

## **BOMET COUNTY ASSEMBLY**

### **OFFICIAL REPORT**

**Tuesday, 4<sup>th</sup> April 2017**

The House met at 02.30 pm

*[Hon. Speaker (The Hon. Geoffrey Kipng'etich) on the Chair]*

#### **PRAYERS**

#### **❖ QUORUM**

**Hon. Speaker:** Sergeant-at-Arms kindly ring the bell for 10 minutes.

*(Quorum Bell rings.)*

#### **❖ COMMUNICATION FROM THE CHAIR.**

**Hon. Speaker:** Hon. Members I would like to take this opportunity on behalf of the County Assembly of Bomet to welcome 39 pupils and 5 teachers from Vision Academy in Cheptalal within Embomos Ward. I want to take this opportunity to welcome you to Bomet County Assembly and I hope that at the end of your stay here you will interact with the Members of the County Assembly and the staff. You will also the importance of a County Assembly and its roles, which are checking and doing Legislation, Representation and Oversight responsibilities within the county government of Bomet. You will have time to interact with our County Assembly Members as well as the staff, so they can guide you around and show you the things we have been able to do in this County Assembly of Bomet. So thank you very much and welcome.

#### **❖ PAPERS LAID**

**Hon. Speaker:** Hon. Bency, have you come up with the notice of motion?

**Hon. Bency:** Not yet

**Hon. Speaker:** You can give a notice of motion tomorrow. You cannot just table a report without a notice of motion. The legal office should have advised you but proceed.

**Hon. Bency:** Thank you Hon. Speaker. Allow me to table this document of the County Assembly's Committee on Labour and Public Service on the County Public Service Board of the end year 31<sup>st</sup> December 2016. Thank you.

**Hon. Speaker:** So the report is dully tabled. It is now the property of the Assembly, as soon as you move the notice of motion, then the House Business Committee can allocate time for the debate for the said report.

❖ **STATEMENT**

**Hon. Speaker:** There are some pending Statements. Hon. Chelule sought a Statement on 19<sup>th</sup> January 2017. Members of the Committee on Budget and Appropriations sought that they are to meet before tomorrow and bring the answers especially on the issues that I had revert to the Committee. They will be able to meet and get back because of the issues in the Committee. So Statement number one, two and three are related but I do not know how far the Committee on roads has been able to handle the matter. Hon. Vice-Chair, Mr. Chelule

**Hon. S. Chelule:** Mr. Speaker Sir, we have no answers for the Statement sought by Hon. Member. We are still working with the Committee and also waiting for the CEC's response so that we can answer tomorrow morning

**Hon. Speaker:** Hon. John Ng'etich sought a Statement from the Chairperson Education Vocational Training Youth Affairs and Sports concerning Sigor High School. Hon. Josphat is away on official duties and he had requested that he would give an answer once he is back. Where is Hon. John Ng'etich? That is for that business...

*(On a point of order)*

**Hon. Speaker:** Yes Hon. Serbai

**Hon. R. Serbai:** Thank you very much Hon. Speaker for this opportunity. Firstly let me welcome the pupils of Vision Academy who happens to come from my Ward. In as much as you have directed that these other statements be answered, I was seeing the statement number one it is not about a request for a statement but more less of a command that. The Statement reads "CEC Member for Finance and representative of the Controller of Budget should urgently appear before the Committee on Budget and Appropriation to address the matter. I do not know whether this is a question or a demand.

**Hon. Speaker:** Hon. Serbai you know very well the rules of the Assembly and those are the issues that were transverse when the Statement was brought to the Floor of the Assembly. Some outstanding issues were referred back to the Committee.

*(On a point of order)*

**Hon. B. Ngeno:** Hon. Speaker I equally have questions on the Statement seeker compelling the Committee to summon the Controller of Budget and the CEC member of Finance yet it is the mandate of the committee to do so when they are not satisfied. I find it awkward when it appears in the order paper because the committee decides the issue of inviting and summoning. It is very clear in Article (195) and (125) of the Constitution that Committee has power to summon but the seeker of the Statement cannot compel the Committee. I do not know if it is in order

**Hon Speaker:** Hon. Ngeno those are the issues you will be addressing in your Committee and bring an answer. We should not be debating on a Statement still with the Committee. Discuss those issues in the Committee before your answer in the Floor of the Assembly. During your submission in the Floor of the Assembly, you will indicate what you are saying now. Therefore, what you are doing now can be likened to filing a defence before the plaintiff is invited. So all you need to do is to deal with the pending issues in your Committee. Unless there was an answer, of which you should have been able to indicate the answer.

*(On a point of order)*

**Hon B. Ngeno:** Mr. Speaker, we are trying to streamline some issues so that you as the Chair could give direction. This should be discussed before you direct to appear in the order paper. You will be surprised that by this time again, in an order paper, the seeker of the Statement will be compelling the Committee to sit for the third or fourth time. That should not be a matter that can be done by the Committee but it is you as the Chair to rule whether it is in order for such issues to appear before the order paper. Otherwise, we are not filing defence because what I am saying has really taken place. I am asking if it is in order.

**Hon Speaker:** I think Hon. Ngeno you had not taken time. This is not what the Speaker or anyone else is putting. The Statement seeker is seeking a Statement. Question no. 1, 2 and 3, are clearly indicated word by word. Therefore, Hon. Members please we are already debating on an issue that is pending before the Committee.

*(On a point of order)*

**Hon L. Kirui:** I rise on a point of order, and I am asking whether the two Members are in order to ask such questions at this point because this was a Statement sought by a Member. The Statement passed through the Clerk's office before the Speaker approved. I therefore think since this Statement is before the Floor of the Assembly, and since this Assembly is of procedures, we need to wait until the time for the discussion is due. Otherwise, every Member is free to ask any question in this Assembly as long as you are a bonafide Member. I do not think a Member is in order to question another Member for asking questions.

**Hon Speaker:** Hon. Serbai? Is your point of order touching on the same matter?

**Hon. R. Serbai:** Yes, Hon. Speaker.

**Hon. Speaker:** Let me give direction on this issue. The matter is pending before the Committee and whatever is in here is what the Member sought therefore we do not want to discuss a matter that is before the Committee before the answer is brought to the Floor of the Assembly. I therefore direct that if there are any issues let the Committee sort. When the answer is before the Floor of the Assembly, Members will be free to discuss on the same. For the said officers, the Committee has powers to invite or not. We cannot discuss a matter, which the answer is not in this Assembly. The moment it is before the Floor of the Assembly you will have an opportunity to engage on that. Let us proceed in other things. Anything touching on the matter we wait until the matter is before the Floor of this Assembly.

What is it Hon. Serbai.

**Hon. R Serbai:** Since you have ruled, I do not have any objection. This is for the purpose of posterity. This is an order paper. This means we have to do things that organized. The question itself is disorganized. It is asking the question and at the same time it is trying to conclude the answers are brought...

**Hon. Speaker:** Hon. Serbai we have concluded and I have ruled that. I thought you are talking about something else. You know when the Floor of the Assembly.

*(On a point of order)*

**Hon. Speaker:** Hon. Ngeno is it touching on the same matter.

**Hon. B. Ngeno:** No on a different issue.

**Hon. Speaker:** Ok. Proceed

**Hon. B. Ngeno:** Mr. Speaker, this is an Assembly guided by the Standing Orders. We cannot be perfect and some of us we were not touched on the Statement that Hon. Chelule sought

**Hon. Speaker:** Hon. Ngeno you are touching on the same.

**Hon. B. Ngeno:** The problem with you Hon. Speaker is that you challenge every matter.

**Hon. Speaker:** Hon. Ngeno when the Speaker has closed a matter you cannot be able to open it again.

**Hon. Speaker:** What is the different issue?

**Hon. B. Ngeno:** When is said the procedures of this Assembly it does not touch on the Statement alone. The problem is that the Speaker is participating in the debate.

**Hon. Speaker:** Hon. Ngeno but you know the Speaker has to give directions, and is mandated by law to guide the debates. You know when the Speaker has ruled that matter cannot be referred again. We are moving to the next stage next order?

❖ **ADJOURNMENT**

**Hon. Speaker:** Hon. Members there being no further business to be transacted, this Assembly stand adjourned until tomorrow 5<sup>th</sup> April 2017 0900 hours.