



REPUBLIC OF KENYA

BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Thursday, October 8, 2015

PLENARY

October 8, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
OFFICIAL REPORT**

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The House met at 2.33 p.m.

[The Speaker (Hon. G. K. Kipng'etich) on the Chair]

Prayers

COMMUNICATION FROM THE CHAIR.

Hon. Speaker: Honourable members, I have a few communications to make. I received an invitation from one Dr. Kipchumba Towett who is inviting the Speaker and all the honourable Members of the County Assembly for a home coming event at Club 181 Sports ground in Sotik, Bomet County on Saturday October 10th, 2015 at 10.00 a.m and the guest of honour is Dr. Kipchumba Towett from United States of America (USA) and this invitation has been extended by the area MCA Hon. Big Five who said this event was organized by the organizing committee and the Kipsigis Myoot Council of Elders. For those who will get time you should take note that members have been invited on the said event.

Secondly, there have been various rulings pending on my desk and I undertake various rulings next week including the position that Hon. Bett and Hon. Julius Korir had asked concerning the position of the Deputy Speaker. Honourable members bear with us and I will be able to give proper guidance and direction on the same.

❖ PAPERS

AN AD HOC COMMITTEE ESTABLISHED TO ENQUIRE ON VARIOUS ISSUES AFFECTING THE COUNTY GOVERNMENT OF BOMET

Hon. Speaker: Hon. Julius Korir.

Hon. Julius Korir: Mr. Speaker, Sir, I beg to lay the following paper on the table of this County Assembly today Thursday October, 2015. An Ad Hoc committee established to enquire on

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various issues affecting the County Government of Bomet including but not limited to construction of Bomet Stadium, purchase of County vehicles, allocation of bursaries and cash transfers to the elderly persons by the County Government.

PAPERS LAID

Hon. Speaker: Hon Korir, I remember I had mentioned last time that it was a petition but it was not a petition. Is that the correct position? In fact it was a report and I realized I was informed on the same. Now the report is now fully the document of this House and you can lay the document properly before the House.

Hon. Speaker: Honourable Korir

Hon. Julius Korir: Mr. Speaker, sir, pursuant to Standing Order 183 (6) this County Assembly considers the County Assembly Implementation Committee's Annual Progress Report for the Financial Year 2014/2015; date of the tabling on the House on 8th October, 2015.

Hon. Speaker: Honourable Korir you are member of the Speaker's panel and you should be aware of the rules. You are reading a notice of motion. You are supposed to table the report and then when it comes to the notices of motions that is when you are able to read.

Hon. Julius Korir: I am sorry Mr. Speaker, sir. I confused between the Notice of Motion and the one for Papers. Let me apologize for that.

Honourable Speaker, I beg to lay the following Paper on the table of the Assembly today Thursday 8th, October 2015, Annual Progress Report on the Financial Year ending 30th June, 2015 for the Committee on Implementation.

Hon. Speaker: The report is duly tabled before the House and it is for the House Business Committee to be able to sit and allocate date and time for debate.

NOTICES OF MOTIONS.

Hon. Speaker: Hon Korir.

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Hon. Julius Korir: Mr. Speaker, Sir, pursuant to the Standing Order 183 (6), this County Assembly considers the County Assembly implementation committee's Annual Progress Report for the financial year 2014/2015 laid on the table of the House on 8th October, 2015.

Hon. Speaker: The motion is dully read and the House Business Committee ought to allocate date and time for debate. Next. Hon. Serbai.

Hon. R. Serbai: Mr. Speaker, Sir, thank you for giving me this chance to give notice of motion that aware that the Office of the Speaker is a state office created under...

Hon. Speaker: Honourable Serbai, it has not been approved.

Hon. R. Serbai: It has been approved.

Hon. Speaker: By whom?

Hon. R. Serbai: It has been approved.

Hon. Speaker: Approved by whom?

Hon. R. Serbai: By the Clerk.

Hon. Speaker: Do you know the procedure hon. Serbai? Those are your new rules. The Speaker needs to approve any motion which comes before the House.

Point of Order

Hon. Speaker: What is it hon. Joyce?

Hon. Joyce Korir: Mr. Speaker, Sir, with due respect, the motion is either supposed to be either approved by the Speaker or the Deputy Speaker and the Clerk and once the motion has been approved it is upon this House to decide otherwise. I want to say that you are misusing your powers and your office. We are ready and you cannot deny hon. Serbai chance to move the Notice of Motion.

Hon. Speaker: Let hon. Serbai to seek legal advice from the clerk.

Point of Order.

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Hon. Speaker: What is it hon. Ngeno?

Hon. B. Ngeno: Mr. Speaker Sir, without taking sides, personally I have been in this honourable House for the last two and half years and all the procedures needs to be followed all the same we are always pushing for the Notices of Motions. I remember I was the one who brought and Impeachment motion for Mr. Cheruiyot who was then a CEC in charge of Finance. I confirm to this honourable House that Mr. Cheruiyot was not exceptional to be able to go through the Speaker so that today it goes to the clerk of the County Assembly and comes back to the honourable House.

Whether we want to impeach anyone or not, the procedure needs to be very clear and we cannot bend the rules to favour the direction the majority want to take.

Hon. Speaker: Honourable members, what is your point of order honourable Majority?

Hon. J. Kirui: Mr. Speaker, Sir, this is a matter of grave concern and it is a matter that touches on the institution of the Office of the Speaker who is also the head of the Assembly. On a matter that touches on you personally, you cannot be able to play the referee in a matter that touches on you and the Deputy Speaker...

Hon. Speaker: What is your point of order?

Hon. J. Kirui: Mr. Speaker Sir is it in order for you to deny honourable Serbai the opportunity of tabling a motion that has been approved by the Deputy Speaker and the Clerk because the motion is touching on you personally.

Hon. Speaker: Honourable Kirui.

Hon. L. Kirui: Mr. Speaker, Sir, according to my interpretation, I want to seek information whether you were informed of this thing because it is only when you refuse to sign and that is when we can now say that lets us come out of your office and we seek from another office but there is nothing wrong, you can even approve for yourself. I don't know why there is mischief that the Speaker will not approve it and unless you were given the Notice then that is now a different story.

Hon. Speaker: Honourable Ngeno.

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Hon. B. Ngeno: Mr. Speaker, Sir, this is not the first time that the Speaker is being impeached. At one time honourable Chelule came with a Notice of Motion with a view to impeaching the Speaker of this honourable House. We shall still follow the procedure that was followed by honourable Chelule because it has set the precedent for this honourable House...

Loud consultations.

Hon. Speaker: What is it honourable Changmorik?

Hon. S. Changmorik: Mr. Speaker, Sir, through your Chair can you give a ruling on the direction of that motion because the House has not heard from you on the direction.

Hon. Speaker: Honourable members, honourable Serbai, I am talking!

Loud consultations in the House.

Hon. R. Serbai: Members, I am the mover of the motion and please listen to me. What we need is peace and we need to see to it that this motion is going through.

Hon. Speaker: The Clerk is in the House. This is a House of procedure and for those members in doubt kindly refer to the recent notice of the national Speaker. This matter is adjourned until Tuesday next week at 2.30 PM when we will be able to give a proper direction on the same. Honourable members let's stop at that. The right procedure needs to be followed. There is nothing wrong in any member coming with indication to impeach the Speaker. It is a constitutional right and a legal right of every member to bring an impeachment motion against any person, even if it touches on me but the right procedure needs to be followed and that is why the Clerk will need to write an opinion on the same. What is wrong in waiting until Tuesday 2.30 p. m so that the right procedure can be followed? Last time the Clerk was saying the Speaker needs to approve the motion to impeach the Speaker. Hon Serbai, who approved your motion, is it the Clerk or the Deputy Speaker. Can I have a copy of the same because as far as I am concerned, I have not been served with a copy of the same.

Hon. R. Serbai: Mr. Speaker, Sir, I think you have been given an internal memo and it is wrong for you to lie to this honourable House. I have the copy of the memo which you were given and you are now asking me the same things. I am a member of this House and is it in order for me to be bringing motions to your office? Who is supposed to be doing it? It is not my work.

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Hon. Speaker: Honourable Serbai let us calm the temperatures. The matter will proceed and we will proceed after we have given out the proper direction.

Hon. J. Kirui: Why can't the Clerk tell the House the procedure since he is the legal advisor of the County Assembly?

Hon. Speaker: The Clerk has no audience to speak to the House. Honourable Joyce you might make a lot of noise but at the end of the day this is a House of procedure.

The House was adjourned at 2.58 pm until Tuesday 2.30 PM