

**REPUBLIC OF KENYA****KITUI COUNTY ASSEMBLY****THIRD ASSEMBLY- FIRST SESSION****THE HANSARD****(OFFICIAL REPORT)****Tuesday, 15<sup>th</sup> November 2022**

*The House met in the County Assembly Chambers at 2:56 p.m.*

*[The Deputy Speaker (Hon. Christopher Nzilu Nzioka) in the Chair]*

**PRAYERS****PAPER(S)**

REPORT ON NOMINATION OF MEMBERS TO SECTORAL AND SELECT COMMITTEES-  
*(Hon. Harrison Maluki Mawia-Chairperson, Committee on Selection)*

**The Deputy Speaker** (C. N. Nzioka): Leader of the Majority Party.

**Hon. H. Maluki:** Thank you Mr. Speaker Sir for giving me an opportunity to expound on pertinent issues relating to nomination of members to the various committees. Being the Chairperson of the Selection Committee, I have consulted with leaders from various County Assemblies.

I have also been in constant talks with members of the Committee in a bid to strike a balance on the contentious nominations. Thus before the paper is laid, I appeal for more time so that we iron out any prevailing disagreements to ensure fairness and equity in proposing names of the members to the various committees. Thank you.

**The Deputy Speaker** (C. N. Nzioka): We have heard you the Majority Leader. Laying of the paper is deferred to next week Tuesday 22nd November, 2022.

*(Consultations)*

Order Hon. Members! Order! Order! Next Order!

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## NOTICES OF MOTIONS

## MOTION ON APPROVAL OF MEMBERSHIP TO COUNTY ASSEMBLY SECTORAL AND SELECT COMMITTEES

**The Deputy Speaker** (C. N. Nzioka): Majority Leader. Proceed please.

**Hon. H. Maluki:** Thank you, Mr. Speaker, Sir. We are dealing with a delicate exercise. Membership to the committees must fairly be considered to appease all the Members. In that regard, I appeal to the Hon. Members to be patient as rationalization is carried out to ensure fairness and equity.

That will enable the committee to terms with what it will present to this Honourable House. In view of the afore-said, I request that we be given time for further consultations. I am confident that notice of the motion will be given on Tuesday, next week. Thank you.

**The Deputy Speaker** (C. N. Nzioka): The Majority Leader and Honourable Members, the business in question is hereby deferred to Tuesday the 22nd of November 2022.

Next Order!

**Hon. Mwinzi:** On a Point of Order!

**The Deputy Speaker** (C. N. Nzioka): What is it Hon. Munyoki (Mwinzi)?

**Hon. Mwinzi:** Mr Speaker Sir, Hon. Members be given time to discuss the views of the Majority Leader. That will be in order. We shouldn't be ambushed.

**The Deputy Speaker** (C. N. Nzioka): What is it Hon. (Ms) Mulandi?

**Hon. (Ms) G.S. Mulandi:** Thank you, Mr. Speaker Sir. The committee reached an agreement and what the Chairperson is telling us is off-track.

*(Applause)*

**The Deputy Speaker** (C. N. Nzioka): We have heard you Hon. (Ms) Mulandi.

**Hon. (Ms) G.S. Mulandi:** The onus of deferring the motion is vested with the committee not the Chairperson. He made a unilateral decision.

*(Applause)*

Thank you Sir.

**The Deputy Speaker** (C. N. Nzioka): Are you on a Point of Order Hon. Ngoima?

**Hon. Ngoima:** I don't know where I am. Maybe or maybe not. .

*(Laughter)*

*(Loud consultations)*

**The Deputy Speaker** (C. N. Nzioka): Put on your microphone.

**Hon. Ngoima:** Thank you Mr. Speaker Sir, for giving me an opportunity to contribute. I have said I don't know whether I am on point order, information or concern.

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I am anxious about approval of Membership to the various committees but dispirited that the motion has been deferred.

The Committee had a whole week to finalize its work and table a report for approval by this House. They were paid to cover their living expenses during the retreat. How can they say they are not ready? Is the committee incompetent? Are they biased? Do they know what we are doing? Were they out to make money?

**The Deputy Speaker** (C. N. Nzioka): Are you on a point of order Hon. Kasinga?

**Hon. Kasinga:** Yes, Mr. Speaker Sir.

**The Deputy Speaker** (C. N. Nzioka): Hon. Ngoima, a Member is raising a point of order. We can hear Hon. Kasinga and Hon. (Ms.) Mulandi in that order.

**Hon. Kasinga:** Mr. Speaker Sir, it is correct for a Member to express dissatisfaction with what happens in the House. But it is unjust for a Member to disparage an entire Committee of 20 Members and put their integrity into question simply because the Chair is requesting for more time to put right some pertinent issues.

Mr. Speaker, I am a member of the Selection Committee. We are all Honourable Members. We didn't go to Nairobi to make money but to serve this House.

The acts of omission by the committee has led to undesirable perception that we went to Nairobi to make. In connection with this point, I call upon Hon. Ngoima to withdraw his remarks.

**The Deputy Speaker** (C. N. Nzioka): Let us hear Hon. (Ms) Mulandi. Are you on a point of order?

**Hon. (Ms) G.S. Mulandi:** Yes. Thank you Mr. Speaker Sir. I am a Member of the Selection Committee and inform Hon. Ngoima that we faced difficulties in agreeing on membership to the committees. Thus discrediting the Committee on unfounded allegations is unfair.

The Committee set out to work on behalf the entire House but not to make money. I kindly, request Hon. Ngoima to withdraw his comments.

*(Applause)*

*(Loud consultations and laughter)*

**The Deputy Speaker** (C. N. Nzioka): Hon. Ngoima, kindly withdraw your remark that, "committee was after making money". It is not in order.

*(Applause)*

**Hon. Ngoima:** Thank you Mr. Speaker, Sir. The buck stops with the Chairman...

**Hon. Maluki:** On a Point of Order!

**The Deputy Speaker** (C. N. Nzioka): Are you on a point of order Hon. Maluki? What is it?

**Hon. Maluki:** Mr. Speaker, Sir, I don't know whether I am on a point of order or concern. I need your ear. My good friend Hon. Ngoima is wrong to say the Members went out to make money. In the same vein I disagree with the Chairman of the committee.....

*(Several Members attempted to interject)*

**The Deputy Speaker** (C. N. Nzioka): Order! Order! Hon. Maluki is on a Point of Order.

**Hon. Maluki:** Yes. A Point of Order is more important than Point of Concern. Mr. Speaker the Hon. Members will have to wait.

**The Deputy Speaker** (C. N. Nzioka): Hon. Masaku, are you on a point of order with regard to what Hon. Maluki is saying?

**Hon. Maluki:** Hon. Speaker Sir, I don't need the point of information, I first want to finish.

**The Deputy Speaker** (C. N. Nzioka): We have heard you. Hon. Maluki.

**Hon. Masaku:** Thank you Mr Speaker Sir. Is it in order to carry on with the debate yet you ruled on the matter and deferred the business to next week?

**The Deputy Speaker** (C. N. Nzioka): We have heard you Hon. Masaku. The Chair will make a ruling shortly. Are you on a point of order Hon. (Ms) Mulandi?

**Hon. (Ms) G.S. Mulandi:** Yes.

**The Deputy Speaker** (C. N. Nzioka): What is it again? Your microphone is not on put it on.

**Hon. (Ms) G.S. Mulandi:** Thank you Mr. Speaker Sir. Not unless... I need your ears. Hon. Ngoima should withdraw his remarks before we continue with the business.

*(Applause)*

Can he kindly, withdraw? No! No! We cannot continue until he withdraws.

**The Deputy Speaker** (C. N. Nzioka): Hon. Musyoka (Joseph Mbite) are you raising a point of order? Hon. Be seated (Ms) Mulandi. We have heard you. Furthermore, you cannot command the Chair.

*(Laughter)*

Hon. Musyoka proceed.

**Hon. J. Musyoka:** Thank you Mr. Speaker Sir. Firstly, you look good being in the Chair. It is my first time to see you there but unfortunate that the debate is so heated.

*(Laughter)*

My concern relates to postponement of the motion to Tuesday next week following request by the Majority Leader and Chairperson of Selection Committee. But that notwithstanding, I believe this House comprises of young energetic people.

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We better adjourn the House to give the committee ample time to sort out the pending issues to have this business transacted tomorrow. They can work the whole afternoon and up to midnight.

*(Applause)*

Mr. Speaker, Sir, there is too much delay. Committees are crucial organs of this House. We cannot keep on postponing this business. It will be equivalent to adjourning the entire House.

*(Applause)*

**The Deputy Speaker** (C. N. Nzioka): We have heard you Hon. Musyoka. Are you on a point of order Hon. Munyao (Gabriel Mutunga)?

*(Laughter)*

**Hon. Munyao:** Something like that. Mr. Speaker, we are disappointed with the successive adjournments. We took a week without being in the House. We sent the committee out for a week to accomplish their duties but have returned empty handed. Are we serious with our responsibilities?

**Hon. (Ms) G.S. Mulandi:** On a point of order!

**The Deputy Speaker** (C. N. Nzioka): What is it Hon. (Ms) Mulandi? Hon. Munyao, (Ms) Mulandi is raising a point of order.

**Hon. (Ms) G.S. Mulandi:** Mr. Speaker Sir, we finished our work and Members appended their signatures to report to confirm its authenticity. The Chairperson and Vice Chairperson should therefore be blamed for any omission.

**Hon. Mwinzi:** On a point information!

**The Deputy Speaker** (C. N. Nzioka): We have heard you. What is your point information Hon. Munyoki (Mwinzi)?

**Hon. Munyao:** Can I continue?

**The Deputy Speaker** (C. N. Nzioka): Hon. Munyao, a Member is raising a point of information.

**Hon. Mwinzi:** The Committee worked for an extra day. That is what I wanted to inform the Member. Information being presented by the Chairperson should be based on what the members agreed. Why the delay if the committee reached an agreement and finalised with the report?

**The Deputy Speaker** (C. N. Nzioka): I believe Hon. Munyao is well informed. Aren't you?

**Hon. Munyao:** Mr. Speaker, allow me to continue. The committee was given one week to complete its work.

**The Deputy Speaker** (C. N. Nzioka): What is it Hon. Hussein (Mwandia)?

**Hon. Ms. Ndumbu:** Hon. Ngoima did not conclude his speech. He therefore should be allowed to take the floor.

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**The Deputy Speaker** (C. N. Nzioka): Thank you Hon. Member. Hon. Hussein (Mwandia) are you on a point of information as well?

**Hon. Mwandia:** Mr. Speaker Sir, I am concerned. You made a ruling on this matter when you said, “Next Order!” we cannot have two Members speaking at the same time. This is a House of rules and procedures. I believe Hon Ngoima should take the floor.

Hon. Munyao rose on a point of order. It is therefore not in order for him to continue speaking denying Hon. Ngoima the opportunity to conclude his contribution.

**The Deputy Speaker** (C. N. Nzioka): We have heard you Hon. Hussein (Mwandia). Are you on a point of order Hon. Katumbi?

**Hon. Katumbi:** It’s a concern.

**Hon. Mwandia:** Mr. Speaker, I have not finished. -

**The Deputy Speaker** (C. N. Nzioka): Okay.

**Hon. Mwandia:** Mr. Speaker, you said the Motion has been deferred to next. We cannot therefore, discuss the motion yet its deferred? This is according to Standing Order No. 1 which says “if a matter is not provided for, the Speaker shall decide.”

When you said, “Next Order, that means you dispensed with the business at hand and moved to the next business. I beg that we observe the rules. Not unless we are preaching water and drinking wine.

Thank you.

**The Deputy Speaker** (C. N. Nzioka): What is it Hon. Munyao?

**Hon. G. Munyao:** I want to finish my contribution.

*(Loud consultations)*

**The Deputy Speaker** (C. N. Nzioka): Order Hon. Members! Hon. Munyao you are on a point of order because Hon. Ngoima was contributing. It is only sound you rise on a point of order or point of information.

*(Loud consultations)*

**Hon. Ngoima:** Thank you Mr. Speaker Sir. Hon. (Ms) Mulandi is my daughter, I therefore wish to withdraw and apologise

*(Applause)*

But the point is driven home.

*(Applause)*

**The Deputy Speaker** (C. N. Nzioka): Order Hon. Members! Kindly be seated Hon. (Ms) Mulandi. Hon. Members, this is a House of rules and procedures. The Chair, Selection Committee did not table any Motion for discussion in this House. He instead opted to defer both the Paper and the Motion to 22nd November 2022. We therefore, cannot discuss matters which are not before the House.

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*(Applause)*

Hon. Members, we were out order continue discussing a matter that I had already made a ruling. Questioning the capability of the Selection Committee can only be done through a Motion or other relevant and applicable procedures of this House. In this regard, let's proceed with other businesses. It is good to always respect the rules of the House in order to move forward amicably and in justifiable manner. Next Order!

## MOTION

MOTION ON DEBATE OF THE GOVERNOR'S INAUGURAL SPEECH

*(Resumption of debate Deferred on the morning sitting of November 15<sup>th</sup>, 2022)*

**The Deputy Speaker** (C. N. Nzioka): Hon. Members, the Motion was moved, seconded and a question properly proposed. The Governor's speech is still open for open for debate. Hon. Musyoka then Hon. Hussein (Mwandia).

**Hon. Musyoka** (Cyrus Kisavi): Mr. Speaker Sir, I have taken the floor to contribute on the speech by His Excellency the Governor. In his address, the Governor informed the House that he has established a taskforce to audit pending bills amounting to Kshs. 2.4 billion owed to contractors and suppliers.

As we are aware, the taskforce comprising of 13 members was gazetted recently. I welcome the Governor's decision because it will relieve the suppliers and contractors from financial constraints and provide them with the much needed capital to jump-start their operations.

Hon. Speaker, the Public Investments and Accounts Committee plays a key oversight role in this House. It plays a key role in public sector accountability. It is therefore, prudent that the taskforce tables its report to the House for submission to PAC.

PAC will be duty-bound to interrogate the uncleared debts blamed on delayed exchequer releases, revenue shortfalls, disputed payments and lawsuits. The audit will lay bare if the services rendered and claims submitted were genuine. Thank you.

**The Deputy Speaker** (C. N. Nzioka): Thank you Hon. Member. Hon. Hussein (Mwandia) then Hon. Jeremiah (Musee Mutua).

**Hon. Mwandia**: Thank you Mr. Speaker Sir. I support the Governor's inaugural speech which has been discussed severally in this House. We held CIDP forums a fortnight ago to discuss projects to be implemented by the Executive in our 40 wards. The electorate submitted views on the projects they want undertaken in their wards. We should therefore focus on other issues as we wait to deal with the projects captured in the CIDP. Otherwise, it is a waste of time no matter how many changes we propose.

**Hon. (Dr.) Mbuno**: On a Point of Order!

**The Deputy Speaker** (C. N. Nzioka): Hon. Member, Hon. (Dr.) Mbuno is raising a point of order!

*(Hon. (Dr.) Erastus Mbuno took the floor)*

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**Hon. (Dr.) Mbuno:** Thank you Mr. Speaker Sir. The Hon. Member is out of order in suggesting that we cease debate on the Governor's speech. Why? Because speech captures the aspiration of all persons in Kitui County. The debate is desirable because the speech is paramount to all of us. Thank you.

**The Deputy Speaker (C. N. Nzioka):** Thank you. You are out of order Hon. Hussein (Mwandia) for misguiding the House to end debate on the Governor's speech. It is the only paper/document laid before the House so far.

The Executive are yet to table the CIDP. We therefore, cannot discuss what is not before the House. Let the Hon. Members proceed with the debate. Do you intend to continue with the debate Hon. Hussein (Mwandia)?

**Hon. Mwandia:** Yes, Mr. Speaker Sir.

**The Deputy Speaker (C. N. Nzioka):** Proceed.

**Hon. Mwandia:** Much obliged. I support the Governor's speech. Hon. Mbuno misunderstood me. Normally, debate on address by the Governor ends without question being put. We have had adequate discussion on the speech. There are other businesses ahead of us. Let's put that into consideration.

I don't understand why my colleague raised a point of order to correct me yet we are reading from the same script. Mr. Speaker Sir, protect me from such Hon. Members. Other businesses prevail and should be appearing on the Order Paper. My petition and request for three statements are still pending.

I call upon the House Business Committee to allocate them time for debate. Four sittings are to exhaust the Governor's Address. I support the Motion. Thank you.

**The Deputy Speaker (C. N. Nzioka):** Thank you. We have heard you. Before Hon. Jeremiah takes the floor, the Standing Orders are explicit on the number of times the Governor's Speech should be debated in the House. It is four days not sittings. Let us be guided by the prevailing rules. Thank you. It's time for Hon. Jeremiah, Hon. Mwamisi and Hon. Musyoka (Joseph Mbite) in that order. You want to say something Hon. Musyoka? All right.

**Hon. Mutua (Jeremiah):** Thank you, Mr. Speaker Sir. It is unusual for the official Opposition to express positive comments. I have been away for some time and upon my return found the House preoccupied with debate on the Governor's inaugural speech.

I have read whole speech twice and fondly remember the list of developments projects the Governor intends to do for the people of Kitui County this Financial Year. Mr. Speaker Sir, I support the projects and others earmarked for the next hundred days. One of them is to increase supply of drugs to health facilities in the County which has already started recently. I was personally involved during distribution of the drugs in my ward. Other development initiatives are pending but will probably get underway after approval of the Supplementary Budget. I know the Budget and Appropriations Committee are somewhere analysing the mini-budget.

I echo the sentiments my friend Hon. Cyrus Musyoka the Member for Ikanga/ Kyatune ward on the pending bills. His Excellency the Governor told us that Kitui County has no existing loans and overdrafts save for the pending bills totalling Kshs 2.4 billion. These monies are owed to contractors and suppliers contracted by the County Government but were not paid. The magnitude of the liabilities will only be determined by the taskforce appointed by the Governor to scrutinize the debts and advise on the way forward. Being a member of the watchdog

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Committee-Public Investment and Accounts Committee, I am privy to information that the taskforce is about to wind up its work and come up with recommendations to the Governor on how the payments will be disbursed.

But this House is entitled to ventilate on the matter and report to the plenary on validity of the Kshs. 2.4 billion debts which the County Government is intends to pay. The debts are factored in the supplementary budget.

The taskforce should submit a copy of their final report to the Public Accounts Committee for scrutiny which in turn will explain to the House details of the debts including what is valid and what is not and the total amount to be paid. If that happens, this House will gain respect for effective oversight in line with the prevailing legislation and the Standing Orders. Thank you.

**The Deputy Speaker** (C. N. Nzioka): Thank you. Hon. Jeremiah. Hon. Mwamisi.

**Hon. Mwamisi:** Thank you, Mr. Speaker Sir. Mine is very brief. I disagree with suggestion by Hon. Mwandia that we disregard further debate on the Governor's speech.

**Hon. Mwandia:** On a point of order!

**The Deputy Speaker** (C. N. Nzioka): What is it? Are you on a point of order?

**Hon. Mwandia:** Yes.

**The Deputy Speaker** (C. N. Nzioka): Hon. Isumael (Dominic Mwamisi), Hon. Mwandia is raising a point of order.

**Hon. Mwandia:** Mr. Speaker, Sir, is it in order for a Hon. Member to contribute two times on a single motion? The Member on the floor did contribute to this motion earlier.

**The Deputy Speaker** (C. N. Nzioka): Hon. Hussein (Mwandia), Hon. Mwamisi is not contributing for a second time. He wanted to raise a point of order which has been overtaken by events. Let's proceed. Hon. Harrison (Maluki Mawia); you still want to say something on the speech by the His Excellency the Governor?

*(Hon Harrison answered in the affirmative)*

Kindly proceed.

**Hon. Maluki:** Mr. Speaker Sir, I support the speech by His Excellency the Governor, Dr. Julius Malombe. To me the items captured in the speech if fully implemented will be a game changer for the people of Kitui County. The most important things I noted in the speech is increment of allocation for bursaries under the Pro-poor Program and provision of Kshs. 10 million to each ward for CLIDP.

Further, the Governor's speech has it that a road cutting across the Miambani and Migwani wards will be tarmacked within the next five years. The road also cuts across Museve, Kamandio, Kambulu, Nzeluni and Mumbuni. By the time he leaves office, the Governor will leave a mark (significant effect) if whatever is captured in his speech is fully implemented.

I support the speech and humbly request him to keep his promises to the great people of Kitui County. Thank you.

**The Deputy Speaker** (C. N. Nzioka): Thank you for your contributions Hon. Members. Your ideas will come in handy in fostering progress in Kitui County. Always remember that this House is tasked with making laws, policies and legislations.

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Hon. Musyoka you are now duty-bound to make legislation that will bring effect to the Governor's speech.

Be upstanding so that we adjourn the House.

*(The Members stood up in their places)*

**ADJOURNMENT**

Hon. Members there being no other business, the House is now adjourned to tomorrow Wednesday the 16<sup>th</sup> day of November 2022 at 9: 00 am.

**The County Assembly rose at 3:44 p.m.**