

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Thursday, June 23, 2016

PLENARY

(Special Sitting)

June 23, 2016

**COUNTY ASSEMBLY
OFFICIAL REPORT
Thursday, June 23, 2016
The House met at 10.22 a.m.
[The Speaker (Hon. Geoffrey Kipng'etich Korir) in the Chair]
PRAYERS**

MOTION

THE BOMET COUNTY APPROPRIATION BILL 2016

Hon. Speaker: Hon. S. Bor on behalf of the Leader of the Majority.

Hon. S. Bor: Thank you. Let me move the motion that the Bomet County Appropriation Bill 2016 be exempted from the provisions of standing order 121 and we do not subject it to the requirements of 7 days publication period to enable the County Assembly to finalise the Appropriation Bill for FY 2016/2017. I request honourable Samson to second. Thank you.

Hon. S. Towett: Thank you. I second the motion before us as per standing order 231 to exempt this urgent business before the House from the normal procedure. This is because the time before the end of the financial year on 30th June is short and this bill is urgent and with these few remarks I urge my colleagues to support it. Thank you.

Hon. Speaker: Thank you. I now propose the question that pursuant to standing order 231 the motion the Bomet county appropriation bill 2016 be exempted from the provisions of standing order 121. It is open for debate.

There was no contribution.

Hon. Speaker: Hon. Bor.

Hon. S. Bor: Thank you. Since the financial year 2015/2016 is coming to an end and since today was a special sitting for this I thank the members for supporting this motion. Thank you.

Hon. Speaker: Thank you. Hon. Chebomui when the Speaker is standing you freeze! Let me now put the question that pursuant to standing order 231 the motion the Bomet county appropriation bill 2016 be exempted from the provisions of standing order 121.

Question put and agreed to

First reading

The Bomet County Appropriation Bill 2016; A Bill For An Act Of The County Assembly Of Bomet To Authorize The Issue Of A Sum Of Money Out Of The County

Disclaimer: The Electronic Version of the Official Hansard Report is for informational purposes only. A certified copy can be obtained from the Hansard Editor.

June 23, 2016

Revenue Fund And Its Application For The Service Of The Financial Year Ending 30th June 2017 And To Appropriate The Sum Of Money For County Public Services And Connected Purposes.

Hon. Speaker: Hon. Members pursuant to our standing orders no. 124, the bill has been read for the first reading and as per our standing orders no. 125, I commit it to the Budget and Appropriation Committee and they have one hour to report back to the House

Hon. B. Ngeno: I think we will take only 30 minutes

Hon. Speaker: Then move a motion that you require only 30 minutes instead of one hour. Hon. Kirui.

Hon. S. Kirui: Is it in order for the Chair to ask for less than one hour?

Hon. Speaker: Please take one hour and if you clear within 10 minutes then you inform us. At most 2 hours but if you clear quickly you report to us. I think that is okay.

Hon. B. Ngeno: I think the work before us may not take more than 30 minutes.

Hon. Speaker: The rest of the members please hang around. We adjourn to at most 2 hours but if you clear quickly you report to us. I think that is okay.

The House Was Adjourned For Two Hours.

The House Resumed Its Sittings.

Hon. Speaker: It is four minutes after 12.30. Almost two hours have elapsed and since we started we have a lot of pending business, a motion needs to be moved to extend time. I think we have 8 members and we need four more to start business. We have quorum. Chairperson, Budget and Appropriation Committee.

Hon. B. Ngeno: Thank you. We have taken two hours and the Speaker was right when he had said we needed two hours. The amendments were voluminous but we still need 45 minutes for the clerk to finish with the report writing and then we table it.

Hon. Speaker: Since it is four minutes to half past twelve I need someone to move a motion to extend time so that we can transact business after half past twelve and we are procedural. Honourable Langat as a member of House Business Committee under standing order 30(3a) move a motion to extend time and I will waive the requirement of 30 minutes before.

Hon. R. Langat: Thank you. since the special sitting was meant for the appropriation bill, under standing order no. order 30(3a) I move a motion that the House extends its sitting time as the Budget and Appropriation Committee is yet to finish the report they are to table in the House since the committee could not reach a consensus on the amendments quickly and so the clerk is

June 23, 2016

preparing to give a report. I request the House that we still adjourn further for the report to be finalised and I request Hon. Ngeno to second. Thank you.

Hon. B. Ngeno: I second.

Hon. Speaker: Thank you. Under standing order no. order 30(3a) I propose that the House extends its sitting time beyond 12.30 p.m. so that the House can conclude the business in the Special Sitting. Let me now put the question that the House extends its sitting time beyond 12.30 until the business in the special sitting is concluded.

Question put and agreed to.

Hon. Speaker: It is now 12.30 and we will resume business at 13.30. We have one hour and we suspend our sitting. If you clear early inform us so that we can resume.

The House suspended its sittings.

The House Resumed its Sittings

Hon. Speaker: Clerk do we have quorum? Serjeant at arms kindly ring bell

(Quorum Bell was rung)

Honourable members since we have quorum I had given two hours then the budget committee said they needed one more hour I was generous enough and gave them, Honourable Ngeno, the Speaker has acquired sufficient wisdom and he can see things beyond what is required and this is good. Honourable Chang'morik, we need sufficient time for this, next order.

SECOND READING

The Bomet County Appropriation Bill, 2016

Hon. Speaker: Chair!

Hon. B. Ngeno: Mr. Speaker, I wish to table a document that goes in in line with the budget and there was amendments raised by Honourable Robert Bett, at the committee meeting when invited and he shed some light on some few amendments when he was invited. So Mr. Speaker, I wish to table the report.

Hon. Speaker: I think Honourable Member you are tabling a report that had been requested. Remember after the first reading, I had said I am committing the report to your committee pursuant to the standing order No.125 (1). After the first reading, I committed to the relevant committee, but because of the nature of the appropriation Bill, if it was a normal Bill the amendment of Honourable Bett would have waited for at least seven days but because the appropriation Bill can go all stages at once, as per the standing orders, the rest you are not

June 23, 2016

allowed to go all stages. So I think I did commit so Honourable Bett you can confirm that you were here at 7:30 a.m. for the amendments and at what time did the clerk receive them?

Hon. R. Bett: I confirm that I was here as early as 7:30 a.m. and the clerk was also here at 8:00a.m. He received it and I was sure that I was also successful here and the other steps are what are left.

Hon. Speaker: So you are sure that you gave out that in two hours' time, you were assuming that the sitting starts at 8 a.m. So that it's on record you Honourable Bett was here on time at 7.30 a.m. (*Applause*) and submitted amendments and the reason why I wanted to submit to the budget committee was so that we could fast track. We shall be forced again to adjourn after the second reading is done. So we can be proceed, I think for me I think I wanted to clarify why Honourable Ngeno is quoting standing order No.12. So kindly table the document which comprises the report of the committee after the first reading including the amendments proposed by Honourable Bett.

Hon. B. Ngeno: Mr. Speaker, I wish to table the document from the budget and appropriation committee and the report on the Bomet County Appropriation Bill including the amendments.

Hon. Speaker: It's now the property of the whole House So proceed to the second reading.

Hon. R. Bett: Point of order?

Hon. Speaker: What is your point of order?

Hon. R. Bett: At what stage are the amendments going to be tackled? 'On the standing order, a report has to be tabled in the House before going, for the committee of the whole House So I feel that the report should be taken before the committee of the whole House

Hon. Speaker: Honourable Bett who approved your amendments before it's brought to the House?

Hon. Speaker: It's me the Speaker? Honourable Bett if the amendment is against the standing orders if you read it very clearly, if it's the Speaker who approves, then if I may use your words it is the motion and also including the amendments that is why you needed the two hours to submit. You met because you were saying, by 8:00 A.M. you had submitted. Under this circumstances which are more than ten, the committee will need to recommend to the Speaker whether the proposed amendments are right or wrong so that the Speaker can make a decision on the way forward.

So under the circumstances a committee has dealt with the Bomet County Appropriation Bill after the first reading then they also include your amendments. After these now we shall get the

June 23, 2016

way forward after the committee. Then we move forward with the amendments and they are the ones to make the recommendations on the way forward if it's okay or not.

Hon. R. Bett: I hope now what you are telling me is within your powers, and before we break into the committee of the whole House and after my proposed amendments which were more than ten appearing before the committee, then it should present a report to the House before we go to the second reading. That is before we broke to the committee of the whole House

Hon. Speaker: The Chair, under standing orders No.129. The committee has been able to meet, as per my direction and the word is he wants the report to be submitted before the committee of the whole House. Is that okay? So Honourable Ngeno what you need to do as per the report is leave the aspect of the amendments and let's see whether the people are eager to give this second reading. Just move a motion that this be read the second time and still adjourn for ten minutes. Your committee goes again and talks with Honourable Bett, he needs to appear before the committee. Bring a report to the House which will be able to show the way forward. I hope that is clear Honourable Ngeno.

Hon. B. Ngeno: Hon. Speaker, this is a House of procedure and I thank Honourable Bett. Mr. Speaker members are consulting in high tones.

Hon. Speaker: Kindly allow Honourable Ngeno to proceed.

Hon. B. Ngeno: Thank you Mr. Speaker. Thank Honourable Bett, for observing the standing order, and the standing order No.129 is very clear, that where a bill has been read a second time and before commencement of the committee the whole House, which requires harmonization, the Speaker, may direct any member proposing any amendments, to the Bill to appear before the relevant sectoral committee, dealing with the subject matter, of the Bill to present his or her amendments to the County Assembly on the result of the committee of the Whole House.

Its procedural but as a committee we had seen that the last time we had seen and before going to the second reading and because this is a House of procedure and you will allow me to read a second time, that the Bomet County Appropriation Bill 2016 be now read the second time.

Hon. Speaker: Kindly you need to tell us briefly why should it be read the second time, and seconded then I propose the question.

Hon. B. Ngeno: Thank you Mr. Speaker, we are all aware that we had a special sitting today and the purpose of us being here today is to approve this budget knowing that it's a rush against time. We have done a great job, and we feel that if we approve this in time it's going to save the county government in terms of implementation and the County Assembly is going to move without challenge, so I wish you allow this be read the second time, and we support it so that because today was the only day meant for this Bill before the expiry of the real date that is 30th June 2016. I therefore request the Vice Chair for Budget and appropriation committee to second.

Disclaimer: The Electronic Version of the Official Hansard Report is for informational purposes only. A certified copy can be obtained from the Hansard Editor.

June 23, 2016

Hon. R. Langat seconded.

Hon. Speaker: Thank you very much, Chair and the Vice Chair. It's now my turn to propose the question that the Bomet County Appropriation Bill 2016 by now read the second time. If there is no one to contribute, honourable Ngeno.

Hon. B. Ngeno: Mr Speaker I wish to thank the Honourable Member for supporting this. I believe the silence means they support.

Hon. Speaker: Thank you it's now my turn to put the question that the Bomet County Appropriation Bill 2016 upon this day of 23rd June 2016 be read the second time.

Question put and agreed to.

Hon. Speaker: We are supposed to go the committee of the whole House but we read first.

Second Reading

The Bomet County Appropriation Bill 2016; A Bill For An Act Of The County Assembly Of Bomet To Authorize The Issue Of A Sum Of Money Out Of The Money Out Of The County Revenue Fund And Application Towards The Service Of The Financial Year Ending 30th June 2017 And To Appropriate Sum For Service And Connected Purposes.

Hon. Speaker: The bill now having been read a second time, it is supposed to go to the committee of the whole House but in compliance with the standing order No.29 and the way Honourable Ngeno has read let me read it again. That where a bill has been read a second time and before commencement of the committee the whole House, and the bill requires harmonization, the Speaker, may direct any member proposing any amendments, to the Bill to appear before the relevant electoral committee, dealing with the subject matter, of the Bill to present his or her proposed amendments and the committee shall submit a report to the County Assembly on the results of the exercise before the committee of the Whole County Assembly. Honourable Bett and others who appeared before the committee with more than ten amendments. The standing order says even if there were five members but have proposed more than ten amendments which requires harmonization at this point it's should be in compliance and I am going to order that Honourable Bett appears again before the budget committee and be able to iron out any outstanding issue. The budget and appropriation committee will be able to come back after some time.

Hon. R. Bett: It's not my duty to know about time even if it's one hour or so. I am interested in my amendments.

Hon. Speaker: So you are saying even the earlier amendment may be used.

June 23, 2016

Hon. R. Langat: While at the committee stage we read the standing order in presence of Honourable Bett and he gave us his version at the committee over that.

Hon. Speaker: So Honourable Langat one thing you know very well is that issues of budget were in court and remember in the first case Justice Lenaola said he blamed everyone including the Speaker, Clerk, Assembly, Governor, CEC finance and the controller of budget and under the circumstances we have dealt with the issues. Even if it means you give him tea or water and you bring a report and table it formally. So that you are compliant with that let him bring a report and appears before you in a few minutes. If there are any issues to be clarified then he clarifies.

How many minute members, shall we break? Yes Honourable Mosonik.

Hon. W. Mosonik: For the sake of time management the committee will have their meeting in this plenary and you have 20minutes and I know it's clear after 20 minutes. It's Now 14:28 so we shall be here at 14:48. Thank you very much we shall break for 20 minutes.

The House broke for 20 minutes

The House resumed its sessions

Hon. Speaker: Honourable members we had adjourned for the Honourable Member to appear before the committee, Chair confirm that.

Hon. B. Ngeno: Mr. Speaker, yes he appeared before my committee.

Hon. Speaker: Honourable Bett do you confirm that you appeared before the committee?

Hon. R. Bett: Yes.

Hon. Speaker: Honourable So let me be able to proceed. Under standing order No.129 where a bill has been read a second time and before commencement of the committee the whole House, more than ten amendments have been proposed and which requires the opinion of the Speaker, the Speaker may direct any member proposing any amendments to the Bill to appear before the relevant sectoral committee, dealing with the subject matter, of the Bill to present his or her proposed amendments and the committee shall submit a report to the County Assembly on the results of the exercise before the committee of the Committee of the Whole County Assembly. The Chair I wish you could now table the report of the committee of the County Assembly on the results of the exercise before the committee of the Whole County Assembly.

Hon. B. Ngeno: Mr. Speaker, I wish to table the report on budget and appropriation committee; that is the 12th report of the county assembly.

Hon. Speaker: Highlight and table the report and if you so wish you can table the report. (*The report was tabled*) it's now the property of the House and you proceed to give us the outcome so that I can give the direction.

June 23, 2016

Proceed.

Hon. B. Ngeno: Mr. Speaker,

On behalf of the Members of the Budget Committee and as required under standing order No. 190, I take this opportunity to present to the House, the Committee's Report on the proposed amendments to The Bomet County Appropriation Bill, 2016.

Mr. Speaker Sir,

The constitution and the PFM Act placed significant responsibilities on the County Assembly over the management of public resources particularly with regard to resource mobilization, allocation, monitoring and control.

Mr. Speaker sir,

The Budget and Appropriation committee as currently constituted comprises of the following Honourable members:

1. Hon. Benard Ngeno – Chairperson
2. Hon. Reuben Langat - V. Chair
3. Hon. Robert Serbai
4. Hon. Josphat Kirui
5. Hon. Samwel Bor
6. Hon. Philip Siele
7. Hon. Leonard Kirui
8. Hon. Wilson Keter
9. Hon. John Molel
10. Hon. Samson Towett
11. Hon. Leah Kirui
12. Hon. Julius Korir
13. Hon. Andrew Maritim

1.1 Mandate of the Committee

The standing order No. 190 establishes the Budget and Appropriation Committee with specific mandate to:

- a) ***Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget.***

Disclaimer: The Electronic Version of the Official Hansard Report is for informational purposes only. A certified copy can be obtained from the Hansard Editor.

June 23, 2016

- 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;*
- d) Examine Bills related to the County budget, including Appropriations Bills; and*
- e) Evaluate tax estimates, economic and budgetary policies and programs with direct budget outlays.*

1.1 EXAMINATION OF THE PROPOSED AMENDMENTS TO THE BOMET COUNTY APPROPRIATION BILL, 2016

Mr. Speaker sir,

In reviewing The Proposed Amendments to the Bomet County Appropriation Bill 2016 the committee held one sitting on 23rd June, 2016 to determine if it conformed to the Budget Estimates.

1.2 ACKNOWLEDGEMENT

Mr. Speaker sir,

I wish to thank the members of Budget and Appropriation Committee for their dedicated commitment. The Committee is also grateful to the Offices of the Speaker and the Clerk of County Assembly for their continued support.

1.3 Affirmation and approval

Mr. Speaker sir,

It is therefore my pleasant duty and privilege, on behalf of the committee on Budget & appropriation to table this Report and recommend it to the House for adoption.

We, the honourable members of the committee on Budget & Appropriation, did affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity; only one member, Hon. R. Serbai failed to sign the report.

1.4 FINDINGS AND ADHERENCE OF THE BILL TO THE APPROVED BUDGET ESTIMATES

Mr. Speaker sir,

The committee analyzed The Bomet County Appropriation Bill 2016 and noted that;

- a) The budget estimates reflects the approved budget estimates for FY 2016/17.

1.5 PROPOSED AMENDMENTS TO THE APPROPRIATION BILL 2016

Mr. Speaker sir,

June 23, 2016

The committee upon receiving the proposed amendments as forwarded by you, the committee and pursuant to standing order 129 invited Hon. Robert Bett, the mover of the raft of proposed amendments (over 10 in no., attached hereto) to shed light on his proposed amendments to the County Appropriation Bill 2016. The mover re-appeared before the committee at 2:40 PM as directed by the speaker in compliance with standing order 129.

The committee observed that the intention of the proposed amendments was to:

- a) Incorporate a grant of Ksh. 27,824,382 from the World Bank under the Kenya Devolution Support Program (KDSP) to support implementation of the following five key areas; Public Finance Management, Planning, Monitoring and Evaluation, Human resource and Performance Management, Civic education and public participation and devolution and intergovernmental relations

Committee reaction

Whereas the committee roundly welcomed the support by World Bank, the committee was not supplied with any formal documentation such as grant agreement as required under PFM regulation 69. The committee noted that the grant had not been factored in the approved budget estimates.

- b) Make adjustments affecting a number of departments
- c) Reduce Assembly's approved allocation to Ksh. 495 Million from Ksh. 519,254,421. The mover stated that the proposed amendments did not intent to affect the development vote for the Assembly.

2 RECOMMENDATIONS

Mr. Speaker Sir,

Based on the above findings, the Budget and Appropriation committee made the following raft of recommendations;

- a) **Grant of Ksh. 27,824,382 from World Bank.**

The committee recommended, in the absence of a formal grant agreement and owing to the fact that the budget cycle is at its tail end, the grant be appropriated for at a later date as per section 74(3) of the PFM regulations.

- b) **Changes affecting departments allocations in the county executive arm of government**

The committee notes that the pith and substance of the proposed amendments is similar to what the CEC for Finance had presented to the committee when his comments were sought pursuant to section 131 (2) of the PFM Act and the same was conclusively dispensed with by the committee. (Refer to the Budget and appropriation committee report on MTEF Budget estimates

June 23, 2016

for 2016/17-2018/19 and annual budget for the year ending 30th June 2017 as approved by the Assembly.

c) **Reduction of Assembly's approved allocation from Kshs 519,254,421. To Ksh. 495 Million.**

The committee notes that the issue has been addressed under the County Allocation of Revenue Act 2016 (CARA). In view of the foregoing, and owing to the fact that the proposed amendments does not comply with the PFM Act, approved ceilings in the County Fiscal Strategy Paper 2016/17 FY and the budget estimates for FY 2016/17 approved by the Assembly the Committee recommends that all the proposed amendments cannot be considered in the present form. Mr. Speaker, I would like to table the report of the proposed amendment, We are all ware that budget making process is a process that takes more than seven months to finalize, There is the annual development plan where every member is expected to give an input and if that is not enough we came to the fiscal strategy paper that was passed and every other member of the county assembly participated actively in passing such a document and during that period it was open for every member to keep contribution in that period and I am happy most of the members of this assembly participated actively.

I can recall a situation where fiscal strategy paper that was submitted had ceiling of 546 Million for the Assembly and in the wisdom of the Committee, we saw it wise to reduce the allocation of the County Assembly from 546 Million to 522 Million Awaiting for the CARA Act after which it placed us at KES 519 Million.

CARA act is Supreme and this legitimate Mr. Speaker, and we saw it was wise for the committee to take the figure because that is what was passed by CARA. After we passed the budget estimate that conforms to the fiscal strategy paper as is provided for in SEC.129 (2b) of the PFM Act Mr. Speaker. It's clear that the committee in approving the budget estimates considered the resolutions and concept in the fiscal strategy paper. So it was very hard for the committee to make changes to the budget estimates yet it was very clear in SEC.129 (2b) of the PFM Act that while approving budget estimates we need to observe the resolutions adopted by the assembly through (CFSP) in the fiscal strategy paper.

When the new amendments were brought recently by the Honourable Member that he saw some of the changes that needed to have been incorporated, but our hands were tied and as a committee we saw it wise not to change what was passed in senate through CARA Acts. We also avoided changes because what is in CFSP is not part of what was approved. In as far as asking what is the meaning of the appropriation Act it means to give authority to incur expense it means at this stage we are giving authority to executive to incur expenses using the approved budget estimates so at this stage we were not expecting serious amendments but it was wise if it was brought before we approved the budget estimates. On development the Honourable member indicated that the assembly should be given no allocations on development, but you

June 23, 2016

remember where we are today is where we were last year, we went to court and there was a court order that gave us permission to do give allocation meant for development so I hope the budget estimates we have passed is the best for County Government as well as the assembly.

Mr. Speaker, for the first time we were very concerned about allocations for development. If it's passed it will add value for the residence of this county because we added value to the plant of Siongiroi to process Milk, and Tomato sauce in Ndanai and generally in Sotik Constituency. Allocation for roads was not reduced because we wanted to benefit members of the society. Also we did not reduce allocations for the elderly whom we had underfunded.

So members lets us approve this appropriation Bill because in approving these there are serious implications for the Honourable members whom we have stayed together for more than three years together. I beg that the Honourable members approve these appropriations Bill. I request the Vice Chair to second.

Hon. R. Langat seconded

Hon. Speaker: It has been seconded. Honourable members it was supposed to be approved by the Speaker by the standing orders but it for the purpose of harmonization, so I want to give Honourable Bett and the matter ends there.

Hon. R. Bett: I thank the committee on what I submitted and the committees report and I thank you for referring to the standing order, which gave me time to go and submit my amendments to the committee.

One thing I realised was that it was a total waste of time before the committee because not even single amendment was picked for consideration and at this level they are saying the amendments should not be accepted. It's shocking for the Chair Honourable Chair on what he is saying because I was the last person when I appeared before the committee and they requested to see a letter from World Bank and I submitted the letter to the Chair, and when I appeared before the committee they saw the letter.

It talks of not later than 30th June. What the Chair is talking about is that it is as the money is within the County and it's upon the discretion of this assembly to say we received the money or we don't. I am aware that CARA act is there and it is coming and has not been signed so far. However it has gone through the senate and it comes as an act. But if the Assembly ceiling is 519 million and as we speak it is four and we had only two hours and we went beyond that and we insist that the limit of the Assembly must be reached. I know what I am doing and I am part of this Assembly...

Interruption

June 23, 2016

Hon. Joyce Korir: I have a point of order. It seems honourable Bett is not contented with the decision of the committee. He should accept it and seek for more time.

Hon. R. Bett: Let me go on. As an Assembly we cannot say we will automatically get the 519 million and since budget is a negotiated document the Assembly should take seriously my reservations and since I am part of it, we should consider seriously the merits and demerits of the local issues.

Also the county executive has the prerogative to say they will do certain functions and they can realigned their functions as they deem it fit and they Assembly can only do oversight but cannot micromanage the executive that you do this and that and even can dare question the movement of personnel within the county.

We are aware of the development issues in the county and we should come to the table of reasons and on the committee report you tactfully used it to be seconded since you knew that when you put the question I will not agree. I am in dilemma on the report and I request that I table my amendments and the House can agree or disagree but the report of the committee is not final. Please give directions on my amendments. Thank you.

Hon. Speaker: Thank you. Hon. Bett you cannot compel the House as there are procedures to be followed and it is only the Speaker who approves amendments as per the standing orders whose drafters were aware that in some instances the Speaker has to sometime consult the committee on the way forward.

Hon. Bett you cannot have your cake and eat it at the same time. There are procedures and not everything that you bring can be approved. Also be contended and not everything is a matter of life and death. On the grants the committee has given a proposal and the county will not stop if it is not appropriated now.

Let us move forward objectively and you cannot say a report needs to be seconded and voted for. I cannot see any reason why these amendments should proceed and the committee have advised the Speaker that the amendments are not concurrent with the laws. Let's us move forward. Hon. Majority.

Hon. J. Kirui: Hon. Speaker, I like the way you are putting it and the law is clear when there are more than ten amendments. I am also a member of the Budget and Appropriation Committee and I laud them for the good work they are doing. But at times we need to put aside our parochial interests and we consider the issues affecting our residents in a sober manner.

I rise as per our standing orders that I seek leave to move an adjournment motion as the matters before us are weighty and do not need to be wished away. I see that we are set to personalise and antagonise ourselves yet the budget belongs to the people of Bomet. Also Hon. Bett is talking in

June 23, 2016

a militant and harsh and I am inclined to side with the Speaker. The issues here require leadership and I believe in your leadership and soberness.

The reasons why I am seeking an adjournment is because I am even seeing that it is in a bad taste as the ceiling of the Assembly is affected. But this is not even the case; I rise in the case of departments that were merged and hence their bills are likely to rise up and because of this let us not throw out this amendment bill but we bring everyone on board and we do not use the tyranny of numbers to throw out this budget and hence I seek this adjournment motion. Thank you.

Hon. Speaker: Hon. Majority, we have strict timelines and we need to type the Hansard Reports and the Votes and Proceedings and we submit to the Executive on time. Also the special sitting was specifically meant for the Assembly to clear this on time and remember last year we sat up to 30th June and no budget has ever passed on time.

We will submit to the Executive on Monday and between 28th and 29th June they can assent and it is taken for publications on time before 30th June and we can access funds right from 1st July. With all due respect Hon. Kirui, I have to guide the process so that the blame is not on our side.

Still the Executive is saying they have other options but I don't understand this but on the issue of tyranny of numbers, it applies only when there are amendments but since there were none then we cannot put the question on it. At this stage it cannot apply and we need to see through the whole process. We now go to the Committee of the Whole Assembly.

The Speaker exits the House

Hon. Joyce Korir in the Chair of the Committee of the Whole House

Clause 2

Hon. Joyce Korir (Chair, Committee of the Whole House): Do all members have the bill? We move to clause 2.

Interruption

Hon. R. Bett: The members do not have the bill and they cannot contribute. Still, since we ruled that no amendments could not be accepted, there is no point in going clause by clause. Simply say you approve this since that is what the Speaker said.

Hon. Joyce Korir (Chair, Committee of the Whole House): Hon. Bett I will propose the clause and if you do not agree you simply say nay. If you want to move out the ayes can still pass it. Please understand the procedures of the House I now propose the question that clause 2 be part of the bill. I now put the question that clause 2 be part of the bill.

Question put and agreed to.

Clause 3

Disclaimer: The Electronic Version of the Official Hansard Report is for informational purposes only. A certified copy can be obtained from the Hansard Editor.

June 23, 2016

Hon. Joyce Korir (Chair, Committee of the Whole House): I now propose the question that clause 3 be part of the bill. I now put the question that clause 3 be part of the bill.

Question put and agreed to.

Schedule R 101

Hon. Joyce Korir (Chair, Committee of the Whole House): I now propose the question that Schedule R 101 be part of the bill. I now put the question that Schedule R 101 be part of the bill

Question put and agreed to.

Clauses R 102, R103 and R104

Hon. Joyce Korir (Chair, Committee of the Whole House): I now propose the question that Clauses R 102, R103 and R104 be part of the bill. Since it seems there is no debate, I now put the question that Clauses R 102, R103 and R104 be part of the bill...Yes, Hon. J. Kirui.

Hon. J. Kirui: We are where I was seeking for an adjournment since this is where recurrent expenditure has been affected by movements in them and the PE of these Departments is affected because of movement of personnel and as a result the money moved is going to adversely affect the operations in these departments. I register my dissatisfaction with these recurrent expenditure for the various Departments.

Hon. Joyce Korir (Chair, Committee of the Whole House): Hon. Ngeno.

Hon. B. Ngeno: Thank you. That is the work of the Committee and I thank the Majority Leader for seeing sense in that. Still we were with the him and other members in the Budget Committee and we agreed that when a staff is transferred from one Dept. to another they move with their PE and these issues were thrashed out when we had a meeting with the CEC for Finance in Naivasha and there is no cause for alarm as we considered this.

Still the only one we had problems with was the recurrent expenditure in Administration which shot from 282 million in the Fiscal Strategy Paper to 430 million in the Budget Estimates. When we asked for the reasons why we were told that the Community and Area Administrators had not been factored in and when the same amendment was brought by Hon. Bett to the Committee we asked the same question and they replied it is because of transfer of staff from one Dept. to another and these are two contradictory answers.

Still, in the Supplementary Budget, the Community and Area Administrators had been factored in and the budget was at 246 million. All this is not true and we were careful not to touch anything with PE unless with substantive reasons. Thank you.

Hon. Joyce Korir (Chair, Committee of the Whole House): Since there are no amendments I now put the question that Clauses R 102, R103 and R104 be part of the bill.

June 23, 2016

Question put and agreed.

Clauses R 105, R106 and R107

Hon. Joyce Korir (Chair, Committee of the Whole House): I now propose that Clauses R 105, R106 and R107 be part of the bill. Since it seems there is no debate, I now put the question that Clauses R 105, R106 and R 107 be part of the bill...Yes honourable Ngeno.

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): I want to clarify on the implications of ayes and nays. Because when we lump R 101 and R 102 and we vote for it together a member may not be aware of what R 102 may be. This is an advice because as a committee we should offer guidance because we do not want to sabotage what has been worked starting from development plan to where we are, so I wish that we be sober when we are dealing with this because even in the situation where we are, when we pass this budget, the governor and the executive still have an avenue through the memorandum where the members can still have access to it.

So I request members that we handle this issue soberly because if there are no amendments that you have proposed we want to know the implications because there are no replacements. So Madam Chair, it is important to vote wisely because that was dealt with and if we vote for it, it may bring serious problems.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Ngeno, we have two options, when amending this. Though there is no amendment, we are in the process of the approval. And in this process we have the nays and the ayes and you know the consequences of both. That means in some areas you will be forced to vote. What is it honourable Chair?

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): For you, you propose that may this clause be part of the bill. And if there are more nays it means that clause cannot be part of the bill. So if that will not be part of the bill we need to know the implications.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Ngeno, that is a tricky issue, but that is the procedure. You have to consider the ayes and the nays too. The implications are still with you. The reason why I wanted to lump was to deal with this issue very fast. But because it seems so many issues are coming up, I will deal with issues one by one.

Hon. D. Rotich: You remember what honourable Bett said that instead of going one by one, but the process is what we are doing right now. So you should bear with us and follow the procedure.

Hon. B. Chebomui: Madam Chair, I want to ask in a situation where the bill has amendment or no amendment, in this one there are no amendments and we are passing it. So what are we supposed to do?

June 23, 2016

Hon. R. Langat: I wish, because the amendments that were forwarded by honourable Bett were ruled as not admissible, then it was better if we say the Appropriation Bill as presented be voted for at once. Because there is no other person who has proposed an amendment.

Hon. Joyce Korir (Chair, Committee of the Whole House): Let me say this now, I like honourable Langat because he is one person who always follows the procedure of this House. There is no single parliament in the commonwealth that has ever approved a bill as a whole. We need to move clause by clause, but one issue is, if one clause is going to be rejected it means the entire document is rejected. And that is why as at now, there is a total mess, the implications as it is now means, if this Appropriation bill does not pass it will go for another six months meaning that we will not have a budget for another six months unless it is given room by the Speaker for re-introduction and that is the only procedure.

Hon. L. Kirui: Honourable Chair, that is what I had in mind because I was seeing that if the whole bill is rejected or if there some clauses that should passed and we have already started the procedure, then it means that there are some parts that may not allow the executive to pass. The role of the Appropriation Bill is to give the authority to the executive to withdraw and if say R 101 is not part of the bill then it means we are not giving the executive the authority to withdraw money from that vote. But I like what the honourable Chair has said that it is us to decide on the direction that we should go.

Hon. S. Kirui: Madam Chair, thank you for the opportunity, I will not agree with honourable L. Kirui, because the item that will be rejected is one item line but not the entire bill. Like if we go to the end of the budget line and we reject D 112 then it means that item line D112 will not be appropriated for in the bill but not the whole appropriation bill. So I urge you that we go one by one so that when we reject one item line for example for a certain ministry then it means it will not get money for such a function.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members we are going to proceed. What is it honourable Chair?

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): I am agreeing with some of the members that if we reject a certain item say R 101 the House will not have confidence with the document. Meaning that in a situation where we reject one, the entire document is rejected. Therefore I also support, because the six month duration is what we will also spend in going to court. Also because the governor still has an avenue of handling this through memorandum that is the duration that we can now negotiate because you cannot say we just reject so that we can negotiate.

June 23, 2016

It will not be possible and even as a committee we shall not have time, but if we pass and the governor comes up with the memorandum then we can vote using the same numbers we have now. That is when we can vote one by one but on the situation when we say let us reject we will all be of the idea that we reject. But I am of the idea that we pass then the memorandum comes. Thank you.

Hon. R. Langat: As I said it is good to get it right from the beginning because we do not want to intentionally go the wrong way. It is for the Speaker to say the direction on what is going to happen. This is a House of procedures and if we go the way we are going it is like we are not going in the right direction.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Langat, I think as far as I know, I am following it to this far, the only problem that I now have is the way we are voting as members. But I know I am very much in order but the problem is the consequences of the ayes and nays. That is where we have problem.

Hon. J. Kirui: I know you are following the right procedure by going clause by clause, but there is a problem here because honourable Kirui is saying by rejecting one clause you are rejecting the whole document of which I do not believe it. Because if you reject only R 101 then it is only that item that will be affected. So we need direction because we are digressing from the budget estimates. Because if we reject, the money for that particular sector will be affected and will be appropriated for during the Supplementary budget so we need clear direction from the Chair whether if we reject one item line it will affect the whole Budget.

Hon. L. Kirui: Madam Chair, I think this is common sense because when we are in this House, we have been given the mandate to appropriate up to the cent. Even the controllers of Budget not allow us to spend if the budget is not balanced. He cannot allow little amounts to be used at the expense of the other because in my interpretation the other one that we have rejected could have affected another one that we have accepted. That is my understanding that is why when we are doing the budget if we even have one shilling that is hanging the controller of budget cannot approve because he requires a balanced budget. So that is the kind of budget we require so that we cannot get into a corner where will not have a lee way.

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): Madam Chair, I have never heard of a budget that is approved half way. So when honourable member from Sigor says we can approve some and reject some that cannot work. In short it means the document is not complete and therefore the Appropriation Act cannot come out. It would be better you reject and add something; there should have been an amendment that was received two hours before. But when you say reject and you do not have an alternative, it is like you are saying you want divorce

June 23, 2016

and you still want to call yourself a married person. So that one will not bear any fruit the only thing I request is for the members to be sober. So let me declare for the first time, as the Chair of the committee I do not have any interest in this, but the only interest I have is the one that every member has because if we talk of salary or local travel we all access. So I am not speaking so much because I have interest but the idea I give is that we approve this budget and we go meet the governor and draft another memorandum using even the amendment that was brought. But if you bring confusion and say let us kill, we are headed in the wrong direction.

Hon. J. Kirui: Honourable Chair, I am going to persuade you to agree also with the Chair of the Budget Committee even if you have a wife for 20 years, if she goes she will still return. But what he is saying is true. I have consulted across the board and that is why I have asked for adjournments so that we can discuss some thorny issues. Most of the members have no issues with all these. Where there is a problem D 112 that is construction of Assembly chamber, perimeter wall, and purchase of solar panels. This is an issue that can be solved amicably without necessarily affecting the recurrent expenditure of the Assembly and going by the wishes of the members of the budget committee the members were also of the feeling that the monies can be reallocated. That is the only issue. So let us not have some cards under the table. And I like the Chair because he said he has no personal interest.

Yesterday, I watched the minority leader saying no CDF no budget. It is not actually wrong to have personal interest honourable Chair, but we should put aside personal interest and look at it from the perspective of the members of this Assembly in line with the people we represent. So what the members have asked me is whether it is a priority to construct the Assembly. So I don't know maybe we could start off by discussing that vote so that we can move forward.

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): I like how the Majority Leader has approached the matter because I had not known where the problem was. When you go to the hospital you cannot say you are sick but cannot specify where the problem is. So I am happy the Majority Leader has spoken about the perimeter wall for the first time. So let me speak from the perspective of the committee. You remember last year, the County Assembly and the County Executive went to court to discuss on the issue of the construction of the Assembly and we want to an extend of discussing with Micah Cheserem. We all agreed and the Speaker and the Governor jointly signed an agreement for the construction of chambers in this financial year and we were given Kes.10 million to begin the process.

Secondly, the Assembly went as far as carrying out public participation and the members of the public agreed that the Assembly be constructed. So it is like we are going against the consent, the wishes of the public and the approval we made when we were doing the Fiscal Strategy Paper. So the majority Leader is not very sincere, he is a funny animal when we are in the committee,

June 23, 2016

he is in agreement but when we are outside rejects. I am still trying to understand him, but let me continue, I am still pleading with this House that we pass it. It is not hard for some votes to be re-allocated. But let us do it procedurally, because we are in the committee of the Whole House. That means the train has left the station, we wait until we get to another station so that we make a decision whether to proceed or not. The first station that I was thinking of is the memorandum of the governor so that if we approve now we do it and the memorandum will deal with the rest.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that R 105 be part of the bill. And I proceed to put the question that clause R 105 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that Clause R106 be part of the bill. And I proceed to put the question that Clause R106 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that clause R107 be part of the bill. And I proceed to put the question that clause R107 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that clause R108 be part of the bill. And I proceed to put the question that clause R108 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that clause R110 be part of the bill. And I proceed to put the question that clause R110 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I proceed to propose the question that clause R111 be part of the bill. And I proceed to put the question that clause R111 be part of the bill.

(Question put and agreed to)

June 23, 2016

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I propose the question that vote D 101, D102, D103, D104, D105, D 106, and D 107 be part of the bill. What is honourable Kirui?

Hon. S. Kirui: I am still not convinced that what we are doing is right. What happens if one clause is rejected?

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Kirui, you are out of order. I have given room for discussion and also consulted. So I propose the question that vote D 101, D102, D103, D104, D105, D 106, and D 107 be part of the bill. So I put the question that vote D 101, D102, D103, D104, D105, D 106, and D 107 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): I propose the question that vote D 108, D109, D110 be part of the bill. So I put the question that vote D 108, D109, D110 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): I propose the question that vote D111 be part of the bill. So I put the question that vote D 111 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): I propose the question that vote R112 be part of the bill. So I put the question that vote R112 be part of the bill.

(Question put and agreed to)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, I am putting this question, if the nays will have it, it will mean the whole bill is rejected. So you should know that this vote I will put will render this bill useless and we will go for 6 months without a budget. Honourable members let me give you 10 minutes to consult.

Hon. J. Kirui: Honourable Ngetich, you cannot be angry when you don't know what I want to say.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Majority, you are out of order. I have not given you the chance to speak, honourable Taplelei then honourable Molel.

June 23, 2016

Hon. T. Rotich: Honourable Chair, I like thinking for myself and that is why I have insisted on this. You know what you have touched on is R 112 you didn't say D112. So when we will be voting it will be R 112.

Hon. Joyce Korir (Chair, Committee of the Whole House): Do members have copies? You know I am always strict on this. I will stick to the copies that I have. Honourable Taplelei do you mean I have introduced another vote called R 112. You are out of order; I have already put the question on that. Now we are on a very important vote that is raising a lot of contention in this House. That is D112 and that is where we are and that is why I am saying I will not propose the question on this because once you amend this. If you have the ayes the bill will be okay, if the nays the win, the whole bill will be rejected. Unless you want me to put the question. Can I put it? I have no problem.

(Loud consultations)

Hon. Joyce Korir (Chair, Committee of the Whole House): Order honourable members, I still want to advise that if I put this and the ayes have it, the bill will have a room for amendments through the memorandum. If the nays have it, it means the whole bill will be rejected and will have to go for 6 months unless with the leave of the Speaker it is to be introduced.

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): Madam Chair, you said it can be re-introduced by the leave of the Speaker, I don't know which law will guide him. I wish to be informed.

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable Ngeno, you are challenging me, and that is why I want to direct you that you can rescind that motion, that is the only loophole that I am giving. We have been doing it. Unless you are not getting me, I have said it will render this bill useless, number two, I have said it will take another 6 months for it to be re-introduced. But the only loophole is to rescind it. I don't need any other advice, you are all grownups and you have been in this House, and you had all this time. And I want to propose this, honourable Beatrice, you are out of order, can you move to your seat. I proceed to propose that vote D 112 be part of the bill. Any amendment? And I put the question that vote D 112 be part of the bill.

(The vote was inconclusive, the Chair requested to meet the clerk)

Hon. Joyce Korir (Chair, Committee of the Whole House): I proceed to propose that vote D 112 be part of the bill. Any amendment? And I put the question that vote D 112 be part of the bill.

(The vote was inconclusive)

June 23, 2016

Hon. Joyce Korir (Chair, Committee of the Whole House): I proceed to propose that vote D 112 be part of the bill. Any amendment? And I put the question that vote D 112 be part of the bill.

(The vote was inconclusive)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, we are going to vote on this again.

(The vote was not cast)

(Loud consultations)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members, since I see most members are still out, and there are many consultations, I seek to suspend this House for 20 minutes.

(Loud consultations continue)

Hon. Joyce Korir (Chair, Committee of the Whole House): Honourable members we are going to proceed since I gave you a number of minutes to consult but it seems we are not going to wind up with the bill.

Hon. Joyce Korir (Chair, Committee of the Whole House): Hon. Langat.

Hon. R. Langat: Thank you Hon. Chair, considering the areas that we have gone through, I beg to move that the Committee do report to the Assembly the progress of the Bomet County Appropriation Bill 2016.

Hon. Samson seconded.

Hon. Joyce Korir (Chair, Committee of the Whole House): Thank you Hon. Samson. Hon. Members I beg to move the question that the committee do report the progress of the House

Question put and agreed to.

Hon. Joyce Korir (Chair, Committee of the Whole House): What is it Hon. Kirui?

Hon. S. Kirui: Thank you Madam Chair. I think we were at a point of voting.

Hon. Joyce Korir (Chair, Committee of the Whole House): That is why I am saying we have not winded up the bill and the business has been interrupted and it will still come back to the same point.

Resumption of the House

June 23, 2016

Hon. Joyce Korir (Chair, Committee of the Whole House): Hon. Speaker I beg to report the progress of the whole House We have been having a lot of challenges in some votes and clauses of which they are seeking for your direction.

Hon. Speaker: Chair, Budget what were the challenges?

Hon. B. Ngeno: Thank you Mr. Speaker, this budget making process has been fruitful and where we are at this hour is at the tail end and a few challenges emerged because there was confusion.

We were trying to know whether in a situation where there is no amendment and some members may have voted nays in one of the vote head, what would be the replacement. What is the direction?

Secondly is that when voting is done, and this is what I have seen in the National Assembly, they can sometime vote on schedule but we were very particular on votes like R1. Those are the few challenges we had but I thank the Chair for the Committee of the Whole House because up to where we are we have not completed what was supposed to have been done and we are requesting that you give direction, thank you.

Loud Interruptions

Hon. Speaker: Order members. I have been fully briefed on what has happened and time is not on our side and I want to request Hon. Majority Leader to move a motion for extending the sitting. You can move under section 30 (3)(a).

Hon. J. Kirui: Thank you Mr. Speaker for this opportunity. Indeed we are in defining moments this being the last budget. I want to thank the members for the tireless efforts in ensuring that the budget for this County is finalised and I stand to request for deferment of this motion to a later date because there are members who want to go for an exam.

(Laughter)

Hon. Speaker: Hon. Majority, I have requested that you move a motion for extension. I know you have numbers, why don't you move a motion and then they reject?

Hon. J. Kirui: I wish to rise to move a motion to seek leave that we extend the sitting beyond the normal sitting hours.

Hon. Speaker: What is your point of order Hon. Chang'morik?

Hon. S. Chang'morik: Hon. Speaker I don't understand how these things are being put. Who are these members who are requesting for the extension of time?

Hon. Speaker: Order Hon. Members, I am taking charge of the House and we should proceed procedurally. We should not engage ourselves in a monkey business here. I am going to propose

June 23, 2016

the question that the House pursuant to Standing Order no. 30, do extend this sitting time until the business before the House is finished.

There was no contribution.

Hon. Speaker: If there is no contribution, I am going to put the question that the House pursuant to Standing Order no. 30, do extend this sitting time until the business before the House is finished.

Question put and agreed to.

Hon. Speaker: Hon. Members, this is very serious business we are handling here and it is either then other way so that we move as a County. Hon. Members I have been fully informed on what has happened and many members are engaging in business which we should not be engaging in. One the budget issues are very serious and if we are failing to make a decision then the effect of the amendments that you want to propose are very critical. Where are you taking what you are rejecting? All along the budget has been agreed to expect vote D112. The question which I want to ask you is, where do you put that money as a House? There was no amendment which was brought. Will the budget pass? Order Hon. Bett. I am the Speaker and you should wait until I finish.

(Hon. R. Bett wanted to interrupt)

Hon. Bett I am going to declare you out of order now and you should keep quiet and listen to what I am saying and then you have the time.

First, the Budget and Appropriation Committee came with a report rejecting the proposal of the amendment and they gave their own reasons as per the Standing Orders.

If you want to reject this then you should have told us where to put the money.

There was no amendment which was pending before the House and therefore what you want to do in itself amounts to an action which will put the whole County in a trouble. Do you want to stay without any appropriation until 23rd of December, 2016? Because of this I am going to direct that the Speaker is going to sit as the Chair of the Committee of the Whole House because of the illegalities that has happened, I will be able to proceed and we start afresh and the Deputy Speaker will be able to report to the Whole House then after that we will be able to dispense with the Business. Hon. Joyce.

Hon. Joyce Korir: Thank you Mr. Speaker, this is a House of procedure and you have given direction. If my Chairing was incompetent then even my reporting to this House will be incompetent. There is no way you can Chair a committee of the Whole House and you expect the Deputy Speaker to come and report the same. The Chair of the Committee of the Whole House is the one to report the progress. Unless you are changing today that you will Chair and I report.

June 23, 2016

Hon. Speaker: Hon. Deputy Speaker I am not saying you are incompetent. This thing is taking the whole time while we should have cleared and first of all I am not saying you are incompetent and two is that I am not saying that what you have done is showing that you are incompetent. That one should be on record.

What I am saying is for us to move forward as quickly as possible. If you wish that you don't want to report then I can be able to appoint another member.

Hon. Speaker: What is it Hon. Chang'morik?

Hon. S. Chang'morik: Thank you Mr. Speaker, we have sat as a Committee of the Whole House and we have given respect to your Chair to give direction but it seems as if you are trying to dictate.

Hon. Speaker: Hon. Bernard Ngeno.

Hon. B. Ngeno: Thank you Mr. Speaker. We are not in a contest and neither are we in a competition. We are talking about the procedure. I am happy that when the Deputy Speaker was reporting she said that we never finalized but we are waiting for your direction. Even in the National Assembly, Hon. Justin Muturi was Chairing the Committee of the Whole House when there was chaos in Parliament. I am not saying there were chaos and I am not saying there is chaos.

In a situation where we are trying to set precedence we are seeking your guidance and we are happy with the decision that you have given and we shall abide by it and it is not because we are in anything else, we are not in a competition. We shall not earn votes on who will Chair or not because we want procedures to be observed.

Hon. Speaker: Order Hon. Members, if you read our Standing Orders no. 130 (6), it says 'No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee, and the Chairperson may at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if in the opinion of the Chairperson, the debate has shown that the amendment contravenes this paragraph'.

Loud interruptions

Order! Hon. Members. I am talking and I should provide leadership. I am saying that the import of that is that some sections had been agreed to be formed. This process began in September and if there is anyone with any issue this is not the end. We will be able to proceed and we are going to the committee of the Committee of the Whole House and I will not entertain any other point of order. Let's proceed.

We are now moving to the Committee of the Whole House

June 23, 2016

Committee of the Whole House

Hon. Speaker in the Chair of the Committee of the Whole House

Clause 2

Hon. Speaker: I now propose that clause 2 be part of the Bill.

There was no contribution.

Hon. Speaker: I now put the question that clause 2 be part of the bill.

Question put and agreed to.

Chaos in the House

Hon. Bett was escorted out by Serjeant-At-Arms.

Hon. Speaker: Hon. Members before the House went on rampage I had given direction that Hon. Bett and Hon. Chang'morik should be escorted out.

Hon. R. Bett and Hon. S. Chang'morik were escorted out by Serjeant-At-Arms.

Hon. Speaker: Hon. Members we need to restore order. Given the extension of time that we have allowed, we have the whole time until midnight and if you want to engage in all these then I am ready to sit here until midnight. It is only at 12.01 a.m when I can get out of this because we will be on the next day. What is your point of order Hon. Joyce?

Hon. Joyce Korir: Are the procedures of this House in order? The rules of this House are that the voting is *nays* and *ayes* and if you have put a question and a member is not contended they are free to stand. They were standing to defend their right. Let's not use the position that we have to molest others. This is very sad.

Hon. Speaker: Order Hon. Members we are in the Committee of the Whole House and lets just proceed. Let Hon. Majority be heard in silence.

June 23, 2016

Hon. J. Kirui: Thank you. I want to request everybody to be sober, we are doing the County budget, and it is not a personal issue. It is not a personal issue neither is it a Speakers' issue but it is a budget of the County and I want to request that we continue without any interruption.

I want to request you Hon. Speaker, because Serjeant-at-Arms have adhered to your ruling and respected you, I want to request you to allow back Hon. Chang'morik and Hon. Bett.

Clause 3

Hon. Speaker: Order members I want to propose that clause 3 be part of the bill.

There was no contribution.

Hon. Speaker: Order Hon. Members. Hon. Joyce kindly sit down. Hon. Joyce I am giving you a last warning. Hon. Kirui.

Hon. S. Kirui: Hon. Speaker because of the situation I beg that you adjourn until another time. I know some other people might be having interest but I am saying this in good faith that you can just make a ruling that when the *nays* carry the day you declare that and if the *ayes* have it then you can also declare them as winners.

Hon. Speaker: Your point is made. Hon. Langat.

Hon. R. Langat: It is good to listen to one another. Looking at the situation and the work was almost done let me request that we start from where we left and the whole situation will be in control. We were done until D112 and that is a decision that we have to make at this hour so that we can make progress.

Looking at what has happened and looking at where we have come from, I also want to request members that we have been planning through certain documents and only today we are giving authority to the County Government to withdraw funds. We were not making amendments. We were not just giving authority to spend what we have passed and if we are going back and say what was wrong with this? Today was to give authority to incur expenditure and it was not to do the budget. This is the process that we are just finishing.

ADP, CFSP and Budget estimates we passed them in this House and we are just saying that can the County Government use this law to withdraw this money. That is what we are doing today and where we have reached we should make a decision and finish this problem.

Hon. Speaker: Hon. Langat, where we are coming from we will be able to solve that problem after proposing the question on where we are. Hon. Majority Leader the language you are talking is un-parliamentary.

June 23, 2016

Hon. Joyce this is the last warning. Serjeant-at-Arms can you escort Hon. Joyce outside.

Hon. Speaker: I now propose that clause 3 be part of the bill.

There was no contribution.

Hon. Speaker: I now put the question that clause 3 be part of the bill.

Question put and agreed to.

The Schedules

Hon. Speaker: I propose that schedule 1 be part of the bill.

There was no contribution.

Hon. Speaker: I now put the question that schedule 1 be part of the bill.

Question put and agreed to.

The Long Title

Hon. Speaker: I now propose that the long title be the title of the bill.

There was no contribution.

Hon. Speaker: I now put the question that the long title be the title of the bill.

Question put and agreed to.

Clause 1

Hon. Speaker: I propose that clause 1 be part of the bill.

There was no contribution.

Hon. Speaker: I now propose that clause 1 be part of the bill.

Question put and agreed to.

Hon. Speaker: I want to request Hon. Korir (Julius) to report back the progress since the Deputy Speaker has been told to move out.

End of the Committee of the Whole House

Hon. Speaker: Hon. Korir.

Hon. Julius Korir: Thank you Hon. Speaker,

Hon. Speaker: Serjeant-at-Arms kindly close the door.

Hon. Julius Korir: I beg to report that the Committee of the Whole House has considered the Bomet County Appropriation Bill, Assembly Bill no. 5 of 2016 and its approval without amendments.

Hon. Speaker: Chair, Budget.

Hon. B. Ngeno: Thank you Hon. Speaker, I beg to move that the House agrees with the committee on the said report.

June 23, 2016

Hon. Speaker: Hon. Members I propose the question that the House do agree with the said report.

There was no contribution.

Hon. Speaker: Hon. Members, I put the question that the members do agree with the said report.

Question put and agreed to.

Some members wanted to leave the Chambers

Hon. Speaker: Hon. Members, no one should move out. That is the directive of the Speaker.

Third Reading

The Bomet County Appropriation Bill 2016

Hon. Speaker: Hon. Chair Budget.

Hon. B. Ngeno: Hon. Speaker, I beg to move that the Bomet County Appropriation Bill 2016 Bill no. 5 of 2016 be now read a third time.

Hon. Samson Towett seconded.

Hon. Speaker: I now propose the question that the Bomet County Appropriation Bill no.5, 2016 be now read a third time.

There was no contribution.

Hon. Speaker: I now put the question that the Bomet County Appropriation Bill no.5, 2016, upon this day of 23rd June, 2016 be read a third time.

Question put and agreed to.

Third Reading: The Bomet County Appropriation Bill 2016, a Bill for an Act of the County Assembly of Bomet to authorize the issue of a sum of money out of the County Revenue Fund and its Appropriation towards the services of a financial year ending 30th June, 2017 and to appropriate those funds for certain services and connected purposes.

Hon. Speaker: The bill having been read a third time will follow the requisite way and for avoidance of doubt when you are putting the question on a schedule you cannot go per each word but you put the schedule as whole. If anyone had an issue you could ask before the question is put and say which part of the schedule. That was the anomaly which was there and that is why I was requesting that we repeat the whole process.

This budget is for the people of Bomet County. I will not allow anyone in this House or outside this House to misuse the procedures of this House I will not allow to anyone wherever they are to

June 23, 2016

settle personal scores and if the Speaker deems that what you are doing is not right then it is the mandate of the Speaker and the Clerk to ensure that everything runs properly.

I thank you, and except for the little squabbles that occurred, we need to be sober when dealing with these issues. There is nothing personal about it and if you have anything then the courts are open so that you can challenge anything that you think is not proper. Thank you very much.

I instruct the Clerk to prepare the Votes and Proceedings and I will forward to the Governor for Assent. There being no other business to be transacted the House stands adjourned until Tuesday next week on 28th June at 9 a.m.

The House adjourned at 6.28 PM.