

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Thursday, March 19, 2015

PLENARY

March 19, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
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The House met at 2.37 p.m.

[The Deputy Speaker (Hon. Joyce Korir) on the Chair]

PRAYERS

Hon. Deputy Speaker: Thank you honourable members, I would like to bring to the attention of this House that it has become a routine for the bell to be rung that the time is up; the Procedures and Rules Committee should still look at the rules and convey the same to this House so that we can adjust the time to start this House or the consequences of failing past ten minutes. I also welcome students from Masindoni Secondary School from Siongiroi Ward represented by Honourable Leonard Kirui, and I want to say on behalf of the area representative, you are welcome.

**PAPER: A REPORT FOR THE COMMITTEE ON LABOUR AND PUBLIC SERVICE
ON THE COUNTY PUBLIC SERVICE BOARD REPORT FOR THE YEAR ENDING
31ST DECEMBER 2014**

Hon. R. Lang'at: Thank you Madam Speaker, may I table a report for the Committee on Labour and Public Service on the County Public Service Board report for the year ending 31st December 2014. This is a yearly report for CPSB. Thank you.

Hon. Deputy Speaker: Thank you very much honourable Langat, it now the property of the House, and it will be given to the House Business Committee to schedule on the date that it will be tabled for deliberation on the same.

**NOTICE OF MOTION: THAT THE COUNTY ASSEMBLY URGES THE CEC
AGRICULTURE TO PROVIDE SUBSIDIZED FINGERLINGS FOR USE BY
FARMERS IN THIS COUNTY**

Hon. S. Towett: Thank you honourable Speaker, on behalf of honourable Rose Boyon, I rise to give a notice of motion that, aware that one of the functions under part two of the Fourth Schedule of the Kenya Constitution 2010, is that of agriculture and fisheries, also aware that some residents of this county practice fish farming and that these farmers face challenges in

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accessing fingerlings for fish production; aware that these fingerlings were once provided to the farmers by the Agriculture department but the supply was short-lived; further aware that this Assembly passed the 2014/15 budget with allocation of KES 10 million for fisheries development and management; deeply concerned that the residents of this County will not effectively practice fish farming if subsidized fingerlings are not provided; this County Assembly urges the CEC Agriculture to provide subsidized fingerlings for use by farmers in this county.

Hon. Deputy Speaker: The motion will be taken to this House Business Committee to schedule the time when it will be brought back to the House.

STATEMENTS: TO BE RESPONDED BY VARIOUS CHAIRS OF COMMITTEES

Hon. Deputy Speaker: The first statement is from honourable Serbai and is supposed to be responded to by Chair for Education committee, though honourable Serbai is absent.

Hon. C. Towett (Chair, Committee on Education, Youth and Sports): Thank you honourable Speaker, this is the statement that we had responded to, it is true that the committee was to come up with the report and table it here in the Assembly so that we act on it and table it in the House, then call the CEC to answer on the issues that were not sorted out. Thank you Madam Speaker.

Hon. Deputy Speaker: Next statement is from Chairperson Trade and Tourism and was sought by the same honourable Serbai who is absent.

Hon. L. Chepkoech: Thank you very much honourable Speaker, I had responded to the statement about Embomos Women Sacco and I don't know what the honourable member from Embomos is still asking for because the Speaker had made his ruling. And he had directed honourable Serbai that the statement be taken back to the committee if he is willing, and I am sure everybody was here when honourable Serbai argued on some issues with the Speaker.

Hon. Deputy Speaker: What is it honourable Cecilia?

Hon. C. Towett (Chair, Committee on Education, Youth and Sports): Sorry honourable Speaker, I answered the wrong thing...

Hon. Deputy Speaker: Honourable Cecilia, before you make the correction, let me deal with the issue on the floor. Honourable Leah, I remember the Speaker had really put the issue of Embomos Women Sacco and which I expected the Clerks to have already served the honourable member with the ruling if he was not present in this House and it should have appeared on today's order paper.

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Hon. C. Towett (Chair, Committee on Education, Youth and Sports): Thank you honourable Speaker, I am sorry to have answered the wrong statement, which was for honourable Samson. For this one of honourable Serbai, the CEC requested for extension of time and to this point we have not got the response. Thank you Madam Speaker.

Hon. Deputy Speaker: What was your time frame?

Hon. C. Towett (Chair, Committee on Education, Youth and Sports): We were supposed to have responded to it on last week Thursday but it was pushed forward to this week Tuesday, which is when we responded to honourable Samson's question, but until now, the CEC says that he is still working on the statement.

Hon. Deputy Speaker: Madam Chair, to what extent is the extension of time? Because it cannot just be an open date, it has to have a time limit. So I give you a further 7 days and the response to be given to the statement mover.

Hon. Deputy Speaker: The next statement is from the Committee on Gender and Social Services, to be answered by Honourable Mosonik and it was asked by honourable Langat. The two members are not there and therefore the statement moves to the next sitting. The next statement is from the Chair, Committee on Budget and Appropriation, and Honourable Aurelia is absent so to Honourable Serbai. Not unless any member of the committee can answer it. Who is the Vice Chair for Committee on Gender and Social Services? I am seeing Rose Boiyon coming in and going out. What of Budget and Appropriation?

Hon. W. Keter: Thank you honourable Speaker, I have a message from the Chair, Committee on Budget and Appropriation, they have been invited to a meeting in Mombasa; and also the Chair for Finance, ICT and Economic Planning. The Chair for Committee on Budget and Appropriation said she had handed the statement to the vice chair to respond on that statement.

Hon. Deputy Speaker: Is the Vice Chair aware?

Hon. W. Keter: She told me that she informed him through an SMS.

Hon. Deputy Speaker: Honourable members, let us be serious, the moment we say that we have delegated a serious statement like this only through SMS, I do not think it goes well with these members. So we need to reform and do what is right. What is it honourable Samson?

Hon. S. Towett: Thank you honourable Speaker, the Chair Budget and Chair for Finance, Economic Planning and ICT are attending a meeting in Naivasha and not Mombasa.

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Hon. Deputy Speaker: Thank you honourable Samson, I think it was a slip of the tongue on the side of Honourable Keter. Indeed, the Chairs for the Committee on Budget and Appropriation and that of Finance, ICT and Economic Planning are meeting the Senate Committee in Naivasha. The next statement is from the Chair of the Committee on Education. And it happens that it was my question.

Hon. C. Towett (Chair, Committee on Education, Youth and Sports): Thank you honourable Speaker, indeed the statement was asked by honourable Deputy Speaker. The statement was later directed to two committees but initially it had not been directed to my committee. The Speaker also made a ruling that the time was to be renewed. Today we received a letter from the CEC requesting for the extension of time but she never gave us a date.

Hon. Deputy Speaker: Thank you honourable Chair; that is why I am saying unless she gives the committee a time frame on when she will respond; it will put you in a very awkward position. And I am saying that she is trying to play with the committee if she is not telling the committee when she will table the response. I want to say that the statement should be on the floor of the House within the time frame that was indicated, that is 14 days.

MOTION: THAT THE COUNTY GOVERNMENT MAKES SPEEDY MOVES TOWARDS HAVING THE ATTORNEY GENERAL BRING THE INSTITUTIONS OF THE ADMINISTRATOR GENERAL AND REGISTRAR GENERAL DOWN TO THE COUNTY GOVERNMENT OF BOMET

Hon. T. Rotich: Honourable Speaker, **THAT**, aware that one of the objects of devolution as set out under Article 174 of the Constitution includes to facilitate the decentralization of state organs and services, from the Capital of Kenya; cognizant of the fact that the office of Administrator General and Registrar General deals with very important functions of administration of estates of deceased persons as well as minor's trusts and provision of registration services for incorporation of companies, business names, trade unions and societies respectively; deeply concerned that most of the residents of this County find it difficult to access the services of these very important offices in the Capital of Kenya; this County Assembly urges the County Executive to liaise with the office of the Attorney General with a view of setting up those offices in our County. You are aware that not so much long ago, we passed a motion on the land historical injustices but of course it makes it difficult even for some of the issues to be followed nearer in our county since people have to travel to the former headquarters for these services yet these are important functions that need to be near to the people. And aware that the constitution

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supports decentralization up to the lowest organ of the government, I brought this motion so that the County Government could liaise with the office of Attorney General's office so that we can be able to have these offices opened in Bomet. We are aware that it is even becoming difficult for our young people who are planning to do weddings; they have to travel all the way to register their interest for wedding and this forces them to enter into come-we-stay relations. And as I speak this; I have one already who is complaining that he is tempted to do so due to the absence of these services in the county, that he travelled to Nakuru severally and he was not able to get married and therefore they were forced to stay together, as you know how it is when the love of our young people is at the 'climax.' Also, you are aware that most people in Bomet still live in their ancestral lands and are on the third or fourth generation. We experienced this very recently when the members of the County Assembly had to apply for mortgages and car loans this was not easy for most of the members since they could not get title deeds yet they had lands but the lands have never been placed in the names of even the ancestors, our parents or even in their names. And so it becomes very difficult for most of our residents to pay the legal fee which is quite expensive in order to do the transfer in the capital city of Kenya or even the former headquarters of the former province of Rift Valley, and this makes it hard for widows to transfer land into their names, becomes as you know most of our elderly women have not gone out of Bomet; some of them have reached Kericho but they may not get those services until they go to Kericho or Nairobi and this subjects them to hardship, to very costly transactions because of the money that is not there amongst our people. Also, if these functions are devolved to counties with offices being in Bomet, it will help us to bring down the agencies that are very important. We have witnessed in Bomet many cases subjecting our children to terrible activities that they need to be protected. If this is passed then agencies like Child Society of Kenya and others that deal with custodian trustees for children can be able to be near and can help our children who have been subjected to many problems. Some are orphans who when they are left with their other relatives might not be able to get their land to utilize and of course being minors, they need some custody. There are things like trade unions which we need to register to be near us and to have these services to be here has become difficult. Things like application for business names; we are aware now that there is a 30% procurement rule for our youths and women which is mandated by our Constitution yet this requires companies, groups or associations to be registered, and it is this main administrator that can do all these things. So our youths and women cannot register companies; not unless they to travel to Nairobi. Even ourselves if we want to register an association in our County Assembly to take care of our welfare, we cannot even do that likewise to the greater residents of this county. They have to travel to Nairobi, and that

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means an extra cost yet we want to encourage our people to participate in all these. Another one is having societies to be registered. We are aware that Equity was one time a building society and it moved on until today it is a bank. We would want also to see all the societies registered in this county which in future can progress to even become banks so that in our county we can have people who can develop from one stage to greater heights in development. Of course, if we have the offices down here, this administrator in general can be able to help in transfers of legacy for infants and lunatics for instance. We have some people who have got properties but somehow they have been unfortunate that they have become sick and maybe something has happened that they cannot stand and be firm in their thinking because of the state of their welfare in relation to their health. And this is why we need these offices to be here so that the public trustee can also be able to administer these things. We also have the issue of administration of the law of succession and letters of administration which requires all these. We have seen the Judiciary Department open a station in Bomet and we are all aware that the building is almost ready in Bomet. We have seen the director for public prosecutions offices in Bomet and this is why we need to have the Administrator General and the Registrar General to have the offices that deal with these issues that have never been dealt with effectively in Bomet. Without much emphasis, I want to site that the Trustee Act, Cap 167 also will empower the issues in relation to investments and the societies. Then the Public Trustee Act, Cap 168 will also help in administering the estates of the deceased persons, and this is why it is quite important even for the trustees on even issues like the pensions. The RBA defines the trust as ‘an equitable obligation binding a person called a trustee’ but without these very important offices here in Bomet, we will still have it very expensive for us to reach that. It also defines the trust to be ‘what deals with property over which that person has controlled, which is called the trust property’. Finally, it also gives the benefit of persons who uphold the beneficiaries who may have won and maybe not living anymore, therefore, there are some people who are beneficiaries. Madam Speaker, I therefore wish to urge this County Government to make speedy moves towards having the Attorney General bring these institutions down to the County Government of Bomet. I know they are able to pay for the offices but it is for the County Government to avail the offices for them so that they can be nearer to us. I pray and request my Hon. Colleagues, the members of this Bomet County Assembly to support this motion so that we can have these very important services that are greatly required in our county to be closer to us. I therefore, rest my case and request Hon. D. Rotich to second this motion.

Motion seconded by Hon. D. Rotich

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Hon. Deputy Speaker: Let me now propose the question.

Question proposed and opened for debate

Hon. S. Towett: Thank you very much Madam Speaker for giving me this opportunity to contribute towards this motion that is before us. I also want to thank the mover of this motion for seeing the need to have these very important offices in Bomet. Indeed for many years, people have suffered, some haven't been able to access important documents, and some haven't been able to enjoy their benefits having been siblings of diseased persons who may have been working in government and may have been having huge savings in the banks but in the absence of documents to show that they are the bona fide beneficiaries, they have really continued to wallow in poverty yet there was money that was to assist them. Madam Speaker, we are very much aware that most of our people aren't exposed. There are people who haven't moved out of their villages even to a nearby town; there are people leaving closer to Bomet town but haven't been to any government office in Bomet. They just don't know where to start. Leave alone a government office; they haven't been able to visit a chief's office which does not require one to have a bus fare for one to get to it. How will it then be possible for these people to move all the way from home to Nairobi to look for these offices? Imagine how Nairobi is? Even for us who went to school locating these offices may not be easy. Hadn't it been for the technology through Google maps, we could be having lots of problems in locating some of the places. Madam Speaker, I have also known that since the marriage bill was amended, it has taken some of the facilities which were closer to home far away from us. As the mover has said that if one wants to get married today, one has to go as far as Kisumu, Nakuru or Nairobi just to register for him or her to be allowed to go ahead with the wedding preparations. That is another added cost to our people and we will have our youths, as said to live together without getting married or forcing our youths to go back to traditional methods of marriage that our parents used to practice yet we are a developing country and need to be moving with time. Therefore, for us to save our people the agony that they have gone through all these many years, it is time that our county government through the executive, sits down and discuss with this Administrator General's office for the purpose of having an office in Bomet. The said office can even serve Bomet County and maybe three other adjacent counties so that at least we will have cut the distance that our people will be moving to access the essential service that they require. We don't want our people to continue suffering. If one wants to access financial assistance from a banking institution in form of a loan, he/she is asked to give collateral and sometimes there is no valid title deed yet there is land but it is in the name of a deceased person. That person cannot access

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these benefits from the banking institutions unless the land is transferred to their names. So I believe this is the most opportune time that the county government should really move with speed and ensure that they negotiate for these offices to be put in place in our county, even if possible within the next few months of the next financial year. So with those few remarks Madam Speaker, I beg to support.

Hon. C. Towett: Thank you Madam Speaker and the Hon. Members. I also stand to congratulate the mover of this motion simply because for a number of years, residents of our county have really had challenges and it is high time that some of these facilities should be decentralized to the county level so that it makes it easier for our people to handle the issues that troubles them at the county level. First of all is the issue of marriages. If this has to continue this way, we will, encourage a number of youths to live without a legal engagement because it becomes stressful for our youths since it requires a lot of support in terms of money to travel and sort out the clearances necessary to what they are supposed to undertake as youths. Madam Speaker, if these facilities are decentralized, our youths will not be challenged as they have been doing. Many of them as of now would really want to get married but because of these challenges, they move up and down and eventually they surrender. Madam Speaker, many a times we have talked of tendering and in most cases we have thought of giving opportunities to our youths so that they get some work in our county but looking at them keenly, you find that they have not registered their companies. If this will continue, our youths will be affected greatly since they won't have a chance to register their businesses. I therefore support this motion in that the residents of this county find it difficult to access these services and if our county executive liaise with the office of the attorney general with a few of setting these offices, most of our people will be relieve from these various problems facing them, thank you very much Madam Speaker.

Hon. S. Chang'morik: Thank you very much Madam Speaker. I stand to support the motion of the day. Madam Speaker, as we are aware that our youths need empowerment and one of the empowerment is through assisting them get registration of companies so that they can secure some tenders in this county. Madam Speaker, we do have people moving from our county to as far as Nairobi so that they can acquire these facilities required for them to have. It is good for this county to make arrangements by consulting with the national government so that they can make these services offered at the county level. As churches, we are suffering because of our people being forced to go very far in order to get registration of their marriage certificates. And because of the distance, it is very costly. If we solve this, it can make this county move forward without a

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number of challenges affecting it. So let the two levels of governments sit down and see a way forward and make it work. Therefore, I support the motion, thank you.

Hon. Julius Korir: Thank you very much Madam Speaker for the opportunity you have given me. Madam Speaker, allow me to give a personal congratulatory message to the Governor of this county for declaring his interest to vie for presidency as it is in the media dailies today. I think he is the first Kipsigis in history and we are proud. We want to encourage him and pray for him for taking a brave decision.

Madam Speaker: Hon. Julius Korir, I am just asking if you are saying it ironically or out of your heart.

(On a point of order)

Hon. S. Chang'morik: Madam Speaker, I wonder what he is talking about; he can bring a motion of that kind because I think he is playing with our able Governor, thank you.

Hon. J. Molel: Madam Speaker, there is nothing wrong for one to congratulate somebody else for having an intention to occupy the highest office in this country Madam Speaker. So, Hon. Julius Korir, you are in order.

Hon. D. Rotich: Thank you very much Madam Speaker. I think it is good to do so but it depends on who is saying because I have been seeing Hon. Julius Korir has been radical all through. So if you are mocking the Governor, be sincere. Also, for Hon. J. Molel to say that he is in order is wrong since he is not the Speaker to give a direction, thank you.

Madam Speaker: Hon. Julius Korir, are you saying it sincerely from your heart?

Hon. Julius Korir: Madam Speaker, I got overjoyed when I saw it in the newspaper. For the first time in Kipsigis community, we have never had somebody with that intention. So I think he needs to be congratulated and be encouraged that should he fail and fear to ascend to that position, then he has failed us and we will regret as a community at large. So that was my joy that I wanted to express. Also, allow me to thank the health department for the initiative they have undertaken to reduce the *cholera menace* in our county. Since yesterday, we are hearing of peculiar cause of actions. It is even said that they have opted to chlorinate all the streams to reduce the menace.

Madam Speaker: Hon. Julius Korir, if I may ask with due respect, which Standing Order are you using to divert from the order to your own motion sincerely.

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Hon. Julius Korir: Let me rest the case Madam Speaker and allow me now to contribute to the motion. First, I want to thank the mover of the motion for the idea of coming up with the motion urging our Attorney General to devolve some of the important offices that will at least assist our people. Madam Speaker, I tried to do soul-search by looking at the article 174 under chapter 11 of the constitution of this country that the mover had quoted. The chapter talks about the objects of devolution. Madam Speaker, I tried to read from section (a) of the article to the last and I realized that the mover had good intentions because I thought it could have been under (h) of that article that says *'to facilitate the decentralization of State organs, their functions and services, from the capital of Kenya; and to enhance checks and balances and the separation of powers'*. Madam Speaker, indeed, I realized the mover had good intentions because some of the most crucial services that are required day in day out were not devolved. One of them is the issuance of the national identity cards which is a crucial document but we still need to take from our villages may be to the chiefs office and we wait for two or three months to get to Nairobi then we wait for another month then it is brought back. So I realised that if indeed the mover had good intention of establishing the office of the Administration General and Registrar General but when you look at the schedule (4) part one of the function of the national government and part (2) talks of the functions of the county government so I was seeing could it be trying to...

Hon. Deputy Speaker: Hon. Majority, you are out of order continue Korir

Hon. Julius Korir: Indeed honourable Speaker at times he... Ok let me continue honourable Speaker, as I continue if you look at part one it clearly elaborates part one that is the functions of the national government, with this we have to seek for referendum so that we change this functions because some are very crucial because the same part one talks of the function of the national government in the same section (12) it says the functions of a national government is to control the intellectual property right. If you go downwards it elaborates about registration and I think the mover had good intention only that some of the functions be devolved. I don't think we have the powers in this honourable House to debate some of this functions which could be the functions of the Senate. Who is the watchdog of all counties at the senate level? I would urge that we have power or mandate....

Hon. Deputy Speaker: Honourable Korir you are misleading the house and the motion states clearly that the county executive to liaise, so give the motion due respect continue.

Hon. J. Korir: Honourable Madam Speaker at times we develop some peculiar traits; the Chair allows you to sit and moderate

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Hon. Deputy Speaker: Honourable Korir you are out of order and for any motion to come to this house it has passed the legal team it has been approved by the Speaker and has the authenticity to be in the floor of this House. The motion states clearly that the county executive to liaise with whoever is supposed to saying so please doesn't mislead this House honourable Korir continue Korir.

Hon. Julius Korir: The reason why the motion was brought to the House was for the members to ventilate it could be it was an oversight by the county assembly legal department and a member sometime can see something that has more weight so i was seeing honourable madam speaker if the mover had requested that we liaise with the senate so that we can have this because this is a very huge office you know that honourable speaker that even the office of the attorney has not been clearly stated to have been devolved the only offices that are within the county are the County Assembly and county executive as the institutions. That shows we are lacking even the courts...

Hon. Julius Korir: What is it honourable Chang'morik

Hon. S. Chang'morik: I don't know if the honourable members are in order to understand the functions of bring in to liaise and have mutual

Hon. Deputy Speaker: you are also out of order honourable Korir

Hon. Julius Korir: The level of understanding this motion varies but I think honourable Chang'morik is deeply lost and as I wind up I wanted to urge that because some of this offices you may not expect some of them to be easily devolved but it need the intervention of more or heavy or waiting to intervene so I want to request that this motion be deferred for...

Hon. Deputy Speaker: Hon. Majority,

Hon. J. Kirui: When you said I was out of order is it because you did not want me to be here when honourable Korir is misleading the House because I was at a loss as I was at...

Hon. Deputy Speaker: Hon majority you sincerely know the dressing code of this House you came when your shirt was open downwards and you did not have a tie and you cannot cheat this House unless you stood on the point of order you stood on. My point of order is the speaker is supposed not to have eyes and is supposed to inform this House honourable Speaker.

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Hon. Deputy Speaker: Hon majority you so you are saying I should come here blind you are out of order. Continue honourable Korir

Hon. Julius Korir: It is not in order for majority leader to say you should remain deaf and blind I think you are not in order,

Hon. Deputy Speaker: Honourable Keter.

Hon. Deputy Speaker: Honourable Keter?

Hon. W. Keter: Is it in order honourable Speaker to use the term ‘blind’ and ‘deaf’, is it within that motion? I think we need to come up with a law so that people will not use those terms ‘blind’ and ‘deaf’ because those are human beings too.

Hon. Deputy Speaker: Thank you very much honourable Keter, and for that purpose I request the Leader of Majority to apologize to the members representing peoples with disabilities.

Hon. J. Kirui: Honourable Speaker let me reiterate what I said that as per our Standing Orders, the Speaker is supposed to be impartial.

Hon. Deputy Speaker: You are out of order member, which Standing Order?

Hon. J. Kirui: I withdraw honourable Speaker.

Hon. Julius Korir: Thank you honourable Speaker, I hope that in due time honourable Keter will give us other alternative terms to use. I stand to say that the motion has good intentions but it needs thorough research. So that we will not be approving motions for the sake of approving and approving motions that one time can be easily challenged by someone saying were you not able to have powers. Because if the member was totally concerned with number (h) of this article, it says ‘as we try to decentralize state organs from the capital of Kenya, that is Nairobi we want to enhance check and balances and separation of powers. It could be the powers we are trying to amass are not even within our mandate so that these functions, we will not have power to carry out. So my argument is that this motion be deferred for further research. For those few remarks I will not say I oppose but urge the member to do further research.

Hon. Deputy Speaker: So here comes an issue of deferring the motion. What is it honourable Samson?

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Hon. S. Towett: Now Madam Speaker, recently, there was the issuance of birth certificates and we know as usual, even though it is decentralized, people in Konoin have to go to Litein or they come all the way to Bomet. But I saw registration was being done in location level and that is part of devolution where there is a devolved function. I don't see why an office like that of registrar cannot go the same way, because registration and issuance of birth certificates still lie in that same office.

Hon. Deputy Speaker: Honourable Samson, I beg your pardon.

Hon. S. Towett: Madam Speaker, I wanted to inform the House that recently we saw the issuance of birth certificates which we know is done from some quarters was further taken to the location level as far as I know, so it shows that there is a way in which the National Government can bring some of its offices closer to the people. So I don't see anything wrong in bringing a unit closer home where it is required.

Hon. Deputy Speaker: Thank honourable member, so the issue of withdrawing the motion as of now will not come in honourable Korir. I give honourable Bency to continue then honourable Evaline.

Hon. B. Too: Thank you honourable Speaker and the honourable members, I rise to support the motion. First I want to congratulate the mover because as we speak most of the widows and widowers are facing a lot of challenges with the issue of administration of estates of deceased persons. They cannot operate any duties within the estate until they get a letter of administration, if I can remember very well, few years ago I was looking for a letter of administration but it took me almost two years and I spend a lot of money and used a family lawyer and I had to spend KES 100,000 as the offices are only situated in Nairobi to get this letter. I urge the members to support this motion especially for the widows who don't have money to hire lawyers and travel to Nairobi. Also to be included is the registration of cooperatives; we cannot help these our youths unless this is also devolved to the grassroots level as they spend a lot in travelling to Nairobi to get certificate of incorporation and it needs a lot money to get a certificate of incorporation and registration whose costs will come to KES 60,000. So I support the motion and urge members to support it so that everything can move smoothly since this is devolution and the national functions should have an office in the county level thank you.

Hon. Deputy Speaker: Honourable Evaline then Honourable Serbai Honourable Kirui

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Hon. E. Chepkemoi: Thank you. I support the motion and thank the mover for it as it has of late been disturbing us. There are people in our wards who want to get married but since the regional office is in Nakuru they opt for customary marriage in the wards and this is giving us problems as it is like allowing polygamy which is a problem in the County...

Hon. Deputy Speaker: But even for customary marriage they give certificates...

Hon. E. Chepkemoi: They do but...

Hon. Deputy Speaker: Yes honourable Kirui

Hon. J. Kirui: I don't know if polygamy is expressly forbidden in law. We have several prominent people in law who are polygamous and some of the members of the Assembly come from polygamous families. It is an insult; to vindicate them.

Hon. E. Chepkemoi: I reject what honourable Kirui is saying without quoting the Act on customary marriage. Under it a person can marry even 30 wives but for civil customary marriage it is only restricted to six women...Protect me honourable Speaker.

Hon. Deputy Speaker: Yes honourable Kirui.

Hon. J. Kirui: Is it in order for the honourable member to say it is provided for in law that it is six wives? Under which Law?

Hon. Deputy Speaker: Honourable Serbai

Hon. R. Serbai: Asante, Nasimama kujulisha Jumba hili kuwa Kiongozi wa Wengi Bungeni anajaribu kutupeleka hapa na pale; lakini Utamaduni wetu wa Kiafrika unatambulika na Katiba na hivyo basi mtu yeyote yule anaweza akaoa wake wote ambao ana uwezo Mheshimiwa Evaline yuko sawa na tusome sheria ili tujue jinsi inavyokwenda.

Hon. Deputy Speaker: Not unless I never honourable heard the Majority well. He was agreeing with you and honourable Evaline is wrong. I don't know who is who but honourable Evaline continue.

Hon. E. Chepkemoi: I hope honourable Majority Leader has understood that it was passed by the National Government that if you want to marry six wives and below and for civil marriage should be one partner.

We have a problem when it comes to sons and daughters at the moment because we are in crisis because we have a number of sons who are undermining the single mothers who were not

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married and it is very clear in the constitution article 60 that there must be fair share of resources but if you find our people at home they normally undermine the daughters and they don't give them equal share and if these offices are devolved to the County Government of Bomet several vulnerable women will get a fair share in the family.

Even the 30 percent policy that we passed in this House that tenders of this County Government be given to the people living with disabilities, women and the youth but right now these people do not enjoy this rule because they don't know the process of registering the company. If it is devolved up to the County Government this group will be able to register and have companies so that they will be able to enjoy the tenders of his County Government and not the relatives and parents.

I want to criticize this County Government because the tenders are given to some people who are relatives. If this issue...

Hon. Deputy Speaker: You are fully protected honourable Evaline continue

Hon. E. Chepkemoi: If this issue is brought to the County Government I know our people will get fair treatment because this issue of giving tenders to brothers and sisters and close relatives will be avoided. That is the reason and if this thing is brought to the County Government people will be treated fairly across the County.

Hon. Deputy Speaker: Honourable Serbai.

Hon. R. Serbai: The intention of the motion was noble but the issue that we are discussing is not an issue that we are saying it needs to be devolved to the County because it is not provided for in the constitution of this Country. If you can go to schedule 4 it talks about the functions of the National Government and the County Government and the issue of registration; be it registration of persons be it the office of Administrator General or Registrar General; that is a function that is done by the National Government...

Hon. Deputy Speaker: What is it honourable Cecilia?

Hon. C. Towett: We don't have quorum

Hon. Deputy Speaker: The Clerk to ascertain.

The Clerk counted and reported to the Deputy Speaker.

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Hon. Deputy Speaker: I don't know what the Whip will do to the honourable members because it is becoming a challenge. Every now and then we talk of quorum. The Serjeant-At-Arms to ring the bell for five minutes.

Hon. D. Rotich: Most of the members were in committee meetings and they are still going on and let me ask the few who are still outside...

Hon. Deputy Speaker: What is it honourable Serbai?

Hon. R. Serbai: I am surprised...

Hon. Deputy Speaker: Don't move out honourable Whip.

Hon. R. Serbai: I am surprised with what honourable Chief Whip of this House is telling us. When the House is in session especially plenary, no committee meeting should be held. If we have such a Chief Whip who doesn't know the Standing Orders of this House then it is a great shame to this House. Let him Whip up the members to be in this House, thank you.

Hon. Deputy Speaker: What is it honourable Rotich.

Hon. D. Rotich: I don't know why the honourable member is shouting too high and he is in for some few minutes. Let me Whip up the members.

Hon. Deputy Speaker: I want to say that Whip is lying to this House. If there is a committee which is sitting now, are we really serious? Not unless he can confirm to us which committee is that in the committee room right now. What is it honourable Samson?

Hon. S. Towett: I heard that during plenary sessions there are exceptional committee meetings that can go on but with the leave of the Speaker. Not unless you have granted them leave then there should be no meeting going on, thank you.

Hon. Deputy Speaker: Not unless he confirms, otherwise he was just saying but we are going to move for five minutes failure to which I will also give directions.

There was quorum.

Hon. Deputy Speaker: Continue honourable Serbai.

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Hon. R. Serbai: What I wanted to say is that the motion had good intentions but if you can read Schedule Four which talks about the National Functions and County Governments functions...

The Deputy Speaker interrupted him

Hon. J. Kirui: I am sorry for interrupting my honourable colleague but there is an issue itching me. Yesterday our honourable Speaker had left for a meeting; that he was supposed to attend a Senate meeting and he was supposed to report back to this House what transpired because the matters that were being discussed are matters that affects the members of this County Assembly; it was about the ceilings. I find it also absurd today that the Speaker is not in and we don't have that information and I would wish that you give us a directive or clarification because this is a very weighty matter that we need to be told; unless some people are in a money minting mission of going to meetings that are not concerning this Assembly without reporting to these members. We are eagerly waiting for that report and today being a Thursday and we know we will not get the information up to Monday. We see that you give that information honourable Speaker, thank you.

Hon. Deputy Speaker: Thank you very much honourable Majority. Honourable Majority you know clearly the Standing Orders; number two is on the Order Paper of the day and number three is that you came when Assembly was already midway and though your questions is so pertinent to this House, the same issues that you have raised is that the Speaker and the Clerk are not in because of the said issues which are handled right now at the Senate. You have to wait until when the Speaker comes with the communication. When I was making the communication you were also not in, next time learn always to be present during the start of sessions, continue honourable Serbai.

Hon. R. Serbai: Thank you; I though honourable Majority was standing on a Point of Order and I was questioning myself where was I but all the same the issues that were raised by the Leader of the Majority is of great concern and every other time they are going to the Senate without results. Thank you honourable Speaker, may I go to the motion of today; that I think this is an issue which is supposed to be discussed with the National Assembly so that they can push this one so that those who are issuing these certificates are professional administration who are working under the National Government and this is actually the issue which is under the National Government but I believe we have a window when we read the constitution, it says we have to consult and cooperate. It says the two governments have to consult and cooperate and

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therefore I believe that the motion has to be amended so that we can consult and cooperate with the National Government to bring these services closer to the people and that is the only way we can have these services closer to the people. Otherwise, even if we discuss and deliberate on this particular motion to the best of our ability we cannot and we are not able to transact or implement today's motion if we don't use this word of consulting and cooperating, otherwise our people are suffering just because of this issue, and I believe of you can just give direction because this motion is actually very good but it needs some kind of legal interpretation so that we can really move in a way which is actually in line with the constitution.

As I am ending, I request your Chair to be patient with me a bit by saying what the honourable Majority Leader was raising was of great concern to us all that the other time the honourable Speaker went to Senate and he communicated through the Chair that he was just going there but to date we have not received communication to that effect and every other time the honourable Speaker gets out we have not been able to receive communication of what transpired in those particular meetings. This is a very important House under Article 35 of the Constitution and we need to access any information that comes out in a certain meeting so that we can also be able to be at par with other people. There is no power without information, thank you.

Hon. Deputy Speaker: Thank you very much honourable Serbai, honourable Majority and then I give the mover to give a right of reply.

Hon. J. Kirui: Thank you for this chance to contribute to this motion which was brought by honourable Taplelei Rotich. I want to briefly say that I support the motion and the issue being discussed is about the facilitation of decentralization of state organs and we know even in the Office of the President we have the County Commissioner and this decentralization can only happen if we can pass this motion as Members of this County Assembly and pursue the matter with the Senate as honourable Serbai has said and also pursue this matter legally because there might be many if this House approves this motion it will mean that we require those facilities as Members of this Assembly and the way my colleagues have said previously that we lack several of these functions one of which has been alluded to by honourable Evaline Langat about marriage certificates which is making it to be very expensive for the young couples even to tie the knot and we require these services because there is administration of estate for the deceased and you find it is also becoming a challenge. I support this motion and I urge that we support the motion, and as I wind up it is imperative that this honourable House and our honourable Speaker the way the honourable member had alluded, honourable Serbai we need to be briefed

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periodically on what transpires because some matters are of County importance. Up to date we understand the Speaker left outside the Country and you find that even when the Governor is going outside the Country he goes along with two or three MCAs but when this Speaker was elected by these members he doesn't even go with one Member of the staff...

Hon. Deputy Speaker: What is your point of order honourable Serbai.

Hon. R. Serbai: Is it in order for the Majority Leader to lie to this House that when the Governor goes out of the Country he goes with Members of the County Assembly.

I remember only one time when honourable Majority Leader was taken with honourable Aurelia and that was only once but nobody has ever accompanied the Governor.

Is it in order to allude that the Governor is someone who is so much soft to people yet he is a very arrogant person also, thank you.

Hon. Deputy Speaker: What is your point of information honourable member?

Hon. J. Kirui: Thank you, when the Governor went outside the country for the first time since he was elected he went to Malaysia with honourable Chief Whip and honourable Philip Korir...

Hon. Deputy Speaker: You are out of order honourable Majority

Hon. J. Kirui: The Speaker has not even left with his pet, honourable Speaker.

Hon. Deputy Speaker: What is it honourable Samson?

Hon. S. Towett: I would want to inform the House that not long ago before the end of the last calendar year the Speaker went with some members to United Kingdom and I don't think he has left alone at any certain time. That is part of the issue that we want to raise to one another. Thank you.

Hon. Deputy Speaker: What is it honourable Serbai?

Hon. R. Serbai: I just want to inform this House, in as much as we want information on what transpired in any meeting attended by the Speaker, the honourable Majority Leader of this House and the Chair of Budget and Appropriation went to America sometimes back but they never gave us the report on how they went to America and today he needs a report from the Speaker. We

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also need a report from the Leader of the Majority to tell us how America was, what the results of their visit were.

Hon. Deputy Speaker: Thank you very much honourable members, it has raised a number of issues and I thank the honourable members because they are balancing in terms of questioning and the *Abunuwasi* and the Chief *Abunuwases* is cross cutting the mover.

Hon. T. Rotich: Thank you honourable Madam Speaker, even though honourable Julius Korir is not in the room but honourable Serbai can get the emphasis on my motion; that we are requesting the County Executive to liaise with Office of Attorney General with a view of setting up those offices in our County. Honourable Korir wished that we defer this motion so that it can be researched further and he was referring that this might be subject to a referendum on the issue but I want to say that this will not because it is just setting an office, it is not setting up a commission or anything else within an office.

To support my point, the lands commission is a national function but recently we were vetting in this office a management board to take care of the issues of land within Bomet which means the Lands Commission can have a structure nearer to the people at the County level. Article 174 (h) in our Constitution is saying that to facilitate the decentralization of state organs their functions and services from the capital of Kenya, and therefore, being in the constitution means that it is possible. It is something that is constitutional and we need those services. Like the Government, honourable Speaker...please protect now because this is a right of reply and not subject to other issues again.

This will not subject anything to referendum because we are not asking for that function to be devolved; all the devolved functions are in the Schedule Four part one. We are not asking for it to be devolved but we are asking for it to be decentralized.

It is like we have the Office of the President represented by the County Commissioners and Sub-County Commissioners, Chiefs and Sub-Chiefs and that shows this is still possible. We want this to be decentralized up to the lowest level to support and to help our people because we realized that even court orders are expensive for the people who might be victims because of the distance and how it is done, presence and having the lawyers and we don't want to subject our people to this anymore to this. We want the cost to come down, at least to be normal like any other people of this nation.

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I wish not to dwell so much on the traditional marriages but what we want is the documentation of any of those marriages because we don't want to subject to our young people to start experimenting on the 'come we stay' then after three months again we are having somebody coming back home and we start naming them single mothers. We are aware in Bomet we are already having huge families that are called single mothers which many a times it is not their own will to be single mothers but it is a result of missing some of these documents and they are subjected to problems and we know very well that once these mothers come back as single mothers we are subjecting the children into psychological problems that even affect others in school and we do not want this to be extended. We really wish to have the County Government liaise with the Attorney Generals' office so that we can have these services to reduce some of these problems.

I also want to say that I gave an example already like for honourable members requesting for amendment or deferring didn't get that even the Director of public Prosecutions which is a national function and Judiciary are already having offices here in Bomet and we were not subjected to referendum or anything like that. Let us all accept this motion and pass it so that our people can really have a way of getting these vital and very important services to be near them and less costly and live like other citizens having the rights.

I want to thank all the members of this House; everybody supported except the two who either wanted amendment or deferral of the motion which was still good intention. I want to thank them for supporting this and I now pray that you may all please give an 'AYE' to this motion so that we can pass it and have these services closer to us. Do not worry about researching more, I have a lot of papers here with me and I researched quite well and I consulted directly with the office of the Attorney Generals' Office where at one time I worked and he said it is possible and they are ready very quickly to move is so that we can implement this in the next financial year, thank you very much.

Hon. Deputy Speaker: Thank you very much honourable Taplelei for the wonderful right of reply that you have given and it had raised a number of questions from honourable Korir and honourable Serbai but I think they have agreed with the mover. I therefore put the question which is that aware that one of the objects of devolution as set up under Article 174 of the constitution includes to facilitate decentralization of state organs and services from the capital of Kenya; cognizant of the fact that the Office of the Administrator General and Registrar General, this with very important functions of the estates of the deceased persons as well as minors' trust

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and registration services of the incorporation of companies, business names, trade unions and societies respectively; deeply concerned that most of the resident of this County find it difficult to access these services of these very important offices in the Capital of Kenya. This County Assembly urges the County Executive to liaise with the office of the Attorney General with a view of setting up those offices in our County... (*Honourable Nancy Chepkirui entered the House*). Honourable Nancy sit!

She took her seat.

Question put and agreed to.

Hon. Deputy Speaker: What is it honourable Chang'morik.

Hon. S. Chang'morik: I am sorry I was late when there was time for papers and I seek leave to table a report from the PAC.

Hon. Deputy Speaker: What is the report about?

Hon. S. Chang'morik: Concerning Kapsang'aru and Mugango dispensaries.

Hon. Deputy Speaker: Proceed.

Hon. S. Chang'morik: I take this opportunity to table a report from Public Accounts and Investments Committee report on construction of Kapsang'aru and Mugango health centers.

Hon. Deputy Speaker: Thank you honourable Chang'morik and it is now a document of the House and it will be taken to the House Business Committee to be allocated time and date when it will be brought back to this House. Honourable Chang'morik you made me laugh this day because of the way you acted by responding in a funny way.

ADJOURNMENT

The House adjourned at 4.21 p.m

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