker sir, following the decision of this honorable House on 5th December 2017 on the motion delivered to the county assembly by Hon. Obed Mahaga of Matisi ward; on the demolition, the committee has to revisit the site to establish and denounce, deliberate and compile a report to be re-tabled in the House.

The committee invited the County Executive Committee Member and the Chief Officer for Lands, Physical Planning Housing And Urban Development. The County Executive Committee Member for Lands, Housing And Urban Development Appeared before the Committee on various

TRANS-NZOIA COUNTY DEBATE

dates at the county assembly board room as stated below. The CEC came alongside the departmental Chief Officer and the County Surveyor.

Following the proceedings Mr. Speaker sir, the committee first sat on 20th December 2017 to clarify its course of action on the issue and agreed truth. Due to the Christmas holiday, the visit was not possible until 16th January 2018. The following were the findings of the committee on the visit to Lavington:

- 1) The residents' belongings were destroyed
- 2) The residents told the committee that they paid land rates to the county government
- 3) The residents said that there was no notice issued to them before the demolition
- 4) The residents claimed that the demolition was not fair because some prominent people who occupy the same land were not evicted.

The committee met at the assembly board room after the visit and invited the CECM for the department of lands, housing, physical planning and urban development to come and explain to the committee the department's role in the demolition.

The PSM appeared before the committee on 23rd January 2018, and asked to be given more time until 30th January 2018 to present a report. On 30th January 2018, the PSM came to the committee asking for further postponement. On the same day the committee resolved that the CECM compelled to appear before it on or before the 5th day of February 2018. The CECM appeared before the committee on 2nd February 2018 and made the following presentation to the committee:

The CECM; the Department's Committee mandate; and the legal provision in dealing with unapproved development as follows:

The constitution of Kenya 2010 article 42, 60/1, 62/1 physical planning act number 6 of the 1996 section 29, 30 and 33; Urban areas and cities act number 13 of 2013; The public health act chapter 242 section 117; The building code; the public land act number 6 of 2012 section 12 part 7; The CECM brought the following on the demolition of Lavington which is under block 7:

- 1) The land was in dispute between the residents and the department of agriculture
- 2) The Kitale integrated development plan extends to Lavington area and referral hospital is situated there.
- 3) A lateral letter expires in 30 days if payment is not done.
- 4) The department is concerned with development that is coming up without approval.
- 5) The CECM emphasized that Lavington is public land.
- 6) The CBCM noted that the matter is pending in court.

TRANS-NZOIA COUNTY DEBATE

The CECM made the following recommendations to the committee:

- 1) The committee supports the ongoing process to ensure proper implementation of the county physical development plan.
- 2) That the committee supports the department to get rid of illegal structures so that public health and order is maintained.
- 3) The department requests the committee to support and improve and initiate urban designed programs to ensure they come up with attractive neighborhood.
- 4) Lastly the department to ensure total compliance to the county roles as well as physical planning laws, policies, regulations and standards.

Mr. Speaker sir, the committee requests for more time to further interrogate the residents of Lavington after presentation by the CECM and officers from lands department so that it can come up with a final and comprehensive report. Thank you Mr. Speaker sir.

So I support the report and I ask Hon. Margaret Wanjala to second.

Hon. Margret Wanjala: Thank you Mr. Speaker sir, I stand here to second the report. Thank you.

Hon. Everline Chesari: Thank you, I stand to present the report.

Speaker (Hon. Jamanour): Thank you honorable members, the floor is open for discussion. If you look at the report, they are saying they want to be given more time. I just want to get some contribution from three members so that the members might get some details. Hon. Jeremiah?

Hon Jeremiah: Thank you Mr. Speaker. I also feel that the discussion on this report should be postponed because normally Mr. Speaker, we always write reports.

Get the observation of the committee and the recommendations of the committee; but what we have here Mr. Speaker is the recommendations of the CECM. And therefore these ones are not for the committee- so how can we discuss the recommendations of the CEC? Thank you Mr. Speaker.

Speaker (Hon. Jamanour): Thank you. So I think on the same line I asked members to give their contribution in this House. So that observation will be taken into consideration on this report. Mheshimiwa Obed?

Hon. Obed Mahaga: Thank you Mr. Speaker. I also want to give my contribution on this issue because it also affects my title Mr. Speaker. I think it is important for the committee to note that they should not give us the feedback from the CEC the way Hon. Jeremiah has said; we want the little investigation that they have done and as a member from that area, I also expected them to give us a de-

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TRANS-NZOIA COUNTY DEBATE

tailed report whether they also interrogated residents of that area; whether they investigated- if those people have got title deeds of those plots, (because as far as I am concerned, they have those documents) so that we can come up with a concrete document that we can adopt to this House. And I advise that they also liaise with me together with the committee that was created at the residential area so that they can come up with facts. That's all that I can say.

Speaker (Hon. Jamanour): Mheshimiwa Trikoi?

Hon. Trikoi: Thank you Mr. Speaker for giving me this chance again. Mr. Speaker, if you read this report, it is not clear and is very contradicting because the residents were evicted. If you see from the day they were evicted, they have been paying rent and land rates to the county government and they have documents and letters. But the report does not show anything about the documents about eviction.

With me honorable speaker, this report is too shallow and the committee should go back and redo this work again because other things have not been captured. They should not take this for granted. Because if you see the report from the CEC, she says that they are only concerned with the structures that adhere to the regulations but demolished these Houses and furthermore why did they fail to demolish the referral hospital which was there?

Secondly, they are saying this thing is pending in court. And if something is pending in court- who gave them power; and in whose power and authority were they using to evict the residents of Lavington?

Also Mr. Speaker, if we adopt this report or if we are going to discuss this report, we are not assisting the people of Lavington. My request to this House is that the committee should go back and redo the work and with CECM and they should be very active and very serious with the matter because we should not expose our residents to be evicted anyhowly because of misuse of power. Thank you.

Speaker (Hon. Jamanour): Mheshimiwa Kaburu?

Hon. Kaburu: Thank you Mr. Speaker sir. Being a member of this committee, I also arise to defend this committee. I think Mr. Speaker sir, members stood to discuss the report; they don't understand the procedures of getting official documents and investigation for an issue that touches land.

Mr. Speaker, if you look at what the committee went through, the first thing was that the committee was to visit the site just to see the overview and to see whether demolitions were there; thereafter as the committee we cannot use the 'escalators'. As the committee, we were straight to the department of lands- that is where we wanted to get all the certified documents of the owners of the land in

TRANS-NZOIA COUNTY DEBATE

terms of the title deeds, letters, and any other documents and that's why we invited the CEC to give us the detailed report concerning the place that was demolished.

Following that, we lacked information and surely those were 'escalators' in quotes that want to give us the ability and knowledge to give the recommendations we have. So Mr. Speaker sir, let us not discuss this report with malice, let us follow the procedure with where we can get the documents. I know we are honorable members and whenever there is an issue concerning land, it is not just an issue we are discussing and getting information from either Mheshimiwa Mwale- because he is not a beneficiary and I am very sure he is not part of the committee and even that committee we don't know truly if they are the owners of that land. So the only place we can get truth on the owners of that land is through the departments of land and we did it indeed and I am very sure honorable members will discuss this issue with a lot of knowledge knowing how we can go through the issue of land in this country.

So Mr. Speaker as the committee, if we are given more time, we still want to go back and after we have finished with the CEC we shall also go back and interview those affected; we shall also look at other documents and finally give a comprehensive report. Thank you Mr. Speaker sir.

Speaker (Hon. Jamanour): Thank you. Mheshimiwa Ann?

Hon. Ann: Thank you Mr. Speaker sir. I also want to raise some issues which I find contradicting in this report and the committee proceedings the second bit. The residents told the committee that they paid land rates to the county government. Maybe as part of the report they should show where receipts are and a list of people who paid. Because the CEC on the same note says a movement letter expires 30 days if payment is not done. So maybe the CEC should say who has paid and who has not paid.

And also the residents said they were not issued with any notice before the demolition. But the CEC did not say anything about the notice, the only notice that is said is the matter in court, but is it in court before the demolition or after the demolition?

Then lastly on recommendation, this committee is supporting the demolition of the Houses even though they heard from the residents that there was no notice issued. It's very good for us to get a clear thing on what is happening on the ground to know whether there was a notice issued or not; because you cannot support demolition- there have been other demolitions that have happened after and before this. So we want to know; does the committee support demolition in areas where notices are not issued? Thank you Mr. Speaker sir.

Speaker (Hon. Jamanour): Thank you hon. Members, considering this has been a progressive report and we cannot make any ruling now. Hence I give the committee more time as requested to

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TRANS-NZOIA COUNTY DEBATE

come up with a more comprehensive report but not only comprehensive but a more qualitative report so that it can give this House a more picture during discussion. Therefore I return back this report to the committee to bring back a comprehensive report. Next item on the order paper.

ADJOURNMENT OF THE HOUSE TO MAY WEDNESDAY 2ND 2018 AT 2.30PM- BY HON. PATRICK KISIERO MAJORITY LEADER.

Hon. Kisiero: thank you Mr. Speaker. Mr. Speaker I beg to move the following motion:

AWARE of the Governor's invitation for all members to public participation on Kitale Bus terminal and business center in Kitale tomorrow Thursday 19th of April 2018 at Kitale Museum;

FURTHER AWARE of the 5th devolution conference to take place in Kakamega from 23rd to 27th April 2018 and all honorable members are bound to attend.

Mr. Speaker, accordingly by resolution of this House, the county assembly should adjourn the sitting to Wednesday 2nd May 2018 at 2.30pm.

Thank you Mr. Speaker. I ask Hon. Rodgers to second. Thank you.

Hon. Rodgers: Thank you Mr. Speaker, I stand to second.

Speaker (Hon. Jamanour): Okay honorable members, as I can see the mood of the House, I now pose the question.

(Question-positive)

The House is adjourned until Wednesday 2nd May 2018 at 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 2nd May 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

The Speaker (Hon. Werunga): Next item on the order paper

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Members, welcome once more to this session after having good time in Kakamega Devolution Conference. You learnt a lot of things; we expect you came with a lot of input for our county. You know very well that we have received a letter from the Committee on Delegated Legislation from our senate that will pay a courtesy call in my office and will meet with the Committee of Delegated Legislation. So prepare tomorrow to learn a lot, they will be here tomorrow as from 2.30pm to 4pm. They will also be in our neighboring county; West Pokot in the morning then in the afternoon they will join us. They are going in all counties across the country. Next time may be you will travel to Nairobi to meet your colleagues from the senate. Next item.

PAPERS

PROPOSED SUPPLEMENTARY BUDGET ESTIMATES FY 2017/2018 FOR THE COUNTY EXECUTIVE GOVERNMENT AND COUNTY ASSEMBLY- BY HON. PATRICK KISIERO;
MAJORITY LEADER

Hon. Patrick Kisiero: Mr. Speaker, I stand to table the supplementary budget estimates FY 2017/2018 for County Executive and County Assembly.

(Tables)

Hon. Patrick Kisiero: And I beg Hon. Waswa to second.

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TRANS-NZOIA COUNTY DEBATE

Hon. Emmanuel Waswa: Thank you Mr. Speaker, I stand to second.

The Speaker (Hon. Werunga): I have received the supplementary budget and I commit this report to the Budget Committee and it has 14 days to work on it before its hearing. Next item?

BUDGET ESTIMATES FY 2018/2019, FOR COUNTY EXECUTIVE AND COUNTY ASSEMBLY- BY HON. PATRICK KISIERO; MAJORITY

Hon. Patrick Kisiero: I beg to table the budget estimates for financial year 2017/2018- or it's not the right document...it should be 2018/2019.

The Speaker (Hon. Werunga): Be sure if it's true it should be 2017-2018.

I want to differ; that it comes next when they are organized. Next item.

STATEMENTS

QUESTION NO 07/2018; QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON DISASTER MANAGEMENT- BY HON. ERIC WAFULA- HOSPITAL WARD

Hon. Erick Wafula: Mr. Speaker I stand to give a question:

Mr, Speaker Sir,

AWARE that the rainy season is here and flooding and other rain related disasters (including water-borne diseases) are likely to occur; could the relevant Executive Committee Member in Charge of Disaster Management provide this House with the following information:

1. The plans and measures put in place to counter and mitigate any such disasters should they arise?

Thank you Mr. Speaker, sir.

I request Hon Ann to second.

Hon. Ann Wanjiku: I stand to second.

(Laughter from members, shouting that: 'the question doesn't need secondment')

The Speaker (Hon. Werunga): Members, order! Order members!

At the beginning of this assembly all of us were new; we should allow everyone to learn- in the end we will have the best debaters. I want to direct the office of the clerk to reach to the office of the County Secretary at the governor's, bearing in mind time. Next item.

TRANS-NZOIA COUNTY DEBATE

BUDGET ESTIMATES FY 2018/2019 FOR COUNTY EXECUTIVE GOVERNMENT AND COUNTY ASSEMBLY; BY HON. PATRICK KISIERO- MAJORITY LEADER.

Hon. Patrick Kisiero: Thank you, I want to table the submission of budget estimates FY 2018/2019 for county executive government and county assembly budget estimates 2018/2019. And I ask Hon. Waswa to second.

Hon. Emmanuel Waswa: I stand to second the submission of budget 2018/2019. Thank you Mr. Speaker.

The Speaker (Hon. Werunga): Hon. Members, I want to commit this document to each sectoral committee for deliberation and submit a report within 21 days. The sectoral committees should be included; including the Public participation then it be tabled in this House.

Hon. Peter Waswa: Point of information; the number of days that you have committed for public participation are not enough, more time needed.

The Speaker (Hon. Werunga): The financial year is ending on 30th June and we have no time, we have to beat the deadline.

Committees should look at the report and enable it to be completed in time as I have communicated.

Hon. Lawrence Mokosu: At what level do we handle them; because they have come at the same time?

The Speaker (Hon. Werunga): One is supplementary and the other one the budget for the whole year. The office of the clerk will allocate each time to amend before it goes to the bigger committee. You will get information soon, because all is included. Next Item.

QUESTION NO. 08/2018 UNDER THE DEPARTMENTAL COMMITTEE FOR WATER, ENVIRONMENT AND NATURAL RESOURCES; BY HON. ERIC WAFULA- HOSPITAL WARD

Hon. Eric Wafula: Thank you Mr. Speaker for coming up to defend me against members, I beg to present my question:

Mr. Speaker Sir,

AWARE that there is a national campaign towards reforestation of the country as a measure to counter climate change, drought and other environmental hazards; could the Executive Committee Member for **Water, Environment and Natural Resources** provide this House with the following information:

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TRANS-NZOIA COUNTY DEBATE

1. The measures put in place to facilitate planting of trees within the county?
2. The county government's target areas and number of trees intended to be planted?

Thank you Mr. Speaker sir.

The Speaker (Hon. Werunga): Thank you, the office of the clerk will organize and get the report from the CECM; and please write a letter and tell them that we are serious in our work and soon we will invoke and they should come to our board room to explain- if they don't give answers it will be dangerous. Next item.

MOTION

CONSTRUCTION OF POST-TRAUMA CARE CENTERS- BY HON. ANN WANJIKU- NOMINATED MEMBER

Hon. Ann Wanjiku: Thank you Mr. Speaker, I beg to MOVE the following motion:

AWARE that every person has the right to freedom and security which includes the right not to be subjected to any form of violence from either public or private sources;

FURTHER AWARE that international laws and instruments such as convention of elimination of all forms of Discrimination Against Women (CEDAW); UN resolutions 1325 and 1820 deprecate violence against women as it impedes the advancement of women and maintains their subordinate status;

NOTING that Maputo protocol on the rights of women which states that parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence particularly sexual and verbal violence;

DEEPLY CONCERNED that most survivors of sexual and gender based violence (SGBV) continue to lack post-trauma care due to lack of adequate facilities;

ACKNOWLEDGING that despite enactment of various laws addressing Sexual and Gender-Based Violence such as the Sexual Offences Act 2016; Witness Protection Act 2006; Female Genital Mutilation Act 2011; Victim Protection Act 2014; The Protection Against Domestic Violence Act 2015; sexual and gender-based violence crimes continue to rise.

Accordingly, by RESOLUTION of this honourable House, the county Executive should set aside funds to facilitate the construction of post-trauma care facilities at all sub-county hospitals and ensure existing ones are rehabilitated and equipped to offer temporary stay for survivors of Sexual and Gender Based Violence (SGBV) survivors in Trans-Nzoia County.

Thank you, Mr. Speaker sir.

TRANS-NZOIA COUNTY DEBATE

I want to call Hon. Trikoi to second because gender violence involves even men who are beaten up by their women.

Hon. Joseph Trikoi: Thank you for allowing me to second, being nominated for gender top up. It's not only women but also men are beaten up by women and nowadays men don't want to go home early because they are subjected to trauma and many have *mipango wa kando* because of it. I support this motion, even some MCAs here- their ATM cards are manned by their wives.

Hon. Eric Wafula: Point of information! The honorable member should tell us; which member gives out his ATM to his wife?

Hon. Joseph Trikoi: Mr. Speaker, it's an example. We are also suffering; we should create some centers for all genders. Thank you Mr. Speaker sir.

The Speaker (Hon. Werunga): And the difficult time is when your ATM is taken and you are warned not to tell people. The floor is now open for debate; Yes Hon. Chesari?

Hon. Everlyne Chesari: Thank you Mr. Speaker, I stand to support; rape cases are on the increase and incest is also on the rise. Maybe when our daughters are impregnated by their fathers, they don't say but if there is a centre people will tell. If you look at our culture like in Sabaots who carry out FGM in secret, if there is this center they will tell.

There are also boys who are sodomised and if we have centers they will tell the story; and if we have centers in every ward and employ people, we will be creating jobs.

The Speaker (Hon. Werunga): Yes Hon. Mokosu?

Hon. Lawrence Mokosu: Thank you Mr. Speaker, indeed I support the centers to be created; we have men who undergo serious trauma. If you go to the hospitals, men have pressure and it's from women. Men have nothing to do because it's willing buyer and willing seller; men are subjected to pressure, they will be counseled and won't commit suicide. If you lose your culture- you have lost the identity. The cut carries a mark; it's like the passport and the identity card. Even my mum underwent a cut and my sister also but no one complained.

The Speaker (Hon. Werunga): Honorable member, are you aware that this country spent a lot of money to eradicate FGM and we have made some strides; be careful, Hansard is here and you can be arrested. Please withdraw that statement.

Hon. Lawrence Mokosu: Because of the Hansard, I withdraw the statement and I support the motion.

The Speaker (Hon. Werunga): Yes Cheshari, make clarity on the cut.

TRANS-NZOIA COUNTY DEBATE

Hon. Everlyne Cheshari: The wearer of the shoes knows where it pinches the most; most of men will look for *mpango wa kando*.

Hon. Rodgers Barasa: Thank you Mr. Speaker, I stand to support the motion; it's the right time for it. Hon. Members are suffering; we are being traumatized; there are women who are sending us pictures and we raised it with the SAA and now we don't know how far it has gone. We need to cancel because this woman sent pictures and asked me to give them a hug; Mr. Speaker that's why I'm speaking- because I am suffering, we have to be counseled.

The Speaker (Hon. Werunga): This motion is a serious matter.

Hon. Matthew Orang'o: I support and congratulate the member who brought the motion. From the information, I see members here need to be counseled; we need to address it because it's a country-wide issue and we need to put up a proper way of handling this problem.

If the center is put up we will be amazed by the number of people who will come. If they can have time to express themselves at the centre it will be good. We always think that women only are the ones who suffer and it's not true- men suffer too because they don't complain but women cry and shout.

People are outraged by their spouses, the issue of FGM-the country is fighting. My colleague who supported it was good, as Chesari said we go out but it's allowed in the bible that we have 7 wives.

Hon. Birir: Point of information! Is it clear that the hon. members refer to the bible?

The Speaker (Hon. Werunga): Members you should know that you need to give the verse that says that you withdraw

Hon. Orango: I have withdrawn it because I'm not the pastor. I go out and it's not because of FGM but because of enjoying it; if we don't, they complain. Women should not complain for them to have children- it's because of men; in Kenya we have a ratio of 47:53 men to women so i support that we have centers.

The Speaker (Hon. Werunga): Hon. Jeremiah?

Hon. Martin Jamanour: I stand to oppose this motion; I have gone through it but it's only supporting women. If you know no man is documented in this motion; if you go by 24 hour economy of the Kakamega conference- you can see how we men are suffering . I do reject it until men are included.

TRANS-NZOIA COUNTY DEBATE

Hon. Eric Musumba: I do second by supporting the mover, in my ward last weekend we buried two men; one molested by the wife for not providing food for the family and the other one I met with *nyumba kumi* going to the police because he had been beaten by his wife. When the men reach 30years, the libido goes down by 1%. We need post-trauma- so they will be counseled that if you grow the libido goes down.

The Speaker (Hon. Werunga): Are you sure? Or you are a Doctor? Yes Hon. Waswa.

Hon. Peter Waswa: Thank you Mr. Speaker, it's in our mind that if you are traumatized and it has caught the mover of the motion; and looking at the gender issue in terms of FGM, there is one person within this county who visited the doctor and asked if she can perform FGM to save her marriage.

Culture is dynamic and we can't say that its bad but the dynamism we require is that we can encourage our people to visit centers and change the whole system and create a new culture. I support the motion and the issue of polygamy should be encouraged; if we have many wives it will be good because one member said the wearer of the shoe knows where it pinches. So let's have many men to have many wives, thank you.

The Speaker (Hon. Werunga): The motion is not about monogamy or polygamy, because hon. Ann; the mover of the motion can be harassed for bringing polygamy motion and yet it's different. Hon. Waswa, you can have many wives; we have not said that you won't.

Hon. Jeremiah Wakhulia: Thank you Mr. Speaker. I want to begin by first admitting that I'm one of the men whose ATM is kept by my wife and I have nothing to complain about. If I have surrendered my heart to my wife; what's the ATM?

Hon. Abraham Birir: Point of order! Is the hon. member from Matumbei in order to incite our women against us?

Hon. Jeremiah Wakhulia: Mr. Speaker, if his wife was here as he talks- he must have been a victim of this. If we make jokes we cannot maximize the importance of this motion. Our fore fathers have suffered and it's not exclusively talking of women only. Because it's not only women who are suffering; if you go around the country, most of homes are with women only who perhaps killed their husbands. Most of the men married women not knowing that they are marrying murderers. Violence of women is mostly by other women. They pour water to other women because there is violence; there must be a source; like today, I listened to the radio in the morning and the presenter said that a man can speak on average 6000 words and a lady can speak 14000 words per day.

Let's start from home; not provoking to the extent of beating another one; you can be offended and walk away; they will say which man. The FGM to be prevented- in short I'm supportive of the motion.

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TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): We have done it beyond the stipulated time; I want to ask the mover to congratulate members for supporting the motion.

Hon. Ann Wanjiku: Thank you Mr. Speaker, I have been a victim of gender based violence and gender is about men and women. Men are also violated, thank you for your support.

The Speaker (Hon. Werunga): Thank you so much, and I want to put the question.

QUESTION PUT- POSITIVED

Next item.

MOTION

PUBLIC UTILITIES LAND- BY HON. ERIC WAFULA (HOSPITAL WARD)

Hon. Eric Wafula: Mr. Speaker sir,

AWARE that land grabbing is a reality within Trans Nzoia county and elsewhere;

AND FURTHER AWARE that most of the land that has been grabbed is meant for public utilities;

Mr. Speaker it is important that this Assembly and the general public be provided with an inventory of all land meant for public utilities in the County with their respective acreages.

Accordingly, I move that by resolution of this House; could the Executive Committee member for Lands, housing and physical planning provide the Assembly with an inventory of all land reserved for public utilities- including schools, ECD centers, Markets, cattle dips, livestock yards, dams, water catchment areas and so forth in the county with their respective acreage and the measures undertaken to recover any grabbed or encroached public land?

Thank you Mr. Speaker sir.

I ask Hon. Aliang'ana to second.

Hon. Bernard Aliang'ana: I stand to second.

The Speaker (Hon. Werunga): I want to invite you members to participate; the floor is open; you want the inventory of all public utilities- Hon Jamanour?

Hon. Martin Jamanour: Thank you Mr. Speaker. I take this opportunity to thank the learned friend from Hospital ward. I concur that the public land is now private land; while I was young, I re-

TRANS-NZOIA COUNTY DEBATE

member opposite the Veterinary, there was a cattle dip and now there are buildings. We want the inventory of all public utilities and the ones now in hands of the cartels.

Hon. Emmanuel Waswa: Point of order- is it in order that we can have the cattle dips in town and the town is not for animals?

Hon. Martin Jamanour: Under experience, that place is in Kwanza Constituency and you want to be the representative. You should be aware of it; this House should get the inventory of all public utilities.

The Speaker (Hon. Werunga): When you talk about land, some people are careful. Waswa, are you a beneficiary? We need an inventory, are you sure you know what you are talking?

Hon Beninah Khisa: I second the motion; if we call for the inventory of every public utility that you know; where does it come from?

The previous regime had ways to get plots; if you mind your brother who got and you want him to be moved and if you talk of cattle dips; where do you want them to move to?

But let us protect the land that is not grabbed; if we don't be careful we will not have land. Let us protect the one we have and not move people.

The Speaker (Hon. Werunga): Looking at the situation where we are heading, I want all members to participate. I want to differ with this motion till when people are not tired- I do differ. Next Item.

ADJOURNMENT FOR LONG RECESS BY HON. EMMANUEL WASWA-MINORITY LEADER

Hon. Emmanuel Waswa: I beg to move the following motion:

AWARE of the visit of the senate Sessional delegated legislation to Hon. Speaker and the delegated Committee members tomorrow Thursday the 3rd of May, 2018 at the County Assembly;

FURTHER AWARE of the Trans Nzoia county Assembly which provides for long recess between 4th may, to Monday 5th June, 2018;

Mr. Speaker Sir,

Accordingly by resolution of this House, the County Assembly should adjourn the sittings to Tuesday 5th June 2018 at 2:30pm.

Thank you Mr. Speaker sir, and I beg Hon. Wambwa to second.

TRANS-NZOIA COUNTY DEBATE

Hon. Bernard Wambwa: I hereby second.

The Speaker (Hon. Werunga): The floor is open, you can debate.

Hon. Eric Wafula: Ahsante sana Bw Spika, ningependa kutofautiana; nimeshtuka eti hili ju-ma niende nyumbani hadi mwezi wa sita. Nilipitia kwa mwenye kutupea *payslip* na nilishtuka. Mimi nimekuja kwa niaba ya Hospital; tuliunda kalenda na inafaa kutusaidia sisi. Mimi siko tayari kuenda nyumbani kwa sababu sitapata pesa.

The Speaker (Hon. Werunga): Money is not important; your extension here should not be about money.

Hon. Eric Wafula: Mimi nikitoka hapa napitia kwenye benki. Naomba tubadilishe kidogo; tu-pewe wiki moja. Hata tuko na *supplimentary budget* na ninajua utatuita. Naweza enda Dubai na si-tarudi tena. Kama ingewezekana utupee muda tuweze kuchangia.

Katika Hospital ward barabara hazipitiki na wazazi wanataka *bursary*: sijui nitawaambia nini. Na ni-kiwaambia niko *holiday* hawatafurahia. Huku kuvunja mimi sikubaliani nakwo.

Hon. Patrick Kisiero: Nakubaliana na *Minority* kwamba tuende *recess* kwa sababu huu ni wakati ya watoto kuenda shule. *Committees* zitaendelea na kazi.

Yale mheshimiwa Eric alisema- eti barabara ni mbaya, anaweza tafuta anaye husika nayo. Kuenda nyumbani sio kukaa; hata unaweza enda kuweka mahindi mbolea na pia tunaenda kuunda bajeti. Pia unaweza kuwaelimisha.

Hon. Ben Mlipuko: Nakubalina na Mheshimiwa Waswa kwamba tuahirishe vikao vya bunge ili tukutane na waliotutuma hapa. Tuwaeleze tumepitisha miswada mingapi; na ni sisi tuliweza kutoa mipangilio na tukasema wakati ukifika tutaenda. Kwa ufupi, nakubaliana bunge liahirishwe.

The Speaker (Hon. Werunga): Aliang'ana?

Hon. Bernard Aliang'ana: Nachukua nafasi hii kuunga *minority* ili tuende kupumzika. Naun-ga mheshimiwa Eric; anaishi mjini na sisi tunaotoka mbali- hata mimi, nalaumiwa kwa sababu ya barabara. Nitawachukua na kuwapeleka kwa *engineer*.

Hon. Ann Wanjiku: I support Hon. Waswa; attached is- it's the calendar and Hon. Wafula should keep his copy and also there is a disclaimer that says we can be recalled.

Hon. Jeremiah Wakhulia: The house is governed by rules. We don't go for recess because we have children but because the calendar stipulates so.

TRANS-NZOIA COUNTY DEBATE

Hon. Benard Aliang'ana: Nilikuwa mmoja wa assembly because naendesha gari *expensive*. Hatujasota. Watu wako kwa *gallery* wanasikia na kama wewe uliishiwa ungesema.

Hon. Jeremiah wakhulia: Here we are discussing the recess and what I was saying is not the quality of pay slip but it's time to go. They said we are going to be with the electors, and people think that some areas have gotten bursary and spending here one more day will not bring the bursary. It's not Hon. Waswa who proposed it- it's by the law. It is our calendar and we have to stick to it.

The Speaker (Hon. Werunga): I am prayerful that you have the answer; you have a lot of work. You are aware pursuant to our S.Os of the county assembly, we approved the calendar bearing in mind what we passed. We will have time to do other things as per the calendar. The house is adjourned till June.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS- NZOIA

THE HANSARD

Second House- Second Session

(Special sitting of the County Assembly convened via

Kenya Gazette Notice 4538 of 17th May 2018)

Thursday, 17th May 2018

The House met at The County Assembly Chamber;

County Assembly buildings at 9.30am

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Honourable members I want to welcome you for today's special sitting and it's legally constituted via the gazette notice 4538, no. 17 of 2012.

PAPERS

REPORT OF COUNTY BUDGET AND APPROPRIATION COMMITTEE ON PROPOSED
SUPPLEMENTARY BUDGET FOR COUNTY GOVERNMENT OF TRANS-NZOIA FOR FY
2017/2018- BY HON. DAVID KISAKA.

The Speaker (Hon. Werunga): If Hon. Kisaka is not around, can we have the vice Chairperson, *atusomee sisi*?

Hon. Milkah Sugut: Thank you Mr. Speaker sir; this is the report (*reads*)

REPORT OF COUNTY BUDGET AND APPROPRIATION COMMITTEE ON PROPOSED SUPPLEMENTARY BUDGET FOR COUNTY GOVERNMENT OF TRANS NZOIA FOR THE FY 2017/2018.

1. INTRODUCTION:

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

This is the report of the County Budget and Appropriation Committee on the Proposed Supplementary Budget for County Government of Trans Nzoia (Executive) for FY 2017/2018; following its sittings at Sunset Hotel Kisumu between **8th and 13th May, 2018**.

Mr. Speaker Sir,

The following are Budget and Appropriation Committee members who attended the sittings between **7th May 2018** at the County Assembly Boardroom and **8th to 13th May, 2018** at Sunset Hotel Kisumu.

1. HON. DAVID KISAKA	CHAIRPERSON
2. HON. MILCAH SUGUT	VICE CHAIRPERSON
3. HON. DAVID KABOLOMAN	MEMBER
4. HON. BEN WANJALA	MEMBER
5. HON. EMMANUEL WASWA	MEMBER
6. HON. MARGARET WANJALA	MEMBER
7. HON. MARTIN SIMIYU	MEMBER
8. HON. PATRICK KISIERO	MEMBER
9. HON. STEPHEN KURU	MEMBER
10. HON. ALFRED WESWA	MEMBER
11. HON. SIMON MAKHANU	MEMBER

THE SECRETARIAT

Mr. Speaker Sir,

The following were the secretariat team who aided in compiling the report;

1. AINEA INDAKWA ----- CLERK TO THE COUNTY ASSEMBLY
2. COLLETA KISIKA-----D/CLERK
3. MOSES LUPAO----- PRINCIPAL FINANCE OFFICER
4. DENNIS PANYAKO----- BUDGET OFFICER

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5. MOSES WANYONYI-----SENIOR FINANCE OFFICER
6. ABRAHAM WALUBENGO-----SENIOR CLERK ASSISTANT
7. JULIET BII----- COMMITTEE CLERK
8. NICHOLAS NANDASABA -----SERGEANT-AT-ARMS
9. LEONARD WAMBALABA-----HANSARD REPORTER

IN ATTENDANCE

Mr. Speaker Sir,

The following were in attendance:

1. MRS. DINAH MAKOKHA-----HEAD OF BUDGET (EXECUTIVE)
2. MR. IBRAHIM MILIMO.....BUDGET OFFICER(EXECUTIVE)

1. THE MANDATE OF THE COMMITTEE

Mr. Speaker Sir,

The **County Budget and Appropriation Committee** is a Creature of **Standing Order 187**. The Committee is mandated to:-

- a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget;*
- b) Discuss and review the estimates and make recommendations to the County Assembly;*
- c) Examine the County Budget policy Statement presented to the County Assembly;*
- d) Examine Bills related to national(sic)County budget, including Appropriation Bills; and*
- e) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.*

2. AGENDA

Mr. Speaker Sir,

TRANS-NZOIA COUNTY DEBATE

Pursuant to the above mandate, the Committee's agenda was to examine the **Proposed Trans Nzoia County Supplementary Budget for Financial Year 2017/2018** and propose amendments thereof for subsequent consideration, debate and adoption by the plenary.

3. THE TRANS NZOIA COUNTY PROPOSED SUPPLEMENTARY BUDGET FOR FY 2017/2018

Mr. Speaker Sir,

The budget committee deliberated and observed as follows:

That;

1. The Supplementary Budget 2017/18 was necessitated by anticipation in the shortfall in local revenue collection. Thus the main changes in the development Expenditure are due to the ksh. 200m shortfall in the local revenue collection.
2. The general increase in the recurrent expenditure is due to the need to include the Ward Specific activities in recurrent e.g. Cultural Activities, Bursaries, Fertilizer Cost Reduction Subsidy, Strategic Plan, and Operationalisation of County Roads Maintenance.
3. The County's pending bills due to delayed disbursement of funds from the National Treasury have adversely impacted on the pace of implementation of County Projects; this particular supplementary budget for Financial Year 2017/18 is intended to clear the impending backlog of pending bills.
4. The initial County Allocation Bill 2017 taken to the senate had not categorized the Ksh. 186,745,455 into various grants in departments which they relate. Later on, the County Allocation of Revenue Act, 2017 categorized the grants as follows;

- ❖ Transforming Health for Universal Health Systems Project (Health)
- ❖ National Agricultural and Rural Inclusive Growth Project (Agriculture, Livestock)
- ❖ DANIDA(Health)

Mr. Speaker Sir,

The summary of the proposed Supplementary budget is highlighted below;

REVENUE

SOURCE	Ksh.	Ksh.	%
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TRANS-NZOIA COUNTY DEBATE

CRA Allocation	5,647,400,000	5,647,400,000	85.2
Local Sources	600,000,000	400,000,000	6.0
Loans & Grants;	186,745,455		0.0
ii. Universal care project		113,923,776	1.7
iii. Agricultural growth project		50,000,000	0.8
iv. DANIDA		22,821,679	0.3
ii. User Fees – Health	21,304,915	21,304,915	0.3
iii. World Bank- KDSP	43,386,482	43,386,482	0.7
iv. Kenya Urban Support Programme		20,000,000	0.3
Youth polytechnics devt	39,109,877	39,109,877	0.6
Free Maternal Health care	67,908,400		0.0
Road Maintenance Fuel Levy	217,278,809	217,278,809	3.3
Unspent Balance C/F	-	53,302,682.00	0.8
Total Income	6,823,133,938	6,628,528,220	100.0

EXPENDITURE

	Ksh.		%
RECURRENT	4,429,651,448	4,632,197,963	69.9
Personnel	2,266,262,414	2,312,482,714	34.9
Operations & Maintenance	2,163,389,034	2,319,715,249	35.0
Development	2,393,482,490	1,996,330,257	30.1
Total Expenditure	6,823,133,938	6,628,528,220	100

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

The summarized departmental expenditures are as below;

RECURRENT

	PERSONNEL	OPERATIONS & MAINTENANCE	TOTAL	%
AG.,LIV.,F. & CO-OP	162,982,246	132,410,000	295,392,246	6.4
EC. PL,C & Ind.	24,991,034	36,710,000	61,701,034	1.3
WTR,ENV & NARE	34,358,298	38,210,000	72,568,298	1.6
PUBLIC WORKS,INFR	67,445,308	275,710,000	343,155,308	7.4
HEALTH	1,072,223,712	498,500,370	1,570,724,082	33.9
LANDS	22,238,240	72,710,000	94,948,240	2.0
GNDR,YTH,CLTR	16,629,643	123,160,000	139,789,643	3.0
EDUC. & ICT	214,880,613	185,410,000	400,290,613	8.6
GVN, PSM/SB	246,698,369	136,866,482	383,564,851	8.3
CPSB	5,000,000	28,000,000	33,000,000	0.7
FINANCE	159,731,898	546,879,325	706,611,223	15.3
ASSEMBLY	285,303,353	245,149,072	530,452,425	11.5
TOTAL	2,312,482,714	2,319,715,249	4,632,197,963	100

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TRANS-NZOIA COUNTY DEBATE

DEVELOPMENT	AMOUNT	%
AG.,LIV.,F. & CO-OP	109,361,849	5.5
EC. PL,C & Ind.	79,953,686	4.0
WTR,ENV & NARE	188,397,053	9.4
PUBLIC WORKS,INFR	565,978,809	28.4
HEALTH	592,394,773	29.7
LANDS	78,203,502	3.9
GNDR,YTH,CLTR	78,207,863	3.9
EDUC. & ICT	154,509,877	7.7
GVN & PSM	27,841,250	1.4
CPSB	18,000,000	0.9
FINANCE	29,495,051	1.5
ASSEMBLY	73,986,544	3.7
TOTAL	1,996,330,257	100

Mr. Speaker Sir,

The following items were introduced in various departments;

1. PUBLIC WORKS, TRANSPORT AND INFRASTRUCTURE

Mr. Speaker Sir,

There was a new proposed item on culverts of Ksh 7,500,000; this Mr. Speaker was to cater for pending bills in the sector.

2. LAND, HOUSING AND PHYSICAL PLANNING

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

There was an introduction of Master Plan for Prison and Railway Land of Ksh. 10,000,000 to cater for preparation of master plan.

3. ECONOMIC PLANNING, COMMERCE AND INDUSTRY

Mr. Speaker Sir,

The approved budget for the item on Trade Fair and Exhibitions was Ksh. 7,000,000; however the same was increased to kshs.20, 751,000 to cater for pending bills on investor's forum Chamber of commerce. The committee also noted a new proposed item on maize milling plant (feasibility) of Ksh 10,000,000 to cater for pending bills for feasibility study ICDC.

4. AGRICULTURE, LIVESTOCK AND FISHERIES

Mr. Speaker Sir,

There was an introduction of Ksh. 5,000,000 as counter funding for ASDSP project.

6. GENDER, YOUTHS, SPORTS, CULTURE AND TOURISM

Mr. Speaker Sir,

Construction of Rehabilitation center for ksh.6, 000,000 to cater for pending bills.

8. FINANCE AND ECONOMIC PLANNING

Mr. Speaker Sir,

CIDP Development of ksh.10, 000,000 which is an ongoing project reallocated from Trade, Commerce and Industry Department.

Financial Services Improvement System of ksh. 10,000,000 for Monitoring, Evaluation and Continuous improvement of finance activities.

10. GOVERNANCE AND PUBLIC SERVICE MANAGEMENT

Mr. Speaker Sir,

Renovation of the Deputy Governor's residence for ksh. 6,500,000

11. COUNTY ASSEMBLY

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

The following items were increased or reduced as follows;

Transport allowance to be increased by Ksh. 1,500,000 to make Ksh. 20,473,440.

Members' welfare and benevolent to be reduced by Ksh. 1, 500,000 to make Ksh. 500,000 (the reduction was added to transport allowance).

Motor vehicle's insurance to be reduced by Ksh. 300,000 to make Ksh. 1,700,000 (the reduction to be added to motor vehicle maintenance expenses).

Maintenance expenses -Motor vehicle was increased by Ksh. 300,000 to make ksh. 1,800,000.

RECOMMENDATIONS

Mr. Speaker Sir,

The following are the committee's recommendations;

1. The Powers and Privileges Committee to investigate Hon. Abraham Birir for sneaking out Budget and Appropriation Committee's documents and posting/discussing them on social media even before the committee deliberates on them.
2. CASB to move with speed and ensure that the Assembly has ownership of its assets
3. Welfare committee to come up with regulations for an item on the budget "Members Welfare and Benevolent"

COMMITTEE RESOLUTION

Mr. Speaker Sir,

The committee resolved that the County government should set aside Ksh. 25,000,000, for county Assembly to cater for infrastructural developments.

Dated at Kitale this day of MAY 2018

NAME	DESIGNATION	SIGN
1. HON. DAVID KISAKA	CHAIRPERSON	

TRANS-NZOIA COUNTY DEBATE

2. HON. MILCAH SUGUT	V/CHAIRPERSON
3. HON. DAVID KABOLOMAN	MEMBER
4. HON. ALFRED WESWA	MEMBER
5. HON. SIMON MAKHANU	MEMBER
6. HON. BEN WANJALA	MEMBER
7. HON. MARGARET WANJALA	MEMBER
8. HON. STEPHEN KURU	MEMBER
9. HON. PATRICK KISIERO	MEMBER
10. HON. EMMANUEL WASWA	MEMBER
11. HON. MARTIN SIMIYU	MEMBER

Hon. Emmanuel Waswa: Mr. Speaker I signed the original copy.

Hon. Milkah Sugut: Mr. Speaker we have the original copy which everyone signed and the chair had the original but came late. I want to table this report...

(Shouts from members)

Can you Mr. Speaker protect me?

Before me is the report and I ask my chair to second.

Hon. David Kisaka: I stand to second the report as read by my able vice chair as the original document.

Hon. Milkah Sugut: I request to table. *(Tables)*

The Speaker (Hon. Werunga): Thank you very much, for the first time you have seen this House doing a great job *(clapping)* and since members are here there's no cause for alarm. It is the appropriate time to support.

TRANS-NZOIA COUNTY DEBATE

Hon. David Kisaka: Once we approve the appropriate budget, we table the appropriation bill so as to enable the executive to spend the money in the assembly. Therein is the authority for the executive to spend the money and I tabled.

The Speaker (Hon. Werunga): It is just clear under SO 179, subsection ii (*reads*). We may proceed and the floor is open. Yes hon. Kisiero?

Hon. Patrick Kisiero: Thank you Mr. Speaker, first I congratulate the chair and the Budget Committee members and I will go to recommendation number 2: ‘CASB to move with speed and ensure that the assembly has ownership of its assets’; it is true when we were in Kisumu as the assembly, we discussed that we don’t have our documents and our assets are managed by the executive. One day the governor will wake up and chase us from here. We should have our title and Mr. Speaker I support the report.

The Speaker (Hon. Werunga): Yes Hon. Erick?

Hon. Erick Wafula: Mr. Speaker am not ready, am still going through the document.

The Speaker (Hon. Werunga): I thought you wanted to say something. Yes Hon. Wambwa?

Hon. Bernard Wambwa: Thank you Mr. Speaker, I congratulate the committee for the work well done. My issue is on deputy governor. I have never known that the deputy governor has a residence- but I support this report, thank you.

The Speaker (Hon. Werunga): They have told us, they want to renovate; meaning it is there. Yes Hon. Birir?

Hon. Abraham Birir: Thank you Mr. Speaker, Mr. Speaker I will not commend the budget member for coming up with this recommendation number one. This supplementary has delayed and you know we come from different wards and our mandate is to represent, legislate and oversight; we come from areas where roads are in pathetic states and in the supplementary budget 100 million is meant for county roads and they have spent 5million. Let them do all county roads.

Inside this there was 100 million for ECDE and they were to build two classrooms per ward; the money has been reduced to 50 million which means one classroom per ward and sometimes when I look at this I see it is just a mere paper work. Look at the budget and at the end of the year the treasury has realised 100 percent allocation and if you look at the ground there is no development. I want to request the implementation committee to look deeply into it.

TRANS-NZOIA COUNTY DEBATE

There has been money for *bodaboda* shade and it is not completed- we see national disbursement to be 100 percent released. My name is mentioned here and is here to oversight. The problem is how they brought my name here and what I shared on the social media was about the main budget.

Hon. Emmanuel Waswa: Point of Order Mr. Speaker! Is it in order for the honourable member to say he came here to oversight other committees and he is not a member of Budget Committee?

The Speaker (Hon. Werunga): Being called is not that you are guilty but you can express yourself. You took the oath because what you shared can make many people to come and protest before it is implemented. You released a document that was not ready for the public. There is no harm and you can make other committees to do the same. Sharing or not sharing should not be followed; every committee has to make its report and table otherwise it is not true. This document you did in Kisumu and we have it. It will be interesting when you talk that you are not in support of this report. We have to support so that we allow them to spend.

Hon. Abraham Birir: On a point of order; this is a supplementary and what I shared was on the coming budget and am ready to face any committee when called upon- and is the Budget Committee in order to bring my name here? Because where I should come in is the main budget and not supplementary. And as I conclude, I support this document.

Hon. Erick Wafula: Point of information Mr. Speaker! Is it in order that Hon. Orango sits where the Sergeant-at-Arm sits and he is not a Sergeant at Arm?

The Speaker (Hon. Werunga): Thank you. The speaker is always blind unless reminded (*laughter*) can Hon. Orango sit at an appropriate point- and if you want to be a sergeant at arm you have to apply and one requirement is that you must have worked with the disciplined forces; unless you have worked with *chinkororo*

(Laughter)

(Hon. Orango leaves the sergeant-at-arms' chair and walks to the members' chair).

Hon. Emmanuel Orango: It is good Mr. Speaker to make the House awake. I am concerned about this document; in this House as my colleague from Chepsiro ward said, when we do financial budget we want them to reflect and nothing is tangible on the ground. Renovation of the deputy governor's residence is worrying because 6million is a lot of money. I have never ever heard of that residence. What I have heard of is the governor's and speaker's residences. Thank you Mr. Speaker

Hon. Emmanuel Waswa: If he doesn't know, the residence of the deputy governor is opposite the speaker's residence.

TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): Through Sarah Serem's circular, it states that each of them should have a residence and the deputy governor is my neighbour and one day you have to make a visit. Yes Orango?

Hon. Emmanuel Orango: My worry is not the residence but 6 million is much, it can make another home so all of us will go and do a follow up because it is the public which will feel the pinch.

The issue of wards; we were given two ECDEs per ward. You have reduced by one and will be unable to meet our targets and in the health sector I think the committee didn't say much about our sub county hospitals where our people normally go. Let us oversight the executive on expenditure of our money. Thank you Mr Speaker I support the report.

The Speaker (Hon. Werunga): Yes Mokosu, now that you are very calm- do you have something to say?

(Laughter)

Hon. Lawrence Mokosu: Why are you accusing me Mr. Speaker ... I want to commend the committee and I never believed when hon. Milkah stood; we wondered if she will make it. *(To hon. Sugut)* Indeed you are a leader and not only nominated.

On page 3 no.3; the county pending bills- it is because of the delay of realising funds. What we have to address is not specific wards but this supplementary is not clear over the pending bills. Currently, we have no development in our wards; people are not paid, contractors are not paid and next year we don't want to hear something like pending bills. It is now one year and we have not done anything. Come 2022 everybody will be cleared and here we have put our differences aside to work together.

My issue is the renovation of the deputy governor's residence. Some items like master plans and railways; we have issues in our wards like bursaries and the issue of master plan of railways and prisons is still with the national government and we cannot plan for what we don't have.

All issues touching on ward specifics should be fast tracked otherwise this is just a paper work. Before we pass this supplementary, anything to do with ward specifics should be implemented. Thank you, I support the report.

The Speaker (Hon. Werunga): Yes honourable Weswa?

Hon. Alfred Weswa: I want to echo our able vice chair; male members tend to believe that female members cannot do, but they can.

TRANS-NZOIA COUNTY DEBATE

As the chair of planning, every time we talk of decongestion of our town; and we can decongest by coming up with 500 stalls in railway.

I support the 10 million. If the national government wants to give us land, we shall be ready like yesterday so that we can expand our town. Here in assembly, we had a budget of 45 million for development but if you look at now, it is almost 70 million and the county assembly should finish the perimeter wall and the packing and also the assembly centre should be renovated.

I also support the milling fund because our maize farmers have been exploited; it is high time that we come up with our millers.

As per the Commission on Revenue Allocation, the official residences should be there and they were formally houses for the municipality and need renovation; let our leaders enjoy those benefits. The deputy governor's house is housed on two acres and there are benefits attached to the house. I support that.

Since Mr. Speaker you have one vehicle for your office, the maintenance money allocated to it is okay. I do support the report.

The Speaker (Hon. Werunga): I have to allow everyone to contribute since I came from the holy land. Yes Hon. Beninah Khisa?

Hon. Beninah Khisa: Thank you Mr. Speaker, I stand to support this supplementary report.

For the items which were allocated money, I see this committee was keen especially on the milling plan; we need it so that our maize can help people to get dues from it.

I support the renovation of the deputy governor's house so as to be beautiful and also make Trans-Nzoia beautiful.

I echo sentiments that honourable women can do anything that honourable men can do because I saw honourable Mokosu was wondering and I wonder because I was not wondering myself. Females can do better inside and outside because people may look like they are on the failure but indeed they are succeeding.

Jumping to the media can be suicidal and I believe we can be better than those who left this house. We have to work and not to assassinate other characters. Thank you and I support.

The Speaker (Hon. Werunga): Yes the neighbour to Erick, hon. Ann?

TRANS-NZOIA COUNTY DEBATE

Hon. Ann Wanjiku: Thank you Mr. Speaker, I am not Hon. Erick's neighbour and I stand to support. I am worried that hon. Mokosu was surprised and I am hon. Mokosu's vice chair (*laughter*).

We have delayed the supplementary budget; it needs to have come in the middle of the year. My concern is item 2 page 6; master plan. We are yet to get the land and this one should have come on the main budget.

On construction of rehabilitation centres, it will help our street children and that one I completely support.

On our county assembly benevolent, it is special on members' welfare and the amount has been reduced; that one is not okay. We should also look at the assembly; the Water committee did not go to NZOWASCO because of shortage of funds. This should be increased to enable the committee to do its work.

Finally, the member who commended on facebook did it because the document was already in public domain. Thank you and I support.

The Speaker (Hon. Werunga): Hon. Erick, what is so burning?

Hon. Erick Wafula: Ahsante sana bwana Spika. Ningependa kushukuru hii kamati; nawashukuru kwa kuongeza mgawo wa *bursary* kwa sababu wame *recommend* pesa ziongezwe. Hiyo ni kwa *page* ya tatu ingawa bado hatujapewa milioni mia moja.

Itakuwa vyema watoto waweze kuendelea na masomo bila kusumbuliwa. Hizo pesa kwa *estimate* ya shamba ya *railways* tutapewa hata hivi karibuni wakiunda barabara hatujui wanabiashara wataenda wapi.

Hii *mastermind* plan itawaonyesha kwamba wakitolewa kuna penye wataenda. Na hilo shamba la reli litapunguza msongamano.

Juzi niliongelea mambo ya *assets* kwenye mswada hapa bungeni na hii kamati ime *recommmend* sababu tumekaa hapa na hii *assembly* haina *title*. Tunaweza kuwa tumekaa hapa na kumbe ni shamba la mtu. *Title* ziweko kwetu hapa *assembly*. Hata penye bwana spika unaishi, huyo spika aliyenda alinyakua shamba karibu na hapo; pengine hata hiyo Nyumba ni yake.

Hon. Martin Jamanour: Mr. Speaker, can a member ensure he is sure that the house is not for the county assembly but grabbed?

Hon. Eric Wafula: Ahsante sana Bwana Spika. Pengine Mheshimiwa Jamanour haelewi Kiswahili kwa sababu nimesema: 'pengine ni yake' na sijasema ni yake. Jana tuliweza kutembelea hospi-

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tali. Kuna shida nyingi na *referral* inafaa ikamilike ipunguze shida na msongamano wenye tuliona jana hosipitalini.

Ukiangalia kwa *stage* yetu, yafaa ifunguliwe na sio kwa upande mmoja. Yafaa iishe ama *phase one* ikwishe. Hata ukienda *town* kuna msongamano.

Mambo ya *benevolent fund*; nimeshangaa kwa sababu tunataka kuleta mswada kuongeza *benevolent*. Tumekuwa na matanga hata ndugu yangu *sergeant at arm* amekuwa na shida; hata David-sioni mbona walipunguza kutoka *5million*; bwana *chair* nashangaa. Nakubaliana na ripoti lakini kwa mgawo sikubaliani. *next time* muongeze. Nakubaliana na hii bajeti.

The Speaker (Hon. Werunga): Thank you members; I want the chair to thank members for their contribution.

Hon. David Kisaka: Thank you Mr. Speaker, I thank members for their contribution. Let me start with welfare, the reason why we reduced is because we have the money but we can't access it; so until we come with rules to access it, we will increase. Let's wait for rules to be adopted.

Execution of budget is for sectoral committees to ensure that they are executed to the latter. For those few remarks, I thank the members. Also, the speaker's vehicle and our buses are registered in the name of the executive. We can't ensure this building without proper documents. Otherwise I thank members for their contribution.

The Speaker (Hon. Werunga): The Budget Committee's chair has brought this report for adoption. I now want to put the question

QUESTION PUT- POSITIVED

Thank you very much, we have come to the close of our business; from here you know where to go, you can go back to where we called you from. The House is adjourned.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 5th June 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Honorable members, welcome back from recess to our today's session and I thank you for coming in large numbers. You were also in Mombasa for CAF and what you learnt will enable you to perform your work well. My office will be monitoring the grant you requested the deputy president to push for you because there is a small committee that is following that issue. You also requested for ward specific; the replica of the CDF, to ensure you have a kitty to make you achieve your goals at your ward level; if it will go through, my office is ready to implement.

PAPERS

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON TRANS NZOIA
COUNTY FISCAL STRATEGY PAPER (CFSP) FOR THE FY 2018/2019; BY HON. DAVID
KISAKA-CHAIRMAN

Hon. David Kisaka: Thank you Mr. Speaker, I rise to table the CFSP for the FY 2018/2019.

(Hon. Kisaka tabled the report)

TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

As you are aware the County Fiscal Strategy Paper (CFSP) was laid in the Assembly on 28th February 2018.

Mr. Speaker Sir,

As per the PFM Act 2012 and our Standing Order 185 (3c) the Budget and Appropriations Committee has the obligation to consider the CFSP and table a report to the County Assembly. Given the significance of the CFSP on the budget process, the Assembly resolutions on it will guide preparations of the 2018/19 budget estimates. On behalf of the Members of the Committee and pursuant to the provisions of our Standing Order 185, it is my pleasant duty to present to the Assembly, the Committee's Report on the consideration of the Trans Nzoia County Fiscal Strategy Paper 2018.

Mr. Speaker Sir,

The County Assembly Budget & Appropriations Committee comprises of the following 9 Members:

1. Hon. David Wangila Kisaka	Chairperson
2. Hon. Milkah Sugut	Vice Chairperson
3. Hon. Emmanuel Waswa	Member
4. Hon. Margaret Sabina Wanjala	Member
5. Hon. Ben Wanjala Mlipuko	Member
6. Hon. David Kapoloman	Member
7. Hon. Alfred Weswa	Member
8. Hon. Stephen Njoroge Kuru	Member
9. Hon. Simon Makhanu	Member

COMMITTEE'S MANDATE

Mr. Speaker Sir,

The Trans Nzoia County Assembly Budget and Appropriations Committee is constituted under the provisions of Standing Order 185. Its mandate pursuant to Standing Order 185(3c) is to:-

- 1) There shall be a select Committee to be known as the County Budget and Appropriations Committee.
- 2) The Committee shall consist of a chairperson, and not more than eight other Members.
- 3) The functions of the Committee shall be to-
 - a. Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,

TRANS-NZOIA COUNTY DEBATE

- b. Discuss and review the estimates and make recommendations to the County Assembly;
 - c. examine the County fiscal strategy paper presented to the County Assembly;
 - 4) The County Budget and Appropriations Committee constituted by the County Assembly immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.
 - 5) Five members of the Budget Committee shall constitute a quorum.
 - 6) The Committee shall invite chairpersons of all Sectoral Committees to make presentations during the consideration of the budget.
- It is in this regard that the Standing order 208 (3), (4), (5), (6), (7) and (8) are explicit on the procedures of considering the CFSP once laid on the floor of the Assembly.

Mr. Speaker Sir,

The committee worked jointly with the Finance and Economic Planning Committee to come up with this report whose membership is;

- | | |
|------------------------------------|--------------------|
| 12. Hon. Benard Aliang'ana Mukanda | - Chair person |
| 13. Hon. Carol Makokha | - Vice Chairperson |
| 14. Hon. Ben Wanjala Mlipuko | - Member |
| 15. Hon. Rodgers Barasa | - Member |
| 16. Hon. Margret Wanjala | - Member |
| 17. Hon. David Kapoloman | - Member |
| 18. Hon. Evans Chesang | - Member |
| 19. Hon. Emmanuel Orango' | - Member |
| 20. Hon. Phyllis Njeri | - Member |
| 21. Hon. Simon Makhanu | - Member |
| 22. Hon. Margret Mutai | - Member |

Mr. Speaker Sir,

The joint committee was aided by the following **secretariat**:

- | | |
|----------------------|---|
| 1. Abraham Walubengo | SCA |
| 2. Lucy Kibonei | Legal counsel |
| 3. Juliet Bii | committee clerk Budget and appropriations |
| 4. Sylus Mlefu | committee clerk Finance and Economic Planning |
| 5. Benjamin Biloi | SAA |
| 6. Loice Keter | Hansard |

TRANS-NZOIA COUNTY DEBATE

In-attendance;

Mr. Speaker Sir,

The following were invited by the committee and whose contributions were vital;

- | | |
|---------------------------|--|
| 1. Hon. Boniface Wanyonyi | CEC member for Finance and Economic Planning |
| 2. Mr. Abid Kibet | Ag. Officer for revenue |
| 3. Mr. Ibrahim Telewa | Budget officer |
| 4. Ms. Dinah Makokha | Budget officer |

Mr. Speaker Sir,

Processing of the CFSP for the FY 2018/19 has been a special historic undertaking because it was the first of its kind in the Second Assembly of Trans Nzoia. Despite this being a new process, we cannot continue to gamble on public finances. The Committee has taken a lot of due diligence to scrutinize the submitted CFSP document

EXAMINATION OF THE COUNTY FISCAL STRATEGY PAPER

In reviewing the 2018/19 County Fiscal Strategy Paper the Committee held a total of three (3) sittings, two of which officers from the County Treasury were in attendance and a retreat on Report Writing at Kisumu Sunset Hotel between 8th – 13th May 2018. The CECM Finance was accorded the opportunity on 16th April 2018 to take members through the document in addition to shedding light on the gray areas identified by the Committee.

ACKNOWLEDGEMENT

Mr. Speaker sir,

I would like to thank the Members of the Budget & Appropriations Committee and members of the Finance & Economic Planning Committee for their dedication, untiring commitment and valuable contributions. It is because of their dedication that we have been able to complete this demanding task in the short timeline we had.

Mr. Speaker Sir,

The Committee is grateful to the Office of the Speaker and the Office of Clerk of County Assembly for the support received as it discharged its mandate. Further, the Committee would wish to pay special recognition to the Committee Secretariat who helped the Committee digest the paper.

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TRANS-NZOIA COUNTY DEBATE

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the Budget & Appropriations Committee to table this report and recommend it to the Assembly for adoption.

SIGN..... DATE.....

Hon. David Kisaka,

Chairman, budget and appropriation committee

A. INTRODUCTION

Mr. Speaker Sir, on the 28th February 2018, the County Fiscal Strategy Paper was submitted to this Assembly as required by PFM Act 2012 Section 117 (1) and Standing Order 208 (1). The document was then tabled in the Assembly on the 6th March 2018 and committed for consideration by all the Sectoral Committees. The Sectoral Committees were required to consider the document and report back to the Budget and Appropriations Committee which was then to compile a report and table before this Assembly.

Mr. Speaker Sir, the underpinning legal provisions and our own Standing Orders requires that the report of the Committee contains schedule of total overall projected revenue and ceilings recommended for the County Government, and County Assembly and where necessary the total sums of each Vote and the allocations for each programmed for the fiscal year in question.

Mr. Speaker Sir, County Fiscal Strategy Paper is a critical budget document that guides the subsequent processes in the budget cycle. It is for this reason that the County Treasury is mandated to do a lot of groundwork and intensive consultations with the public and stakeholders before presenting the document to the Assembly for consideration.

Mr. Speaker Sir, Section 117 of the Public Finance Management Act, 2012 outlines the contents of the CFSP which in summary include:

- I. Specification of the broad strategies and policy goals that will guide in budget preparation;
- II. Financial outlook with respect to county government revenues, expenditures and borrowing for the next financial year and the medium-term;
- III. The total resources to be allocated to individual programs and projects within the various sectors in the County;

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- IV. The proposed expenditure ceilings for the two arms of government and Financial outlook with respect to county government borrowing

B. SCRUTINY OF THE TRANS NZOIA COUNTY FISCAL STRATEGY PAPER 2018/19

Mr. Speaker Sir, it is within the sphere of the Budget and Appropriations Committee to determine whether any budget related document, submitted to this Assembly has complied with the statutory regulations as outlined in the Public Finance Management Act, 2012 and other statutes.

Mr. Speaker Sir, during the scrutiny of the Strategy Paper the Committee noted that the timeline for its submission was complied with. The document was submitted to the Assembly through the Office of the Clerk on the 28th February 2018 in line with Section 117 (1) of the PFM Act, 2012. The Committee was also convinced that the document was procedurally laid before the Assembly at the earliest opportunity. Upon being laid before the County Assembly, the County Fiscal Strategy Paper was committed to each Sectoral Committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee.

C. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS ON COUNTY STRATEGY PRIORITIES

Mr. Speaker Sir,

After in-depth scrutiny and analysis, the committee observed that some crucial county strategies were left out in various departments and therefore highly recommends the addition of the following strategy priorities;

EDUCATION, ICT AND VOCATIONAL TRAINING

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Employment of more ECDEs and polytechnic tutors.
- ❖ Construction of toilet facilities for all ECDEs classroom across all 25 wards.
- ❖ Introduction of feeding programs.
- ❖ Electrification of ECDEs classrooms and vocational polytechnics
- ❖ Expansion of bursary schemes to cater for more needy students

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WORKS TRANSPORT & INFRASTRUCTURE

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Opening up and maintaining of drainage systems
- ❖ Acquiring of new machineries for road maintenance
- ❖ Bridges and culverts should be a priority

TRADE, COMMERCE AND INDUSTRY

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Renovation/rehabilitation of existing market centers
- ❖ Expansion of markets to sub county level

HEALTH

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Establishment of family planning programs and maternity wing
- ❖ Hiring of more community health workers
- ❖ Trauma centers to be constructed in all sub counties.

GENDER, SPORTS, CULTURE

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Repossession of grabbed land around Kitale stadium
- ❖ Establishment of high attitude training centers
- ❖ Every ward should have a public field and social hall

GOVERNANCE AND PUBLIC SERVICE MANAGEMENT

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ To encourage employment of youth's but not to subject them to conditions of high working experience.
- ❖ The county should employ village administrators and village council

FINANCE AND ECONOMIC PLANNING

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ They should focus on employment of revenue collectors and confirm those on contracted basis, and do away with volunteer officers
- ❖ Parking section should be sub contracted if it can enhance revenue collection
- ❖ Marking of revenue streams should be identified

WATER, ENVIRONMENT AND NATURAL RESOURCES

Mr. Speaker Sir,

The department should also consider the following strategic priorities;

- ❖ Improvement of water springs

COUNTY ASSEMBLY

Mr. Speaker Sir,

The assembly's development objective for the financial year 2018/2019 is to offer quality services to the society through oversight, representation, and legislation.

The core functions of the assembly include, Vetting and Approving nominees for appointment to County Public Offices, Approving the budget and expenditure of the County Government in accordance with Article 207 of the Constitution, Approving the borrowing by the County Government in accordance with Article 212 of the Constitution, Approving County Development Plans.

The key priority projects include; construction of buildings and civil works, refurbishment of buildings, purchase of motor vehicles, purchase of specialized equipment and machinery, acquisition of land.

D. ECONOMIC GROWTH

Mr. Speaker,

Aware that the CFSP is supposed to be aligned to the national objectives as contained in the Budget Policy Statement (BPS) prepared by the National Treasury; it is worth recognizing the national agenda with regard to economic growth in various government blueprints including the Medium Term Plan, Vision 2030 and as well the measures being undertaken by the government under “The Big 4 Agenda” which are to boost manufacturing sector; enhance food security and nutrition; create affordable housing; and achieve Universal Health Coverage.

Mr. Speaker Sir,

The Committee notes that the County Treasury has little or no key data in calculating the county’s Economic Growth. However, Mr. Speaker, the paper presents macroeconomic policies and outlook that does not give specifics on how to effect fundamental growth and prosperity like investment, resource mobilization, how to ease cost of living. The Committee therefore recommends that in future the County Treasury should aim to forecast the County Economic growth. Further, the document should aim to give detailed analysis of how the County aims to influence the determinants of growth of the County.

E. DEBT

Mr. Speaker Sir,

It is commendable that the CFSP has undertaken to ensure that there is a sustainable debt ratio. In fact, the document recommends that there need to be an assessment of County’s net worth as a long-term strategy of redeeming the County from the overbearing problem of servicing its debt. The need to halt the growth of pending bills which cannot be overemphasized and this has been committed to this House. Moving forward, the County Treasury should ensure that the pending bills are at the minimum possible level and that they are cleared within a particular fiscal year within which they were incurred so as to promote fiscal discipline.

Mr. Speaker,

However, with no clear GDP figures for the County, it is difficult to establish the level of the County’s sustainable debt. This Committee therefore proposes that a comprehensive survey be undertaken to establish the GDP figures for the County, which would be compared with the debt figures for sustainability evaluation. In future, the paper should also aim to discuss in more detail this subject of debt management.

F. FISCAL PERFORMANCE OF 2017/18 AND EMERGING CHALLENGES

Mr. Speaker Sir,

As with any new system and institutional framework, there are bound to be challenges and mistakes. The 2017/18 budget is being implemented under very peculiar scenarios this being a new regime for example, prolonged electioneering period and the delayed enactment of the county revenue allocation bill etc. The Committee was however concerned that the paper failed in its entirety to highlight how the 2017/18 budget is being implemented and any challenges that might have been encountered thereof. It was the expectation of the Committee that the paper would give a brief on the areas that this Assembly could help the Executive correct for the forward progress of our County. Going forward therefore the Committee is of the view that the next submission of the CFSP must adhere to this legal requirement.

Mr. Speaker Sir,

Such details should strive to cover explicitly the revenue performance and its relation to the approved budget of 2017/18 and the net effects of the same on the expenditure figures.

G. SECTOR CEILINGS

Mr. Speaker,

The main reason as to why the formulators of the PFM Act thought it wise to introduce the Budget Policy Statement for the National Government and CFSP for the County Governments was so that budget process does not only become consultative, but most importantly, to enable agencies plan for their estimates and programs

H. FISCAL POLICY AND BUDGETARY FRAMEWORK

Mr. Speaker Sir, The adoption of this report will assist the CECM for finance to compute the budget estimates in time for this House to have enough time to consider and make key reviews and recommendations.

Mr. Speaker Sir, Section 117 (4) of the PFM Act, 2012 provides that the County Treasury shall include in the County Fiscal Strategy Paper among other things a statement on borrowing for the coming financial year and the medium term.

Mr. Speaker Sir, we appreciate that the County Treasury is a new regime and we do appreciate the efforts made by the county treasury for submitting the paper in time.

I. FINDINGS

1. The CFSP was submitted to the house in time and handed to the office of the clerk on 28th February 2018.
2. The paper was prepared in consideration of The Commission On Revenue Allocation, Budget Policy Statement

J. COMMITTEE'S RECOMMENDATIONS:

Mr. Speaker Sir,

During the scrutiny of the document as has been mentioned, the Committee noted various gaps that it would wish to be addressed as follows:

- a. That notwithstanding the provisions of Section 117 (1) of the PFM Act 2012, the Committee recommends that the County Treasury should in future submit the CFSP to this Assembly earlier than the statutory deadline;
- b. By 15th January all the departmental budget estimates be forwarded to the county treasury.
- c. In line to CGA the County Executive is hereby required to submit all the planning documents such as ADP, and Sector Plans within two months alongside with the Budget Estimates.
- d. The County should consider full automation of the county revenue collection to cut down the leakages and wastages.
- e. County to exploit new revenue stream and submit them with the budget Estimates and as well the County Revenue Collectors to undergo trainings.
- f. In the next CFSP Preparation the committee requires the CECM to undertake the following:
 - A breakdown of Local revenue streams their performance and targets
 - Annexure of simplified breakdown of expenditure including the amounts planned for personnel emoluments, office operations, maintenance and development projects
- g. Due consideration be given to ward projects.

Mr. Speaker Sir,

In conclusion, and pursuant to the provisions of Section 117 (6) of the Public Finance Management Act 2012 and Standing Order 185 the County Budget and Appropriation Committee recommends that:

This County Assembly adopts the Trans Nzoia County Fiscal Strategy Paper for the FY 2018/19

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TRANS-NZOIA COUNTY DEBATE

NAME	SIGNATURE	TITLE
1. Hon. Milkah Sugut		Vice Chairperson
2. Hon. Emmanuel Waswa		Member
3. Hon. Margaret S. Wanjala		Member
4. Hon. Ben Wanjala		Member
5. Hon. David Kapoloman		Member
6. Hon. Alfred Weswa		Member
7. Hon. Stephen Njoroge		Member
8. Hon. Simon Makhanu		Member

And next time I will advise we get the document before the supplementary budget and with that I beg to table, I request my vice to second.

Hon. Milkah Sugut: Thank you Mr. Speaker, I stand to second the report that has been tabled by my able chair.

The Speaker (Hon. Werunga): You must have all consulted earlier and now that the report has been tabled, I want to open the floor for your views; Yes Hon Jamanour?

Hon. Jamanour Simiyu: Thank you Mr. Speaker, actually I want to thank the chair of budget for the comprehensive report. My recommendation goes to the Department Of Finance and Economic Planning because it will be prudent to employ and give them performance contract. We are losing more money, we are not collecting what we are supposed to collect otherwise I support the report.

The Speaker (Hon. Werunga): Hon Wambwa, why are you doing unnecessary movements when we are discussing something serious?

Hon. Bernard Wambwa: Mr. Speaker I was consulting.

Hon. Lawrence Mokosu: Point of order Mr. Speaker, is it in order for male members to leave me alone to sit with female members?

The Speaker (Hon. Werunga): Hon. Mokosu, this House is for Honorable members, next time you should know that you can sit anywhere in the House and not only next to Hon. Ann and that's not an issue.

Looking at the House's mood and how members have given recommendations, I now want to pose the question.

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TRANS-NZOIA COUNTY DEBATE

QUESTION PUT- POSITIVED

And in this case I say this report is adopted by this House and should be forwarded to the CECM in charge for implementations.

STATEMENTS

QUESTION NO. 04/2018; QUESTION UNDER THE DEPARTMENTAL COMMITTEE FOR WATER, ENVIRONMENT & NATURAL RESOURCES- BY HON. STEPHEN KURU.

Hon. Stephen Kuru: Thank you Mr. Speaker, I stand to present the question.

(Hon. Stephen Kuru read the question)

QUESTION NO. 04/2018

Question under the departmental committee for Water, Environment and Natural Resources

Mr. Speaker, Sir,

AWARE that the County Government in its bid to supply water to the resident of Trans-Nzoia County laid pipes and other installation in various parts of the country ;

FURTHER AWARE that there have been cases of vandalism of these pipes making the water supply process difficult for the government and subjecting public funds to wastage;

Mr. Speaker Sir, could the County Executive Committee Member in charge of water provide this House with the following information:

1. The areas where pipes were laid since 2013;
2. The extent of damage of the pipes and other installations per area;
3. Any action taken against the culprits;
4. The measures the County Government has put in place to prevent future vandalism?

Thank you Mr. Speaker, Sir.

The Speaker (Hon. Werunga): Thank you, and I want to request the clerk to enable the CECM for water to liaise with the relevant committee and report back in 14 days, and I insist it's strictly 14 days. Next item

WE HAVE NO OTHER ITEM ON THE AGENDA HONORABLE SPEAKER

The Speaker (Hon. Werunga): You see the work has been very easy; for those of you who have been walking around you can now walk. The House is adjourned.

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TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 6th June 2018

The House met at The Chamber,

County Assembly buildings- at 9.30am

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Welcome members for today's session where we have a few items to discuss. Let us go straight to the business of the day. Next item

BILL

REPORT OF FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE TRANS-NZOIA COUNTY FINANCE BIL, 2017 AT SUNSET HOTEL; KISUMU, KENYA.

MAY, 2018

(Hon. Caroline read through the report)

PREFACE

Mr. Speaker Sir,

On behalf of the members of Finance and Economic Planning Committee and pursuant to the provisions of standing order 194, it is my pleasure and duty to present to this House the committee's report on the Trans-Nzoia County Finance Bill, 2017.

1.1 Committee Membership

The committee was constituted by the County Assembly comprising of the following members:-

1. Hon. Benard Aliang'ana -Chairman
2. Hon. Caroline Makokha -V/Chair

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TRANS-NZOIA COUNTY DEBATE

- | | | |
|-----|-----------------------|---------|
| 3. | Hon. David Kapoloman | -Member |
| 4. | Hon. Phyllis Njeri | -Member |
| 5. | Hon. Margaret Mutai | -Member |
| 6. | Hon. Margaret Wanjala | -Member |
| 7. | Hon. Evans Chesang | -Member |
| 8. | Hon. Ben Mlipuko | -Member |
| 9. | Hon. Rodgers Barasa | -Member |
| 10. | Hon. Emmanuel Orango | -Member |
| 11. | Hon. David Kisaka | -Member |
| 12. | Hon. Simon Makhanu | -Member |

Secretariat staff

- | | | |
|----|-------------------|-------------------------|
| 1. | Abraham Walubengo | -Senior committee clerk |
| 2. | Lucy Kibonei | - Senior Legal Counsel |
| 3. | Benjamin Biloi | –Sergeant at arms |
| 4. | Wambalaba Leonard | –Hansard recorder |
| 5. | Sylus M. Masaba | –Committee clerk |

1.2 Committee Mandate

Mr. Speaker Sir,

County Finance and Economic Planning Committee is a select committee responsible for: dealing with all Bills and inquiries relating to finances, revenue collection and the economy of the county; monitoring revenue payments or transfers and reporting to the County Assembly on quarterly basis; evaluating tax estimates, economic and budgetary policies and programmes with direct budget outlays. Other functions of this committee as provided for understanding order 194 include vetting and reporting on all appointments where the constitution or any laws requiring the County Assembly approval, except those under Standing Order 182 (Committee on Appointments), making reports and recommendations to County Assembly as often as possible including recommendation of proposed legislation; investigating, inquiring into and reporting on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments; studying the programme and policy objectives of departments and the effectiveness of the implementation; studying and reviewing all County legislation referred to it; studying, assessing and analysing the relative success of the departments as meas-

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ured by results obtained and compared with their stated objectives; and investigating and inquiring into all matters relating to the assigned departments as they may deem necessary, and as maybe refereed to them by the County Assembly.

1.3 Committal to Finance and Economic Planning Committee

Mr. Speaker Sir,

The Trans Nzoia Finance Bill, 2017 was read a First time in the County Assembly on 13th Feb 2018 and thereafter committed to the Standing Committee on Finance and Economic planning for consideration, review and recommendation.

1.4 Acknowledgement

Mr. Speaker Sir,

First, I would like to thank committee members for their dedication and input during the preparation process. Special thanks go to the office of the speaker and clerk of the county assembly for facilitating the committee members during its sitting and while writing the report. The secretariat staff also spent a significant amount of time to put together the report. In this regard, we are grateful to all for their technical input and commitment to the success of the process. On behalf of the Finance and Economic Planning Committee, I have the pleasure and honour to present to this honourable House, the committee's report on the Trans-Nzoia County Finance Bill, 2017.

Thank you.

2.3 Notification to the public

Mr. Speaker Sir,

Pursuant to provisions of Article 35 (1) (a) (3), the Constitution and Standing Order 120 (3) of the County Assembly Standing Orders, the Clerk of the County Assembly placed an advertisement in the print media on 7th March, 2018 inviting members of the Public, civil society organizations, Non-governmental organizations, professional bodies, people with challenged abilities, youth, women groups and all stakeholders to submit their views on the Bill. The views were to be submitted in the following manner:

- i. Public hearing which was held on 15th March, 2018 at Kitale Museum starting at 9.00am
- ii. Written memoranda which were to be forwarded to the clerk of the County Assembly.

2.4 Process for developing County Government Finance Bill

Under the taxation system in Kenya taxes are dealt with in the Finance Bill. This Bill when passed authorises the county government to collect taxes and cess and is introduced into the County Assembly in the preceding Financial Year. According to the Act the Finance Bill must be approved by the assembly within 90 days after the budget approval (that is, 90 days after the Appropriation Act is passed). This means that it normally must be passed by September 30, which is 90 days after June 30. There are up to three months to interrogate the Bill which includes public participation.

2.5 Committee Meetings

Mr. Speaker Sir,

Pursuant to County Assembly standing order on bills, the committee held five sittings i.e. 20th February, 2018; 26th February, 2018; 20th March, 2018; and 13th April, 2018 at the Assembly Boardroom and 11th May, 2018 at Sunset Hotel, Kisumu.

2.6 Public Participation Exercise

Mr. Speaker Sir,

Public participation exercise was conducted on 15th March, 2018 at Kitale museum from 9:00am in accordance with Article 35(1) (a) and Article 201(a) of the constitution and standing

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order 120(3) of the County Assembly standing orders where various stakeholders were given an opportunity to submit their views.

2.7 Consideration of the Bill

In considering the Bill, Finance and Economic Planning Committee examined it against the following criteria, amongst others as set out in the PFM Act, 2012 and the constitution of Kenya, 2010.

- i) Preliminary
- ii) Charges, licences, fees, rent and cess
- iii) Payments
- iv) Offenses and penalties
- v) Miscellaneous

2.8 Committee Observations

Mr. Speaker Sir,

The committee and the public having considered the Bill made the following observations.

- i. That the Bill was read in the House for the first time on 13th February, 2018;
- ii. That advertisement of the Bill was done in the print media on 7th March, 2018;
- iii. That public participation exercise was conducted on Thursday 15th March, 2018 at Kitale Museum;
- iv. That members of the public attended and expressed their views.
- v. The Public and committee's views on the Bill are as follows:

1. FINANCE

D. Obstruction Revenue by officer –The penalty for the offence be reduced from Ksh. 50,000 to Ksh. 20,000.

1.2 SINGLE BUSINESS PERMIT (SBP) WITH APPLICATION FEE

7. Penalty scanning SBP or using a photocopy-Be reduced from Ksh. 50,000 to Ksh.20, 000.

8. CATEGORIES OF BUSINESS

102 Mega stores, Hypermarkets: Large multi-department store, hypermarket over 100 employees or premises over 3000m² in prime location –penalty, be 50% of Single Business Permit.

103 Mega stores; Hypermarket: Large multi-department store, hypermarket over 50 employees or premises over 300m² in prime location –penalty be 50% of SBP.

9. Agriculture, forestry and exploitation of natural resources

405 Large agricultural producer/processor/dealer/ exporter/: over 50 employees penalty charge be 50% of SBP.

11. PRIVATE EDUCATION, HEALTH AND EXTRA NATIONAL SERVICES

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710. Large Private Education Institution: From 31 to 100 pupils or fees over Ksh. 50,000 per year- penalty charge be 50% of SBP

755. Medium entertainment facility from 50 seats to 100 seats: from 4 to 10 machines: from 16 to 50 members –penalty charge 50% of SBP.

12 INDUSTRIAL PLANTS, FACTORIES, WORKSHOPS, CONTRACTORS...

805. Large industrial plant: Over 75 employees on premises over 2,500m² –penalty charge be 50% of SBP

2. ECONOMIC PLANNING, COMMERCE AND INDUSTRY

2.2 Weights and Measures

A,B, C-all penalty charges under them be reduced from Ksh. 50,000 to Ksh. 20,000.

2.5 Charges for transportation, handling and hire of standards

All penalty charges under this were deleted because ostensibly, they only apply in Nairobi, Eldoret and Kisumu towns.

2.11 Market fees

a, b, c, d and e; penalty charge for these categories be payment of all arrears plus 50% of rent for the month

2.12 All sub-county markets

viii bicycle-deleted

2.13 Main market stalls

Slaughter House, match booking office (crossroad) and other booking offices –deleted/removed.

3. GENDER, YOUTH , SPORTS, CULTURE AND TOURISM

A,B,C,D,E and F -all charges under them deleted/removed for they only apply to large cities.

k-Hire of furniture and PA-removed as it is repeated under 3.5-plastic chairs (hire of plastic chairs).

4. AGRICULTURE, LIVESTOCK AND FISHERIES

4.1 Stock Auction (A, B, C, D) –all penalty charges removed

4.3 Artificial Insemination –penalty charge of Ksh. 20,000 removed

5. EDUCATION AND ICT DEPARTMENT

5.1 Nursery school fees (per month) for a, b- no charge imposed as the service is provided freely

5.3 School premises (hiring) for a,b,c –penalty charge reduced from Ksh. 50,000 to Ksh. 20,000

5.6 Inspection of Educational Facilities

d. Universities –removed /deleted

5.7 ICT-E-government

Hire of Digital Display Screens (Led screen charges) –removed

6. ENVIRONMENT, WATER AND NATURAL RESOURCES

6.1 Royalties for trees and log sales –removed

6.2 Movement permit services-removed/deleted

6.3 Cess- Removed/deleted

6.4 Environmental certificate –removed/deleted

6.5 Royalties –removed/deleted

6.9 New water connections (a, b, c, d, e, f, h) removed /deleted

7. HEALTH DEPARTMENT

7.8 Cemetery services –normal charges returned

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8. LANDS

T-rates struck (per acre) –penalty charge be 3% per month after 31st March

8.2 -8.3 –Penalty charge increased from Ksh. 2,000 to ksh.3, 000 per year

8.6 Discharge of impounded building items (i) 8.7 –Outdoor Advertisements –penalty charge be 50% of the value.

NEMA charges

Churches (crusades): moving van (commercial) and stationary –removed/deleted

9. ROADS, PUBLIC WORKS, TRANSPORT AND INFRASTRUCTURE

9.3 Building approval fees (h, i, j, k, l, m, n)-penalty charge be not less than Ksh.100, 000

9.4 Street lighting

C -way Leave application-way Leave (i. electricity (per ft) ii.telephone (per ft), iii. Fibre optic (per ft), iv. water and sewerage (per ft), v. TV cable (per ft) –penalty charge be 50% of the value.

Traffic charges.

Street parking charges –penalties removed.

2.9 Committee's Recommendations

Mr. Speaker Sir,

The committee recommends that the Bill proceed for the 2nd Reading

The Trans-Nzoia County financial bill 2017 2nd reading

The Speaker (Hon. Werunga): I now commit the report to the Committee of the Whole House.

[Transition to the Whole House Committee]

(The honourable Speaker leaves as the Deputy Speaker, Hon. Stephen Njoroge assumes the chair.)

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TRANS-NZOIA COUNTY DEBATE

Chair: We are now in the whole House committee and we have the Bill before us. In the whole House committee, the rules are relaxed. You can contribute twice or more but am getting worried, the mover; the chair of the Finance committee is not in the House. Can I be properly guided; any communication? Can the vice chair step in and take us through clause by clause?

Hon. Caroline Makokha: On Clause 3 there are no amendments.

Chair: (*Proposes and puts question*)

POSITIVED.

Hon. Caroline Makokha: On Clause 5, there are no amendments.

Chair: (*Proposes question*)

When I propose, I mean the floor is open. You can contribute even ten times. Here, the rules are related.

(*Proposes question*)

POSITIVED

Hon. Caroline Makokha: On clause 6, no amendments.

Hon. Joseph Triko: My concern is in on Clause 6(ii) B. I propose that (*Cut short*)

Chair: You can't propose.

Hon. Joseph Triko: Thank you chair for the correction. I need clarification on clause 6(ii) B, Where some months of February end on 28th.

Hon. Caroline Makokha: We shall consider this. There is no problem. Thank you chair.

Chair: This is a valid question. We need something clear since this is going to be an Act. May I know from the mover if there is an issue on Clause 6B?

Hon. Caroline Makokha: We can introduce amendments on the months of February.

Clerk: We can introduce 6B to read 28th or 29th February of each year.

Chair: (*Proposes question*)

POSITIVED

Clerk: We can introduce 6(c) to read as (b)

Chair: (*Proposes question*)

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TRANS-NZOIA COUNTY DEBATE

POSITIVED

Hon. Caroline Makokha: Clause 7 has no amendments.

Chair: (proposes an puts question)

POSITIVED

Hon. Caroline Makokha: On clause 8 we have no amendments.

Chair: (proposes question)

POSITIVED

Hon. Caroline Makokha: On clause 9, no amendments.

Chair: (proposes question)

POSITIVED

Hon. Caroline Makokha: On Clause 10, no amendments.

Hon. Erick Wafula: I don't understand clause 10(1)

(Clerk reads and explains)

Hon. Erick Wafula: It is now clear.

Hon. Sarah Lubano: Thank you chair. You have told us that the rules are relaxed. We are here to learn and I stand to be corrected. It is not stated when the payments should be collected especially on roads during Saturdays and Sundays.

Chair: You have the Bill with you. Just pick on the section you want refined. Your feelings will guide us. You can't introduce anything new, away from the real document.

Hon. Sarah Lubano: [Reads Clause 10(3)] my sentiments are such that there are no receipts issued on Fridays for *bodaboda* riders.

Chair: Honourable Lubano, I wish your proposal be in form of word or sub- clause. What are your feelings because this is a legal document; A single word can alter everything. This is critical to the assembly. If you feel you can insert or delete, you can do so. You have all the freedom.

Hon. Sarah Lubano: I am only trying to bring my point home but somebody in the legal field can do this better. The working days are from Monday to Friday. Saturdays and Sundays are not working days. A legal person can put it this way: "On official working days"

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TRANS-NZOIA COUNTY DEBATE

Chair: As I have said, this is a critical moment. We should meet the demands and address aspirations of our people. We need the input from all of us. Which date to which date?

Hon. Erick Wafula: There are no official working days on revenue collection. Like in Kiminini, the market day is on Sunday. It is difficult to pinpoint on working days.

Hon. Patrick Kisiero: I wanted to say what honourable Erick has just said. Most businesses are carried out on Saturdays and Sundays.

Hon. Martin Jamanour: I suggest from Monday 8am to Sunday 5pm.

Hon. Everline Chesari: My concern is that we should review the revenue collection which is lost through receipts printed afresh. We need a policy...

Chair: You are lost. We need the times and days of operation.

Hon. Emmanuel Orango: Honourable Lubano had only requested amendments on the roads which is different from collections. Those manning roads don't have receipts. We need clear guidelines.

Chair: We are mixed up. What we are asking is: from when to when?

Hon. Ann Wanjiku: We need to specify time and budget-wearing.

Chair: We are mixing issues further.

Hon. Abraham Mwale: Thank you. I suggest from Monday to Friday 6am to 5pm.

Hon. Daniel Kaburu: It is common practise from Monday to Sundays. Automation is the proper way forward. Revenue collection is the proper way forward. Revenue collection is what is killing our county. We should extend to market days.

Chair: We are more lost. We are considering clause 10 and you are bringing other issues. Go back to clause 10.

Hon. Joseph Triko: We have no time on business. For example, the maize movement is done at night, leaving it to cartels during those odd hours. It should be 24/7.

Chair: We will give this to the legal team. Sunday to Sunday means "all days in a week" the legal team will fine tune it (uproars). We need the exact words.

Hon. Jeremiah Wakhulia: Under 10(i) we delete "paid" to replace it with "made".

Chair: That is the way to go.

TRANS-NZOIA COUNTY DEBATE

Hon. Lawrence Moku: We may lose the meaning. It will be repetitions if we add more words. We can change “made” to “done”.

Hon. Daniel Kaburu: The grammars and annexes all make sense.

Hon. Joseph Triko: It is not the matter of English. It depends on the school one went through. It is a matter of twisting the language. There is nothing wrong.

Chair: All of us have different backgrounds.

Hon. Jeremiah Wakhulia: The language is not the issue nor the schools but the books one read. We delete the first “made”.

Hon. Sarah Lubano: I concur with honourable Jamanour on “all days of the week”

Hon. Elkana Kagunda: On Clause 11(4) we are.... (Cut short)

Chair: We are not yet there.

Hon. Elkana Kagunda: I was only clarifying in clause 11(4) there is (Cut short)

Chair: We are talking of working times and days.

Hon. Erick Musumba: 8am when motorists begin their work to 5pm.

Hon. Rogers Wafula: Let us begin from 7am to 5pm because of insecurity at night. Our county is not developed for a 24-hour economy. Offloading needs special time. A prison was once sealed so that inmates could not escape through loopholes. Tomorrow, it will be you the same people who will pay these rates. Let us consider both sides.

Chair: (*To hon. Kaburu; for consulting loudly*) you are out of order.

Hon. Sarah Lubano: Somebody close to Kenya Revenue Authority says they work 24 hours like when transportation of timber, bhang and other valuables is done. The agents should be given *askaris* for security.

Chair: We are not doing well. Please specify on time.

Hon. Joseph Triko: Time is important, let it be 24/7

Hon. Daniel Kaburu: Seven days a week. Working hours, 7am to 6pm

Hon. Erick Musumba: Make it all days of the week.

Hon. Elkana Kagunda: I support Honourable Kaburu.

Hon. Everline Chesari: 8am to 4pm

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TRANS-NZOIA COUNTY DEBATE

Hon. Ann Wanjiku: 5am to 6pm

Chair: We are lost.

Hon. Rodgers Wafula: Tax is not cess. It cuts across the board. It is not only about bhang.

Chair: Time?

Hon. Rodgers Wafula: 6am to 5pm

Hon. Joseph Triko: Honourable Rodgers is misleading the House that collection is hampered by insecurity. The agents have been accorded security.

Chair: We have debated enough and I want to make a ruling, seven days in a week.

Hon. Rodgers Wafula: We have corruption in Kenya. Banks are not opened at night to receive any money. Where will the money be taken if collected at night? This is one way of looting the money. Let it be 6am to 7am.

Hon. Elkana Kagunda: Cess is actually paid. Once I suggest 8am to 5pm.

Hon. Joseph Triko: If we are on restrict the time; we shall lose a lot of money. Millions of shillings will be lost and we will subsequently loose employment.

Chair: On Clause 10(3) “seven days a week” and for time, let us leave it to the legal and research team.

Hon. Jeremiah Wakhulia: On Clause 10(3), the receipts are often fake We should insert “With Special Watertight Features”

Chair: Perhaps we say “With All Specific Security Features.”

Hon. Abraham Mwale: There is no quorum.

Chair: Can the clerk confirm if there is no quorum.

Clerk: We have 9 members, less by three.

Hon. Abraham Mwale: Can the sergeant at arm go out and call on members to come in.

Chair: That is the work of the chair. Let the bell be ringed for 10 minutes. Can the Chief Whip ensure we have the quorum?

(After a while)

Clerk: I confirm we have the quorum.

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TRANS-NZOIA COUNTY DEBATE

Chair: The Bill is crucial as it can deny the county government opportunity to collect revenue. Let us maintain the quorum. This is one of our key roles.

(Question Proposed)

POSITIVED

Hon. Caroline Makokha: Clause 11, no amendments

Chair: *(question proposed)*

POSITIVED

Hon. Caroline Makokha: We have no amendments on Clause 12.

Hon. Joseph Trikoi: Chair, can the clerk guide us so that we can understand clearly on clause 12.

Clerk: Thank you chair. This is general penalty. It is rare in occasions and can apply in case you fail to get an offense.

Hon. Joseph Trikoi: My concern is that this will be a leeway to enforcement officers getting quick money.

Chair: We are here to delete or omit.

Hon. Joseph Trikoi: Then I don't have any.

Hon. Rodgers Wafula: Hapa tuko kuelimishana lakini Mheshimiwa Trikoi amekosea. For example, there are no rules on motorists overtaking others. This is general.

Chair: *(proposed and put question)*

POSITIVED

Hon. Caroline Makokha: On Clause 13 we have no amendments.

Hon. Joseph Trikoi: My concern is that agents are not the county government.

Hon. Jeremiah Wakhulia: His concern has been addressed.

Chair: *(proposed question)*

POSITIVED

Hon. Caroline Makokha: On Clause 14 we have no amendments.

TRANS-NZOIA COUNTY DEBATE

Hon. Ann Wanjiku: 30 days collection period is long

Hon. Emmanuel Orango: We reduce 30days and we insert the word “daily”

Hon. Erick Musumba: We reduce 30 days to daily.

Hon. Rodgers Wafula: It should be immediately.

Hon. Everline Chesari: Daily

Hon. Joseph Triko: Agents have terms and conditions. Let us give them appropriate time - 7-14 days.

Clerk: There is caution on defaulters as in law. Notice is issued for any legal action. At least 7 days.

Chair: Let us give it conducive time.

Hon. Elkana Kagunda: 14 days.

Hon. Caroline Makokha: We can delete “30days” to read “14 days”

Chair: *(Proposed question)*

POSITIVED

Hon. Caroline Makokha: Let clause 14 to 15 and 15 to 16.

Chair: *(Proposed and question put).*

POSITIVED

Hon. Caroline Makokha: No amendment on Clause 15.

Chair : *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: No amendment on clause 16

Chair : *(Proposed and question put).*

POSITIVED

Hon. Caroline Makokha: Report of finance and Economic Planning Committee on Trans- Nzoia County Finance Bill, 2017 D obstruction revenue by officer – penalty for offence to be reduced from ksh 50,000 to ksh 20,000

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TRANS-NZOIA COUNTY DEBATE

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Single business permit.

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Categories of business.

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Agriculture, Forestry and Exploitation of Natural Resources.

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Private Education, Health and Extra National Service.

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Industrial Plans, Factories, Workshops, Contractors etc.

Chair: *(Proposed and question put)*

POSITIVED

Hon. Caroline Makokha: Economic Planning, Commerce and Industry.

2.2 weight and measures, 2.5 charges for transportation, handling and hire of standards.

Hon. Erick Musumba: Can we understand this first before we make any corrections. We have members of the committee with us here, can they shed some light.

Hon. Rodgers Wafula: It is clear as it is.

Hon. Emmanuel Orango: There is an error somewhere. We have a lot of movements of goods in Trans- Nzoia to other counties and I don't know why they scrapped the charges. Charges must be there on entry to Trans-Nzoia.

Chair: Any other member of the committee of finance to assist?

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TRANS-NZOIA COUNTY DEBATE

Hon. Jeremiah Wakhulia: We have two Bills here, one reading February 8, 2018 and another April 26th, 2018.

Chair: The contents remain the same. We went back for the other publication for legal implications. Use the February 8, 2018 One. Thank you for the information.

Hon. Emmanuel Orango: This was an error of omission for one to delete and assume penalty. We can't be in order not charge on heavy commercial vehicles. It must be there.

Hon. Ann Wanjiku: There were penalties in 2015/16 period. Have the services now gone to Nairobi?

Hon. Rodgers Wafula: So far, we have no weigh bridges in Trans-Nzoia and no packing yards for Lorries.

Hon. Sarah Lubano: An anonymous person told me that this document is copied from Eldoret and brought to our committee here.

Chair: You are misleading the committee. Can you substantiate or withdraw and apologize for saying we are dealing with a fake document?

Hon. Sarah Lubano: I said an anonymous person, I withdraw and apologize.

Hon. Jeremiah Wakhulia: Since I am a member of the committee, let us uphold what is recommended instead of changing.

Hon. Elkana Kagunda: I concur with honourable Rodgers that we have no bridges. That was the reason.

Hon. Erick Musumba: Honourable Orango is the member of finance committee and now he is disputing. This shows somebody erased what the committee had passed. I concur with Honourable Jeremiah that we uphold and move forward

Hon. Emmanuel Orango: What I said is that I don't understand it. My conscious tells me we have entry points and that we can't go through Trans Nzoia County without charges. Let us go by the document and uphold it.

Hon. Beninah Khisa: Am not conversant but in my mind I feel Trans Nzoia needs this money. Slashing it means it will hurt the county. Although we have no bridges, heavy tracks are seen around here. The chairman of finance and budget and appropriation are not here with us. We don't know what to do.

TRANS-NZOIA COUNTY DEBATE

Hon. Rodgers Wafula: Charges zimewekwa kwa kufery bidhaa kutoka *point A* to B. Kwa mfano kilomita 100, hatuna vipimo vya bidhaa, *which is different from cess* kama vile *charges for ploughing ,planting and harvesting.*

Chair: Are we getting any money from those activities?

Hon. Emmanuel Orango: It depends on the language used here. These are cess charges for big tracks moving around. For example cess is charged from Moi's Bridge town. To me chair, Trans-Nzoia needs less money. We can't do away with the report, we can't delete penalty. How will you penalize me if I don't pay? We uphold and move.

Hon. Rodgers Wafula: (*Reads Sub-section C-D*)...

Hon. Jeremiah Wakhulia: Honourable Rodgers needs the service of a teacher. The authors must have realised Trans Nzoia county residents have no bridges. We can't delete the crucial section. Let's uphold this. We are working for ways and means of raising revenue and not to muzzle them. In essence let us uphold.

Hon. Elkana Kagunda: Naunga Rodgers mkono; cess ilipwe, Hatuna hivi vifaa hapa Trans-Nzoia na hatuwezi kufikia *standards.*

Chair: We either delete or not.

Hon. Rodgers Wafula: With weigh bridges, unapima uzito halafu unalipishwa. We have no strategic place to make the charges.

Hon .Jeremiah Wakhulia: A Bill is not introduced now and then; it addresses the present and the future circumstances. You can't publish a bill if you don't want to surcharge.

Hon. Erick Musumba: Ahsante kwa nafasi hii. Pale kwa *Khetia godowns* askaris charge for lorries carrying ng'ombe na mizigo. Tunajiumiza wenyewe. Some people even have forklifts.

Chair: Tunachanganya maneno. If somebody does not pay, what happens

(*Proposed and put the question*)

NEGATIVED.

Hon. Caroline Makokha: Market fees

Chair: (*Proposed question*)

POSITIVED

TRANS-NZOIA COUNTY DEBATE

Hon. Caroline Makokha: All Sub-county markets

Hon. Anne Wanjiku: We should not delete. Hon. Orango did not even sign the document; we should not take him seriously.

Chair : *(Proposed question)*

NEGATIVED

Hon. Caroline Makokha: Main Market Stalls

Hon. Matthews Orango: Interestingly as much as honourable Wanjiku wants to fix me, it is clear we didn't do homework. How can we operate without surcharging or levying matatus? This is erroneous. Let us leave it as it is.

Chair: *(Proposed question)*

NEGATIVED.

Hon. Caroline Makokha: Gender, Youths Sports, Culture and Tourism.

Hon. Philip Nyongesa: *(After just walking in)* I request we move together.

Hon. Matthews Orango: Again protect me from Honourable Wanjiku. Unless she has interest on my comments. Somebody could have imagined Kitale cannot match to other big towns when we have big hotels and swimming pools. This means Trans Nzoia is not ready to develop. This is different from the version of the initial report. We uphold the changes for the benefit of Trans Nzoia.

Chair: *(Proposed question)*

NEGATIVED

Hon. Caroline Makokha: Agriculture, Livestock and Fisheries

Hon. Emmanuel Orango: We have been grappling to raise revenue and how then do we expect to excel without money? Without mincing words, I oppose the document. We won't sustain market areas. I totally differ.

Hon. Erick Musumba: I concur with Honourable Orango because when Honourable Lubano said the committee had a problem on recommendations, she was forced to withdraw and apologize. The recommendations are misleading the House.

Hon. Philip Nyongesa: Members have been in the House since 9am, Honourable Orango should have given the way forward.

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TRANS-NZOIA COUNTY DEBATE

Chair: Confine yourself to the recommendations. If you go out, it might not be healthy to us. What is your opinion?

Hon. Philip Nyongesa: We don't delete

Hon. Bernard Wambwa: We need revenue as a county. The county will lose if we don't have revenue. My opinion is that we don't remove the charges.

Hon. Joseph Triko: Thank you. This is a House of respect. If we go by the list, we will lose. We were rated in the last position as a county. We can't sustain and employ staff. We will render our staff without work. I concur with Honourable Orango. We should increase instead of deleting.

Hon. Ann Wanjiku: We should go by the Hansard and not minutes. The AI penalty should remain.

Chair: (*question put*)

NEGATIVE

4.1 increased to Ksh 4,200.

Hon. Caroline Makokha: Education and ICT Department

Hon. Bernard Wambwa: From the mood of the House, we adjourn. We have no water and some of us have sugar level problems. We don't allow.....

Chair: We agreed you use your energy, with or without water

(*Question put on adjournment*)

POSITIVED.

Hon. Caroline Makokha: Inspection of Education facilities

Hon. Emmanuel Orango: Trans Nzoia *ni nchi ya kitu kidogo*. It means we are not ready to have universities. Education is an investment and as a county we ought to do this.

Hon. Jeremiah Wakhulia: I also feel we should not remove the charges. Those who proposed this might have had in mind public universities

Hon. Erick Wafula: I echo the reasons for the removal. This will encourage investors. This is why universities like Mt. Kenya and Kisii closed down. It is not fair to get an investor and charge him/her Ksh 100,000. We should encourage others to invest.

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TRANS-NZOIA COUNTY DEBATE

Hon. Joseph Trikoï: The Honourable member (Erick Wafula) is misleading the House. Those universities ran away from Trans Nzoia because of mismanagement. Universities must meet the requirements.

Hon. Beninah Khisa: I concur with my colleagues that the fees should not be removed.

Hon. Jeremiah Wakhulia: The closure of the universities was not occasioned by fees. We should look at the guaranteed quality of education rather than leaving them to operate at their own set standards.

Hon. Everline Chesari: I concur

Chair: *(Proposed question)*

NEGATIVED.

Hon. Caroline Makokha: ICT and E- government

Hon. Emmanuel Orango: Screens are put up at a fee and Trans Nzoia can be marketed through advertisement.

Chair: *(Proposed question)*

NEGATIVED

Hon. Caroline Makokha: Environment, Water and Natural Resources

Chair: *(Proposed question)*

NEGATIVED

Hon. Caroline Makokha: Health Department

Hon. Erick Wafula: I don't understand. I need some clarity. The deceased as supposed to be given decent burials. We may reduce the charges

Hon. Emmanuel Orango: Ksh 10, 000 is not exorbitant. Cemeteries have their life spans except for permanent graves which are cemented for the VIPs. The normal charge is Ksh 3, 000.

Chair: Did the committee feel to retain Ksh 3000 for adults and Ksh 600 for children?

Hon. Caroline Makokha: I will go with what Honourable Orango has said

Hon. Jeremiah Wakhulia: I think Honourable Orango did explain well and let us adopt.

Hon. Caroline Makokha: Adopt it as it is

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TRANS-NZOIA COUNTY DEBATE

Chair: *(Proposed question)*

POSITIVED

Hon. Caroline Makokha: Lands

Hon. Emmanuel Orango: It is in public domain, the payment is done “by 31st March of the following year” for T-rates 8.2 – 8.3 and 8.6 – 8.7

Chair: *(Proposed question)*

POSITIVED

Hon. Caroline Makokha: NEMA CHARGES

Hon. Joseph Triko: It is not good to remove charges for crusades because they will become chaotic. Some advertisements are conducted by big companies and earn as much as Ksh 4000 per day.

Hon. Ann Wanjiku: We should retain for crusades

Hon. Erick Wafula: We better remove charges for churches since the rest make huge money. The moving church vans direct you close to God.

Hon. Emmanuel Orango: I agree with my colleagues. It is not the county government making the charges but NEMA. We need not to surcharge churches but for crusades. They should be enforced to control noise as much as they go to Heaven.

Chair: *(Proposed and question put)*

NEGATIVED

Hon. Caroline Makokha: Roads, Public Works, Transport and Infrastructure

Hon. Emmanuel Orango: We have specific areas i.e Urban and Rural areas. The value is not the same. For urban it can be Ksh 100,000 and rural around Ksh 20,000

Chair: Does it mean a sin committed in the city is more beautiful than the one committed in rural areas?

Hon. Joseph Triko: The member (Orango) does not understand. This is mainly done to control the mushrooming of structures. Some Houses have fallen down because they were not approved. We should uphold the penalty. A crime committed in a village is the same as the one done in the city. The penalty should be the same.

Chair: *(Proposed question)*

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TRANS-NZOIA COUNTY DEBATE

POSITIVED

Hon. Caroline Makokha: Street Lighting

Chair: *(proposed and question Put)*

POSITIVED

Hon. Caroline Makokha: Traffic Charges

Hon. Erick Wafula: Thank you. How do we remove penalty and yet securing parking space is not easy? How shall we get revenue? They will park everywhere and become rude.

Hon. Bernard Wambwa: The emphasis has been made by Honourable Erick. If there will be no penalty, they will ignore us. This will be one way of collecting revenue.

Hon. Joseph Trikoi: Penalty is given to somebody who faults to pay. We can't run a county without laws. They will break the law all through.

Hon. Abraham Mwale: Removing is not good; this will instil discipline in motorists.

Chair: *(Proposed and question put)*

NEGATIVED

Clerk: Memoranda of objectives and reasons. The Bill seeks to make provisions for fees to be charged by the county government of Trans Nzoia for various services to be provided to the public by the county; to legally enable the county government of Trans Nzoia to provide and issue licenses for various provisions of services, to legalize for charging of fees, charges, rent and cess as the case may be.

Dated 5th December 2017

Bernard Aliang'ana

Chairperson, finance committee

Chair: *(proposed and question put)*

POSITIVED

Chair: Interpretation *(proposed and question put)*

POSITIVED

TRANS-NZOIA COUNTY DEBATE

Clerk: The Trans Nzoia County Finance Bill, 2017 (*Reads*). An act of county Assembly of Trans Nzoia County to provide for the imposition of various permit fees, cess, licenses, fees or charges for services and for connected purposes

Chair: (*Proposed and question put*)

POSITIVED

Clerk: (Short title). This Act may be cited as the Trans Nzoia County Finance Act 2017 and shall come into operation on the date of publication in the gazette.

Chair: (*proposed and put question*)

POSITIVED

Hon. Caroline Makokha: Thank you chair. I am requesting the committee report on Finance to be tabled to the House for approval with amendments

Chair: The committee report on Finance can now be committed to the House with amendments.

(*Proposed and put question*)

POSITIVE.

I now call upon the Sergeant at Arms to bring the Speaker to the House.

[The house Transits back to the plenary session]

(*Hon. Wanjiku in the Chair*)

Speaker (Hon. Wanjiku): I now ask us to leave the House so that the report can be received in the next sitting. Thank you members, the House is adjourned until 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Wednesday, 6th June 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Thank you members. Welcome for the afternoon session after a fruitful discussion in the morning. I want to let you know that we have guests in the gallery. We want to recognize the students of Kijana Wamalwa Secondary School and St. Teresa's Kabula from Bungoma who have come to see what we do as an Assembly. Here, we have future political leaders who will take over our roles. They are leaders for various components; engineers, teachers, nurses, doctors, MPs. It is only the great Jesus who nobody may become. For doctors, they will serve as a call from God and not because of money. They are young men and women who have come long way and are learning from us.

Without going into long stories, they will also become speakers. For you to succeed, the rule of the game is discipline. You will get where you want to be. For today's business, members should address the speaker and not the gallery.

TRANS-NZOIA FINANCE BILL 2017 SECOND READING

Hon. Stephen Njoroge: Mr. Speaker sir, we had a good morning where we deliberated on the Trans-Nzoia finance bill 2017 and approved it with amendments.

Hon. Caroline Makokha: I agree.

The Speaker (Hon. Werunga): (*Proposes question*)

The floor is now open if you did not resolve in some areas. Honourable Trikoï as a representative of the disabled, were you overpowered?

Hon. Joseph Trikoï: I want to thank the guests in the gallery for coming.

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TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): You are out of order, addresses the speaker.

Hon. Joseph Triko: We agreed on the amendments.

Hon. Erick Wafula: Ahsante sana, ninawashukuru, nafurahia wanafunzi kutoka eneo langu la *Hospital Ward*. Kulingana na mswada, nakubaliana kwa ujumla. Heko kwa Mheshimiwa Caroline kwa kuonyesha ukakamavu. Ombi langu ni kuwa muda unaisha Septemba na *supplementary budget* ni ya hivi karibuni.

The Speaker (Hon. Werunga): You either agree or not- don't bring excuses. For example, if you were late because a bicycle tyre burst on the way, you don't blame the bicycle but you apologize for coming late.

Hon. Daniel Kaburu: Thank you. First, I welcome the guests. For me, I thank the mover and I support the bill; and for Hon. Erick, the bill ends on 30th June and not September.

The Speaker (Hon. Werunga): This is hard work. Looking at the mood, there is balance.

Hon. Anne Wanjiku: I congratulate the mover and members for their perseverance. It was long overdue; we have sealed the loopholes for the diversion for revenue collections. Let me wish goodwill for candidates amongst the guests. I also wish to express sorrow for the victims of the flight that crashed yesterday.

The Speaker (Hon. Werunga):

(Question Put)

POSITIVED

Next item?

Hon. Caroline Makokha: I beg to move that the Trans-Nzoia bill 2017 be read for the third time.

LONG TITLE:

AN ACT OF THE COUNTY ASSEMBLY OF TRANS-NZOIA COUNTY TO PROVIDE FOR IMPOSITION OR VARIATION OF VARIOUS PERMIT, FEES, CESS, LICENCES AND FOR CONNECTED PURPOSES

SHORT TITLE:

THIS ACT MAY BE CITED AS THE TRANS-NZOIA COUNTY FINANCE ACT 2017 AND SHALL COME INTO OPERATION ON THE DATE OF APPLICATION IN THE GAZETTE.

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TRANS-NZOIA COUNTY DEBATE

The Speaker (Hon. Werunga): The work is done but the bill should be forwarded to the county government for immediate implementation. Next item

PAPERS

REPORT OF THE FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE TRANS-NZOIA COUNTY ANNUAL DEVELOPMENT PLAN 2018 – 2019 AT SUNSET HOTEL, KISUMU, KENYA.

Hon. Caroline Makokha: Mr. Speaker I beg to table the report of the finance & Economic Planning Committee on the Trans Nzoia County Annual Development Plan 2018-2019.

(Reads through the report)

PREFACE

Mr. Speaker Sir,

On behalf of the members of Finance and Economic Planning Committee and pursuant to the provisions of Standing Order 194, it is my pleasure and duty to present to this House the committee's report on the Trans-Nzoia County Annual Development Plan 2018 – 2019.

1.1 Committee Membership

The committee was constituted by the County Assembly comprising of the following members:

- | | |
|----------------------------|-----------|
| 1. Hon. Bernard Aliang'ana | -Chairman |
| 2. Hon. Caroline Makokha | -V/Chair |
| 3. Hon. David Kapoloman | -Member |
| 4. F-Ion. Phyllis Njeri | -Member |
| 5. Hon. Margaret Mutai | -Member |
| 6. Hon. Margaret Wanjala | -Member |
| 7. Hon. Evans Chesang | -Member |
| 8. Hon. Ben Mlipuko | -Member |
| 9. Hon. Rodgers Barasa | -Member |
| 10. Hon. Emmanuel Orango | -Member |
| 11. Hon. David Kisaka | -Member |

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12. Hon. Simon Makhanu -Member

Secretariat staff

1. Abraham Walubengo -Senior committee clerk
2. Lucy Kibonei - Senior legal counsel
3. Benjamin Biloi - Sergeant at arms
4. Wambalaba Leonard - Hansard recorder
5. Sylus M. Masaba - Committee clerk

1.2 Committee Mandate

Mr. Speaker Sir,

County Finance and Economic Planning Committee is a select committee responsible for: dealing with all Bills and inquiries relating to finances, revenue collection and the economy of the county; monitoring revenue payments or transfers and report to the County Assembly on quarterly basis; evaluating tax estimates, economic and budgetary policies and programmes with direct budget outlays.

1.3 Committal to Finance and Economic Planning Committee

Mr. Speaker Sir,

Pursuant to the provision of Standing Order 42 (1) (2) (3) and in accordance with Article 220 (2) of the constitution, the plan should be prepared by the County Executive Committee Member for Finance and Economic Planning as per prescribed regulations and then submitted not later than the 1 September of each year to the County Assembly for approval and copies thereafter send to the Commission on Revenue Allocation (C.R.A) and the National Treasury. It was committed to the committee after having been tabled in the House as required.

1.4 Acknowledgement

Mr. Speaker Sir,

First, I would like to thank committee members for their dedication and input during the preparation process. Special thanks go to the office of the speaker and clerk of the county assembly for facilitating the committee members during its sitting and while writing the report. The secretariat staff also spent a significant amount of time to put together the report. In this regard, we are grateful to all for their technical input and commitment to the success of the process.

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On behalf of Finance and Economic Planning Committee, I have the pleasure and honour to present to this honourable House, the committee's report on Trans-Nzoia County Annual Development Plan 2018-2019. Thank you.

1.5 Submission to County Assembly

The County Annual Development Plan (A.D.P) for financial year 2018/2019 was Officially received by the office of the county assembly clerk on 31st August 2017 and was subsequently tabled in the House on 12th April 2018 and thereafter committed to the committee for deliberation, discussion, review and recommendation.

1.6 Requirements

The County Annual Development Plan should provide a summary of proposed priority programmes and projects for implementation during the financial year 2018/2019 by the County Government towards the realisation of its overall development objectives.

It should take into account that the existing legislations and policy documents including the Public Finance Management Act (PFMA) 2012; the Constitution of Kenya 2010 and its planning legislative and laws.

The plan should be aligned to the County's Medium Term Development Framework (MTEF) the Country Integrated Development Plan (C.I.D.P), the Kenyan vision 2030 and its medium term plans and international commitment, like the Sustainable Development Goals (Agenda four).

Finally the County Annual Development Plan should be prepared through consultative meetings with all relevant county departments before being validated and approved in accordance with constitutional requirements.

1.7 Committee Meeting

Meeting of Finance and Economic Planning Committee was convened on 16th April 2018 at the County Assembly Boardroom from 2:00pm to consider the document (plan). Also in attendance were Mr. Boniface Wanyonyi- CECM Finance and Economic Planning, Mr. Abdi Kibet-Ag Head of Revenue and Ibrahim Telewa from budget office.

1.8 Committee Considerations

While considering the document the committee examined it against the following criteria, amongst others as provided for under the PFM Act 2012 and constitution of Kenya 2010:

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- i. Medium term strategic priorities which should reflect county government priorities and plans
- ii. A description of how the county government is responding to changes in financial and economic environment
- iii. Programmes to be delivered together with details
- iv. Payment to be made including grants, beliefs and subsidies
- v. A description of significant capital developments
- vi. Proposals with respect to the development of physical, intellectual, human and other resources
- vii. A summarised budget (in the format required by either regulation, constitution or the Act)

1.9 Committee Observations

That the plan has taken into account;

- i. County economic social profile
- ii. County development changes
- iii. Review of implementation of C.D.P 2013-2017
- iv. Key programmes and projects for implementation in financial year 2018 – 2019
- v. That the plan has not captured adequately all development projects of the County Assembly and so the County Assembly's infrastructural projects such as Speaker's and Clerk's official residences together with perimeter walls be factored in the plan.

The committee found the plan suitable for approval by this House.

Hon. Joseph Trikoï: (*Point of order*) is it in order for the mover to avoid 1.8 and read 1.9?

The Speaker (Hon. Werunga): You must have gone through and what she's doing is to highlight a few issues. (*To Hon. Caroline*) Proceed

(*Hon. Abraham Mwale on feet*).

Hon. Abraham, who gave you the authority to speak; and under which standing order?

Hon. Daniel Kaburu: We are reading from different scripts. The sequence is not flowing and is creating confusion. We may not be having the same script.

The Speaker (Hon. Werunga): If you don't know then sit down

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Hon. Stephen Njoroge: The mover has been interrupted so many times, please protect her.

Hon. Abraham Birir: *(Point of Order)*

The member of Makutano is misleading the House. The mover is not being interrupted intentionally; I need to intervene by asking her to go through the committee's considerations.

The Speaker (Hon. Werunga): Looking at the points of order and points of information, everybody has the point.

(To Hon. Caroline) Table it as it is!

(Hon. Caroline tabled the report)

Hon. Caroline Makokha: I ask the Honourable Evans Chesang to second

Hon. Evans Chesang: I second.

(Applause)

The Speaker (Hon. Werunga): I want to put the question.

Question put- POSITIVE

The CEC Member for Finance to immediately implement this.

However, I have one issue with the executive; laxity. Where is the chair for the Implementation Committee?

(Hon. Lawrence Mokosu not in the House)

He should constantly make follow-ups for the implementation. As said before, he should inform the executive to implement to the latter then report to the clerk: tell them to bring Bills early enough so that we can also assist them on their part especially the CEC Member for Finance.

Next item?

Since we have no other agenda the House is adjourned until tomorrow at 2:30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Thursday, 7th June 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[Deputy Speaker (Hon. Njoroge) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Deputy Speaker (Hon. Njoroge): I would like to take this opportunity to welcome you honorable members to this afternoon session. I would like to thank those who were in yesterday's session because they did a good work. I hope the same will continue.

Having said that, I'd like to recognize the presence of some visitors with us today; we have Chewoiyet High School from West Pokot County. We have hundreds of students with six teachers who are in the gallery. We thank him for having chosen to come to the assembly to know how we conduct business in this Assembly. We are happy as an assembly because every time we have visitors mostly as schools, we know most of the students will come and take these positions. It is good for them to learn as early as this for them to counter check with the organization of the assembly because what is happening here is what is happening in the national assembly in Nairobi; so having visited us, it is a good opportunity for you to learn how assemblies run their normal sessions. So welcome and enjoy your stay as we continue with the session.

I would also like to take this opportunity again to inform the parliament that as we were here on Tuesday, there is an aircraft that left our air strip at around 4pm and unfortunately it never reached the destination which was Nairobi; along the way I don't know what happened and a

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few hours ago we were informed that the footage of the aircraft has been located somewhere around Kipipiri hill in Abedare forest. We are informed that it had ten passengers; eight plus two pilots so it's very unfortunate to inform our members because they come from our villages, they are people of Trans Nzoia. I would like to say that as an assembly we are mourning the dead together with the relatives and as a sign of solidarity, I would like us to have one minute as we stand so as to show solidarity as an assembly.

(Honorable members standing)

Thank you and be seated.

Thank you for that, we will continue following the whole story, we have our PR assistants standing on that and I know we are going to be together with the families who have lost their loved ones.

QUESTION

QUESTION NO: 09/2018 UNDER THE DEPARTMENTAL COMMITTEE FOR
TRANSPORT & PUBLIC WORKS- BY HON. PETER WASWA

Hon. Peter Waswa:

(Reads Question)

Mr. Speaker sir,

Noting that there are a lot of disused old motor vehicles and other machinery lying at the county's transport yard and which vehicles are undergoing waste and depreciation;

Could the County Executive Committee Member for Transport and Public Works provide the relevant committee of this house with the following information;-

1. How many such disused motor vehicles, parts and other machinery are lying at the transport yard and elsewhere?
2. Why the County Government should not dispose of the said motor vehicles, parts and machinery in accordance with the law on disposal of public assets?

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Thank you Mr. Speaker sir

(Slight pause, then continues)

Thank you Mr. Speaker, I would also wish to give a complaint- that one of my close friends lost life in that aircraft and Mr. Speaker the item on the paper today's question is under the departmental committee for transport and public works.

Deputy Speaker (Hon. Njoroge): I would like to confirm that we have received the question as presented by hon. Peter Waswa of Bidii ward, and that the matter has been taken to the Public works, Transport and Energy committee so that we can get a response to the departmental committee because we need to have the answers immediately. So I give the committee two weeks to respond to the same Question. Next item

MOTION

MODERNIZED HOUSING UNITS AND ESTATES

Hon. Alfred Weswa: Mr. Speaker, I beg to MOVE the following MOTION:

AWARE that the defunct Municipal Council of Kitale and County Council of Nzoia had built decent houses for their employees and citizens and market stalls for renting out to small and medium entrepreneurs in their areas of jurisdiction;

FURTHER AWARE that Trans Nzoia County has 18 estates and 1053 residential units which are old and unfashionable spread across the county which units consumes large sums of money every financial year with claims of renovation and facelift;

DEEPLY CONCERNED that most of these houses are vandalized and were poorly designed, built and the estates are not properly managed;

NOTING provision of decent housing to employees and other citizens in the county is one very important way of creating an enabling environment for provision of efficient and acknowledged services and the provision of well-built market stalls is the best way of encouraging emerging and small entrepreneurs hence raising revenue collection;

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FURTHER NOTING that all the estates in the whole county generated less than Ksh500,000/= for the financial year 2016/2017 due to a fall in demand for services from the department yet this is the most potential sector for the county's revenue collection.

Mr. Speaker, sir, this Honorable house urges the County Executive Members in charge of Physical Planning, Lands, Housing and his/her Finance and Economic Planning counterpart to come up with a county housing policy on modernized housing units or estates which will house the raising numbers of County staff and citizens among others hence raising our revenue base. The policy should consider repossession of all houses and market stalls and ensure there are no other agents who are engaged in offering these services. Thank you Mr. Speaker.

(Slight pause then continues immediately)

Kitale town is one of the oldest towns Mr. Speaker that were established before independence. Mr. Speaker it is our responsibility to see that we provide good housing, water for middle income and also embrace business goods Mr. Speaker.

May be as we move we would also like to clear with time

(Apologies from Hon. Weswa, laughter from members)

I was so excited Mr. Speaker.

Being the chairman of town clubbing, after developing Mr. Speaker, I would like to propose that I am a seconder of this motion Mr. Speaker before I go.

Hon. Abraham Mwale: Thank you so much Mr. Speaker, and to the visitors in the gallery, welcome. I stand to second this motion.

Deputy Speaker (Hon. Njoroge): Thank you, we can now proceed.

Hon. omolo: Thank you Mr. Speaker. Kitale town is one of the oldest towns. Mr. Speaker these are some of the towns that were established before independence. Previously, I discovered that it's now over eighty years. Mr. Speaker as much as we are talking of decongestion in our city, Mr. Speaker, we have a very big problem in housing. Mr. Speaker the former county munic-

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ipal assembly and Trans Nzoia county council had housing units which, Mr. Speaker today, are inheritable because of their condition.

Mr. Speaker when you visit other cities as we have been going on bench marking, and as you compare our housing Mr. Speaker fifty five years since we got our independence, it was just that we were celebrating Madaraka day. Our housing mainly in Trans Nzoia; both in the city and the outskirts; the CEC for urban planning should come up with policies to improvise our housing categories and also the trading areas in the municipal market and look at the hospitals- currently, you will find out that Mr. Speaker those kinds of structures we have around are unbearable so we are arguing that the CEC in charge of housing should come up with the policy so that they can be able to improvise the living standards of our people by putting up modern middle housing for our people .Thank you Mr. Speaker

Deputy Speaker (Hon. Njoroge): Thank you very much, now we have Hon. Kapoloman; now the floor is open for all of us so that we can debate.

Hon. David Kapoloman: Mr. Speaker, thank you for giving me this opportunity. for the benefit of the members at the gallery, I am hon. David Kapoloman, representing Saboti ward and today am here to stand.

Mr. Speaker, I will give a brief comment on this motion; Mr. Speaker, I would like to say this is a friendly motion; I want to thank Hon. Alfred Weswa- the member representing Sirende ward for having been wise and brought this motion. Mr. Speaker, we all know that housing is a basic commodity. Mr. Speaker, we all come from a home; we all have houses at home. The county has also found the municipal council and town council- they had houses for members. As we stand here today, hon. Members, the houses are not in good condition and are vandalized. Therefore people of the constituency cannot rent these houses Mr. Speaker. I want to say that you will be surprised because housing being the basic commodity, as a county we need to put more input on this issue because one: it will help the local people of our county just like any other representative.

Mr. Speaker when we build bad hospitals, car packs, we are all trying to collect- so I want to support this motion Mr. Speaker because we don't have enough revenue in this county

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to manage our issues. Therefore one of the areas we think can assist us in revenue is rehabilitating those houses and make them better so that members of the community hire; I'd even ask Hon. Members to hire and not to be going out so far Mr. Speaker, so that they can be coming in the parliament on time.

I can crown my issues around the CBD Mr. Speaker; I want to say that when you look at the interest we have put in this motion, that all the financial year; that the level of county connecting 500,000 - assuming the ten thousand, one unit goes for five thousand; we shall be making 5.2million. As per now, we are only making 0.5 million and therefore I want to say that Mr. Speaker let us have the policy in place because the employer of the motion is stating how the policy is going to help us in the process that we have as a county.

We also have to repossess the houses that are owned by the people or by the agency in the name of the county. Mr. Speaker, I want to support the motion; that we should improve on decent housing as a basic commodity of the people of Trans Nzoia; it is a source of revenue for Trans Nzoia and we shall be coming from houses that we are proud of because housing is a basic commodity. You will be standing and say that 'I come from a home'. Thank you Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Thank you, we are going to have Hon. Birir taking the floor.

Hon. Birir Thank you Mr. Speaker, I would also like to join the people of Trans Nzoia in mourning the departed souls of those who were in the aircraft that was involved in a crash; we are with the families.

Mr. Speaker, I also want to support this motion based on the following: one, Mr. Speaker, is that this housing project should be restricted to town setting. Mr. Speaker, we have very many employees who are in different wards; those nurses who are employed in the county, the ward administrators and many others. In some places Mr. Speaker, these employees don't have decent houses for the people to rent- so this is good Mr. Speaker if it's going to have devolved patterns from the county to the people and it will also bring revenue to the county government.

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Mr. Speaker, I would like to call upon the chair and the members of the planning & housing committee that as we are in the budget making process, let us include this in this financial year and the housing process comes up in our wards.

Lastly Mr. Speaker, I am also perplexed by the revenue we get from this housing; the five thousands per every financial year, Mr. Speaker, my calculation Mr. Speaker shows that from the five thousand; and having 1053 units Mr. Speaker, that is like these housing units are being rent at forty shillings per month. Mr. Speaker it shows some lack of seriousness in our policy formulation and Mr. Speaker, it also shows that this is one of the reasons why our revenue is down.

Mr. Speaker, I want to end there and I call upon the planning committee to look in to this with keen seriousness so that this project be of good use to our county. That's what I support Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Let me have Hon. Wambwa who comes from Tuwani ward. I think he has a lot to share with us?

Hon. Bernard Wambwa: Thank you, Mr. Speaker today is a very sad moment to the people of Trans Nzoia following the aircraft fall; but we stand with the families and pray to God that He gives them strength during this trying moment.

Mr. Speaker, having said that, I want to appreciate the presence of the students from Chewoiyet in the gallery, and also to appreciate the mover of this motion; hon. Weswa.

Mr. Speaker, I believe that whoever built these houses took time; these houses were made for the people working for the government and the municipal council. I stand here Mr. Speaker to say that those people staying in those houses are not staff of the county government or the civil service Mr. Speaker; so I concur with the mover of this motion that they need to be renovated. The rent needs to go up as per the market. I beg to stop, thank you Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Let me have Hon. Mwale then I will cross over to other assignments.

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Hon. Abraham Mwale: Thank you Mr. Speaker, once again I stand with my fellow Trans Nzoia people and Kenya at large mourning our people who have gone missing; we are with the families and we are praying with them Mr. Speaker.

For the students at the gallery, I am Hon. Mwale Abraham, representing the people of Sinyerere ward. For the mover of the motion Mr. Speaker, I support Hon. Weswa. As you have heard

Mr. Speaker, modern housing is under the big four agenda of the county and we as the county members we have to make our county look like other counties for instance Mr. Speaker, we have a modern house which is on your way to Kapenguria. I concur with the mover of the motion that the minister in charge of housing, trade and other developments should come up with a good policy so that we can build our town and also have decent houses.

Mr. Speaker, we will be attracting more visitors to come to our county Mr. Speaker. Like in Kakamega, it is because of the housing in the county that the devolution conference was done there. Mr. Speaker, it will be bold if Trans Nzoia can have these modern houses so that when such functions come, Trans Nzoia can be considered; this can be a source of revenue to our county. So for that Mr. Speaker, I support the motion and it could be done if we started today. Thank you Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Let me have Hon. Musumba

Hon. Erick Musumba: Thank you chair, I stand to second the motion by the mover who has brought this motion to this house, also I concur with my friend who is Hon. Mwale

Deputy Speaker (Hon. Njoroge): Hon. Waswa, are you in this honorable house?

Hon. Erick Musumba: Thank you my colleague for correcting me. Now, the clerk, I was supporting the motion presented by my colleague who is Hon. Mwale saying that the house near Mount Elgon; near the SLM, being public service and officers, they moved the staff and were vandalized- the houses were demolished. So Mr. Speaker they are camping at high areas due to insecurity.

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Mr. Speaker, I concur with my fellow member; that the department for housing should at least do something for these houses.

Mr. Speaker, according to the ministry of information, we have a stranger in the plenary. Mr. Speaker according to the code of dressing, we are trained on how to dress; maybe we should have a tie and a suit but we are having a stranger in the plenary. So Mr. Speaker we should do that.

Deputy Speaker (Hon. Njoroge): we have a stranger in the house, and a point of order from Hon. Weswa.

Hon. Weswa: Mr. Speaker, is the Hon. Member in order to call the hon. Members of this parliament strangers?

Deputy Speaker (Hon. Njoroge): Hon. Member before you explain it is good to know that we have hon. Members in the plenary; he might not be properly dressed but that will not get out their title.

Hon. Members, I think we should proceed and not find out who is properly dressed. Let us have Hon. Peter Waswa to contribute; and whoever is not properly dressed- know that someone is watching you.

Let's continue.

Hon. Peter Waswa: I wish to contribute on this motion brought by Hon. Alfred Weswa. I wish to update him that the town celebrates its centenary; we have grown a hundred years hospitably. Mr. Speaker, the issue of housing is crucial in Kitale, even that national housing corporation; the earlier municipal council, which has been collecting rents from most of the houses within this town, and Mr. Speaker, it is important that we identify as a House, a committee to go round and get the real assets in terms of housing of this particular county.

Mr. Speaker, you will note that areas like Mitume, where we have *Bondeni* estate; are- as like Webuye estate in village-in; areas like *mulango nusu* in *Machinjoni*- some houses are old and the challenge was, the funding to do the housing was not appropriate in this county. you find out that Mr. Speaker this county has been having relax ship projects; the hospital and the past

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hock which is also consuming a lot of amounts directed to housing; Mr. Speaker, housing being in the four big agenda of Kenya, it is important that we also have the influence on the national government to invest in Kitale, that at least the national government should direct investors in Kitale. They should be given land and houses like the ones in bad condition should be delocalized and be put under municipal where we can be able to access the tax.

Mr. Speaker, it is a big challenge that we as the county cannot set funds to be used so that houses can be put up in Kitale. so I disagree that we don't have enough funds; it is important that most of the residents in Kitale right now have what we call plan less society because the houses are put up in areas like Lessos, areas like Kibomet, and the houses are supposed to be along the sewage line so that people can be able to enjoy their livelihood.

So according to me Mr. Speaker, I should be able to support this motion by saying that we are out to look for more investors in Kitale, so that they can be able to support us so that we have decent houses for our people. Thank you Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Thank you, thank you very much. I hope you are satisfied. I think I saw the hand of hon. Aliang`ana earlier on; were you satisfied or you still wanted to say something; did you want to say something?

Hon. Aliang`ana: I don't know, I didn't even raise my hand...

(Laughter from the members)

But I support the motion.

Deputy Speaker (Hon. Njoroge): Thank you, I would like to have Orango, and I would like to put across that all of us want to contribute .So I would advise all members to keep time so that we give time to any other member who would like to contribute.

Hon. Orango: Thank you Mr. Speaker, first I would like to join my colleagues in condoling with the families of those who lost their members in the Abedare plane crash.

Mr. Speaker, I would like to commend the Hon. Member; the mover of the motion for these few reasons:

1. Being a resident of this county of Trans Nzoia, I think the motion is long overdue coming before this honorable house; in fact Mr. Speaker, before you even walk

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around the estates of Trans Nzoia county, you need to pick it from the CBD , what we call the Central Business District of this great town of Kitale. The houses, the units in the CBD are in a wanting situation and they were built long time, when they were still villages. They have grown all those years to what Hon. Waswa of Bidii has called 100 years of Kitale town.

It's a challenge and it's the responsibility of this house to make an effort that compels the county department of construction and planning to make the town organized because if you begin from the estate as it is, the town remains in apathetic state which leaves us in an awkward position and whatever my colleague has said, that Kakamega is a good example, we cannot host a visitor in this county. Mr. Speaker, we cannot host a delegate or a big meeting because we do not have the structures, or units for a big number of people to come and pay a visit to us.

As we debate about the houses and the housing units of this county Mr. Speaker, I want to think wide and look far because some of us have travelled wide in this country and we've come across big counties doing very well in terms of structure, buildings and construction.

The bills that we pass here should help our people think wide. Some of us come from those counties we stay there; not really me but family and friends- as bad as they are, the county of Trans Nzoia goes without collecting revenue. I've done a small calculation here and the county of Trans Nzoia collects 39 shillings per unit and that's what they call revenue, which is far below what the county can get from houses belonging to the county and what we can do as a house is that the department should come up with financial figures to do away with small estates to bring up highlights; kind of construction highlights so that we can get revenue to our people.

2. We don't want to wait until a problem or a disaster comes up before we find ways of solving it. Let's do it earlier by having plans and having a way so that we can evade such kind of disasters in the houses. The other day we were discussing, Mr. Speaker, if you can remember about Kipsongo and the cholera outbreak; it is the same kind of lifestyle our people are living. If you made a walk around the area, the sewage is flowing anyhow, anywhere and the children are playing on those fields; our people are passing there and nobody from the executive department comes out and thinks of how we can improve the structures of this county. So Mr. Speaker I want to agree with the mover of the motion that the said department should be compelled through this house to bring up a policy and a plan on how they can do it and evade and erase this kind of structures from this county. We look forward for a solution Mr. Speaker as we look forward to a new and a better housing.

Lastly Mr. Speaker, from the CBD, the structures are still the old ones; the town is growing, the county is growing. We cannot grow when we don't have houses. We cannot have people working in these houses when the structures are in a pathetic position. We need to tell the county to bring up policies on how to make the CBD have a modern kind of building structures. The plans we were discussing yesterday, the people making the plans should tell

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the people wanting to construct especially around the CBD that these are the plans and this is what to do and if you don't have the power, you can either give to somebody who has the ability to do for them. We can empower our people economically so that we have more houses that yield more finances to the people and to the county.

Mr. Speaker I support this motion.

Deputy Speaker (Hon. Njoroje): Thank you Hon. Waswa, I now move to hon. Lawrence Mokosu.

Hon. Lawrence: Thank you very much Mr. Speaker for giving me this chance, and on behalf of the people of Kinyoro ward, I would like to send my condolences to the members who lost their relatives in the plane crash.

Mr. Speaker, mine is to thank Hon. Weswa of Sirende ward for coming up with this motion. He has decided to come and open up to us that there are things happening in this ward that we do not know. Mr. Speaker, I am so much concerned about these houses; some people are saying that the houses are going for 40 shillings others for 35 shillings. Mr. Speaker, I would like to say that it's better for the concerned committee to visit these houses and come up with actual figures because it's embarrassing that we are discussing that a house here goes at 40 shillings and students from the neighboring county are hearing.

Mr. Speaker, this motion has come at a wrong time. Mr. Speaker I feel like this is another scandal. If it's not an NYS scandal then it is a maize scandal, and I urge that we go deep to investigate. It is not even an issue of coming up with new houses Mr. Speaker, because we can come up with new houses today and tomorrow the same scandal repeats itself. It is about people's performance. I feel that there are no houses in this county and even if we went as far as Lessos, that or even down to Kibomet unless Hon. Erick Wafula can confirm for us today, who is a representative of these people, that they are occupying the houses by force like the people of Kibera?

Mr. Speaker sir, if these people are paying rent and we are being told that it is 39.5 shillings, Mr. Speaker we have to go further and investigate how much is collected and even visit these people and ask them how much they pay per month there.

Mr. Speaker we will come up with a more conclusive answer to the honorable member who came up with this motion and the whole assembly. With those few remarks, I beg to support the motion.

Deputy Speaker (Hon. Njoroje): Thank you let me now have Hon. Mlipuko.

Hon. Mlipuko: Ahsante sana bwana spika. Kwanza ningependa kuungana na wenzangu na wakenya wote kutuma rambirambi zangu kwa familia za waathiriwa baada ya ajali ya ndege na naomba mwenyezi MUNGU awafariji.

Pili, kwa ajili ya wageni wetu, naitwa Mhesh. Mlipuko; nawakilisha wadi ya kapomboi.

Tatu, ningependa kuungana na wenzangu kujadili hoja hii ya nyumba ambazo zinatumiwa na wafanyikazi wenzangu wa kaunti na serikali kuu. Mimi nimeguzwa na jambo ambalo wafanyikazi wanaofanyia kaunti hii na serikali hii kazi wanaishi katika mazingira ambayo ni ya kusikitisha mno. Bwana Spika, ni jambo la kuhuzunisha wakati huu wa mvua na sio mji huu wa kitale peke yake. *Mr.* Spika ukitembea katika wadi ile ninayo wakilisha, *mr* spika wafanyikazi wanaofanya kazi katika mashamba ya ADC, Namanjalala, katuke; hali ni ile.

Mr spika lazima ihakikishwe kuwa wafanyikazi wanaoletea nchi hii utajiri mwingi wanaishi katika mazingira safi. Mimi naungana na wenzangu kuwa bunge hili liweze kuita waziri atembe mashinani ajionee hali ya maisha ilivyo. Mwenzangu aliyelea hoja hii naiunga mkono. Ahsante.

Deputy Speaker (Hon. Njoroge): Thank you let me have Hon. Sarah Lubano.

Hon. Sarah Lubano: Mr. Speaker sir, I also want to take this opportunity to join the families of those who perished in the plane crash.

For the sake of the students who are in the gallery, my name is Hon. Sarah Lubano; I represent kwanza ward.

Now I stand here to support this motion strongly; and before I support the motion, I also have some input I have to put across: the first one is- these particular houses we have come across the county, my suggestion is that we renovate all of them, thereafter raise the rent then after raising the rent and seeing to it that the rent is not as our fellow members are putting it to be at 35.9 shillings.

We should establish what the rent is then renovate. After renovation, increase the rent then after increasing then we can come back and know how much land we have put up new houses on. And if we don't have new land to put up houses, we need to purchase the land in this new financial year; but if we have land in this new financial year, we shall need to build more decent houses than the ones we have so that we rent them out expecting to get better rent than what we are getting now because our target now is to raise enough money to run our county.

Therefore if we think of putting up houses, we should put up modern houses put up on a modern field so that we raise more money to run our county. I support the motion strongly, thank you Mr. Speaker sir.

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Deputy Speaker (Hon. Njoroge): Thank you Hon. Lubano and maybe you need to explain why you do not have your coat on?

Hon. Obed Mahaga: Thank you Mr. Speaker sir and I stand to strongly support the motion.

Secondly, I want to remind us that there's a *maxim de minimis non curat lex* (on petty issues the law has no cure) and it's unfortunate that you have to interrupt a Hon. Member from speaking simply because of a grammatical error. This is a house of honorable members and we can listen to a speech and correct at the end of his presentation

(Laughter)

Deputy Speaker (Hon. Njoroge): Thank you, we are moving on well.

Hon. Anne Wanjiku: Thank you Mr. Speaker sir, at least I'm now sure I'm not the stranger in the house. I start by sending condolences to the families and to the departed -may their souls rest in peace.

For the students in the gallery, I am Hon Anne Wanjiku and I also would like to put my voice in this motion and I think the people living in those houses end up having a very big deficiency when it comes to water and electricity bills. I suggest that all houses should have their own meters and be surcharged when they fail to pay.

Apart from that, they have also added other structures which were not part of the plan. I believe that when the renovations will be done, they will be demolished and we have the original plans which were there by the municipal. Near the labor area were staff members and the issue was that they were houses belonging to the national government. I would like the committee to seek light on which houses belonged to the county government and which ones belong to the national government. Thank you very much sir.

Deputy Speaker (Hon. Njoroge): Welcome Hon. Chesari.

Hon. Chesari: thank you Mr. Speaker sir, I am Hon. Evelyn Chesari; I am here to support this motion and I would like to join my fellow Hon. Members in all the contributions they have made. I want to add that these houses are very old and poorly fashioned. I think they should be demolished and new structures put up. The CEC should come up with a good housing policy where residents are provided with good houses; they should also come up with a policy whereby apart from collection of revenue, we have so many unemployed youths and they should come up with a policy for checking the list of youth's employment. Thank you.

Deputy Speaker (Hon. Njoroge): Thank you, I would now like to spare this time for the mover to support the motion and thank Hon. Members for supporting the motion, welcome.

TRANS-NZOIA COUNTY DEBATE

Hon. Alfred Weswa: Thank you honorable members for supporting the motion. Mr. Speaker, I also wanted to bring to the attention of the members that the reason why the rent is little from the initial housing corporation is that the people are collecting rent for their own benefit; so new means should be set up for the same. Otherwise I would like to thank honorable members for this contribution, to come up with good housing corporation.

Mr. Speaker I would also wish that the occupants of this house are not the ones the houses were meant for, especially our staff both of the county and national government. It's upon us as a committee to move in and see if we can solve this technical issue. Mr. Speaker if we look at how things are moving, most areas that we are talking about, it is like we are almost collecting nil so we support it to go and vandalize those houses forcefully and remove the windows and the doors

Mr. Speaker, given the mandate as a committee, we should be able to come up with a detailed report on housing. as we wait for the policy Mr. Speaker, we should be able to move and be ready to give a report on those houses and report and also Mr. Speaker if the national housing cooperation is collecting the rent, then how much could be the balance that is coming to the county assembly otherwise thank you members and the visitors for coming. Thank you Mr. Speaker.

Deputy Speaker (Hon. Njoroge): Thank you, the mover, we have a motion on modernized housing and estates and we've given it a lot of time;

I would like to ask: The mover of the motion proposes that the CEC member for housing to come up with modernized units and estates: (*question*)

As many as those of the similar opinion say AYE...

As many as those of the contrary opinion say NAY...

THE AYES HAVE IT

I therefore direct that The Committee On Lands, Housing & Physical Planning have a clear report of those housing units and we'd like to be given a report in two weeks' time because it's a sensitive issue and it's sad that a housing unit in this century goes at 35 shillings.

We would also like the Committee on Finance which is responsible for this issue, to move and establish if it's really 35 shillings; if it's true that if we are getting 500000shillings from housing. I would therefore like the two committees to submit their report.

Next item on the order paper?

MR. SPEAKER WE HAVE NO OTHER ITEM

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Deputy Speaker (Hon. Njoroge): Thank you, I would like to thank the members and our visitors for having joined us today and you are welcomed again.

The house is hereby adjourned until Tuesday next week at 2.30pm.

TRANS-NZOIA COUNTY DEBATE

COUNTY ASSEMBLY OF TRANS-NZOIA

THE HANSARD

Second House- Second Session

Tuesday, 12th June 2018

The House met at The Chamber,

County Assembly buildings- at 2.30pm

[The Speaker (Hon. Werunga) in the Chair]

PRAYER

The Speaker (Hon. Werunga): Next item

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Werunga): Hon. Members, welcome to today's business. We have a lot of activities around basically as you move towards the end of the financial year, where we will soon have our own work being done very properly. We are still using the budget of last year.

Members, next week starting from tomorrow, we will be have public participation on budget; so most of the members will be hosting various stakeholders, people in your specific wards for the budget.

It's important for people to participate in the usage of funds and improve on management of public resources; that's why tomorrow onwards it will be a very important activity happening; then as usual from there we will proceed to make a report in Kisumu.

From the following week after the public participation, you will be meeting various committees we have, so that you see how much work you have before you. So Hon. Members, after you have understood that, we have the next item today; what's the item clerk?

PAPERS

PROGRESS REPORT OF TRADE, COMMERCE, INDUSTRY AND COOPERATION
COMMITTEE ON PACKAGING OF GOODS AT THE SUPERMARKETS- BY HON.
ERICK; SIKHENDU WARD

Hon. Erick Musumba: Thank you Mr. Speaker Sir, this is a progressive report of the trade, Commerce, Industry and Cooperatives Committee on packaging of goods at supermarkets.

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TRANS-NZOIA COUNTY DEBATE

(Hon. Musumba read through the report)

INTRODUCTION:-

Mr. Speaker Sir,

This is the progress report of the Trade, Commerce, Industry and Cooperatives Committee on packaging of goods at supermarkets Trans Nzoia County Assembly. This follows the motion tabled in this Honourable House on 20th February 2018 by Hon Emmanuel Waswa of Keiyo Ward and subsequently referred to this committee.

Mr. Speaker Sir,

The following are the Members of the Committees as constituted by this Honorable House and who were present were:-

1. HON. ERIC MUSUMBA	CHAIRPERSON
2. HON. PHYLIS NJERI	VICE CHAIR
3. HON. BENARD ALINGANA	MEMBER
4. HON. DAVID KISAKA	MEMBER
5. HON. MARGARET WANJALA	MEMBER
6. HON. LAWRENCE MOKOSU	MEMBER
7. HON. BEN MLIPUKO	MEMBER
8. HON. BERNARD WAMBWA	MEMBER
9. HON. ALFRED WESWA	MEMBER
10. HON. MILCAH SUGUT	MEMBER
11. HON. MARGARET MUTAI	MEMBER

Mr. Speaker Sir,

The in attendants were;

1. SIMON C. KISIGEI	C.E.C.M TRADE, COMMERCE AND
INDUSTRY	
2. EMMANUEL NABUORA	C.E.O KNCCI (Kenya National Chamber of Com-
merce and Industry)	

Mr. Speaker Sir,

The Secretariat Staffs were;

1. ABRAHAM WALUBENGO	SENIOR COMMITTEE CLERK
2. BRENDA KUSIMBA	COMMITTEE CLERK
3. BANJAMIN BILOI	SERGEANT AT ARMS
4. JOHANNES SATIA	HANSARD RECORDER
5. EUTIN NAKITARE	RESEACHER

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MANDATE OF THE COMMITTEE

The Trade, Commerce, Industry and Cooperatives Committee is one of the Sectoral Committees contemplated under Standing Order 194 and is provided for under Second Schedule to the Standing Orders of the County Assembly. This is the Committee mandated to deal with, among other issues,

- All matters relating to trade development and regulation, including markets, trade licenses (excluding regulation of professions), fair trading practices and cooperative societies.
- All matters relating with commerce, industrialization, enterprise promotion and development including small and medium size enterprises and cooperative development.

PREFACE

Mr. Speaker Sir,

Following a ruling of this Honorable House delivered on the 20th February 2018 on the Motion presented to the Assembly by Hon Emmanuel Waswa of Keiyo Ward on packaging of goods at supermarkets, the Committee invited the County Executive Committee Member, Trade, Commerce and Industry and the Chairman for Kenya National Chamber of Commerce and Industry (KNCCI) on 29th March 2018 at the County Assembly boardroom.

The C.E.C.M and the C.E.O of KNCCI appeared before the committee on the stated date at 10.00am.

COMMITTEE OBSERVATIONS

Mr. Speaker Sir,

After a lengthy discussion of the committee, the C.E.C.M and the C.E.O of KNCCI the committee came up with the following observations;

1. There is need for the committee together with the ministry of Trade, Commerce and Industry and KNCCI to engage the traders on other alternatives available.
2. To look into possibility of manufacturing cheaper bags that can be accommodated in the prices of goods purchased and to note that the bags prices should not be footed by the consumer.
3. That the alternative bags (woven bags) currently being given to consumers are of poor quality.
4. There is need for the County to come up with a law/ policy in line with packaging of goods.

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COMMITTEES RECOMMENDATION

Mr. Speaker Sir,

The following are the recommendations of the committee,

1. That trader to offer free packaging of goods to consumers who purchase goods above a certain set limit e.g. Goods above kshs. 1000
2. The committee requests the office of the clerk to facilitate the committee to go for benchmarking at Kisumu and Nairobi industrial areas where the woven bags are manufactured so as to find out more on the cost of production and quality.
3. The committee seeks;
 - a. To hold a consultative meeting with the representatives of supermarkets together with the C.E.C.M and relevant officers from KNCCI.
 - b. For more time to do research on the motion so as to come up with a comprehensive report.

Thank You

HON ERIC MUSUMBA

CHAIRPERSON TRADE, COMMERCE, INDUSTRY AND COOPERATIVES

COMMITTEE

(CICC)

Hon. Judith Mutonyi: Thank you Mr. Speaker, I second the report.

The Speaker (Hon. Werunga): So I think, with the report with us here, I want to open the floor for any other reactions that you may have; the floor is open for Hon. Members to discuss.

Hon. David Kisaka: Thank you Mr. Speaker, first of all I want to congratulate my chair for giving us an important task for us to work in the committee because, actually, we had challenges as the chair has highlighted on packaging of goods. The question the member would ask is: if the supermarkets were ready to give free packaging when we used to have plastics, what became of them when plastic bags were banned?

We encourage the supermarkets to brand the bags so that it creates awareness on marketing and make the consumers at least look happier when shopping. Let's look at this for example, when you buy a piece of meat and bread and it is raining, and you have nowhere to put your

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items, it becomes very embarrassing especially when you have a suit; it becomes an awkward situation. So I think the report is timely and I support the motion.

The Speaker (Hon. Werunga): Hon. Jamanour

Hon. Jamanour: Thank you Mr. Speaker, I support the report from the Hon. Member of Sikhendu ward.

However, I have a few comments and observations; this goes directly to the committee's recommendations; on the first recommendation, they have given that goods purchased over 1000 shilling should be considered to be given a free packaging bag- what of those goods that are not above 1000 shillings? I request this committee to put that in consideration because we are all customers and should enjoy the services.

Mr. Speaker, my second observation is that on the second recommendation, where the request by Hon. members was, I will read the last line only where the committee is asking for a bench marking in Kisumu or Nairobi, so as to find out on the cost of production and quality. My question is: after that, what happens?

So I will be happy if the recommendation gives us more details other than the cost of production and quality. Otherwise that would be my contribution to the committee if they continued writing the report.

The Speaker (Hon. Werunga): Member, are you for the report or against the report?

Hon. Jamanour: I am supporting the report.

The Speaker (Hon. Werunga): I can see the house is almost full, apart from... we nominated people but they are coming two; congratulation to Hon. Njeri and Mercy for making our house bigger. I sneaked into your pages and some of your pages are under congratulation; some other men who did not do so much work were also on it, making a lot of noise on the page

(Laughter in the House. The Speaker pauses very shortly then continues)

Thank you for filling the house, they are girls, and that is great. We are happy to have that. Now she will be joining us later on but for now let her enjoy the maternity leave. The chairman of labour, that's why I specifically said you must have a policy so that we can organize a group of people of men and women honorable enough and move you in the house for welfare. Chairman, I want you, first of all before you contribute, contribute on this motion by telling us how many bags you want so that we can take there.

Proceed, are you for this motion or not?

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Hon. Eric Wafula: Thank you Mr. Speaker, first I would also want to congratulate Hon. Mercy Tanui and Philis Njeri for bringing in new members to our community; in hospital ward in and Trans Nzoia at large. I am sure that some of us participated but not deeply. We encouraged them. Thank you Mr. Speaker

I would like to commend the mover of this motion, the Hon. member from Sikhendu for coming up with such kind of report. I want to agree with them, because when you look at what has been happening in the supermarkets and other areas where we go to buy goods; it is shameful for a supermarket not to give you a bag. Maybe you have bought something like bread and biscuits, and you are told do you want a bag, a galley bag or another kind of bag so the recommendation that the committee has come up with, if a trader is a good trader, he would rather add something on top of what a person is purchasing; if for example am going to buy goods worth 500 shillings, I'd rather they put twenty or fifty shillings rather than telling me after some time that I buy another product on the side.

The Speaker (Hon. Werunga): Hon. Member, please sit first. You have gone through the report; the report that we have is about the cost that the manufacturers are putting on consumers; that is what it is, so, member, when you say that you buy something... I don't know if we have the report because hon. Kisaka said that for some time, the supermarkets have been packing goods for people with polythene papers which were also manufactured. What went wrong when they banned the plastic paper; and they want to add the cost on the consumer- we say, they should continue with the work just like the butcher men are using paper to package their products. I think honourable member that is where we are. *(To Hon. Erick Wafula)* proceed if you have understood it again

Hon Eric Wafula: Thank you Mr. Speaker, I was just enlightening members that I was not in when Hon. Kisaka was contributing; but I tend to agree because the way it has been for some time, they have been packaging goods. So I don't know where they came up with the idea that you buy goods on one side. I agree with the recommendation of the committee and I support it, thank you Mr. Speaker.

The Speaker (Hon. Werunga): Hon. Njoroge

Hon. Stephen Njoroge: Thank you Mr. Speaker, I start by congratulating our two dear Hon. Ladies for increasing the number and specifically in hospital ward. The Hon. Member from hospital ward has commented that we participated but not deeply; I want to contribute, I want to go there with a basket of fruits.

Having said that let me come back to the report and say that the report is very nice. I would like to thank the committee because they took their time and came up with the task very fast and I do concur with them; especially when you go to the very last line, where they are saying that they need more time so that they can do a lot of research, and also they need time to go

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and meet with the proprietors of those various supermarkets so that they can agree on this issue so that the desires of our members and people are served properly and with dignity. When you carry goods just like that across the road, surely, you will lose your dignity. When you go to any other place in the county, there is no complaining from the supermarket and they are packing the bought items properly, and those consumers are enjoying. So I start to wonder why our supermarkets cannot do the same. I would wish to request the chair to continue further and if they have to meet the proprietors of various supermarkets, they can agree on this and there are no two options Mr. Speaker towards this; there is only one option: THAT they should package those items for our people and members so that they can be able to have services and enjoy life.

Thank you Mr. Speaker.

The Speaker (Hon. Werunga): we have heard a lot from males, let's have something from Milkah, she has been the chair of the women caucus and she is doing well.

Hon. Milkah Sugut: Thank you Mr. Speaker, first I want to congratulate our two dear ladies for bringing new members; they had a lot of work, but they have brought two beautiful bouncing baby girls namely Margaret and Milkah.

So Mr. Speaker, I stand to support the mover of this motion. I want to congratulate the committee on the work they have done. I was there and the chairman of the KICCI was a very tough man; he was trying to challenge us but he found a very strong and focused team of the committee. I want to support this motion and may be to add on the report where there is committee recommendation No.3 part b; it says, they need more time to do the research on the motion so that we can come up with a comprehensive report.

We also wanted to include something like, when they purchase items in the county; we were told they buy some goods from Naivasha. I support and ask for more time to do research on this motion. I also want to comment on the coordination in No.2, where it says that the committee requests the office of the clerk to facilitate the committee to go for benchmarking at Kisumu and Nairobi industrial areas where the woven bags are manufactured so as to find out more on the cost of production and quality; that day we had a member who had the bag and we told them it is of low quality and that the chairman of KICCI was trying to defend the bag saying it is stronger. Since we had one, we showed him and even said that it is of low quality. So I stand strongly to support the mover of this motion, thank you Mr. Speaker.

The Speaker (Hon. Werunga): Hon. Sarah

Hon. Sarah Lubano: Thank you Mr. Speaker, I also take this opportunity to congratulate my daughters for having brought fourth our other two granddaughters.

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I strongly support this motion; I would like to focus on the recommendation No.1 where it says that the trader should offer free packaging of goods to consumers who purchase goods above certain set limit, e.g. goods above Ksh.1000. Mr. Speaker, I would want to say that before, we used to go to the supermarkets and our goods were freely packaged; the free packaging was also branded. So our work as we got out of the supermarkets was marketing using those particular bags. This time, the same bag is also branded but we are charged on the bag. Mr. Speaker, I would want to say that whenever we go to the supermarkets, we should have our goods packaged free of charge- not until when you buy goods worth Ksh 1000, that they are packed but when you buy goods less than Ksh 1000, they are not packed. Thank you Mr. Speaker.

The Speaker (Hon. Werunga): Hon. Jeremiah

Hon Jeremiah Wakhulia: I want to join others in congratulating two men who tried to make our Hon. Ladies to get children. I also congratulate the ladies themselves.

Mr. speaker the work of the committee is to go out to do research and come to this house with a comprehensive report for adoption; and if we take into account, the committee needs more time to do research to come up with a comprehensive report- this means this report is not comprehensive, and if we adopt, it means we are not adopting the real report. If they need more time, it will be out of order to adopt it. So I oppose this report Mr. Speaker.

The Speaker (Hon. Werunga): Yes Hon. Kapoloman.

Hon. David Kapoloman: Thank you Mr. Speaker, I am glad that we men donate seeds to ladies who give birth. I congratulate them.

Secondly, as per the motion, I concur with Hon. Jeremiah, who said that it's not in order to adopt a progressive report because it is not comprehensive; the norm of this house is that we don't debate on progressive reports. So Mr. Speaker, just make a ruling whether we discuss or we wait for a comprehensive report. For that matter, I reject.

The Speaker (Hon. Werunga): Thank you hon. Members, it is very healthy if it is a progressive report. I request the committee to continue with their work to come up with a comprehensive report. In their demands, they have not met the requirement for this report because it needs much from supermarkets. So I will give you 60 days to come up with a comprehensive report. Next item

COUNTY INTEGRATED DEVELOPMENT PLAN 2018-2022, BY HON. DAVID KISAKA

Hon. David Kisaka: Thank you Mr. Speaker, I rise to table the County Integrated Development Plan for considerations. Thank you.

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The Speaker (Hon. Werunga): This is a report for the CIDP which is in line with the budget processing. I want to put it in the Budget Committee for considerations in line with the budget. Next item

WARD EQUALIZATION BY HON. ABRAHAM BIRIR –CHEPSIRO/ KIPTOROR WARD

Hon. Abraham Birir: Mr. Speaker sir, I beg to give notice of the following motion:

AWARE that Murang'a senator Irungu Kangata came up with the a bill in the senate dubbed 'ward development equalization bill 2018', that seeks equitable and decentralized development across the county through a uniform development funds for each ward to run specific projects that fall under devolved functions;

FURTHER AWARE that the intent of devolution was to trickle down development to the grass root mwananchi;

Mr. Speaker,

Senator Kangata's bill is timely because the current ward specifics fund provided in the county is not effectively absorbed with a lot of bureaucracies involved hence the senator's proposal that at least 8% of the share of the annual revenue allocated to counties amounting to 21.8 billion, and which translates to 15 million per ward, will help spur development in the grassroots.

Mr. Speaker,

Administratively, the bill borrows heavily from the national government's Constituency Development Fund, as it proposes structures to oversee the management of the fund through County Ward Development Boards whose task will be management and administering the funds.

The board will consist of the County Executive Committee Member in charge of Finance and Economic Planning Funds Manager and the three persons competitively recruited by the County Public Service Board with the approval of the County Assembly.

Kangata bill also provides participation and the oversight watch dog (MCA) to ensure that funds are properly utilized

Accordingly, I now move that by resolution of this house, a message be conveyed to the senate under Standing Order 38(1); that the County Assembly Of Trans Nzoia supports the ward development equalization bill 2018.

I would like to ask Hon. Mwale to second the notice of motion.

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Hon. Abraham Mwale: Thank you Mr. Speaker sir, I stand to second the notice of motion.

Speaker: I want to request that the notice of motion be taken to the House Business Committee for time allocation, next item.

BEGGARS WITH DISABILITY BY HON. JOSEPH TRIKOI – NOMINATED MEMBER

Hon. Joseph Triko: Mr. Speaker, I move the notice of motion I want to join my colleagues for congratulating Hon. Njeri and Mercy for doing as God says, that: go and multiply, and fill the world.

Secondly, I want to give notice of the following motion:

AWARE that there has been a rise in the number of the disabled beggars in Kitale town in the recent past, which portrays a very bad image for the town;

APPREHENSIVE that most of these beggars could be residents of other counties, they only come to Kitale to beg during the day and later return to their abodes in the evenings;

CONCERNED that persons living with disabilities are a vulnerable group of the society who are exposed to social, security and health risks; high levels of properly force them to come to the streets;

Mr. Speaker sir

I therefore move that this honorable house resolves that the County Executive Member in charge of Gender, Youth, Culture & Sports does identify the disabled beggars that are not residents of Trans Nzoia county and find ways they can be taken back to their respective homes and further increase the funds that are set aside for persons with disabilities so that all beggars are removed from the streets and given alternative ways of earning lawful living. Thank you.

I request hon. Ann Mwangi to second, thank you.

Hon. Ann Mwangi: thank you Mr. Speaker, I stand to second the motion.

I also take this opportunity to congratulate the two Hon. Ladies and I ask male Hon. Members to try and participate elsewhere. Thank you Mr. Speaker

The Speaker (Hon. Werunga): I refer the notice of motion to the House Business Committee for time allocation, next item.

ADJOURNMENT BY MAJORITY LEADER HON. PATRICK KISIERO

Hon: Patrick Kisiero: Thank you Mr. Speaker sir.

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I beg to move the following motion:

AWARE that the county assembly is scheduled to conduct public participation on Trans Nzoia alcohol drinks control bill 2018 and the Trans Nzoia county budget between the 13th and 15th day of the may 2018 both days inclusive;

FURTHER AWARE that the committee of this honorable house will retreat for report writing from 18th -25th June 2018 both days inclusive which all honorable members will participate;

Mr. Speaker sir,

ACCORDINGLY, by a resolution of this house the county assembly should adjourn its sittings to Tuesday 26th June 2018

Thank you Mr. Speaker sir.

I want to ask hon. Kisaka to second.

Hon. David Kisaka: I stand to second the notice of adjournment as read by the majority leader.

The Speaker (Hon. Werunga): Thank you majority leader and Hon. Kisaka; the budget person. Members, you will participate and the floor is open. Hon. Mokosu, member from Kinyoro?

Hon. Lawrence Mokosu: I would wish that the house be adjourned but my worry is, as the implementation chair, my members are not satisfied with the executive. Even as we adjourn, we will visit offices because it's also our role to adjourn and join the public.

The Speaker (Hon. Werunga): So are we to adjourn or not?

Hon. Lawrence Mokosu: No we should not adjourn.

The Speaker (Hon. Werunga): Hon Eric, do you want the house to be adjourned?

Hon Eric Wafula: Ahsante sana Bw Spika, niko tayari sana kuenda nyumbani kwa sababu maswala yetu ni kuhusu wananchi. Pia tuko na *alcohol bill*. Wananchi wangu wa shimo wanalaumiwa kwa kunywa pombe ya kienyeji. Pia tutawaelimisha kama tutahalalishwa.

Naunga mkono Mokos, kuwa tutatembea kwa afisi kwa sababu ni lazima tuende nyumbansi.

The Speaker (Hon. Werunga): Yes Hon Kapoloman.

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Hon. David Kapoloman: Thank you Mr. Speaker, I support the motion. We are not going home; it's just that, we are going to meet our people and do public participation; it's just another duty outside and public participation is legal and paramount because our budget is coming to an end and we have to plan properly because we have to table the budget. We have to request members of the public to be at part of it and I support the majority. I also support the adjournment.

Hon Rodgers Barasa: Ahsante sana Bw. Spika, naungana na *Majority* kwamba hili bunge likatize ili lishughulikie mambo yaliyo andikwa hapa. Pia *bill*, kushughulikia pombe ya kienyeji.

The Speaker (Hon. Werunga): What's the point of order, Hon. Njoroge?

Hon. Stephen Njoroge: Thank you Mr. Speaker, I want the Hon. Member to explain whether he is misleading the house about the legalization of the liquor or not.

Hon. Rodgers Barasa: *I think* mheshimiwa hakisikia vizuri, kwa sababu niliongea kwa Kiswahili na yeye kwa kizungu.

Kama jamii ya kiluhya hutahirisha mwezi wa nane, tungeenda halafu *tukam* tupitishe...

The Speaker (Hon. Werunga): *(To Hon. Rodgers)* you have worked hard for your people you drink with that liquor. Unless we come up with that motion, you know the county is operating without a Liquor Board. It is illegal; we want it to be in law. Let's proceed.

Hon. Stephen Njoroge: I would like to thank the mover, because I was wondering what will happen because we are supposed to be with members of the public to interrogate the budget and the liquor bill.

The Speaker (Hon. Werunga): Hon. Triko, you gonna be thrown out! You have to respect others as you were respected when you were talking.

Hon. Stephen Njoroge: We have to share light with the people we represent; it's also part of our mandate. I support the motion.

The Speaker (Hon. Werunga): After all that, I want to pose a question.

QUESTION PUT- POSITIVED.

Members, in other words, before the resolution of adjournment, I will remain with you to see the budget. When you go out, be treated well. You be remain behind and be acquainted with what will happen. For that matter, the house is adjourned till 26th June 2018.

APPENDIX

ACRONYMS & ABBREVIATIONS

AD	<i>Anno Domini</i>
ADC	Agricultural Development Corporation
AIE	Authority to Incur Expenditure
CBA	Collective Bargaining Agreement
CBD	Central Business District
CDMSP	County Debt Management Strategy Paper
CEC	County Executive Committee
CECM	County Executive Committee Member
CEDAW	Convention of Elimination of All forms of Discrimination Against Women
CFSP	County Fiscal Strategy paper
CBROP	County Budget Review and Outlook Paper
CCO	County Chief Officer
COG	Council of Governors
ECD/ECDE	Early Childhood Development Education
FY	Financial year/ For Year
H.E	His Excellency
HBC	House Business Committee
HIV	Human Immunodeficiency Virus
HON	Honourable
KEMSA	Kenya Meat Supplies Authority
KNUN	Kenya National Union of Nurses
MCA	Member of County Assembly

TRANS-NZOIA COUNTY DEBATE

MOH	Ministry of Health
NCPB	National Cereals and Produce Board
NEMA	National Environmental Management Authority
NZOWASCO	Nzoia Water Services Company
ODM	Orange Democratic Movement
PAC	Public Accounts Committee
PIC	Public Investments Committee
PLC	Principal Legal Counsel
SAA	Sergeant-At-Arms
SGBV	Sexual & Gender-Based Violence
SO	Standing Order
SRC	Salaries & Remuneration Commission
TJRC	Truth, Justice and Reconciliation Commission
USAID	United States Agency for International Development
UN	United Nations

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