

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Tuesday, February 11, 2015

PLENARY

February 11, 2015

**COUNTY ASSEMBLY
OFFICIAL REPORT
Tuesday, February 11, 2015
The House met at 10.24 a.m.
[The Speaker (Hon. G. K. Korir) on the Chair]
PRAYERS**

Hon. Speaker: Serjeant-At-Arms to ring the quorum bell for ten minutes.

The Serjeant-At-Arms rang the bell.

Hon. Speaker: Now there is quorum

COMMUNICATION FROM THE CHAIR

- ❖ **THAT BRITAM INSURANCE HAVE REQUESTED A TRAINING ON TUESDAY BEGINNING AT 10 A.M. SO THAT THE MEMBERS CAN UNDERSTAND WHAT IS IN THE COVER**

Hon. Speaker: Honourable members, Britam insurance have requested that we can be able to have a small training next week on Tuesday beginning at 10 a.m. so that the members can understand. I hope every member has submitted the form; including all requirements. I hope every member has filled the form because it is very critical that you fill the forms including the names of the beneficiaries. You are being requested that on Tuesday next week at 10.00 am sharp and you can have training for two and half hours. I request you that you avail yourself and we have given you sufficient time so that we can be able to understand what is in that insurance cover.

STATEMENT

- ❖ **SEVERAL STATEMENTS UNANSWERED FIELDLED BY HONOURABLE SERBAI**

Hon. Speaker: Honourable Serbai.

Hon. R. Serbai: Thank you Mr. Speaker for giving me this chance. I remember before we went for recess last year, I had several statements unanswered; one To do with Embomos Women Cooperative Society, two is mistreatment meted to my people who are working at the construction of Bomet Stadium and several other statements which went unanswered, thank you.

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Hon. Speaker: Honourable Serbai may be I was not sitting in that session but we will ask our table clerks to ascertain when the statement was supposed to be answered and then I will be able to give new directions so that it can be able to be answered in a certain time. I will be able to check in the clerks' table and I will be able to get back to you.

PROCEDURAL MOTION

- ❖ **THAT THE BUSINESS APPEARING IN THE DAY'S ORDER PAPER BE EXEMPTED FROM THE PROVISIONS OF THE STANDING ORDER NUMBER 39 (3)**

Hon. Speaker: I am not seeing the Leader of Majority and yet he was here. Honourable Serbai.

Hon. R. Serbai: Since we reopened this honourable House yesterday, it is also much shaming that the honourable Leader of Majority is not there and the honourable members who are the Leader of the Majority and the deputy are always late, honourable Chief Whip and his deputy are not there and they are critical leaders in this House. If these things are happening in their absence, is this House in order?

Hon. Speaker: Honourable Majority, honourable deputy Majority, honourable Whip, deputy whip and also Minority, in the past session there were constant complaints that you are always late or even not attending which is no good. If you remember in the last session, I had said that we need to meet but that meeting never materialized. You realized today in the morning we didn't have quorum and we expected the Chief Whip to be the one mobilizing the members but the Chief Whip and the Deputy Chief Whip were not in the House. As the Leadership, honourable Josphat you should be among the first to be in the House.

Hon. J. Kirui: I was there.

Hon. Speaker: Not unless I didn't see, we called on the procedural motion number eight and you were not there.

Hon. J. Kirui: I am sorry honourable Speaker; I didn't see you walking in.

Hon. Speaker: It doesn't mean you need to see me but you know by 9 a.m. you should be here.

Hon. J. Kirui: But I was here.

Hon. Speaker: Even if you were here by 6 a.m, what is very critical is that you should be inside by 9 a.m. Even if you come here 5 a.m that doesn't matter, what is very critical is that you need to be inside the House at 9 a.m. Honourable Langat.

Hon. R. Langat: This House is quite disorderly when you can answer each other the way you are doing. There are some rules that we are following in this House and if you can also breach the same rules there is something wrong. The honourable member is not supposed to be sitting

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and talking to you and you are seeing that happening and you are encouraging that Mr. Speaker, what is happening? This House is not in order.

Hon. Speaker: Honourable Mosonik.

Hon. W. Mosonik: I am arising to support you because at 9 a.m. all these leaders should be here. If we members are here on time yet the Majority Leader is claiming that he didn't see you and he knows that time is 9 and yet he didn't see you then we are failing in leadership.

What we are saying is that let us observe the Standing Orders, rules and procedures of this House. If it is 9 a.m. then let's be here on 9 a.m. The Minority Leader is now lucky because of that procedural motion. He is coming and we were asking about his whereabouts because of that the Speaker was bold enough we should have skipped that item. Otherwise we want to support you to instil discipline.

Hon. Speaker: Honourable members especially the top leadership, honourable Minority there are constant complaints that the Leadership right from the Majority all the way to Whip including the Minority Leader, when the House is starting they are not there, they come half way and move out. As the leadership you should try. Remember as we speak we were on procedural motion number 8 and the Leader of the Majority was not in the House, the Deputy Leader of the Majority was not in the House until some people had to rush and call you, that is not proper and this was a complaint in the last session. We want to request the Leadership of this House that you should always try to keep time so that things can run properly. Let's proceed to motion number 8.

Hon. J. Kirui: Thank you very much honourable Speaker, I rise to move the procedural motion that the business appearing in today's Order Paper be exempted from the provisions of the Standing Order number 39 (3) being a Wednesday morning a day allocated for motions or bills not sponsored by the Majority or the Minority party or member belonging to the Majority or the Minority or by a Committee.

I wish to request that we resolve today that because of the urgency and now that we have just come back from recess and we have the matter of reconstituting the House Business Committee so as to able to transact important businesses of this Honourable House, I want to urge that we exempt the business appearing today in the Order Paper from the provisions of the Standing Order number 39 (3) so as to transact the businesses which are pertinent for the continuity and deliberations of this House. Thank you very much.

Hon. Speaker: Who seconds?

Honourable Taplelei Rotich seconded.

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Hon. Speaker: Thank you honourable Taplelei. I now propose the question that the business appearing in today's Order Paper be exempted from the provisions of the Standing Order number 39 (3) being a Wednesday morning a day allocated for motions or bills not sponsored by the Majority or the Minority party or member belonging to the Majority or the Minority or by a Committee. It is now open for debate.

There was no contribution.

Hon. Speaker: If there is none, I now put the question that the business appearing in today's Order Paper be exempted from the provisions of the Standing Order number 39 (3) being a Wednesday morning a day allocated for motions or bills not sponsored by the Majority or the Minority party or member belonging to the Majority or the Minority or by a Committee.

Question put and agreed to.

MOTION

- ❖ **THAT PURSUANT TO STANDING ORDER 154 (1) THE COUNTY ASSEMBLY APPROVES THE APPOINTMENTS OF THE FOLLOWING MEMBERS TO THE COUNTY ASSEMBLY HOUSE BUSINESS COMMITTEE**

Hon. Speaker: Leader of the Majority.

Hon. J. Kirui: I rise to move a motion that pursuant to Standing Order 154 (1), this County Assembly approves the appointments of the following members to the County Assembly House Business Committee.

1. Honourable G. K. Kipng'etich – Speaker.
2. Honourable Josphat Kirui - Leader of the Majority.
3. Honourable John Chepkwony – Leader of the Minority
4. Honourable David Rotich Big Five – Majority Whip
5. Honourable Julius Korir
6. Honourable Samson Towett.
7. Honourable Leah Kirui
8. Honourable Reuben Langat
9. Honourable Wilson Keter
10. Honourable Patrick Chepkwony.

Hon. Speaker: Who seconds?

Honourable J. Chepkwony seconded

Hon. Speaker: I now propose the question that pursuant to Standing Order 154 (1), this County Assembly approves the appointments of the following members to the County Assembly House Business Committee.

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1. Honourable G. K. Kipng'etich – Speaker.
2. Honourable Josphat Kirui - Leader of the Majority.
3. Honourable John Chepkwony – Leader of the Minority
4. Honourable David Rotich Big Five – The Majority Whip
5. Honourable Julius Korir
6. Honourable Samson Towett.
7. Honourable Leah Kirui
8. Honourable Reuben Langat
9. Honourable Wilson Keter
10. Honourable Patrick Chepkwony;

It is now open for debate, honourable Mosonik.

Hon. W. Mosonik: Thank you honourable Speaker. I am seeing the composition of the membership and I think there is something amiss honourable Speaker, and that is lack of gender. There is only honourable Leah Kirui and I think we are doing injustice to the women leaders who are here. I think gender balance should have been considered. I was to support the motion but the gender composition is not in order and I reject it.

Hon. Speaker: Honourable Ngetich.

Hon. J. Ngetich: I stand to oppose the list because basing on the Sub-Counties. I think Bomet East is not represented well like other Sub-Counties. If it means we get two from each Sub-County and Bomet East is having only one and that is honourable Julius Korir. We have to balance this list, thank you.

Hon. Speaker: Honourable Bency.

Hon. B. Too: I also arise to oppose the motion because the list does not obey the gender rule. We all know that the House Business Committee means a lot to this Honourable House and the reason why I am saying that is that out of the ten names we only have honourable Leah Kirui being the only lady. By yesterday when we were opening this honourable House, we promised that we have to be a role model and what I am saying is that Count Assembly means a lot. We have to have even two ladies out of them. I am urging the honourable members that let us oppose so that we can come with a better list, thank you.

Hon. Speaker: Honourable Langat.

Hon. R. Langat: This is one list that has been brought the way it was and if there was an anomaly like what honourable Mosonik said, it worked and he was in this Honourable House when it was being formed...

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Hon. Speaker: What is your point of order?

Honourable Taplelei Rotich rose on a point of order.

Hon. T. Rotich: The honourable member has said that this was the list which was there before and I wanted to raise that I pointed in the last time again that the gender composition was not balanced...

Hon. Speaker: What is your point of order?

Hon. T. Rotich: My point of order is that it is not right for the honourable member to assume that since the wrong was already done that other time even today it cannot be corrected.

Hon. R. Langat: Thank you very much Mr. Speaker. As we are told, this gender issue is supposed to be achieved progressively as it was said. However, that is beside the point. I was saying there were those anomalies and what my other friend Hon. Ngetich said that we are supposed to have two each is wrong because we have five counties. If we have two each then this membership will be eleven because the Speaker is not counted as being from any of the sub counties but is an overall person. Mr. Speaker, it may not be very practical to say we are going to have two from every sub-county. Let us only see the merit of this list. Is it going to perform? That should be the utmost consideration. Thank you.

Hon. R. Serbai: Thank you Hon. Speaker. First and foremost I rise to support today's motion and I also want to support the composition of this particular list. This list was there before but the kind of argument that we are being given by Hon. Members here is about the balancing of various regions. Two, they are arguing about the gender insensitivity. However, I am a bit flabbergasted by the way members have actually reacted to the positions while in disregard of the performance. Those who are arguing for the positions are the ones who have been sitting while we are debating and only active in voting. Today they are active while asking for positions. Why can't we be active in whatever responsibility we are given? Why should we be active in noticing that someone is not there? Are we therefore going to the right direction? I thought what we need here is actually the performance of each and every member. How about if we balance and they are inactive? How about if we ensure gender balance and they are inactive? Are we moving? It is even better to be of one gender and they are active rather than to be of varied gender and very inactive. Even if they will be women alone, let them be as long as they are active.

Hon. B. Chebomui: Hon. Speaker, I don't think the Hon. Member is right when he says that the list is not balanced; it means that the gender balance cannot perform in this House. We cannot accept that Mr. Speaker. I want to urge the members to stick to the motion of the day.

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Hon. Speaker: Hon. Chebomui you are totally out of order. Leave emotions out of this. Don't be too emotional. Proceed, Hon. Serbai.

Hon. R. Serbai: Thank you for defending me Mr. Speaker because this one is something very sensitive and Hon. Chebomui is a member who has always been inactive in the House. Today she is active because of positions.

Hon. B. Chebomui: I am still wondering why the member is mentioning my name Hon. Speaker.

Hon. Speaker: I think Hon. Chebomui what you are supposed to say is whether the Hon. Member is in order. You are supposed to seek that. Hon. Serbai?

Hon. R. Serbai: Thank you Hon. Speaker but before I embark on to the questions that I were asking I wish to request your Chair that you arrange for another seminar for the members who cannot understand points of orders but rise and talk out of orders. When I mentioned Hon. Chebomui, I mentioned her because she stood on a point of order but she was actually talking of a point out of order. I just want to say this County Assembly is a very important organ of this county and if we are not going to have very active honourable members, in this committee then we are heading to a very wrong direction. This is the committee which is driving this Assembly to the right direction headed by the Hon. Speaker, Leader of Majority and Leader of Minority. We need members who will assist the three leaders to come up with very smart motions which can impact positively towards development of our people and their living standards instead of having members to be seen to be there but are doing nothing. Hon. Speaker, as you are very much aware that we have been sometimes having no motions in this House and we just come here and get out without even discussing a single motion. Those who are active now only agreed for positions but they have not come up with any critical motion. Today when it came to positions, they are the first in need of such positions. I just want to say this particular list is very right and I support it. I also urge all the members to support and let us not behave as if we are being pushed by people and let us always be active instead of being so only by being voting machines. Thank you Hon. Speaker.

Hon. Joyce Korir: Thank you very much Hon. Speaker and the House at large. I am standing to support the motion at hand and I want to say this, though the Majority Leader is consulting on high tone, that the reason why I am supporting this list is because it is the list which we used last year and they did a wonderful job last year and we expect them to mention some few weaknesses that they had so that they can improve this year. On the issue of gender I stand here as one of the women and in presence of a number of women here. The issue is on their performance. If these people are capable of performing, why do we have to interfere with it yet the whole of last year we were driven by the same group? The issue should not appear to be that of gender or fighting

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for positions but the issue is the performance of this particular group. I support this motion and I support the same membership to be approved by this House so that at least we can be able to move this Assembly forward. The problems that we are trying to bring right now might even bring a lot of confusion until the end of this year. The moment we give room to such issues I think we shall be moving backwards as an Assembly. As honourable members of this House and with the respect of the Majority and the Whip of this House, we are saying let us approve this list the way it is. Thank you Mr. Speaker.

Hon. R. Metet: Thank you very much Hon. Speaker. Mine is to support today's motion about the composition of the names which have been forwarded to be approved by this House. I believe as have the other members have put it, that the honourable members who are put here did a very wonderful job last year. I have seen the four most top leaders and the rest six and I must say they have really worked hard and they gave us the right motions which we discussed last year. Just like what Hon. Serbai has said, last year we debated on various motions that were passed and were fruitful. This time round if we put away unnecessary differences, good things are coming forth. All the people have been considered and if you check on people with disabilities, one is there, representatives of youth are there and all the active members are included in this committee. These are the right members and if there are some amendments to be made, maybe we can add one so that we can get gender representation. Hon. Speaker, we have the right leaders to lead us in this committee and that should end the unnecessary discussion so that we can get what we want in this House. We need to be one and bring things which are positive to our county. This is the right time to sit and make positive contributions in this House and we make sure that we come with some motions which will assist our people to move forward. Hon. Speaker, I support the membership of this committee and I believe this year we are going to make some good changes through fruitful motions. I support the composition of the committee. Thank you Hon. Speaker.

Hon. P. Siele: Thank you Hon. Speaker. I stand to support this motion. According to me I don't find any problem in these people. This is because of the fact that these have been there all along and they have been performing well. What I want to suggest Hon. Speaker is for us to check on their performance. According to me they have done a very good work. Secondly, by looking at this list, you find that it is balanced according to various sub-counties. Looking at this membership we have one woman and what is of importance is the performance. It is my appeal to these honourable members to pass this list because these members got a lot of experience and they have been driving us all along. I therefore urge the members to adopt this list. Thank you Hon. Speaker.

Hon. B. Chebomui: Hon. Speaker I have looked at the list and as much as we are saying the gender is not balanced, and since we know that we have to promote the gender and also promote

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the equality and equity, members have talked about their performance but I want to look at it this way. That all members of this House are all qualified and up to the task in this County Assembly. When we come here and allege that some are not capable of doing the work in the Assembly, I don't think that is right Mr. Speaker.

Hon. Speaker: Hon. Serbai what is the point of information?

Hon. R. Serbai: I just want to inform this House that we were not talking about the qualification of each and every member but we are thirty five members with different qualifications in different fields whereby no one can actually fit to a particular point. We were talking about the performance and not the qualification of which I wish to request the House to inform the Hon. Member who was on the floor to see to it that and to understand and that we call for her to understand what is happening in the House. Thank you.

Hon. B. Chebomui: Hon. Speaker I wish to inform the member that I have understood and I know what he meant by saying it is about the performance. We can all perform and I believe in myself 100% that I can deliver. I have been looking at the list and since we have Hon. Speaker being the Chairperson, Majority Leader, Minority Leader, Majority Whip and the others being the Hon. Members in this House, let me just talk on gender that we pass this list as is. Let me plead with you that it is OK and I understand that we believe in ourselves that we can perform and if it is about performance we have the women who are the Chairpersons in the committees and some are the Vice Chairs and I know of know their performance. So if it means performance, we can perform Hon. Speaker.

Hon. Speaker: Question to the member?

Hon. T. Rotich: I would like the Hon. Member to tell us the gender because she is addressing the gender at the moment?

Hon. B. Chebomui: Hon. Speaker we have been talking of the list being not gender balanced. When we say it is not gender balanced, we mean we only have one woman.

Hon. Speaker: What us your question?

Hon. R. Serbai: Hon Speaker my question is that the Hon. Member is opposing and at the same time she is supporting the list and at the same time she is addressing this House as gender and may because she is a lady, she thinks we are all ladies. Why can't she have eyes to see that we have men and we have ladies?

Hon. Joyce Korir: Thank you very much Mr. Speaker. For the first time, I want to support Hon. Chebomui because she is right on her sense. She is talking of gender which based on the list is the number of ladies who at least should be raised to have two. Hon. Chebomui is right because

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she is pleading with us the women. We are sacrificing for the list and she is right and Hon. Serbai is out of order. Thank you Hon. Speaker.

Hon. B. Chebomui: Mr. Speaker some members try to bring some confusion in the House and they know what they are talking about. I want to convince the gender which has been complaining that the list is not gender balanced that let us just accept the list as it is. I know we are in other committees and we will show our performance in those committees. I am supporting and saying let me just request that we support as it is.

Hon. S. Towett: Thank you very much Hon. Speaker for allowing me to stand this morning to contribute on the motion before us. Let me say the House Business committee is a very crucial committee to this House because it is the one which ensures there is business in the House put in the order paper on any given day. This House Business Committee requires people who are committed and who can work extra hard to ensure that we have business throughout the year. Hon. Speaker if I can recall very well there is not even a single day in the last calendar year that the members of the House Business Committee were not able to find business to put in the order paper. I know they have worked extra hard to ensure that we always had businesses. If we can look back the previous year I know there are many times whereby we went without having any business to put in the order paper. However, the fact that we have these names as they were the other time is because I know we met as a party and we also agreed on how to move forward as far as the composition of various committees is concerned, and we decided that they remain the way they were. The fact that we are coming here today to raise the issue of gender balance and yet it didn't really come up when we were discussing the issue of various committees at the party level. I don't know whether the members raising the issue today were absent or were they resting their eyes. However, Hon. Speaker, I am also a member of this House Business Committee today and was there the other time. But Hon. Speaker, we were really going through difficult times that most of the times we were expected to produce the order paper but at times there is no motion that has been moved by the Hon. Members so that it gives us the opportunity to really come up with the business of the day or the entire week. Hon. Speaker, I would want to use this opportunity to request the Hon. House that we will approve the list as it is. I would also request that we generate the business for this committee to have work to do. It is not the work of the members of the House Business Committee to be generating business for the House but it is the work of the Hon. Members of the House to generate businesses for these members to have the work to do. Otherwise this year, the members may not work the same way they did the other time. Their work is just to go meet and see if there is any business submitted to the committee. If there is no business, then why should we strain ourselves working to create business for members who are supposed to do the same so that we have the work for the year round? I am saying it because if at all I was given the opportunity, maybe I would have excused myself this time round because we have been running up and down urging members to come up with any

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motion. We don't want to go to that extent this time round. In fact, if we want to have gender balance, we are willing to relinquish those positions so that we move forward. With those few remarks, Hon. Speaker with the proposed names, I would want to support that we approve it as it is because even rejecting it now has some aftermaths. What are we going to do in the afternoon sitting and yet we expect these members to sit and produce business for the next sittings from today afternoon. So with those few remarks, I beg to support. Thank you

Hon. S. Chelule: Thank you, Hon. Speaker and the Hon. Members. I also stand to welcome you from recess that took some days and now we have resumed our normal sittings. I know that we had a lot of functions but we didn't cover everything. The same thing today, I stand to support this motion and I know that during the time we were at Brevan hotel, we came into an agreement that we leave the Hon. Members to stay in their respective committees. The list brought by Hon. Majority Leader for approval had been agreed on, and I wonder why there are Hon. Members who are opposing it; yet they were there when we were talking about. It doesn't matter if we have a gender balance or sub-county representation as it has been alleged, we want services from them. We can even heighten them after approving. Hon. Members, in fact we have been defeated to address the welfare of this House because of the division, thank you.

Hon. L. Kirui: Thank you very much Hon. Speaker. Once again, as on what Hon. S. Chelule have said, I would also like to welcome the whole House for this particular third session. Hon. Speaker, I would also like to thank this House for taking heed of what was agreed during that time when we were together discussing the issue of committees in this third session. I concur with what Hon. S. Chelule has said that we had agreed that if possible we need to minimize the changes in this session because we don't want to start from scratch or from zero; we need to continue from where we had reached. Hon. Speaker, the advantage of that is the members can be able to do their own evaluation and know where they had gone wrong and thus be able to correct. So Hon. Speaker, you being the Chair, you need to take heed of what the Hon. Members have said that at least we need to minimize the changes when it comes to committees. The list that we have here is exactly the composition of the House Business Committee we had last time. For sure, with me, I don't see any mistake that this committee did during their time. Hon. Speaker, as per what Hon. S. Towett has said, this committee has been advising us to be on our toes during our session because they were very concerned with the businesses in the House. So this time round we need to give them work so that we can be in a position to evaluate whether they will do it or not because most of the failures that were there were as a result of us not giving them work to do. Hon. Speaker, I won't accept if anyone is alleging that the members aren't competent. I don't think it require MSc or PhD for one to slot a business that has been brought. So the issue of competency might not be the case. Hon. Speaker, I don't want to take much time, I just want to register my support that I do support this list and I do want to take heed of some few remarks from some members that may be the gender balance hasn't been met. I can't rule out that one

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because it is even stated clearly in the constitution that in whatever we are doing we should always have the spirit of gender balance. It is also allowed in the same constitution that we do it in bits; it isn't that we finish it at the same time. So in my proposal now, I want to say like what Hon. S. Towett has said that there are members who are ready to relinquish their positions. So for now, I want to say that we approve the way it is and we should put in record that in case we will require some amendment, then we allow so that if we go for one week, and maybe we have seen the issue of gender to be of priority then we will also come in and amend. Otherwise Hon. Speaker, I beg that we support the way it is and we will also be ready for any changes that will come, thank you Hon. Speaker.

Hon. S. Kirui: Thank you Hon. Speaker for the opportunity you have given me to contribute on the motion that is before the floor of the House. Hon. Speaker, I also wish to support the motion of the approval of the said names to the House Business Committee. First of all, I would wish to congratulate the members who were at this committee in the last session because of their performance. Hon. Speaker, they are the same members who have been proposed to the House Business Committee. Irrespective of whether the gender balance has been met or not, I think these members are people who can perform and deliver on their mandate. Hon. Speaker, the issue of balancing is very emotive and sensitive. Even if we balance the gender right now, next time we will want to balance the regions; nominated and elected; those in government and those in the opposition and many others Hon. Speaker. This issue of balancing really need to be addressed accordingly. The House Business Committee is a key committee for the House Hon. Speaker and if we dilute the composition of this team by issue of balancing then we might not even deliver our mandate as the County Assembly of Bomet come this session of parliament. So, Hon. Speaker I urge Hon. Members irrespective of we want to be there or not that we support this list as provided and we support the team so that at least we can move forward. It is so perturbing Hon. Speaker that we are like we want to give a saying that says "give a bad name to a dog before you kill" but the bad name that should have been given is that they haven't delivered in their last mandate yet they have been delivering; but on issues of balancing, they can be addressed in future since it hasn't been there before. So I support the list as it is and I urge Hon. Members that we support it. And for those other committees who aren't performing, then we will scrutinize the list as it comes so that at least we reconstitute those committees. Otherwise for those who are performing, let us congratulate them. Hon. Speaker, I know there were challenges but if you perform to a certain level, you aren't supposed to get a 100% to be given an A, and you can even get 80% to be given an A. So I think they performed above average Hon. Speaker and we should support the list as it is.

Hon. R. Bett: Thank you Hon. Speaker. I also want to support the list by saying that we are gearing towards service delivery in this year of 2015. We should talk about gender balancing if indeed it is a substance of delivery of service. Even if it means gender balancing hasn't been met

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on normal deliberations in the House then it means the plenary contributions isn't balanced. So what I want to say is that gender balancing when it comes to constitution of committees shouldn't arise.

(On a point of order)

Hon. J. Kirui: Hon. R. Bett is my good friend and apparently you happen to come from his ward. But that doesn't mean that he is supposed to be having his phone on while talking and pocketing when contributing. Hon. Speaker, you selectively turn off your ears and it is quite unfortunate Hon. Speaker.

Hon. Speaker: Hon. J. Kirui, you are totally out of order. The Speaker has no ears and eyes unless it is pointed out, and you know that is the rule. So, it is now that you are pointing out and that is when I can have the ears. So, you cannot allege that I was hearing it. Hon. R. Bett you are totally out of order, you should always put off your phone when coming to the House and so to every other member.

Hon. R. Bett: Thank you Hon. Speaker for adhering to the rules. Hon. Speaker, I also want to thank the Majority leader for informing on that. Hon. Speaker, when it comes to service delivery let us mind much about the services we are delivering in this House. The list, as it is, is a competent composition, and we didn't have any issue in the last session. As Hon. L. Kirui has expressed, the committee, being the one that has been advising us on daily business of the House, so I only want to urge the composition to continue doing their job. And as you said yesterday Hon. Speaker that this year of 2015, we aren't learning, we want to deliver in this County Assembly as it is required. We don't want any short cuts and we want to live as per that. So Hon. Speaker, through your guidance we know that the business of this County Assembly will be transacted upon without undue delay and I want to confidently say that the composition is okay. Hon. Speaker, as Hon. L. Kirui has said that there are other committees as well as members of particular committees which aren't delivering. They just appear in their respective committees, sit the whole day and leave without contributing even a single idea, Hon. Speaker. So I want to challenge them that at times they should be researching on the reports we have been getting from the committees. They just have to go through the standing orders and constitution so that at times they contribute and assist others. Otherwise, I want to challenge my fellow members that we be active this year of 2015, thank you.

Hon. H. Chepkirui: Thank you very much Hon. Speaker. I would also like to contribute by saying that I support the motion despite the fact that the gender issue has been stressed a lot. But we shall accept the way it is and I suggest to the Hon. Members that it is a high time that we need to deliver. This is the year of delivery more than last year. It is a wise idea that these members sit down when we have approved this motion. You discuss and give us a sort of a time

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table so that the special category can know what they have to discuss in the House. The women and youths too can know when to bring motions.

(On a point of correction)

Hon. Joyce Korir: Thank you very much Hon. Speaker. I just want to correct Hon. H. Chepkirui sentiment's that the women and the youths will know the date to bring the motions. We do have Hon. Members representing the women, youths, people with disabilities and various wards, thank you Hon. Speaker.

Hon. H. Chepkurui: Thank you honourable Speaker; I want to say the agenda of women, those of men and the agenda of persons with disability; that is what I wrote and it is good that we have come and you will pass this motion and then you assist us to make our County Assembly active and then we deliver. Thank you.

Hon. Speaker: Honourable Chepkwony

Hon. J. Chepkwony: Thank you. I rise to support this motion with two reasons; that this list is the correct one. First, I congratulate the members on the list for the success of the House in the second session. Since performance is key, I support those members saying that we are after performance and we are against any form of differences in the House, and the reasons why I support the list is because the first four members are mandated by the Standing Orders as members of this committee, and the other six members are put because of their respective positions given that honourable Julius Korir represents Bomet East and honourable Samson Towett represents Konoin, given that they are the only members from those two constituencies and sub county. Honourable Leah Kirui represents Bomet Central and gender and honourable Reuben Lang'at represents Chepalungu and honourable Wilson Keter represents the nominated members and persons with disability and honourable Patrick Chepkwony represents the nominated members and youths in the House, and given that the list is considerable based on this, and that the membership of this Committee in the last session involved balancing in the members committee sittings so that all the members could get their committee sitting allowances at the end of the months, and if we make changes in this committee, it will mean we have to make changes on all other committees based on this factor, it will affect other committees so that members can get their allowances...

Hon. Speaker: I think honourable Chepkwony you were totally out of order; it was not because of allowances but because of the business in the House in all the Committees.

Hon. J. Chepkwony: Ok. Performance and allowances is allowed and we are sitting then we are paid afterwards.

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Hon. Speaker: That issue was solved; we are not sitting here because of allowances but to perform. That issue was solved when the list was brought; but proceed from there.

Hon. J. Chepkwony: Is it wrong to say that members are paid allowances at the end of the month; is it a sin? Are we not getting allowances?

Hon. Speaker: We are getting allowances but that is not the motivating factor. Honourable Rotich proceed.

Hon. D. Rotich: Thank you for correcting the members. Sometimes members work day and night for the purpose of delivering service to this County. It is not because of allowances. Yesterday, we worked late because we want to serve and we bring changes to the County and we serve the common person in the rural areas. I don't know where the issue of devolution comes in and I have never heard of any member holding meetings because of allowances. People are going round the county for service and I think it is a slip of the tongue for the member.

Hon. Speaker: Proceed, honourable Chepkwony.

Hon. J. Chepkwony: Maybe you misunderstand me Mr. Speaker. Let us understand one another. If we remove a member from a particular committee, there will be less members in that committee and they will be disadvantaged when compared to other members and that is why want to say I support the list the way it is as we don't want to remove members and we disadvantage him since he will be having say two committees while others will be three. Let me come to conclusion by saying I did not have bad intentions when I was giving out that recommendation but still should there be any amendments in future, gender equity should be considered and I was feeling that the members who defended the needs for gender equity were right to air out their views but since I am supporting the list, that is why I talked of the need for balancing in the committees; otherwise I support. Thank you.

Hon. Speaker: Honourable Bor then the Leader of the Majority.

Hon. S. Bor: Thank you. I support the list and will only add one word; we opened this session yesterday and there are some words that members are using and they are not good and we opened this session recently and some are saying other members are active and some are not. For me, these members on the list, it is the same list as in the last session but for the fourth session, we should not repeat the same names and I think we should change to avoid saying some are active and some are not and since I am elected from my ward, while here like in church, not all people are pastors and only one is a pastor and only one person is speaking in the church and so members; who told you that you are active? All people are active...

Interruption

Hon. Speaker: Honourable Serbai

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Hon. R. Serbai: Thank you. I really respect the member who was on the floor but let me seek this clarification; and it is on this, when we are on our committees sessions there are members in our committees who only ask can you convene a meeting without an agenda and will only ask have you finished the meeting and then they sign; then they sign. Is that being active or inactive? Thank you.

Hon. Speaker: Honourable Kirui.

Hon. L. Kirui: Is it in order for the member to speak as if he is guessing; this is a dignified House and it requires evidence in what you are saying and he should give us the specific committees so that we can tell these particular members; we don't want to dirtify this House. Thank you.

Hon. Speaker: Honourable Bor.

Hon. S. Bor: As I end, I think we all have different talents, and the members who are here in this House are members of different Committees as either chair persons or vice chair persons and we all have different talents and I was just saying since we opened the session yesterday, let us not use words that will not hurt other members by saying some are doing this while others are not and all of us cannot talk at the same time and nobody will listen. If you are talking, I will listen and vice versa; so I support the motion and let us not repeat the list as we have different talents and this does not mean that you have PHD or Masters to be appointed into the House Business Committee. Thank you.

Hon. J. Kirui: Thank you. Before, I give my right of reply, and this is unfortunate, although I did not point this out, today we have a new queen in the House that is honourable Josephine Rotich who is very well dressed and it is important that we appreciate this honourable member and I also wish to say honourable Kirui, for the first time is in a suit, and a very smart one too and we really need to appreciate each other. I thank the members for supporting the motion and we had agreed during the party meeting that we were to maintain the list as it is and there are several pertinent issues the members had raised, and I also wish to say we adopt this list as it is and these members are all equal to the task but a few people can at only one point in time be in a particular committee, and I want to say that what the House requires, as honourable Samson puts it, is for the members to bring in business, and not the House Business to generate business so that the House may have robust debates as we have witnessed before and this is a balanced committee and I will not say much but to thank the members and also those colleagues who initially were talking of gender but have since dropped the idea because we have honourable members both elected and nominated who are Committee and chairs and vice chairs and I believe when we will deliberate on the other committees in the next session, I believe then too

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we are going to be very objective in our deliberations and I want to urge the members that we adopt this list. Thank you.

Hon. Speaker: Let me now put the question that pursuant to Standing Order 154 (1), this County Assembly approves the appointments of the following members to the County Assembly House Business Committee.

1. Honourable G. K. Kipng'etich – Speaker.
2. Honourable Josphat Kirui - Leader of the Majority.
3. Honourable John Chepkwony – Leader of the Minority
4. Honourable David Rotich Big Five – Majority Whip
5. Honourable Julius Korir
6. Honourable Samson Towett.
7. Honourable Leah Kirui
8. Honourable Reuben Langat
9. Honourable Wilson Keter
10. Honourable Patrick Chepkwony.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Yes, honourable Samson

Hon. S. Towett: Honourable Speaker let me seek leave of your Chair on a report issued to members and I want to seek to urge the members that we go through the report and we get the contents of the report.

Secondly, in the report, there is a page missing due to photocopying errors in some copies; page 19 is missing and they are ready and are with the Serjeant-At-Arms and it is part of the recommendations which is a very crucial part. Thank you.

Hon. Speaker: Thank you. The Majority Leader is asking members that we attend a Kamukunji after this as there are some issues he wants us to discuss; secondly at 11.30 the House Business Committee should meet and transact some matter;

Thirdly, in the last session I had made some communications on some issues to be cleared on the first week starting with the House Business Committee who should update the House whether the overdraft report that was passes by this House has been serviced or not, as it was for a month; the dead line is this week for the Committee to furnish this House with a report

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The Committee on Public Service was supposed to table a report for us to have a discussion and the adhoc committee should finalise the matter as per the rulings agreed in the last session and we deal with the issues by the end of this week, and I hope the House Business committee will meet and the reports will feature in there and allocate time for debate.

Also let me thank the ladies in the public gallery; it is the first time we are seeing ladies attending and it means women issues are represented even in the public gallery. This House stands adjourned till 2.30 p.m. today; there being no further business to transact.

(The House adjourned at 11.50 a.m.)