

REPUBLIC OF KENYA
KITUI COUNTY ASSEMBLY
THIRD ASSEMBLY- SECOND SESSION
OFFICIAL REPORT
(THE HANSARD)

Tuesday 21st February, 2024

The House met at 2:40 p.m. in the County Assembly Chambers

[The Speaker (Hon. Kevin K. Katsiya) in the Chair]

PRAYERS

(Hon. Mukwate stood in his place)

The Speaker: What is it Hon. Mukwate?

Hon. Mukwate: Mr. Speaker Sir, is it in order for Hon. Member members to bow together with you before taking their seats?

The Speaker: Yes, I think it is in order. It is a sign of respect to the speakership. There is no harm. I thought you were raising a point of order in respect to the high temperatures yet our air conditioners are not working. I have raised this matter with the serjeant at arms, Mr. Kirigwi and I have asked him to liaise with the works department and the administration to ensure that they are functional by Monday Next week, otherwise someone will be answerable because we have a budget. Hon. Members should be comfortable when they are representing their people in this Assembly. The matter was raised in the House business committee, so the serving clerks at the table ensure that this concerned is forwarded to the office of the Clerk for necessary action.

Next Order!

STATEMENTS

SCHEDULE OF PLENARY BUSINESS AND COMMITTEE
SITTINGS FOR THE WEEK ENDING ON 1ST MARCH 2024.

The Speaker: Where is the designated member? It was supposed to be who? Hon. Gabriel? Whom did we appoint to lay the statement? Any member of the House Business Committee who is in the House can do it. Hon. Elizabeth Ndunge are you willing? Okay. Hon. Ngoima are you willing to you assist, kindly? But if you can't we can as well defer that business.

Hon. Ngoima: Hon. Speaker I think we can defer that business and handle it later.

The Speaker: Okay. It should be noted that any mover of any motion should be in the House in time. Hon. Gabriel should be duly informed.

Next order!

MOTIONSMOTION ON APPROVAL OF THE COUNTY ASSEMBLY
ANNUAL CALENDAR, THIRD SESSION 2024

The Speaker: I think the mover is Hon. Ngoima. Please proceed.

Hon. Ngoima: Thank You Mr. Speaker Sir, allow me to read this motion on the annual calendar of the third session starting from February 2024 to December 2024.

Mr. Speaker Sir, pursuant to the provisions of Standing Orders 25 (1) and 151 (5a), this Assembly hereby approves the County Assembly annual calendar for the third session 2024.

(Hon. Ngoima proceeded to read the contents of the Calendar)

Mr. Speaker Sir, as I move this motion, I would like to make a request to the House Business Committee to make some changes to the calendar so that we can fully exploit the Committee sittings. Mr. Speaker Sir, I urge you if possible, that the calendar be amended so that we start businesses on Monday with committee sittings in the morning then plenary in the afternoon. Then on Tuesday we can have plenary the whole day and on Wednesday we have committee sittings in the morning and a plenary sitting in the afternoon. Through your indulgence Mr. Speaker Sir, the procedure and rules Committee can make some changes to our standing orders so that we can accommodate that arrangement.

With those remarks Mr. Speaker Sir, I beg to move and urge Hon. Munyoki Mwinzi to second the motion.

(Hon. Mwinzi seconded the motion by way of bowing)

(Question proposed)

The Speaker: Hon. Members I will now give you an opportunity to air your views on this motion before I put the question. I will begin with the Minority leader.

Hon. Nganga: Thank you, Hon. Speaker. I stand to support the motion as moved by the incoming chairman when I become the member of parliament for Kitui Central constituency because he has a lot of experience in community affairs.

(Laughter as Hon. Ngoima stood in his place)

Mr. Speaker Sir, I withdraw and apologize but these things are very obvious. I am a member of the House Business Committee and let me speak out of ignorance because I didn't attend the Committee sitting that approved this calendar, but again the matter I am raising could not have been handled at that level. It is important Hon. Speaker with your guidance, the procedure and rules Committee and again with your speaker's panel, we define as an assembly, what is an annual calendar? Because an annual calendar for a government starts from the 1st of July to June 30th. Should we align ourselves to that? Again, an annual calendar for this Assembly is defined in sessions and according to my ignorance, every session should be deemed to be a calendar.

Mr. Speaker Sir, as I support the motion, I seek for your indulgence and interpretation so that we may get to know. Hon. Ngoima sounded like father Christmas as he even told me when I should break for Christmas. Is that the work of the House Business Committee? As I rest my case, I can see your deputy also smiling, I will also offer him a job. Let him not smile at me but the upcoming job that I will give to him. I beg to rest my case Mr. Speaker Sir.

Hon. Nzilu (Deputy Speaker): Hon. Speaker the minority leader is out of order by alluding that he is going to give me a job yet I have not applied for any job....

(Hon. Nganga stood on a point of order)

The Speaker: Yes Hon. Nganga

Hon. Nganga: Mr. Speaker Sir, it is only you who can rule me out of order. Let him stop being an imaginary speaker, you are a deputy speaker.

Hon. Deputy Speaker: Thank you, Hon. Speaker. Is the minority leader in order to allude that he is going to give me a job yet I have not applied for any job? In any case, when I assume to that high office of MP kitui central constituency, he is already promised to be the messenger of that office. So, he is pre-empting what has already been arranged and agreed to.

The Speaker: I think you are now draw. Everyone has thrown a blow to the other but I am happy that both of you are offering each other a job. It means you both trust each other. Yes, majority leader.

Hon. H. Maluki: Thank you Hon. Speaker. I rise to make some clarifications because we have our standing orders which guides us in this House and I am rising as a member of the House Business Committee in support of the motion which has been moved by Hon. Ngoima. Our standing order No. 2 defines a calendar year as “a period of time comprised of twelve months from 1st January to December 31st”. secondly Mr. Speaker Sir, standing order No. 25; the County Assembly Business Committee shall with approval of the County Assembly determine the calendar of the County Assembly. I think from where we sit, whatever Hon. Ngoima has presented is what we agreed as the House Business Committee and we know that our sessions run from the second Tuesday of February to first Thursday of December. Hon. Ngoima was therefore in order as far as the calendar is concerned. Thank you.

Hon. Nganga: Mr. Speaker Sir, I don't think this motion was seconded. Did the people of Kyuso elect a member to come here and bow?

The Speaker: Hon. Minority leader you are out of order. Hon. Elizabeth Ndunge.

Hon. (Ms.) Ndunge: Thank You Mr. Speaker Sir. Bowing is allowed because maybe he wants to talk sometimes later.

The Speaker: Thank you, Hon. Elizabeth. Also allow me welcome he back, she has been away on medical leave. I was in constant communication with her and I can see she is in good spirit. In fact, she has assisted Hon. Munyoki Mwinzi who was under attack from the minority leader. Your participation is of great importance to this House. So Thank you Hon. Elizabeth Ndunge. As a member of the House business Committee, she has been of great help and I know she is also a big sister to the minority leader and I know you learn a lot from each other and when you receive correction from her you take it with humility. Thank you majority leader for the clarification on the issue, perhaps what the minority leader is saying can be handled by the procedure and rules Committee where one of your party member, Hon. Gabriel Munyao is a member. At this point all we need to do is adhere to the standing order Nos. 24 and 25. Do we have another member with an input? I see none. Let me now put the question.

(Question put and agreed to)

Hon. Ngoima do you want to appreciate the members?

Hon. Ngoima: Mr. Speaker Sir, while appreciating and thanking the members for their support on the motion, I had injected something else there which I needed your indulgence and guidance.

The Speaker: Thank you, I am guided in fact I was to do that. I wanted to first of all order the office of the clerk as per standing order 25(2); the calendar of the County Assembly once approved shall be published in the County gazette, County Assembly website and at least two

newspapers of national circulation. Let that be done immediately. This will guide members of the public to know when we are sitting because it is them that we serve. With regards to the input from Hon. Ngoima, it was one of the key agenda when we met in Mwingi on a retreat of the House Business Committee which I chair, the matter was brought up by Hon. Elizabeth Ndunge Peter that the committees have been having challenges in their meetings and we were reminded of what informed the sittings days was during Covid-19 and there was a circular by the ministry of health to reduce interactions. I think there is no covid anymore and this matter can be relooked by the procedure and rules committee which I also chair. I understand the County Assembly of Makueni sit the same way Hon. Ngoima was proposing. That was the thinking of the members of the House Business Committee but I want them to be guided by Standing order No. 233 because I would like us to adhere to our standing orders on amendment of the same; the procedure and rules Committee may at any time propose amendments to these Standing orders. Number 234: a member may with the support of any other two members request the procedure and rules Committee to consider an amendment to these standing orders. So any member, including you Hon. Ngoima may put a statement request supported by 2 other members on the amendment. 234 (2), a request under paragraph one shall be in writing and shall (a) contain the text of the proposed amendment and the justification for the proposal (b) contain the names and signatures of the members supporting the request.

That does not mean you amend the whole standing orders but just a particular section. Like the standing order which talks of the plenary sitting days (number 27). Such a motion can not be moved by any member, it has to be a motion by the Committee on procedure and rules. That is my advice to you Hon. Ngoima. And standing order number 35 is very clear; At least once in every term of County Assembly, not later than six months to the end of the term, the County Assembly Procedure and Rules Committee shall review the Standing Orders and make a report to the County Assembly recommending the Standing Orders, if any, to be amended.

So, Hon. Ngoima are you guided now before I allow the minority leader?

Hon. Ngoima: Thank you, much obliged Mr. Speaker Sir. I'm now guided and Hon. Members I think it is good we start it straight away because of the time that we lose when we go for our weekend functions. If we can start our functions on Thursday, then it will be good.

The Speaker: Thank you Mheshimiwa. Hon. Minority Leader.

Hon. Nganga: Mr. Speaker Sir, I also support your sentiments and guidance on the amendments. I also want to seek your indulgence so that we can also see if we can align our sittings to the sittings of the National Assembly. When you also tell Hon. Ngoima anytime, guide him because he may bring an amendment on Sunday. Let him understand that it is only on sitting days.

The Speaker: Let me guide Hon. Ngoima accordingly that anytime means when we are in session. Let us now go back to the order that we deferred, order number seven where Hon. Gabriel Munyao was to lay the statement on the schedule of business. Please do so quickly before we proceed to the next order.

Hon. Munyao: Thank you Mr. Speaker Sir.

Pursuant to the provisions of standing orders no. 36 and 41(2), I beg to lay on the table a statement to inform the County Assembly of the business coming before the House in the week commencing on 26th February 2024 and ending on 1st March 2024.

(Hon. Gabriel Munyao read the statement and laid the same on the table of the Assembly)

The Speaker: Thank you. Hon. Gabriel Mutunga Munyao, the very able Member for Kauwi ward. Hon. Members please note the contents of the schedule for whole adherence. Let us make sure we adhere to the schedule especially on the Committee Sittings. I think Hon. Ngoima you were on point on that. I believe that your colleagues will support you. I will offer the necessary

leadership. Can I see the members of Procedure and Rules Committee here? Hon. Gabriel, Hon. Deputy Speaker, Hon. Ndagara and Hon. Kalenga are Members. Hon. Members you know what to do. Hon. Deputy Speaker, in fact I delegate that to you with immediate effect so guide the other colleagues accordingly so that we have effective... You know plenary business is enhanced by committee business. Without good committee business there is no plenary business. If we are left with Thursday, Friday and Saturday we can even go and work. We can have Committees doing their work on oversight on Thursdays and Fridays. In fact Hon. Ngoima we can say Thursday and Friday is left open for any oversight activity so that we also enhance our oversight work. And I think that will reduce so many adjournments and committees missing quorum. Thank you, Hon. Members, let us adhere to these schedules. And if there is any other agenda, you have noted that the House Business Committee meets every Monday at 10:00 am to confirm if there is any other agenda to put in the Order Paper.

Thank You. Next Order!

MOTIONS

REPORT ON MODEL INTERGOVERNMENTAL CONDITIONAL ALLOCATION AGREEMENT

Hon. Leader of Majority Party please proceed.

Hon. Harrison Maluki (Migwani Ward): Thank you Hon. Speaker. Before I move this motion, kindly allow me to repeat on what you have said and on what has just happened in the last few minutes.

The Speaker: Yes please, proceed.

Hon. Harrison Maluki: Mr. Speaker, Sir, I believe that in your leadership Kitui County Assembly is that poor, that we keep on discussing about one thing every time. The other day we saw loss of power in this House and we were promised that the generator would be repaired. I think we should have a standby generator. This is a government institution and today we are lucky that we don't have visitors around. It could not be a good show for us!

Hon. Speaker, Sir, someone should bear responsibility and I think the House and Hon. Members should be taken seriously. This is a Hon. House and we need to see things working after you give instructions. And as you have said, next time we don't expect what has happened to happen again. We need to be protected as colleagues. We don't know whether it is *Al Shabaab* who had interfered with the power so that they can get into the House. So these Members need to be treated...

The Speaker: Could you please clarify on the word *Al Shabaab*.

(Laughter)

It is a political word; not just an English word.

Hon. Harrison Maluki: Terrorists. We may have people who want to attack us. You know this is a House of politics. For example we have a motion ahead of us on a very thorny issue in our county and we never know whether there are so many interested in it. So kindly we need to be taken seriously and these Hon. Members as you have been saying they need to be well facilitated so that we do our job well. I hope that issue will be addressed.

The Speaker: Hon. Leader of the Majority Party, I think I have heard you and as the Chair of the board, let me repeat that someone will have to answer. If that cannot be sorted somebody else will sort it out. So don't worry. Somebody will be answerable to us for us. We passed a board resolution. I gave a directive and I have said that, and Mulandi communicate that on Monday at 9:00am I need a report on the generator, AC and these communication gadgets. When we say something we can't repeat ourselves for a whole year. Especially for these communication gadgets, I have repeated myself for a whole year. The people in the ICT, is either you do your work or go.

Other people will do that work. The issue of the AC has to be sorted before we discuss about other things, I think facilities are important. I think also members have been struggling about repair of their furniture. So many things which are pending especially with Members. So somebody somewhere needs to do their work. We have administrative officers here who are not doing their work. So don't worry the Leader of the Majority Party. As the Chair of the board, we shall be firm so that members are properly facilitated. Please proceed.

Hon. Harrison Maluki: Thank you Hon. Speaker, Sir. I want to take the shortest time possible because from our Order Paper today we have so many pending businesses to transact.

Hon. Speaker, Sir, aware that Article 189 of the Constitution provides cooperation between National and County Governments;

Further aware that, Section 191 (a) of the Public Finance Management Act provides for intergovernmental agreements whereby the National Treasury shall enter in agreements with respective county governments for the transfer of respective conditional additional allocation made to the county governments under the Act;

Hon. Speaker, Sir, noting the National Treasury in conjunction with the other stakeholders such as the Controller of Budget, Council of Governors, Commission of Revenue Allocation, etc., came up with the Model Intergovernmental Conditional Allocation Transfer Agreement between the national government and counties indicating how funds for various programmes will be sourced and released from the national government in the current financial year;

Hon. Speaker, Sir, further noting that, Council of the Governors forwarded the Model Agreement to all County Executive Committee Members (CECMs) responsible for finance through the county governments considering the model as incorporated comments by the Attorney General and has been cleared for implementation by the county governments;

Further aware that, CECM for Finance and Economic Planning conducted public participation on the Model Agreement pursuant to Section 191 (b) of the PFM Act at Kefri centre in Kitui town;

Hon. Speaker, Sir, recognizing that the CECM Finance, Economic Planning and Revenue Management in line with the aforementioned letter forwarded the model agreement to the County Assembly of Kitui on 7th of February 2024 and thus the draft agreement once approved will unlock additional resources to the County Government as approved in the County Budget.

Hon. Speaker, Sir, I wish to move that this County Assembly resolves to adopt and approve Model Intergovernmental Conditional Allocation Transfer Agreement to enable the County Government of Kitui to access the conditional additional allocation funding from the national government in line with Section 191 (e) of the Public Finance Management Act.

Hon. Speaker, Sir, yesterday as I was giving the notice of this motion, I requested my colleagues to have copies so that they could read on the Intergovernmental Conditional Allocation Transfer Agreement which is attached to this motion. The agreement is between the government of Kenya represented by the National Treasury and the County Government of Kitui.

Hon. Speaker, Sir, we have recitals which are the basis of this agreement.

Whereas Article Six (6) of the Constitution provides that governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations to the basis of consultation and cooperation.

Whereas Article 187 of the Constitution provides that the national and county governments may cooperate in the performance of the functions and exercise of powers.

Whereas Article 190 of the Constitution provides that Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions.

Whereas Article 202 of the Constitution provides that County Governments may be given additional allocations from the National Government's share of the revenue either conditionally or unconditionally.

Whereas Article 228 of the Constitution further provides that the Controller of budget shall not approve any withdrawal from a public fund unless satisfied the withdrawal is authorized by law.

Whereas Section 19 A to E of the Public Finance Management Act, 2012 requires that the National Treasury and County Governments shall enter into intergovernmental agreements for purposes of additional allocations.

Hon. Speaker, Sir, those are some of the laws cited for this agreement. We have definition of wordings and terms.

Hon. Speaker, allow me to read on the default of the agreement which is on page 5

The Speaker: Hon. Leader of Majority just read the sub- titles just for the record – for the Hansard.

Hon. Harrison Maluki: Number one is definitions on page 2, variations to the project on page 3 and allow me to read number 5

Any changes to the project shall be agreed in writing by way of variation request (Annex IV) with the responsible Ministries, Departments and Agencies communicated to the National Treasury before implementation.

Number six is Notices and Durations, number seven is events of default on agreement and allow me to quickly read through that.

If the County government fails to comply with any of the terms and conditions of Additional Allocations Framework, the National Treasury with written instructions from the relevant ministries, departments and agencies may reduce, suspend or stop transfer of Conditional Additional Allocation or require any part of all the Conditional Additional Allocation to be repaid by the County government upon verification.

The National Treasury shall upon receipt of written instructions under 7.1 above notify the county government within fourteen (14) days.

The County government shall act within twenty-one (21) days to address the National Treasury's concern or rectify the breach and may consult or agree on an action plan to resolve the problem with the National Treasury.

Where any part or all of the conditional additional allocation is required to be repaid in accordance with clause 7.1 above, the county government must repay this amount within ninety (90) days of receiving the demand for repayment.

Hon. Speaker number 8 is Financing Arrangements and allow me to read through it.

The ministries, departments and agencies responsible for functions being financed through the additional allocations shall include in its budget estimates a transfer to the county government.

The county government shall in its annual budget estimates provide for the programmes to be financed by this additional allocation.

The National Treasury shall transfer the additional allocations to the County Revenue Fund, the amount indicated in the County Governments' Additional Allocation Act in line with the provision of clause 3.2

The County Executive Committee Member for the time being responsible for finance shall requisition for the additional allocations from the County Revenue Fund through the Controller of Budget.

All requisitions shall be accompanied with a description of the amounts and purpose for which the amounts are being requisitioned as contained in the approved budget estimates and the County Governments Additional Allocations Act for the respective financial year.

If satisfied that the requisition is legally supported, the Controller of Budget shall approve the requisition or otherwise give reasons for the failure to approve.

The additional allocations not spent in the financial year for which they were disbursed shall be re-voted in the subsequent financial year upon request and based on budget process.

Number nine is on disputes.

All disputes and complaints that may arise out of the implementation and interpretation of this agreement will be settled through mutual consultations between the parties.

When no such settlement is reached within twenty-one (21) days of commencement of such consultation, the parties will refer the disputes to Alternative Disputes Resolution Mechanisms as provided for in Section 32 of the Intergovernmental Relations Act, 2012.

The Speaker: Leader of the Majority Party just read the sub titles. I am sure members have read. Or if you wanted to highlight something...

Hon. Harrison Maluki: Not really. I think I have highlighted what I wanted to. Ten is Force Majeure, Eleven is Amendment, twelve is Severability, Thirteen we have governing Law, Number fourteen we have Authorised Persons and I can read this.

In witness whereof parties hereto have caused this Agreement to be executed in accordance with their respective authorized representations (which needs to be inserted). And I think this agreement should be signed by the National Treasury on behalf of the National government and by the His Excellency the Governor on behalf of the County Government and witnessed by the CECM for Finance who is Hon. Peter Mwikya Kilonzo.

Then we have Annexures. Hon. Speaker....

The Speaker: How many Annexures? Read the titles of the Annexures

Hon. Harrison Maluki: Annex is the Conditional Allocation Framework on page 10, Annex 2 is variation request on page 12 and then Annex 3 is Additional Allocation to the County Government of Kitui in the Financial Year 2023/2024 on page 14.

Hon. Speaker, Sir, we are all aware that, for example when we had the COVID-19, there was additional allocation which was disbursed to the county governments and there has been numerous complaints especially from the Office of the Auditor General that those funds in most of the counties they were misappropriated. And I think that is why the National Government wants we have the agreement between themselves and the county government so that when it comes to the misuse of the conditional grants to the county governments... I think one of the intended purpose of these agreement is to make sure that, when we get the conditional allocations from the national government, they are not diverted to some other things. If it is money which has been allocated to deal with the water menace, it is strictly used for that. I think these are some of the things the national government wants to curb.

Hon. Speaker, Sir, I think this Hon. House has heard that as a county government if we don't adhere to the agreement we may reach a point whereby we are also penalized or we repay back. That will be a setback to our county and our people. Therefore, I want to request you to kindly... I think from where I sit this motion should have been passed long time ago but it came to us late. I therefore, plead with you to pass the motion so that the agreement can be signed. As a county we know we have a lot of challenges and we really need the additional conditional allocation from the national government. The money we are getting as a county is not enough to cater for our needs. We need the conditional grants so that we can keep our county moving.

I think it is well we pass the motion so that we pave way for signing of the agreement so that as a county government we can benefit from the conditional grants. With those few remarks I move the motion and request Hon. Masaku Munyau, MCA for Mutomo to second the motion. Thank you.

The Speaker: Thank you Hon. Leader of Majority. Hon. Masaku.

(Hon. Masaku bowed to second the motion)

Thank you. We acknowledge secondment of the motion by the way of bowing.

(Question Proposed)

Hon. I will allow you an opportunity to give your input on this motion before I put the motion. May I begin with the Deputy Speaker?

Hon. Christopher Nzioka (*Kyangwithya West Ward*): Thank you very much Hon. Speaker, Sir. I stand to support. And I support purely on the basis of law and the benefits we are going to get as a county – that is Kitui County.

Firstly, Hon. Speaker, Sir, having read and perused the contract attached hereto, in my opinion, I want to say that it meets the requirements for valid contract. Firstly, it is certain on what it intends to achieve.

Secondly, the parties intend to be legally bound by it. So by Hon. Members approving it, we are not plunging our county into an endless pit but we are giving our county a card – a platinum card so that we may receive more funds.

Hon. Speaker, Sir, when you read the contract, it is very clear that the parties intend to be bound by all relevant laws of the Republic of Kenya. Then it bestows the responsibilities of what should be done and what should not be done and what ought to happen if a party is in breach of the said contract.

Hon. Speaker, Sir, I have also looked at the laws whether the parties to the contract have the capacity to make or to come into agreement. And in my opinion it is a yes; that a county government can make a contract and make agreements and also the national government can. In this respect, when you look at the back of the contract the person to sign is His Excellency the Governor Kitui County and the other one is a representative from the National Treasury. Those parties have the capacity to make a contract.

Therefore, I humbly call upon you that we pass it so that we can give our county a green light to move forward.

Mr. Speaker, Sir, on the other part, the intention of the contract is to provide for an avenue to make an additional funding to our county. That is a benefit that goes down to the *Musangis* or rather the people we represent. Therefore, it goes without saying that it should have been embraced the first minute it landed here. But since there are rules and procedures to be followed, we are here we are, on the right track so that we may give it a green light and therefore, I support whole heartedly, whole mindedly, whole consciously and whole bodily Thank you Mr. Speaker, Sir.

The Speaker: Thank you Hon. Deputy Speaker for that important input and of course being an advocate like myself, I know you took your time in looking into the details of the contract. Remember as advocates whatever advice and opinion we give is binding on us regardless of where we give it from. As long as we give a legal opinion which will be relied upon by other person to make decision. I am sure having gone first, members will be inclined to agree with you because you are an advocate and I think you have sworn to protect the rule of law. So I believe you have made good comments which I think are important because I also took time on the details of the contract and I think you have mentioned the legal aspects of the contract. Thank you for that input not only as a member for Kyangwithya West but also as an advocate. Thank you.

Deputy Majority Leader. I have to respect the House leadership in that order before I go to the ranking Member, Hon. Kasinga and Hon. Kalenga in that order. Deputy Leader of Majority party please.

Hon. Dr. Erastus Mbuno (*Endau/Malalani Ward*): Thank you Mr. Speaker for the opportunity that you have granted to me. I have only two comments about the motion that has been moved by the Leader of the Majority Party.

One; about the conditional grants that we get as a county. I think this is a cure. Having this Assembly pass the motion on approval of the model intergovernmental conditional allocation agreement will cure misuse of funds that we get from grants. I will speak with examples. Endau/

Malalani ward is one of the wards which is benefiting from grants. One; IDA- World Bank Credit (National Agricultural and Rural Inclusive Growth Projects- NARIGP), but I sometimes get worried, is this the people who gave their money for the people of Endau Malalani to enjoy, is it what exactly the people on the ground doing. With this in place I think the grants will be given and will be channeled to the right project.

Two; we have had the issue of the County Assembly appropriates money for a certain project and somebody somewhere thinks otherwise. We have given the money and try to shift the money from one area to another. I think without a valid written reason which has properly been given in page 5 about the variations to the project then that will help this Assembly to perform better. For example my brother here from Kauwi who is the Chair for PIAC, we have a project at Ilimukuyu earthdam in my ward which benefitted from this money but unfortunately the person who wanted the Ilimukuyu dam only thought about it without the road to that place. So what happened? In the course because you have to take the materials there, they had to make the variations from the original BOQ and that has brought some challenges. So, with the motion being approved by the Assembly, it will cure such thing such that nobody will sit somewhere and decide to channel the money where he or she feels comfortable.

Thank you very much and I request this Hon. House to join the Leader of the Majority Party to pass this motion.

The Speaker: Thank you, Deputy Leader of the Majority Party for that important input especially on Annexure 3, because if the funding are specific to which project they are going to, I think it is very important. So is a very important comment which I think should be directed towards the Budget Committee. They have to be very careful when they are looking at the budget estimates. Hon. Mary Mutune, I see you. When you are looking at the budget estimates ... I think I see Hon. Kalenga. Do we have any other member of the budget committee? I think the two of you. Annexure 3 basically shows you how the budget estimates should look like if there is a conditional allocation. So it has to be specific. I believe you will be properly guided. Perhaps you can arrange a forum between you and the authors of the agreement; that is the ministry of Finance to also take you through so that as you prepare for the main budget estimates you are properly guided.

Hon. Deputy Leader of Minority Party, please proceed.

Hon. Jeremiah Musee (Nguni Ward): Thank you very much Hon. Speaker, Sir. I stand to support the motion which resolves to adopt and approve the Intergovernmental Conditional Allocation Agreement to enable the County Government of Kitui to access the conditional additional allocation funding from the national government in line with the said laws.

I went through the document and you have just said that, the conditional allocation is very much specific. If I look at the Annex number one, the specific project here is directed to county department of Agriculture and Livestock, the responsible officer being the Chief Officer for Agriculture and Fisheries.

Hon. Speaker, I support the motion because of one very key reason. That as it has been said resources are very scarce and they will never be enough for our needs. Kitui County is vast with a lot of needs and therefore whatever we get from the national government through the exchequer is not even enough compared to the landmass Kitui County has. Therefore, the agreement as the Leader of Majority Party and his deputy have alluded it puts controls on how to utilize these funds once we receive them from the national treasury.

Hon. Speaker, Sir, the agreement also provides very basic thing that I have noticed from the document about at the event of default of an agreement. You realize the agreement provides when you have disputes and I refer; "All disputes and complaints that arise out of the implementation and interpretation of this agreement will be settled through mutual consultations between the parties."

You realize that unless we have the involvement of the DCI and the EACC at the end of the project there is a friendship consultation between the parties involved – the county and the national

governments but the adverse effects of not using these funds correctly is what the Leader of Majority called *force majeure*, I don't know whether I have pronounced the word well because it sounds constitutional and a law word. In the event of default on the agreement, it is quoted that the ministry, or the department or the agency may reduce or suspend or stop the conditional additional allocation. What that means is that the people who will be heavily affected by not implementing or using the funds as received from the National Government to the specific projects in the county is our people.

This is because when that fund is withdrawn or stopped our people will suffer. But then you see, if the dispute arises between the county government and the National Treasury, they provide for a dialogue between the two parties. And I can see the agreement is a very soft dialogue. What that means is that from the Minority side, where we keep checks and balances to the executive or government is that the County Assembly of Kitui will approve this one and for subsequent provisions conditional allocations we are going to receive, we urge the government of Kitui County to liaise the funds as they receive from the National Treasury to specific projects that they have identified in the budget for betterment of the people of Kitui county. Meaning if they don't utilize these funds very well it our people who are going to suffer adversely. We cannot take that direction anymore.

Hon. Speaker, Sir, I support the motion so that we may have a framework on the funds that we shall receive from the National Treasury for specific projects within our county. Thank you.

The Speaker: Thank you for that input. Hon. Members, let us try to be brief and also let us be patient today. We will have a long sitting because all these motions are very important. So the various party whips. I don't know whether we have any whips around here, communicate with your members to be back before we lose quorum. But for now I think we are okay. So please Members, let be patient. Hon. Deputy Speaker, assist me in reaching out to the party whips. I can see none here. So since there is none... Deputy Speaker you want to say something? Yes Deputy Speaker...

(Hon. Christopher Nzioka speaks off record)

(Prolonged Laughter)

4

Deputy Speaker remember, I can't allow you to be on a lighter note on that one. Remember you are the Deputy Speaker. You must leave politics aside and uphold the rules of this House. We can't make jokes on some important matters. You know we have a substantive Majority Whip, that what I meant. You know you are my friend and I can correct you politely. That there are no jokes. We have to be serious because we are on Hansard. We know it is an issue on the majority side on the Leader of the Majority Party and the Majority Whip. So that one we leave to the courts.

But I am just saying that there is no whip around, so I think the Leader of the Majority Party and the Deputy Leader of the Minority Party you must look for your whips or even their deputies before we lose quorum. We have several Agenda today and I am going to sit here until we finish all of them unless we lose... If we lose quorum I will walk out. Please let us tell our colleagues to come back. This Sitting is up to 6:30pm. So we still have time. We can transact all the matters. And I am happy the Deputy Speaker is here and Hon. Muthama Kieti is also here to assist me in case I need to go and relief myself. I am also a human being. We are going to sit here until we finish all these matters. Very important!

So Deputy Speaker assist me to reach out to them. Tell them we need them here. In fact give me a status of where they are in the next ten minutes. I want to know where all the whips are so that I put it on record. Will you assist me Deputy Speaker? Thank you very much. We need to know where they are. Liaise with the Leader of the Majority Party, let them tell you where the whips are then you communicate to the House. I will give you a chance to communicate to the House on where they are. We must also whip our members back.

With those few remarks, Hon. Kasinga. Take your time Hon. Kasinga, I was going to protect you. We are here until 6... So give your comment but allow me to restrict to utmost three minutes. I know you will not exceed three minutes. I think it is fair to give an Hon. Member fair time to contribute to this important motion. So Hon. Kasinga please, take the floor.

Hon. Titus Kasinga (Mumoni Ward): Thank you Hon. Speaker, Sir. Indeed it is a very important day today for us as a county, not only as a county assembly. A day we are deliberating on a very important matter.

Hon. Speaker, Sir, just to make myself clear, I stand to support this motion on approval of the model intergovernmental conditional allocation agreement as moved by the Leader of the Majority Party.

Hon. Speaker, Sir, when we attended the Devolution Conference in Eldoret last year around August 15th to 18th August and we had the opportunity to hear the president of this nation Dr. Samoei Ruto. He did acknowledge that counties required more funds. He actually alluded that he was ready to lead in the forefront in the transfer of functions which he indicated that he was going to do within the next six months.

Hon. Speaker, Sir, whereas this agreement, I do believe what the National Treasury has initiated is not entirely about the transfer of the functions that the President talked about, but indeed is a step forward to enhance the revenue that the county governments can be able to utilize to be able to deal with the challenges of implementing the functions that have been allocated to them by the Constitution, 2010.

Hon. Speaker, Sir, I will not speak to the legalities of the agreement because that has been dealt with by the Deputy Speaker. You have also alluded to the same. I totally want to believe that the agreement is sound; that it will indeed make a big difference once it is signed by His Excellency the Governor, Dr. Julius Makau Malombe. The expectations that we have as a people because the 40 of us who are elected and the nominated members represent Kitui county, is that we will see a game change in terms of development.

Kitui County is indeed a very huge county and we require a heavy cent. I am looking forward as we engage in the preparation of our budget, what has been and what has been added to the budget we already know is about Kshs.13 billion will go a long way into giving us more development in our county.

The Deputy Leader of the Minority Party has spoken about people suffering if anything goes wrong. That has been in my mind and I want to believe that everyone will be sound and everyone will try to be prudent when it comes to dispensing of the grants and the additional grants that we will be getting as a county.

It is not always that we have to find fault in the way money has been spent. If we can have people follow what has been agreed, what the law says; we can always have something that we can be proud of.

Hon. Speaker, Sir, without much ado, I want to believe that we are privileged, indeed I want to say that the Council of Governors, the National Treasury and everyone else who has been involved in this, that they have done their work. It is for us now to our work as an Assembly here by approving this agreement. Let us also later as it has been said, look into the use of these funds. These funds are not special. It is money like any other money. But as the Assembly we also need to up our game in terms of a fight in the expenditure. Otherwise, we can celebrate here, we are going to have a very good agreement signed. The money will come. The Deputy Leader of the Majority Party spoke about money being diverted to do other things. I want to believe this agreement will safeguard that.

Hon. Speaker, Sir, I want also to speak on equity. When the grants come that we will also see equity well distributed. We want to see Mumoni, Endau/ Malalani, Kyome/ Thaana and at least everyone having a pie or a piece of the cake of the grants but not one area been looked into.

With those few remarks, thank you for the opportunity Hon. Speaker, Sir. Thank you.

The Speaker: Thank you Hon. Kasinga the very able Member for Mumoni ward for those comments. Hon. Mbuno is agreeing with me that you are the able representative of the people of Mumoni and I confirm that.

Hon. Kalenga Jacquelyne please take the floor.

(Hon. Dr. Mbuno spoke off record)

The... Mbuno you wanted to... One of our own. Yes, she is one of our own. Yes, please that quote name. What is your quote Kikamba name?

Hon. Jacquelyne Kalenga (Nominated): *Muthaisu.*

The Speaker: Thank you. *Muthaisu*, please continue.

Hon. Jacquelyne Kalenga (Nominated): Thank you Mr. Speaker, Sir. As the Vice Chair for Budget and Appropriations Committee, first I stand to support because by receiving the grants, our county will be able to provide public support and stimulate the county's economy which will also help our people. With the grants I have faith in the county leadership that it will be used as planned without diverting to other projects which the money is not made for. We will be using it as a benchmark to get other grants. Thank you.

The Speaker: Thank you, Vice Chair Budget Committee, for your comments. Hon. Gabriel Mutunga Munyao please proceed.

Hon. Gabriel Munyao (Kauwi Ward): Hon. Speaker, Sir I rise to support the motion and I kindly request you that you put the question. We have a lot of business on the way. I can see Members are moving out one by one. I am very worried if we take long we may end up having an empty House. I kind request if possible you put the question.

The Speaker: Thank you. I think the Deputy Speaker is doing a good job. Very soon the House will be full. I can see Hon. Katumbi is back. Thank you Hon. Deputy Speaker. Hon. Deputy Minority Whip, whip your Narc Members back here. So far, I can only see Hon. Muthama Kieti who is always much disciplined. He never misses any Assembly Sitting and he sits until it ends. That means that we to emulate our elder. I think Hon. Katumbi that is your party patron. So please tell your colleagues to come back.

Hon. Gabriel don't worry. We are going to sit here until we finish all these agenda. But I agree with you that we know that we have a very important Bill. The sand Policy which need to also spend much time on it. But we need to finish these others. Thank you also for that input.

I think there is no other member. Let me proceed.

(Question Put and Agreed to)

Deputy Leader of the Majority Party, you want to say something?

Hon. Dr. Erastus Mbuno: Yes! Mr. Speaker, Sir, I rise on Standing Order no. 15 part 6, that whenever the Leader of the Majority Party is absent then the Deputy Leader of the Majority Party shall perform the functions. So I just want to say thank you to this House because the Leader of the Majority Party has gone out. Thank you for what you have done some seconds ago.

(Applause)

The Speaker: Thank you. I can see there is no vacuum in the office of the Leader of the Majority Party which is very good. Thank you Hon. Mbuno. Indeed, you are leading by example. Is there a vacuum in the Minority side? No. There is no vacuum as well.

(Laughter)

Minority Whip there is no vacuum, Majority Whip there is a Vacuum, in the Speakership there is no Vacuum, my deputy is here and Hon. Muthama Kieti is here. Hon. Paul Maluki was here, I think he is coming. Thank you very much.

One thing I need to tell you Hon. Members, Hon. Mbuno always walks with a copy of the Standing Orders. I think he has mastered them very well. Even Hon. Kasinga. I want to challenge all of us please... I saw him when we were in Kisumu for ELASCA Games. I said something and he even told me Standing Order no. this... he confirmed. And we were in the field. So, it is a good challenge. I think Hon. Deputy Speaker make sure you invite him to the committee on procedure and rules as we shall be amending the Standing Orders. He can be of good help together with any other member who wants to help the committee. Thank you Hon. Mbuno on a lighter note. Thank you very much.

Next Order!

REPORT BY THE COMMITTEE ON LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT
ON TRAINING ON ADVANCED PARLIAMENTARY THEORY AND PRACTICE
FOR COUNTY ASSEMBLY OF KITUI HELD IN INSTABUL, TURKEY

Thank you. Chairperson Committee on Lands. That should be Hon. Alphonse Mukwayu. Members note that we have four more motions to go and they are all heavy. I believe the movers will do us justice. I also believe as you comment, if something has been said by somebody else, there is no need of repeating so that we deal with these motions which are very important. Thank you the Chair for Committee on Lands which I think he was the team leader on that foreign trip to Instabul, Turkey. Please take the floor and take us through. Thank you.

Hon. Alphonse Mukwayu (Kyome/Thaana Ward): Thank you Mr. Speaker, Sir. Before I proceed allow me to take one second to welcome Hon. Elizabeth Ndunge as you did. She has been away and she has been a member of this committee. I am happy she is here and I welcome her back to the Assembly.

I stand to move a motion that pursuant to the provision of the Standing Orders no. 190 (6) and 190 (5), this Assembly hereby adopts the report by the committee on Lands, Infrastructure and Urban Development on the training on advanced parliamentary theory and practice for County Assembly of Kitui held in Instabul Turkey laid on the table of the County Assembly on Tuesday, 20th, February, 2024.

Mr. Speaker, Sir, the report is very comprehensive and large. But it entirely covers on the practices of the functions of what happens in our county Assembly. However, I will just go bit by bit. I will not read the entire report.

Mr. Speaker, Sir, allow me to read on Chapter one on preface.

On behalf of the Members of the Lands, Infrastructure, and Urban Development Committee and under the provision of Standing Order 190(5) (g), it's my pleasure to present to the House, the committee report on Advanced Parliamentary Theory and Practice conducted by ESAMI in Istanbul, Turkey. The workshop that took place from 27th November to 1st December, 2023 was organized by The Eastern and Southern African Management Institute (ESAMI).

Mr. Speaker, ESAMI is a service and market-oriented institution, Pan African Regional Management Development Centre offering high-level specialized management training, consultancy, education programs, and action-oriented management research services. In May 1997 the UN Economic Commission for Africa officially recognized ESAMI as The African Centre for Excellence in Management Development. This has enabled it to extend its services to all countries in Africa. It is renowned for its excellence in the provision of high quality, client-centered management development

interventions throughout Africa to meet Africa's management challenge in the new millennium. It is from this knowledge that the committee's choice of ESAMI to facilitate this training was based.

Composition of the Delegation. Mr. Speaker, Sir, the delegation comprised the following who had a successful training session on Advanced Parliamentary Theory and Practice.

- a) Hon. Alphonse Mukwayu Musyimi - Leader of the delegation
- b) Hon. Judith Wanza Kasyoka - Member
- c) Hon. kyalo kimuli - Member
- d) Hon. Katamba Musau - Member
- e) Hon. Alex Mutambu Nganga - Member
- f) Hon. Muthama Musyoka Kieti -Member
- g) Mr. Augustus Maithya Kyenze - Secretariat

Mr. Speaker, as I said, the detailed report is simple and most members can go through that. I request that I read page 17.

The Speaker: Yes please, proceed and as guided by the Clerk please try to...

Hon. Alphonse Mukwayu: A skilled Chairperson is necessary in managing activities and meetings of the committee. This is in terms of his/her level of independence and ability to command respect from members. The Chairperson must gain the confidence and respect of Members by providing impartial and professional advice.

Mr. Speaker, the members can see the qualities of a committee leaders. All the others are just procedures and activities that take place in the county assemblies and parliament. Because of time if you allow me I can just go direct to the recommendations and findings because the others are as direct as possible.

Mr. Speaker, allow me to read chapter four which is on recommendations.

The Speaker: Page?

Hon. Alphonse Mukwayu: That is on page 63.

The Speaker: Perhaps you can read for us lessons learnt.

Hon. Alphonse Mukwayu: Thank you. I stand guided.

The delegation gained crucial capacity and knowledge in the following general areas namely: Effectiveness of parliamentary committees and debates, operationalizing parliament and democracy, Parliamentary practices and procedures, public policy analysis and management, mandate and functions of a County Assembly, structure and functions of parliaments.

The following are the specific lessons learned:

It enables members to understand the importance of committees, the powers of committees, parliamentary scrutiny, how to constitute committees, and how to enhance the effectiveness of committees.

It enhanced members on rules of order and decorum in the I-house. Points of order, the role of officials in supporting debates, and ways of enhancing the effectiveness of debates.

Members gained knowledge on the importance of democracy to ensure the effective operation of the assembly. It equipped members with knowledge of parliamentary Practices and Procedures. Members gained a broad understanding of what entails policy analysis, what is a policy system, the policy-making cycle, the effects of public policies on society, public policy and the law of unintended consequences, monitoring public policies, and evaluating policy performance. Members learned about the factors that influence the functions of a County Assembly, and the mandate of functions of a County Assembly in Kenya. They also enhanced their knowledge of the powers, privileges and immunities of a county assembly as well as sharing the experience of the Kitui County Assembly regarding County Assembly Privileges and Immunities since its inception in 2013 and how to forge ahead on the future.

It helped members to understand and distinguish the different structures in various Parliaments and their functions. Members gained knowledge in the legislation process. It equipped them with an understanding of different types of bills and the stages they go through until enactment.

Mr. Speaker, Sir, allow me to go the recommendations by the Committee. The Committee made the following recommendations:

The County Assembly should make this training an integral part of the organization at the beginning of a new term because it is the hallmark of the work of members of the county assembly. Precedence dictates that the majority of members are mainly new entrants into the County Assembly. It is, therefore, necessary to expose them to the appropriate programmes to equip them with the knowledge of parliamentary procedures and practice and the required skills to execute their core mandate at the Assembly.

The County Assembly should ensure continuous capacity building for Assembly committees to stay abreast with emerging issues in parliamentary practice and procedures.

The County Assembly to create opportunities for members to benchmark with other local, regional, and international parliaments to gain practical knowledge on different practices, procedures, and structures in various parliaments and their functions.

Mr. Speaker, Sir in conclusion, committees are an Integral part of the conduct of Assembly business. Members are bestowed with the responsibility of ensuring the effective dispensation of Assembly business at the plenary debates and the committees. They must ensure that members have all it takes to fulfill their mandate to ensure the effective working of the County Assembly. Mr. Speaker, Sir, the overall success of an Assembly can often be directly linked to the effectiveness of parliamentary debates and the effectiveness of the Assembly committees. The committee chair in conjunction with the committee secretariat is ultimately responsible for planning the work of the committee, conducting meetings, maintaining records and appropriate information about their decision, ensuring actions are taken, and evaluating results. In this regard, equipping members and staff of the County Assembly committees with knowledge on how to handle matters that come before them through effective committee meetings and properly documenting the committee business through minutes and reports is vital.

Mr. Speaker, Sir, the annexure we have, shows the consideration and adoption of the report by the delegation and is signed by Hon. Alphonse Mukwayu Musyimi, Hon. Judith Wanza Kasyoka, Hon. Kyalo Kimuli, Hon. Kalamba Musau, Hon. Alex Mutambu Nganga and Hon. Muthama Musyoka Kieti.

In conclusion, I want to say we went to this workshop *tabula rasa* on matters of this Assembly on what happens but we came back oozing with knowledge. At that I would request Hon. Judith Wanza Kasyoka, member for Nuu ward to second the motion. Thank you Mr. Speaker, Sir.

(Hon. Judith Wanza bowed to second the motion)

The Speaker: Thank you Hon. Mukwayu for moving a motion and thank you Hon. Judith Wanza Kasyoka for seconding the motion by the way of bowing.

(Question Proposed)

Hon. Members, I will now give you an opportunity to add a voice before I put the question. Yes. I can see the mover wants to... Sorry, it is Hon. Ngoima... Hon. Ngoima please. I can see you have bridged the gap between Hon. Mukwayu and Hon. Kasyoka. Thank you it was a big gap. Please proceed.

Hon. Daniel Ngoima (Kitui Township Ward): Thank you Mr. Speaker, Sir. We have heard the report. We need to add our voice that, yes, we were not at Instsabul Turkey but we have heard it loud and clear that they went there was a matter to do with training, benchmarking and so forth. That brings to our attention that they did not go there for tourism endeavors. They were at work.

Mr. Speaker, Sir, much has been said. The report is good. But I want to say that whatever has been said has added to this committee a very great knowledge. Out of the benchmarking they have done there, I know they now have a different mind on the way things should be done in the

committee. The trip was an eye opener, adding more knowledge and getting to know what value they should add to this Assembly and the county through the training.

Mr. Speaker, Sir, my urge especially to the committee led by the fellow alumni Hon. Mukwayu Musyimi is that, the practice...

The Speaker: Alumni of which school?

Hon. Daniel Ngoima: St. Charles Lwanga, the best school at that time in Kitui County including now.... So I wanted to finish by saying that, let our going out not be of no use. We want to use these trips profitably to bring change and the different thinking and even ways of doing things so that we may improve the livelihoods of our people.

Therefore, Mr. Speaker, Sir, without saying much, let me congratulate them and support the motion. Let them use the knowledge they have acquired to do work in their committee diligently and we will see that change. This is because a lot has been used during these trips. Let the committee show change, let them show the value for monies we use on these trips. Thank you.

The Speaker: Thank you Hon. Ngoima for insisting on the value for money which is very important Hon. Members. Some of these activities there must be value for money and you know the Controller of Budget has been very tough especially on the county assemblies. We must ensure that there is value for money for these trips. Capacity building is encouraged but there must be a reason why you went all the way to Instabul, Turkey and not just here in Kitui, Mwingi or Nairobi. I think reading the report by the committee, Hon. Ngoima has really looked into the matter of value for money, which is very important.

Hon. Judith was a member of the delegation, Hon. Judith can I allow the ranking member there Hon. Bernard Mwangangi Munyasya. He is a ranking member. Being re-elected is not easy. Let allow him to add his voice and then Hon. Judith Wanza Kasyoka. Hon. Bernard.

Hon. Bernard Munyasya (Mwingi Central Ward): Thank you Mr. Speaker, Sir. I am a member of the committee led by the able Chair, Hon. Mukwayu even though I was not part of the delegation which went there. I had special interest and I have gone through the report. It is very encouraging. I would request the Chair to implement what they learnt at the committee level to the letter.

Finally since the report is very elaborate and I can see the mood of the House, I am requesting you put the question so that we dispense off the business. Thank you.

The Speaker: Thank you. Before... I know you have read the mood of the House and before I rule in your favour let us hear the other members. In fact I was mentioning to the Clerk at the table Mr. Mulandi that after this debate is over we prepare the Hansard Report and attach to the Committee report because we need to hear Members views because when auditors come to question us whether there was value for money and the voice of Hon. Sammy is captured as well as the voice of any other member, it will help us as the County Assembly Service Board to prove to the auditors there was indeed value for money.

In fact I was telling Mr. Mulandi that after this debate is over to prepare the Hansard report and attach to the report because auditors have been on our case as a board. We know these trainings are very important. So Hon. Mwangangi (Munyasya) allow me to allow members to add their voice because their voice is very important to indeed confirm if there was value for money. Hon. Kasyoka and then Hon. Munyithya. Allow me to use those Kamba names. They are very sweet. Hon. Kasyoka please take the floor.

Hon. Judith Wanza (Nuu Ward): Thank you Mr. Speaker, Sir. I stand to support the motion as a member of the LIHUD Committee and I was part of the delegation. I can say we didn't travel there to enjoy the flight. It was a good one and I thank you for giving us the chance to go and represent the County Assembly of Kitui.

I want also to pass special thanks to the member of the Secretariat Mr. Kyenze who had accompanied us there. He took good care of us since you know when I went there that was my first

time since after the operation I had, I was sick. As a team there we had good bonding; and they took care of me. I say thank you.

Knowledge is power. We learned a lot from there. What I can urge you is that when we go out for these trainings let us concentrate because I know we learn a lot and we come back we be prepared to deliver to our people

We also learned a different culture. When we reached there, I could not eat because the food is different. But after two days I could cope up with the situation. Let us be dedicated to learn more because learning does not stop until we die. Thank you.

The Speaker: Thank you very much Hon. Wanza for that. Hon. Deputy Leader of Minority please proceed. And I can see the Leader of Majority Party has delivered on the task we gave him. Majority Party Whip, welcome and now that you are here please whip all other Wiper party members. You are the ruling party. So, all the other Wiper members should be here. Please whip them back. We were to give the Deputy Speaker a chance to give us the status on where the whips are. When you are ready Deputy Speaker, let me know because at least I can see two have come back. Deputy Majority Whip you can take your seat. Deputy Minority Leader have you delivered on your side?

Hon. Jeremiah Musee (Nguni Ward): Hon. Speaker, Sir, I can confirm that I have delivered. My Deputy Whip has just arrived and he has promised me that he will bring the other members who are around Kitui.

The Speaker: So, Deputy Whip are you properly instructed by your whip to bring other members?

(Hon. Boniface Katumbi spoke off record)

Thank you, please do the needful. Hon. Deputy Minority Leader please proceed.

Hon. Jeremiah Musee: Thank you very much Hon. Speaker, Sir. I want to very quickly support this report. But again I want to cite very important thing. I like being very honest with myself, that indeed for the very first time to get an international trip to fly over the skies and the seas is when I went to Dubai and Singapore courtesy of the County Assembly of Kitui. I therefore, take it with a lot of pride.

Secondly, I usually pride myself with whatever I learn outside the country. I have gone through the report and it is not only to the committee led by my good friend Hon. Alphonse Mukwayu, contains very important information that each and every serious county legislator or whoever is aspiring to develop in politics.

Section 2.15 talking about enhancing effectiveness. It talks about the roles of the Chairperson, the qualities of a committed leader as a chairperson, the committee members and their responsibilities and also qualities for being an effective committee member. How an effective committee member behaves, the role of the committee clerk and the committee secretariat.

Hon. Speaker, Sir, I want to encourage the Committee Members at their own time to read these sections because they will make them very effective. Again, there is also a point where it talks about how to shine in a select committee. We have been complaining how some of the select committees are very dormant and not working, as a member how to shine in your committee that information is here. I support the motion and say the report contains a lot of information that is supposed to be read by all of us in this assembly. Let us develop a culture of reading because knowledge is power. Whatever they learned in Turkey can be imported back to our country and County assembly. It will therefore, support and help Kitui people knowledge wise. Thank you very much. I support.

The Speaker: Thank you very much member for Nguni Ward. In fact you see some of these foreign trips even travelling, the culture you meet there, and I have seen in the report, is very

important. It also enhances our work as Hon. Members. I am happy the assembly has been of value to you Hon. Jeremiah. I am sure you saw and interacted with the Dubai culture, Singapore culture. I was privileged to be in your team in Singapore and I can confirm that you enjoyed and learnt a lot. I also believe the Turkey team led by the chair learned the culture of Turkey which is very important also to enhance our capacity as Hon. Members. Thank you Hon. Jeremiah. Hon. Deputy Speaker, I saw your microphone on.

Hon. Christopher Nzioka (*Kyangwithya West Ward*): Yes Hon. Speaker I have the report on where the whips were.

The Speaker: Yes please give us the... may be you can wait first we finish up with motion then you... because of the Hansard.

Hon. Christopher Nzioka: Very well.

The Speaker: Thank you Hon. Members I think I can proceed and put the Question.

(Question Put and agreed to)

Hon. Members I deliberately took my time to through the annexures because this a House of record. We must record that everything was detailed. The training happened, there was a field visit and is detailed in the report on where you went. It is a detailed report that justifies why you could not do the training in Mwingi, Mutomo or Nairobi and you went all the way to Istanbul Turkey. The trainer is a government institution, which is accredited to do training. So it confirms that indeed the training was properly conducted. So, thank you Hon. Members for fully participating, Hon. Mukwayu and your team. As the chair of the board I had struggled to plan this foreign trip. It is not easy. You know Hon. Members think that is that easy. You just pick your passport and leave. It is not easy to plan these things. But I am happy that so far we have done several trips and even now I am working on two more teams. If all goes well there is a team this coming weekend that is travelling to Singapore, the team on JLAC. The other weekend after that there is a team I am working on – the Committee on Trade which should also proceed on a foreign trip. I am also working for another one in April because as I promised, every member should go out. So those who have not gone, relax. All is well. I am fair and we must enhance fairness. I will do my level best so that every member goes out.

We have to squeeze our budget. In case you see other programmes are not very good like the domestic programmes, hope you will understand. Because these programmes to go out are very important for all of us. So, those who have not gone... I think after we take the JLAC and the Trade teams, those will be eighteen members, those will be three teams. If I take another one in April, another one in May and another one in June, we are done. I will do my level best. May be we can try to finish foreign trips by May. I will liaise with the Members who have been left and we shall plan accordingly.

Our budget for foreign trip... you know the dollar has been fluctuating, so we may have to top up again. I was discussing with the Finance people, we have to put more money Hon. Mbuno. Members of the budget Committee, Hon. Katula is here. We shall plead with you so that we top up that vote line so that everybody can go out and that is my desire.

Last time we took everybody apart from Hon. Ngwele who refused to go. He was approved to go but he refused. So he can't blame me. I tried to take everybody in the last Financial Year. Even this Financial Year, whoever wants to go, will go. If you refuse is up to you.

Hon. Members, it is very important that you participate in these foreign programmes. And when you go there, if a member of your delegation is not cooperating with the team leader by participating in the programme, you report back because there must be value for money. Not just going there and not fully participating. This chance God has given you to go. Imagine you are being taken there on public money. Every member here spends close to Kshs. 1.5 million for you to go

and abroad. It is a lot of money. That is why the auditors have been on our case. And that is why I am taking my time to say this. You're per diem, flighty ticket to Singapore, Turkey, Dubai, paying the trainer, the trainer will pay the hotel there, and sometimes we are told by the COB, if that money is used to dig boreholes and build classrooms, you know members of the public will attack us. So you must also prove to the public that these programmes are for their own benefit so that we don't do foreign and domestic trips and may be fall out with our people. We need to be reelected. So let us do these programmes successfully so that the public can even appreciate that after Hon. Muthama Kieti went to Turkey, he was able to push for this. This is the value. Hon. Judith, don't hide that you were in Turkey from your people. Let the people of Nuu know that you were in Turkey. Hon. Mukwayu, let the people of Kyome/Thaana Know that you were in Turkey and this is what you learned. The technology, how it will help you, how it will help the people. They will appreciate. They sent you here so that you be empowered to serve them better. Hon. Charity Kathathi, when you went to Singapore, let the people you represent... and I saw you visited a women organization in Singapore. That was very good. Let the people who made you come here, the PLWDs get that value that after Hon. Charity went to Singapore, this is the value. That is what Hon. Ngoima was calling value for money.

So as your leader, I challenge you and I want to assure you that with your cooperation, hope will support me as I try to ensure that every member gets a chance in this Financial Year and may be in the next financial year we shall plan how to do it. So for now one of the... and I think members of the Budget Committee can agree with me, for you to be an effective administrator, you must fully absorb the budget. So we must fully absorb the budget on foreign travel and ensure that every member participate. And we shall do our best. It is not very easy to get the approvals but we shall do our best.

Thank you members for your cooperation and I believe all shall be well. The committee clerks who have been assisting the Hon. Members are doing a good job and we must commend them.

Hon. Majority Leader, you want to say something?

Hon. Harrison Maluki (Migwani Ward): Hon. Speaker, Sir, although we have already passed the motion on benchmarking trip to Turkey, you have highlighted very well that indeed as a County Assembly we sacrifice a lot for these trips. But Hon. Speaker, last time when we were presenting these reports, I just stood where I am standing now and highlighted on something. The report I am holding here, if I am requested to identify who are these in the report...some of these reports we are going to keep them in our records. How will Hon. Jeremiah Mutua from Nguni convince his son that he was in Turkey while he can't be able to identify himself in the photos? Hon. Speaker this not actually a laughing matter...

The Speaker: Thank you. Make it brief.

Hon. Harrison Maluki: I know we have we have resources whereby we can get a printer which can print out coloured photos. It is not much for us as a county Assembly. And these are some of the things we want to be taken seriously in this House because I highlighted it the other time. At least we have coloured photos so that we can recognize those in the photos. Thank you.

The Speaker: Thank you. I have to rush you because of time. Point taken. I think the committee clerks have heard. The original is coloured but may be when they were photo copying, they photocopied... Even the photocopies, they need to make it coloured. But the original I confirm is coloured. But I agree with you, these are records, even you when you keep it at your office, it needs to be clear. Committee clerks you are failing us. Make sure you give members... that's why we are saying we serve the members effectively. Let us give them clear documents. Thank you Majority Leader.

Let's proceed to the Next Order please!

REPORT BY THE JOINT COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION AND LABOUR
AND
SOCIAL WELFARE ON INSPECTION OF WATER PROJECTS IN KANYANGI WARD AND SPOT
CHECKS AT THWAKE MEGA DAM ON LABOUR ISSUES

Let me direct that we defer this motion until next week on Tuesday at 2:30pm. Vice Chair I can see you are prepared but because of time, let us defer. So, committee clerks take note on that and let it be in the Order Paper next week Tuesday, at 2:30 p.m.

Next Order!

REPORT BY THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERALS
INVESTMENT DEVELOPMENT ON STUDY VISIT TO KAJIADO AND MAKUENI
COUNTIES ON SUSTAINABLE SAND HARVESTING

I also direct that this motion be deferred to Tuesday, next week at 2:30pm. Please Committee clerks take note of that. Vice Chair, I know you are prepared but there is nothing lost.

Next Order!

REPORT BY THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERALS
INVESTMENT DEVELOPMENT ON SAND HARVESTING SITES IN KITUI COUNTY

Again I defer this motion until Next week Tuesday, at 2:30pm. So Tuesday at 2:30pm we shall be having three motions. The one for Agriculture and Labour Committees and the two motions for the Committee on Environment. Please take note of that and let them be debated and considered on that particular time.

Next Order!

REPORT BY THE COMMITTEE ON DELEGATED LEGISLATION ON CONSIDERATION OF THE
KITUI COUNTY RIVER BASINS SAND UTILISATION AND CONSERVATION POLICY, 2023

Thank you. Acting Chairperson Committee on Delegated County Legislation, Hon. Sammy Musili Munyithya. Please proceed and move the motion. It is a matter of county importance. I know you are properly briefed by the Clerks on how to proceed. Please take the floor Hon. Sammy Musili Munyithya able member for Kivou ward.

Hon. Sammy Munyithya (Kivou Ward): Thank you very much Hon. Speaker for this chance. I am delighted to be here as the acting chair for the committee on Delegated County Legislation.

I move that Pursuant to the provisions of Article 185 (4) of the Constitution of Kenya as read together with the Standing Order no. 189, this Assembly hereby adopts the report by the committee on Delegated County Legislation on Consideration of the Kitui County River Basins Sand Utilization and Conservation Policy, 2023.

Mr. Speaker, Sir, I have many pages on this but I know members have already read it. I will highlight on a few areas. I will start with the committee observations on page 23.

The Committee having scrutinized the policy, makes the following observations.

1. The police framework is well drafted and structured.
2. The policy is not self-executing and thus proposes for enactment of an Act and regulation on sand harvesting, transportation and conservation of the environment to foresee its implementation.
3. The site based community groups. The proposal on the policy to bar any persons who have been convicted for criminal offenses from becoming members of the site-based

community groups is discriminatory as it beats the logic of rehabilitation and reforming of such persons.

4. Sub-paragraph 4.4.4- eligibility to be elected as an office bearer. This paragraph provides for eligibility of a person to be paragraph another committee is created by the name, “An Ad hoc Environment Protection Conservation and Rehabilitation Committee” with its own separate role. Members noted that this committee should have been given its own provision, separate from this sub-paragraph. Members further noted that the membership of this Ad hoc Committee had rose from the general membership but the same does not specify the general membership is from which group or committee.

5. the Kitui County River Basins and Sand Utilization and Conservation Committee is mandated under sub-paragraph 4.2 to prepare quarterly reports and submit to the directorate. Members noted that for purposes of oversight by the Assembly, there is need to these quarterly reports to be submitted to the Assembly.

6. Under paragraph 1.01, River Katse is one of the largest river along Nziitu River basin as compared to River Nziitu and is only sensible that it appears in the naming of the area river basin.

7. The name “Interim River Basin Cooperative Caretaker Committee” has been erroneously captured in every part where it is mentioned under sub-paragraph 4.3.1.1.

8. The period of 60 days provided in sub-paragraph 4.3.2.1 for the first general meeting is not realistic as much time is need for sensitization, mobilization and facilitation for the formation of the River Based Cooperative Societies

9. The policy is all inclusive as all relevant authorities were consulted and their inputs considered towards successfully drafting of this policy.

10. The policy has highlighted foreseeable challenges and the possible solutions by the fact that the implementation of the policy will involve various stakeholders e.g. NEMA, County Executive, local community and others.

11. Once the policy is adopted and implemented, it will create employment opportunity to the larger Kitui residents and beyond, thereby increasing County revenue.

12. The policy is well tailored and thought out as it intends to meet its purpose which is to empower the society as well as conserving the environment along the river banks.

13. The policy complies with the national laws and regulations of governing, monitoring and evaluation.

14. The policy provides an elaborate implementation framework that involves multi-stakeholder actors.

Mr. Speaker Sir, 4.0, is on Committee recommendations. The Committee makes the following recommendations:

1. That, this Hon. House approves the Kitui County River basin sand utilization and conservation policy in order to provide a legal framework to guide the implementation of sand utilization and conservation of rivers in the County.

2. There is need for fast-tracking the enactment of the Kitui County River basin sand utilization and conservation Act and regulations thereto within six months after the adoption of this report for self-execution of this policy.

3. Fairness and transparency during implementation of this policy is key to attain the desired results.

4. Paragraph 1.0 (1) should be amended by renaming the Nziitu river basin as Nziitu/Katse river basin.

5. The policy be amended in sub-paragraph 4.4.1 (7) which bars a person from becoming a member of site-based sand group upon being convicted of a criminal offence. The above sub-paragraph is discriminatory as it breaches the logic of rehabilitation and reforming of such a person and it should therefore be deleted in its entirety.

6. Sub-paragraph 4.4.4 should be amended by creating sub-paragraph 4.5, on the establishment of an Ad-hoc Environment protection conservation and rehabilitation committee appearing immediately after paragraph 4.4.4 (j). Further, the Ad-hoc Committee members should be appointed by the Kitui County River Basin based Cooperative Society Committee from among the general membership and of Kitui County River Basin-based Cooperative Society.

7. The name interim River Basin-Based Caretaker Committee (RBBCC) should be correctly captured in every part where it is mentioned under the paragraph 4.3.1.1.

8. Sub-paragraph 4.2 should be amended by inserting the following words which shall therefore be submitted to the County Assembly within fourteen days upon submission to the CECM. Immediately after the word basis and therefore the full stop appearing on the last line of sub-paragraph, so that the Assembly can take part in its oversight role as provided under the constitution

9. The Sub-paragraph 4.3.2.1 should be amended by deleting the words 60 days and replace thereof with the words six months immediately after the words within and after appearing in the first line of the sub-paragraph.

In conclusion, Mr. Speaker Sir, the approval of this report on the Kitui County River basin sand utilization and conservation policy 2023 by this Honorable House will serve to provide the much-needed legislative framework for the County Executive and more specifically the directorate of the natural and mineral resources to guide on sand utilization and conservation of rivers in Kitui County.

The Committee is cognizant of the fact that this policy will be able to change the image of the County if it's well implemented to the latter. Therefore, the committee recommends that, this house adopts it.

Mr. Speaker Sir, I will read the committee membership:

- | | | |
|-----|------------------------|-------------------|
| 1. | Hon. Cornelius Muthami | Chairperson |
| 2. | Hon. Mary Mbithe | Vice- Chairperson |
| 3. | Hon. Nzavu Mwanzia | Member |
| 4. | Hon. Daniel Ngoima | Member |
| 5. | Hon. Ciambutra Karigi | Member |
| 6. | Hon. Charity Mwangangi | Member |
| 7. | Hon. Erastus Mbuno | Member |
| 8. | Hon. Kyalo Kimuli | Member |
| 9. | Hon. Sammy Munyithya | Member |
| 10. | Hon. Grace Mulandi | Member |
| 11. | Hon. Cyrus Musyoka | Member |

Kindly, with your permission, I think since we have done a lot of retreats concerning this policy on river basins, Mr. Speaker Sir, before I request another member to second this motion, allow me first to mention a few things. This policy has come at time when Kitui County has a lot of chaos and now there is a lot of tension since everyone is waiting for it.

Before I do anything else, let me start by thanking our Speaker and the office of the Clerk for granting us the opportunities to even go through these reports. I know they were bulky but we

had enough time to scrutinize it, go through it very well and whenever we got challenges we harmonized together as a House and therefore I applaud the House.

I also want to thank the Committee on delegated County Legislation, which has done really good work. We have tirelessly worked together with our chairman, I am also humbled to be the acting Chairperson, who has brought this policy and being a member who is mostly affected in Kitui County. I can't take that for granted, I really appreciate it and I applaud all the members for the support they have given me as we were working on this policy.

So, as I ask this House to adopt this report, first, I will request one member of the Committee, Hon. Dr. Mbuno to second the report. Mr. Speaker, Sir, as he seconds the report, allow me to move this report.

The Speaker: Please repeat that part, Mr. Mulandi (*Clerk-at-the table*) please guide Hon. Sammy, so that we can do things procedurally.

(Hon. Sammy Muniyithya consulted with the Clerk-at-the table)

Hon. Sammy Muniyithya: Thank you, I stand guided. Mr. Speaker Sir, because of time I won't mention what I was supposed to mention.

The Speaker: Okay.

Hon. Sammy Muniyithya: Mr. Speaker Sir, I beg to move this motion and allow Hon. Dr. Erastus Mbuno to second the motion. Thank you.

The Speaker: I am sorry Hon. Sammy, you to repeat that. Mr. Mulandi whisper to *Mheshimiwa*, on the exact words he is supposed to use. I am sorry, we have to be parliamentally.

(Hon. Sammy Muniyithya consulted with the Clerk-at-the table)

Hon. Sammy Muniyithya: Thank you, I am well guided. Mr. Speaker Sir, I beg to move this motion and request Hon. Dr. Erastus Mbuno to second the motion. Thank you.

The Speaker: Thank you very much, that's how it is supposed to done.

(Hon. Mbuno bowed to second the motion)

Hon. Mbuno, we acknowledge secondment by a way of bowing. You almost hit the table when you were bowing. I think you were strongly bowing. Is it as per the Standing Orders? Maybe you will quote the Standing Order at the right time.

(Question Proposed)

Therefore, Hon. Members, I will give you an opportunity to add your voice on this very important policy. This is the first policy members, we are coming up with after one and half years. So, it's a challenge! If we do one policy after one and half years. How many more years do we have as per the Standing Orders, Hon. Paul Maluki on a light note.

(Laughter)

We have very few weeks remaining. So, members please let us ensure that we work on policies, Bills and I am sure you are all eager to do that. And I know this policy is very important. That's why I have deferred all the other motions which was to be done today so that we can have enough time to debate this motion. I can see Deputy Speaker, you have done a good job. We have a good number in the house and perhaps, you can give us your report before we proceed and before I gave members an opportunity to give their input. Thank you.

Hon. Christopher Nzilu (*The Deputy Speaker*): Thank you Hon. Speaker, my report is based on the reports I got from the respective Majority and Minority Leaders. Allow me to start with the small parties. Hon. Masaku was seated at the reception, located at the entrance to the chambers, Hon. Malinga is out of reach. Hon. Jeremiah from his own words “hon. Sylvester Munyalo is at Machakos doing tenders with Governor Wavinya (laughter)

(Hon. Jeremiah Mutua stood on a point of Order)

The Speaker: There is a point of Order Deputy Speaker. Hon. Minority leader, were you misquoted?

Hon. Jeremiah Mutua (*Deputy Minority Leader*): Hon. Speaker, is my good friend, the Deputy Speaker in order to allude that the information I gave him concerning my party whip is that, he is in Machakos doing tender with governor Wavinya. I think that is wrong and misleading, my whip is not available but of course he is held up in Machakos with a family issue.

The Speaker: So, it is a family issue. Okay, thank you for clarifying. Deputy Speaker, please continue.

Hon. Christopher Nzilu: Thank you Hon. Speaker because he is the one who reported it to me and I was under obligation to bring a report to this house. I will go by what he has just reported. Fortunately, he was able to bring to the house my good friend and neighbor from Kyangwithya East, Hon. Boniface Maundu Katumbi but as that time, the report he gave me was that Hon. Maundu Katumbi was just in the toilet and he can't dispute that unless he wants to change what he reported to me.

The Speaker: So, you are not quoting that one?

Hon. Christopher Nzilu: No, I am just reporting the way it was done. Hon. Speaker, I also got a report from the Majority leader, from the majority leaders' side that the Chief Whip was at the majority leaders office. And the Majority leader was able to bring him back to the house. The Deputy Majority Whip is attending to some family issue at Tharaka. That is the report I got from the respective leaders. Thank you very much, thank you leaders for availing the report.

The Speaker: Thank you Deputy Speaker for executing the duty which I gave you. I just did that so that the Whips can know their work as well. The work of Whips is not only removing and adding members to committee. The work of Whips also involves whipping members to the house so that they can execute Assembly business. When you are whipping members to the committees, its because you want the committees to work. So, you also whip members into the Assembly.

Members of the Speaker's panel, I think I was mentioning to Hon. Paul Maluki that because the Standing Orders do not specifically provide for where we have to request the Whips to whip the members in the house. So, I was exercising the discretion as per Standing Order No. 1 where I can make that particular directive.

However, maybe as we amend our Standing Orders, because I read the one for Makueni, it is detailed on the roles of the Whips apart from removing and adding members to the committees. They also have those other roles. So, I think whenever, we don't have quorum in the house before we adjourn the house. We should task the Whips first to whip members, maybe members could be in the washrooms as Deputy Speaker has said. Others could be making some urgent calls but the Whips can tell them that they are needed in the house.

So, that is the work of the Whips and I believe now we know and therefore, whoever will be presiding can use that discretion whenever there is quorum hitch to instruct the Whips to whip the members back to the House. And of course, someone can pause for five or ten members as

members are whipped back to the house. So that is a directive on how whips should be assisting the presiding chairs.

Therefore, when I am presiding and there is a quorum hitch before I adjourn the house. I task the Whips first to whip members back to the house and if members fail to come then I can adjourn the house. Are we properly guided members? Thank you, Majority Whip, for coming, your presence is heavily felt, Deputy Minority Whip, thank you. Jubilee Whip, your members are always 100% but today you are alone. Ooh sorry, you moved from where you normally sit. Hon. Katumbi, you whipped her to that side?

(Laughter)

Hon. Masaku, where is Hon. Kimuli? Give status of Hon. Kimuli.

Hon. David Masaku: Thank you Mr. Speaker for giving me this opportunity. As the House is aware, I am the jubilee Whip and the time I was missing in the house I was looking for Hon. Kimuli. He has been missing since yesterday but I am still trying to trace where he is and we are always 100% present.

The Speaker: Thank you, UDA you do the same. I can see Hon. Maluki, Hon. Fridah, two out of six! You are doing badly. How many NARC members are present in the house, Deputy Minority leader? NARC members, can you rise your hands?

Hon. Jeremiah Mutua (*Deputy Minority Leader*): Hon. Speaker, I can confirm we have six members of NARC in the house, totaling to 50% turn up.

The Speaker: So, you are half? 50% is okay

Hon. Jeremiah Mutua: We are here to assist our friends to transact government business.

The Speaker: Thank you, Majority Whip, how many Wiper members do we have in the house? Let the Wiper members rise their hands for the Majority Whip to count them.

Hon. Boniface Mukwate (*Majority Whip*): Wiper has nine members present.

The Speaker: No! No! I have said Wiper members.

Hon. Boniface Mukwate: Okay, WIPER has nine members.

The Speaker: So, nine out of twenty-five? And we are transacting a government business! Where we should be a full house.

Hon. Boniface Mukwate: Mr. Speaker, there are some members who have a genuine reason.

The Speaker: Which genuine reason apart from attending house business?

Hon. Boniface Mukwate: Mr. Speaker, some have lost their relatives.

The Speaker: We know those ones, we know two of them.

Hon. Boniface Mukwate: So, some of our members went to console with them.

The Speaker: No! I know Rose is assisting Jacinta but Rose is here, where are the others? Any way its okay. Yes Hon. Gabriel.

Hon. Gabriel Munyao: Mr. Speaker, as much as we ask for the quorum of the individual parties. It is very shocking that this Committee doesn't take its own responsibility seriously. Out of eleven members of this committee, we have only two members in this house.

The Speaker: Where are the members of County delegated legislation committee? Hon. Sammy and Mbuno, where are the others? It is good for that to be on record so that we can take note of it. Hon. Sammy, imagine you were supposed to come here with your members to defend the policy. The government party should be here and defend the government motion. Anyway, let me rest that agenda and we proceed with the motion. Let me start with the Majority Leader. Let's try to

restrict ourselves to three minutes, Clerk- at- the table please time. If you see the red light, you sit down. Majority leader.

Hon. Harrison Maluki: Thank you Hon. Speaker. I stand to second and support this motion. I sincerely thank the County delegated legislation committee for the tireless job they have done. Hon. Speaker, this was long overdue. Hon. Speaker, one day I happened to travel from Nairobi at around 4 am in the morning and from Thika to Mwingi I met with over thirty lorries basically within an hour.

I tried to imagine if certain amount of money was being collected from those lorries, how much money could we be making as a County. Actually, we should take sand as a mineral to us and I think we are in the right direction by passing this policy and enacting a law so that we that we can increase our revenue collection.

Hon. Speaker, I actually wanted to highlight what Hon. Gabriel has just mention. We need to be serious when it comes to transacting business in this house and I want to request you from today and going forward, that if any committee is presenting any report in this house, the way we should have a quorum in a committee sitting. Let that committee also have a quorum when they are presenting a report in this house.

Mr. Speaker, Even the Chairperson and Vice- Chairperson, Committee on delegated County legislation he is not present while we are transacting very serious business. Hon. Speaker, I think I am standing here representing the government side and I think I deserver additional minutes.

The Speaker: I will add you two more minutes.

Hon. Harrison Maluki: Therefore, I am requesting... sometime back Hon. Ndindi Nyoro said that sometimes governments are ruled by dictatorship. I am not telling you to become a dictator but as Hon. Members, from where I sit I think we need to be serious. When we have a report by a committee, let's have a quorum of at least six to seven members of that committee present in the house so that they can defend the committee report. Because if you task the members who are present to defend what they have presented to us we will overwhelm them.

So, I am humbly requesting you, my colleagues that when we are representing a report as a committee. Let the majority of the members be around so that we can defend whatever we are presenting and by doing so, we will be taking our work seriously.

Hon. Speaker, my Whip Hon. Boniface Mukwate Katula, the able MCA for Kanyangi has tried to justify why some of the members are not here but there is no justification because I know the members who are here apart from the two members who are bereaved. They know that we are transacting very serious business today and maybe Hon. Mbithe but I don't know why the other members should not be here.

Therefore, Hon. Colleagues, I am requesting that when we are transacting serious business to make sure we are all present. We all need to be in our respective Wards but we have the whole of weekends to visit our Wards. So, let us take the work we are doing here very seriously and I normally say that we have been given these positions by God for a reason; and if you misuse this opportunity, it will be given to someone else. Remember service to humanity is service to God, when we come here and pass this policy and the other motions we are passing here. We are trying to see how we can help our people and I think Hon. Speaker, we need to get serious with our work.

Hon. Speaker, you have letters in your office of committee requesting to go for inspection and to do other oversight exercises but when we have a report here the committee members are not present to defend their report.

Hon. Speaker, through your wisdom ensure that when we have committee reports the committee members are present in the house. I fully support this policy, thank you.

The Speaker: Thank you. So, Hon. Majority Whip unless you have official apology from any member of your party don't defend anybody. I can confirm to you take the only apology I have as the Speaker, because if you have to be absent you must report to me and give your apology. I only have apology from Hon. Jacinta, hon. Mercy and hon. Mary Mbithe. Those are the only members who have my permission not to be here. So, the others have no permission. So that is the position...

(Hon. Boniface Mukwate stood to give information)

Do you want to say something so that I allow the deputy minority leader?

Hon. Boniface Mukwate: Mr. Speaker Sir, mine was just a point of information to the majority leader. He has said that if an Hon. Member misuses her chance of being in this house God can give that chance to another person. I also wanted to inform him that even if you do better, our people can also get you home without giving you a notice. Thank you, Mr. Speaker.

The Speaker: No! no! I think I will disagree with you because you are trying to say that even if we are always here working, people will not recognize it! No! no! you know you are serving God and please don't expect direct reward hon. Katula, I want to correct you. It is God who made you the MCA for Kanyangi Ward and it is also the same God who has made you the majority chief whip, the member of budget committee, the member of agriculture committee and all other committees that you are a member. You have to respect God

Hon. Boniface Mukwate: Thank you Mr. Speaker Sir, I stand guided.

The Speaker: Yes, and all of us, majority leader was on point. We must respect our work, it is unfortunate that its only two members of delegated committee who are present in the house. It is unfortunate, majority whip that only nine members out twenty-five members of Wiper party are present in the house to defend this policy. It's unfortunate or maybe they said, it will pass; it is not contested.

So, please members, we must take our work seriously. I agree with majority leader that I have several request in my office of members who want to go out. The fact of the matter is that members don't actively participate in those Assembly programs. Imagine every person want to come in this chamber, ask those who didn't make it to come back our they are feeling and you are busy doing other things, only two days in a week. Those who are pushing for three days, if we can't manage two days, will we manage even three days?

We are too busy to come to the house and if we are too busy God will be too busy for us when we shall be praying for re-election or better position. So, don't be too busy for God because this is god's work. Please let us not debate further on that matter of members been serious, lets now stick to the policy. Deputy minority leader. I will give you five minutes because you are representing the minority leader and if you see the red light on, please sit down before I tell you to sit down.

Hon. Jeremiah Mutua: Thank you Hon. Speaker. Hon. Speaker before I contribute to the motion allow me to inform that we have additional member, Hon. Munira Muhammed who has joined us in the chamber.

The Speaker: Thank you, well done.

Hon. Jeremiah Mutua: Hon. Speaker, I stand here to support the motion, having read the recommendation which have been put by the committee and especially the observation number five, that they say when this committee looked at the report, previously the report was been submitted to the directorate but I can see that the powers which belongs to the County Assembly of

Kitui have been respected. That, the report will be shared with the directorate and also be forwarded to the County Assembly of Kitui which does the oversight. That is very commendable.

Hon. Speaker, much has been said during the debates on the floor of this house concerning the imminent policy and the bill which is going to come. Now that this policy is going to be adopted by this August house, it paves way for the committee on Environment, which is being chaired by Hon. Member for Tseikuru and deputized by my good friend Hon. Rose Kasyoka, maybe in few days to come after this sitting. That means Hon. Speaker, this has been a very emotive thing in entire Kitui County. And now that the bill is going to be framed for it to be a legislative framework that governs sand harvesting and utilization.

Hon. Speaker, as the deputy minority leader, there are some things which come up and then you start asking yourself some questions. Mr. Speaker, us from the minority party, we usually call ourselves an alternative government. If the government which is in power falls we take up the mantle to lead the people of Kitui County. I want to be on record that yourself and the rest of the County Assembly members present here. They have been called names, they have been told that they have been sabotaging this policy and the bill which is going to come, even bloggers writing a lot of things that money exchanged hands and that's the reason why the County Assembly is taking a lot of time to implement these issues.

Hon. Speaker, I want to be on record that, the Hon. Members who used to blackmail the very pure Hon. Members are not in this sitting. Most of them cannot tell where they are but they were in the forefront blackmailing your name, blackmailing the names of the Hon. Members in this house and that one is not acceptable. We can only learn through the actions of hon. Member to be in place whenever a government agenda calls, like this one. I want to state a member in the minority party that even the committee herself as my good friend from Kauwi has only two members in the house. That means if the bill is going to be framed just imagine the committee on environment, where I belong as a member and then our chair is tabling a report and he is alone in the chamber, that is a big shame.

Hon. Speaker, I want to tell you something and also inform the Hon. Members that as we go to have a bill which is eagerly awaited by the people of Kitui County. How can you convince me that in a committee that has eleven members only two are in the house, what are they doing? How can they convince me that the rest who are not in this house have been told the cartel not to attend this sitting? How can you confirm to me that even during the time of the bill that those members will attend the assembly sitting?

Hon. Speaker, we are trading on a very dangerous ground where you find that a bill is brought here for us to debate and pass requires two thirds, those are forty MCAs. This behavior of having MCAs not attending the Assembly sitting when we are discussing a government project. This time round I am supporting by good friend Harrison Maluki and his Deputy from the opposition side but when their members are not attending Assembly sitting raises more questions than answers that we need to look into in subsequent sitting. Mr. Speaker I support the motion.

The Speaker: Thank you very much, I know Hon. Jeremiah was looking for opportunity to attack the ruling party and he used the opportunity very well. Let now listen Hon. Rose. Three minutes please, let's try to be brief because we don't have additional time. We have to finish by 6:30 p.m.

Hon. Rose Kasyoka: Thank you Mr. Speaker for giving me this opportunity. I stand here to support this motion. Mr. Speaker, I was the team leader when we were doing public participation. I don't want to mention the place where we were but it was really tough on this policy and the bill. I thank God we were with Hon. Kasinga from Mumoni, we really handled the case...

(The Speaker interjected)

The Speaker: Then you need to tell us where you were for record purpose or Kasinga will tell us?

Hon. Rose Kasyoka: We were in A.I.C Kauwi, Kitui West constituency. So, Mr. Speaker it was not easy. There have been so many speculations and cartels on this issue of sand and I want to confirm to this house that I was even called as the Vice-chair of the committee to meet somebody but because of my wisdom and being aware that this is a government initiative and something good for the Kitui County I did not meet that person.

So, Mr. Speaker, the policy we are passing today is for the betterment of the people of Kitui. I urge the members that if you among those people who might be used by those cartels to sabotage the policy and the bill which going to come later, kindly of the people who elected you, think also of the party which nominated you to this Assembly; because they trusted us to be in this Assembly and to support any motion which intends to help the people of Kitui. With those few remarks Mr. Speaker, I support the motion. Thank you

The Speaker: Thank you, Hon. Rose for using less time. Hon. Mukwayu, if you use less time we shall appreciate. So that whoever wants to say something can get the opportunity. We have strictly twenty minutes, therefore, we need to utilize time well.

Hon. Alphonse Mukwayu: Thank you Mr. Speaker Sir. I stand to support this motion on policy as moved this evening. I want to go on record on behalf of people of Kyome/Thaana. Kyome/Thaana is one of those Wards which have actually suffered from this uncoordinated plundering of sand. Mr. Speaker, people of my ward have actually been attacked, some have even lost life's. Kyome/Thaana provide water to other four Ward and if there is no coordination we can make that Ward a desert.

Mr. Speaker, sand is a resource and the governor gave a manifesto that we were to make mega dams, major dams and other small dams. Mr. Speaker, I hope through this we can make money that can provide these dams. Thank you, Mr. Speaker. I support the motion.

The Speaker: Thank you Hon. Mukwayu for being extremely brief. I appreciate, Hon. Paul Maluki, is it paul or fridah? Hon. Fridah Maua and then hon. Gabriel.

Hon. Fridah Maua: Thank you Mr. Speaker Sir. I am very happy to stand here and support this motion because people of Mwingi West have suffered a lot due to unregulated sand harvesting. Through the implementation of this policy, we will have regulated sand harvesting and also creation of employment. We will not be losing sand to people who don't give them money. The money will be used for betterment of their lives but not been given little money to cater for their drinks. With this I know the people of Mwingi will be happy at least they will see the benefits of sand resources which given to them by God. I stand to support, Thank you

The Speaker: Thank you for the passionate support to the policy and your comments. Hon. Paul Maluki.

Hon. Paul Maluki: Thank you Mr. Speaker Sir, before deciding on whether to support or not to support. I have gone through this policy, and I want to be clarified by the committee on close to ten proposals from members of the public. Mr. Speaker, the proposals from members of the public were not considered by the committee. According to our constitution the sovereign power belongs to the people. The question we should ask ourselves is are these public participations really necessary if what members suggest in those forums are not factored in our recommendation?

On his conclusion remarks, the acting chairperson, recommended this house to approve this policy. Now, which policy are we approving? The policy with amendments or the policy as it was submitted to this house from the Executive? Thank you.

The Speaker: Thank you, before we put the question we will allow the mover to elaborate on what you asked about, whether the views from the members of public were considered. I think it is a good point which we need to think about. So, let allow hon. Gabriel to continue.

Hon. Gabriel Munyao: Thank you Mr. Speaker, Sir, for the opportunity to contribute on this very important motion; to the great people of Kitui who elected us and brought us to this great house.

Mr. Speaker, I have gone through the policy and what caught my eyes was actually two things and I would like to say something about them. The first one is transportation of sand 6 am to 6pm, actually was unfair. This is because we experience traffic jam as we drive along Garissa highway and other times when going to town or leaving towns. So, Mr. Speaker, I think in future some review needs to be done on time of transportation of the sand.

Secondly, Mr. Speaker, the second I observed is that, this report which was brought to this house by the committee on delegated legislation did not meet the threshold of the committee itself. The committee brought the policy to us while themselves didn't own it. Hon. Jeremiah has said that it is not clear and we highly suspecting the members of this committee that they could have somehow been compromised to sabotage their own responsibility.

I know Mr. Speaker, you gave them permission to go and draft this report and they just left it here and ran away. They said its up to us to do with the policy the way we want; it is none of their business. That is the statement the committee is passing to us. Mr. Speaker, today, we are very disappointed as a house, today we were laying about five reports and one the report was the report by the committee of LIUD and the chairman is here. The other one was the report by the Committee on agriculture, the chairman just ran away from the report, he disappeared.

The Speaker: Thank you, time is up.

Hon. Gabriel Munyao: Mr. Speaker, give me two more minutes to finish?

The Speaker: No, I cannot because time is not on our side and there are other members who want to say something.

Hon. Gabriel Munyao: Two minutes please?

The Speaker: No, you know, you have moved away from the policy. You have gone to the issues of committee...

Hon. Gabriel Munyao: I want now to declare my stand on the policy.

The Speaker: Yes, please do in thirty seconds.

(Hon. Joseph Mbite stood on a point of order)

What is your point of order?

Hon. Joseph Mbite: Mr. Speaker, is it in order for Hon. Gabriel Munyao to state that my super chair ran away from his responsibilities and yet I am here representing my chair and my committee till mid-night or until when we will adjourn this house?

The Speaker: Thank you, I think that matter was ruled by the Deputy Speaker yesterday and I don't want to go back there please Hon. Gabriel. We have no time please, I beg you finish in fifteen seconds not even thirty.

Hon. Gabriel Munyao: Mr. Speaker as I finish, also the Chairperson, Committee on environment is not here. I stand to support.

The Speaker: Thank you, Hon. Katumbi. Stick to the policy, I give two minutes I am reducing the time.

Hon. Boniface Katumbi: Thank you Mr. Speaker Sir, I stand to oppose. Mr. Speaker, I stand to oppose.

(Laughter)

Mr. Speaker, I oppose this policy due to the following reasons:

The owners of this report are not present in the house and the other thing is that the view of members of the public were not considered. One of the views was on automation of revenue collection. Members of the public had requested automation of revenue collection but committee has not recommended on automation of revenue collection.

The other thing is on transportation hours, they had given three proposals 6am to 6pm, 7am to 5pm and 24 hours transportation of sand. Mr. Speaker, the committee did not recommend the exact operating hours.

Lastly, members of public requested inclusion of people living with disability. The Committee recommendation did not factor people living with disability on how they will be participating in this exercise. With those few remarks, I oppose.

The Speaker: Thank you very much Hon. Katumbi, Hon. Deputy Speaker, strictly two minutes because of time.

Hon. Christopher Nzioka (*The Deputy Speaker*): Thank you Hon. Speaker, I am going to take one minute to support this policy. First, I want to echo the words of majority leader that our resources have gone into waste because of lack of proper policies and laws.

Secondly, I have also heard the sediments of the Hon. Members, who are opposing. Hon. Speaker, none of them including my good neighbor Hon. Paul Maluki cited which proposal by the members of the public was omitted or was left out.

Finally, I have also heard my good friend hon. Katumbi opposing the policy on the grounds that members of the committee are not present. However, this report now is a report of the house, we are here ready to pass it, we are going to cast the vote, “*twikuna kura muvaka na ivande*” (we are going to vote even with our Identity cards) to make sure this policy passes and sees the light of the day so that we can protect and preserve our resources. There is nothing better we can give to our people of Kitui rather than a policy that protect and looks into sustaining the resources of our people or even the future generation.

Lastly, there are allegations that there are no amendments to factor in people living with disability. Hon. Speaker, that is a provision in the constitution which is the supreme law of the land and shall be factored in when they are forming the site-based committees.

The Speaker: Thank you very much, lets listen to Deputy Majority leader.

Hon. Erastus Mbuno: Thank you Mr. Speaker Sir, first, I want to appreciate you for us the opportunity to give our views...

(The Speaker interjected)

The Speaker: Before you proceed, majority leader, it is a simple task. Please proceed.

Hon. Harrison Maluki: Thank you, Hon. Speaker, I seek leave to move motion on extension of hours of meeting THAT Pursuant to the provision of Standing Order No. 27(3) this Assembly do now extend its sittings time behold 6:30pm to allow the house to finalize its business as contained in the order paper.

Hon. Speaker, we know we are dealing with an important matter, very emotive and we have members who still want to contribute. Therefore, I urge my colleagues to support this motion on extension of sitting and with few remarks I request Hon. Cate Kalenga to second the motion.

(Hon. Cate Kalenga bowed to second the motion)

The Speaker: Thank you, Hon. Majority leader for moving the motion, thank you Hon Cate Kalenga for seconding the motion.

(Question proposed)

Hon. Members, before I put the question, let me request a few of you to say something before we proceed. Hon. Deputy Minority leader.

Hon. Jeremiah Mutua: Hon. Speaker, some time back during the reign of the late president Emilio Mwai Kibaki, there existed a very vocal national assembly at that time. I can remember they transacted the business until mid-night. Sometimes, when we are transacting issues that are emotive, issues that the people of Kitui have been waiting. We are ready to be here until mid-night transacting this business. Hon. Speaker I support this motion to allow members enough time to discuss this policy.

The Speaker: Thank you very much, Deputy Minority leader. Deputy majority leader.

Hon. Erastus Mbuno: Thank you Mr. Speaker Sir, if my memory serves me well there is a time this house was accused of lack of business. So, I think this is the right for the people of Kitui should know that, the forty elected MCAs and twenty nominated MCAs of this great County of ours. We are really working behold normal working hours to make sure that the people of Kitui County get the services they deserve. Therefore, I support the motion which has been brought by the Majority leader to extend so that we can discuss this important matter to serve Kitui County people. Thank you.

The Speaker: Thank you, Hon. Majority Whip.

Hon. Boniface Katula: Mr. Speaker Sir, I support the motion on extension of time. Thank you.

The Speaker: Thank you, Hon. Judith Wanza.

Hon. Judith Kasyoka: Mr. Speaker Sir, I support the extension of time.

The Speaker: Thank you, Hon. Munira Muhammed.

Hon. Munira Muhammed: Thank you Mr. Speaker Sir, I stand to support the motion on extension of time.

The Speaker: Thank you, hon. Members, I think I have seen that most of you wanted to say something. Allow me not put the question on the motion on extension of hours of meeting.

(Question put and agreed to)

Thank you, members, it is 6:28pm, we are luck that you have approved this motion before 6:30pm. So those that I pushed to finish in hurry like my brother Hon. Gabriel Munyao, I apologize I will still give more time in case you want to say something but not now. It now the time for Hon. Erastus Mbuno, so please Hon. Mbuno, I can see you to go to the dispatch box. I will give you five minutes and if you see the red light you sit even before I tell you. Please don't make my work difficult, all of you are friends, be cautious like majority leader, he requested for more minutes and I gave him. So, please try to respect the house rules. So, hon. Mbuno strictly five minutes or less.

Hon. Erastus Mbuno: Thank you Mr. Speaker, this is my committee and I thank you very much because you gave us time to be trained. We went through thorough training on the policy and

now I can attest to this house that as a committee we did the best that we could do to accommodate the views from the members of the public.

I stand here to support this motion, report on Kitui County River Basin and Conservation policy 202. One of the reasons as to why I am supporting this policy is because of the conservation aspect of it. In my area, Endau Malalani ward. Luckily, we only harvest sand for domestic use, we don't commercialize within our area but having friends from my neighboring wards and other area we normally visit. I have seen that some rivers are in a very dilapidated state.

The major reason as to why those rivers are in dilapidated state is because of uncontrolled sand harvesting. Therefore, according to me we need to put a regulator, we are not saying that there will be no sand harvesting. The sand is going to be harvested but we must regulate its harvesting. So, according to me, in the aspect of conserving our environment, protecting our environment. I support this motion.

Secondly, I think according to this constitution which I am holding here, although the Speaker has said that I am always carrying Standing orders courtesy of one of the table clerks and I thank him because I am seeing him here. I am also carrying this Standing order to help me sharpen my skills. I have seen that it is our mandate as legislators to formulate laws and policies that will protect our environment.

So, in adherence to our constitution and following it, I support this motion, that we are going to protect our environment, we are going to protect our County from exploitation by selfish people.

Finally, I have two recommendations; that in this policy we cannot amend anything and what we were advised is that we can only recommend to the Executive. So, most of the things that we as the committee we could do, we did by suggesting some recommendations to the Executive. So, you won't see amendment in this policy, you will only see recommendations.

Secondly, most of the views that were given by the members of the public are in the bill, this is a policy which is just a guideline on how the bill will be operationalized. Therefore, I urge this Hon. House with all due humility and respect that we consider this policy and we all say that, yes Kitui County needs a sand policy to conserve our environment. Thank very much Mr. Speaker.

The Speaker: Thank you, Hon. Mbuno. Hon. Kasinga.

Hon. Titus Kasinga: Thank you Hon. Speaker. I stand to support the motion on the report on the Kitui County River Basin and Utilization Conservation policy, 2023. Hon. Speaker, first, I want to appreciate you as the leader of this house for the time that you created and made sure that the committee on delegated legislation had time to go through the policy and to be trained.

I also want to thank you for availing an environment that was conducive for the house to look at the policy together with the bill. I also want to appreciate his excellence the governor Dr. Julius Makau Malombe, for being proactive to ensure that at least this time round Kitui County does benefit from one of its greatest minerals which is the sand.

Hon. Speaker, it only takes a man of courage when the tides look like they are against him to turn down the tides and achieve. When the governor formed the task force a lot of things were said, us the MCAs we were also invited from time to time to give our views and the outcome of that task-force on sand is what we have here as policy and bill which is also to be laid in the house.

I am looking at this policy and also the bill which we are waiting for and I told you I want to call it in bible terms like this bill is "John the Baptist", the bill will be "Jesus" when it comes. Hon. Speaker, I want to assume that we are all aware that sand is very important and I believe it is and we all know it is.

Irrespective of the views we have and we hold, it is time for us to bite the bullet. It is the time for us to say, let us have something that we can be proud of as the people of Kitui and let us also protect the future generations.

The policy we are talking about here is laying a firm foundation for future conservation because without conservation then, we won't the sand we are talking about. Without conserving our basins, we will not have the water that we need so much.

So, as the policy says, I will say that the Committee did its work, they have made the recommendations, they the observations and I am sure all of us here somehow when Hon. Maluki spoke about what the committee was trying to put across. We were reflecting but honesty there is a bill that is on the way and it will serve most the issues that looks like they were left behind.

We can look at these amendments together with the Executive, there is no lying on it is allowed because that is part of the consolations that we had and I believe that some of the things that are here are what we recommended. The committee has done its work.

I am glad that Katse river is appearing here as forming part of what is called Nziitu basin. In actual sense if Katse river wasn't appearing here the people of Mumoni, Tharaka and those around that area would be feeling left out in the whole thing but I am glad it is there and I am sure it will appear in the final report.

So, Hon. Speaker, I know politics will never end in these things but this policy addresses a lot of things. There being are a lot of references/guidelines regarding sand harvesting, guidelines from the national government 2007, the constitution. We are looking at Article 42, the right to clean environment, we are looking at Article 175 and so many others. This policy has made references to many other laws in this Country and I believe it is one of the best policies Kitui County will come up with.

The other thing which I am going to speak about is what have been said and especially on the issue of management of the whole process. And I am sure when we come to the bill, we will be looking at the very specifics. The reports are very important to this Assembly and I believe once the Executives gets them, we will exercise our oversight through looking at those reports whenever they are given and for that purpose Hon. Speaker, I support the motion and the policy and urge members to stand together, let us also not cast aspirations...

(Hon. Mbuno stood to give information)

(The Speaker interjected)

The Speaker: Hon. Kasinga before you finish, would you like to be informed by your younger brother?

Hon. Titus Kasinga: Yes, I am okay with it.

The Speaker: Okay, I will add you two more minutes. Hon. Mbuno.

Hon. Erastus Mbuno: I just wanted to inform my colleague because I have the Constitution, he has said 175 and I think he was referring to Article 174, kindly, thank you very much, for the purpose of the record.

The Speaker: Thank you, and I also want to add that Hon. Mbuno has been (laughter) walking around with the Constitution. So, thank you for that and I challenge the members to also walk with the Constitution and the Standing Orders. Thank Hon. Mbuno, hon. Kasinga, please proceed.

Hon. Kasinga: Thank you Hon. Speaker, I appreciate my colleague Dr. Mbuno (Deputy Majority Leader) for that correction. Actually, when we speaking about the Constitution and the laws many times you may forget about the Articles but I believe I was quite close 175 and 174. We all have a right to a clean environment, some of these rights are inherent, there not just right that are

protected by the constitution. Honesty, if you put me in an environment that I cannot be able to breath, that means that I will die. So, that kind of environment is what we so require.

Hon. Speaker, I was about to say that let us not cast much aspirations on our colleagues who are not in the house. A lot of strong words have been said, let us also be careful because it may hurt some of our colleagues who have genuine reasons not to be here. The politics about the issue of people been compromised here and there should not service here and if it there. It is for the individual persons to get convicted on their conscious because if you are to receive anything about this policy and bill that is about to land in this Assembly, which is supposed to help the people of Kitui and the generation to come then for that, it is for you and your God. We may leave it at that point.

Hon. Speaker, I support and urge my colleagues to support the policy and I know I am ally to the government/ Wiper. My very young nephew, Hon. Member for Nguni tried to hit back hard but the good thing about him, he supported it and I want to thank the members on the opposition side they have stoop up to be counted on this very important thing. So, let us embrace everyone of us for the future. Thank you, Hon. Speaker, for even additional two minutes, I support.

The Speaker: Thank you, you are very balanced politician, you know you corrected Hon. Deputy Minority Leader and you also praised him, you almost broke the seat. So, you balanced it very well. Thank you for your input and actually, I also like your sober words of us not attacking or accusing other colleagues of ill motive on missing todays sitting. Maybe some of them have genuine reasons or maybe others do not but I think you should also accept that the policy is emotive so that's why members are also emotional about conspicuous absence of some of the members and especially members of the committee on delegated County legislation.

I want to confirm to this house that the chair of the committee sought for my permission to attend to an urgent family matter and I granted that permission. So, I think as we attack the others the chair has my permission but the other members Hon. Acting chair, did not ask for my permission. So, thank you Hon. Kasinga for your input. Hon. Bernard Munyasya.

Hon. Bernard Munyasya: Thank you Mr. Speaker, I am rising to add my voice in support of this bill.

(The Speaker interjected)

The Speaker: It is a policy not a bill.

Hon. Bernard Munyasya: Ooh, this policy because it is important. Many things have been said about conservation, check and balances. I don't want to go that direction Mr. Speaker but I am so concerned and I wish that the chair of liaison Committee was here. In future we should not go direction which we have been shown by County delegated legislation Committee.

I wish there were standing order to discuss a certain committee because when we have a serious policy like this one they need to show up in support of it. Mr. Speaker, its only three members of this committee who are present.

(The Speaker interjected)

The Speaker: Is there a third one? I thought they were two! Ooh Nzavu is here, okay but please let's avoid discussing the committee, lets discuss the policy, you now have one minute.

Hon. Bernard Munyasya: Thank you Mr. Speaker, and since the chair of liaison committee is back. I was saying that we need to discuss the committee.

The Speaker: You can address the chair later, stick to the policy. Address me because I am the chair of the sitting.

Hon. Bernard Munyasya: Thank you Mr. Speaker, I don't have much to say. I support.

The Speaker: Thank you very much, Hon. Bernard, Hon. Masaku Munyao.

Hon. David Masaku: Thank you Mr. Speaker for giving me this opportunity. First and foremost, I want to thank you for giving the Committee time to go and prepare this good policy. I will also thank our Governor for thinking big about our resource which is sand.

Mr. Speaker, I am supporting this policy because of two issues, one is conservation and the other one is about revenue. We have been talking about increase of CLIDP (Community level Infrastructure Development Programs) allocation. I believe if revenue is well collected during sand harvesting it will result to high revenue collection hence increased allocation to CLIDP which will lead to increased projects in our wards. So, I support, thank you.

The Speaker: Thank you Hon. Munyao for been extremely brief. Any other member, who want to say something? Okay, let me give the mover of the motion to respond to some of the issue before we proceed. Hon. Sammy.

Hon. Sammy Munyithya: Thank you very much Mr. Speaker Sir, I want to thank members for their input which were quite positive. Unfortunately, the member for Kithumula/Kwa mutonga has moved out. In this report there is a page on public hearings which is on 2.12. so, we have highlighted well, we haven't skipped anything on that, therefore whatever the public asked was factored but as the committee what we can only do is to recommend. We can't amend, we can only recommend and that is what we have done.

So, I request as we adopt this policy, we also understand that we do recommend. it is also important that we also note that collection of revenue its only under the policy, it will come in the bill. We also need to consider that this policy highlights what is expected in the bill. Over and above that I would say...

(Hon. Paul Maluki walks in the chambers)

Thank you very much Hon. Maluki, were you present when I was talking?

Hon. Paul Maluki: Yes, I was here.

Hon. Sammy Munyithya: Thank very much, I was trying to check where were you because I wanted you to be well informed that if something was mentioned by the public at it is not within the policy, we could not capture it. We only captured what was within the policy because the policy had its own origin.

I really appreciate the members of the Committee for their input which was actually very positive. As a member, acting chairperson and also a member who is most affected. I am very happy as MCA for Kivou Ward because I know this time round my people will get justice. Some of us we have cases in court because we are made to answer some allegations when we are in funerals because people refer to us as sand cartels if you don't stop the trucks from carrying sand but sometimes you can't stop without regulations.

Hon. Speaker, this policy is safe to most members; when this policy and the bill is approved. It will safe most of the members who are totally affected by this sand. You can imagine when even mothers come to you and tell you that their children have spoiled because of this and that, and since there is no regulations there is nothing you can do.

So, I thank God for this opportunity, I also thank the governor for even having served us with these very important documents which we are working on. So, I am humbled for everything.

Again, allow me to applaud the committee clerks, they have really done a great job. They were fully available, they have gone through it and we could find even a certain coma which was left having been factored. So, I thank the committee clerks for what they have done.

Lastly, we had some three members who were away when we were working on this report. So, we had eight members and today we had four present and therefore I believe the committee is not fully off at least we had four members around. So, kindly on the issue of quorum and all that, I know we have passed so many bills here while having only two members of a committee.

So, kindly the members are together with us, we are here to support the policy and we are here to support each other. Thank you very much Mr. Speaker, may God bless the people of Kivou, the people of Kitui County and every member in this house, thank you.

The Speaker: Thank you, Hon. Member, Hon. Mbuno, do you have something to say?

Hon. Erastus Mbuno: In addition to what my brother has said, I think if the Hon. Members, get our conviction as a committee to pass this policy. There is also time to come and amend. I therefore, request this Hon. House on behalf of my chair to consider this policy and pass it, knowing that there is also time to do some amendments in future. Thank you very much and God bless you.

The Speaker: Thank you Hon. Mbuno, Hon. Mark Nding'o you have just arrived. I hope you are okay. Can you say something on behalf of the people of Yatta/ Kwa Vonza.

Hon. Mark Nding'o: I think I can say something. Thank you, Mr. Speaker, for giving me this opportunity. First and foremost, I want to apologize for coming late. I had some matters within my Ward which had to be attended by myself. I am aware you done then debate and when I look at the mood of the House I see that they are fully in support of the policy.

Mine is just to say that I have longed for occasion of debating this policy on sand harvesting in our County because as you are all aware Yatta/Kwa Vonza, is severally affected by sand cartel. I am sure you aware on what has happened to River Tiva, as you pass through it, you can see that what has remained in that river is only stones.

So, I want to voice my support to the policy and I want also to thank the governor for having given us this policy so that we regulate sand harvesting. As we are aware on what is happening within our County, a lot is going on and we can really utilize sand in our rivers to get more revenue for our County. It is also going to create more employment because according to the policy we will have saccos which will create employment for our people. And at the same time, they will help grow our County economy.

So, I just want to say that I support the policy and I request and appeal to members to support it so that we have a structured way of harvesting our sand within our rivers. I thank the committee on delegated legislation and that of environment for coming up with the report. I also want to thank...

(The Speaker interjected)

The Speaker: Hon. Nding'o, the report is only by the committee on County Delegated Legislation.

Hon. Mark Nding'o: I am sorry, thank you. Let me thank the committee on delegated legislation for coming up with the report and I appeal the members to support it. So, Mr. Speaker, I support the policy, thank you.

The Speaker: Thank you, any member left with something to say? Hon. Majority Whip.

Hon. Boniface Mukwate (*Majority Whip*): Mr. Speaker Sir, on behalf of my people of Kanyangi Ward. I support the motion, I support the policy, thank you Mr. Speaker.

The Speaker: You are right to say, you support the motion.

Hon. Boniface Mukwate: You know Mr. Speaker, they have confused me.

(Laughter)

The Speaker: There is a point of order Hon. Boniface Katula. Yes, Deputy Speaker, what is it?

Hon. Christopher Nzioka (*Deputy Speaker*): Is the Majority Whip in order to support twice, he supported a while ago and now he is supporting.

The Speaker: Yes, he is in order. You can support as many times as possible as long as you are given permission by the Speaker. Hon. Muthama Kieti.

Hon. Muthama Kieti: *Asante sana Mheshimiwa Spika kwa kunipatia hii nafasi. mimi kama mzee wa Bunge naunga mkono huu mswada mia kwa mia.*

The Speaker: Thank you, Hon. Muthama Kieti for your comments. Muthama Kieti takes his time and he listen to everybody. One of the good qualities of a leader is to listen, you say less, you listen more, you act more. You will always be a good leader because even our people may re-elect us because we listen to them.

Thank you Hon. Muthama Kieti, you are just like me today you have not left your sit and we know you are an old man. At your age sitting here for than four hours but you are strong. It's a good comment and a challenge to the young ones, who have been moving in and out of the washrooms (laughter). I know sometimes you go there to make phone calls. So, we need to be as discipline as Hon. Muthama Kieti. Thank you Hon. Muthama Kieti. Hon. Munnira and then Hon. Paul Maluki.

Hon. Munira Mohammed: Thank you Mr. Speaker, on behalf of minority community. I support the motion.

The Speaker: Thank you, please elaborate on minority community.

Hon. Munira Mohammed: I believe minority community as stated by *Mheshimiwa "Asomba"* the Muslim community in Kitui County.

The Speaker: Thank you, is good to clarify "*Asomba*" are properly represented. That's why I gave a chance to add your voice. I am sure wherever they are, they feel represented. Yes Hon. Munira.

Hon. Munira Mohammed: Thank you Mr. Speaker.

The Speaker: You are welcomed, thank you Hon. Munira. Hon. Paul Maluki.

Hon. Paul Maluki: Yes Mr. Speaker, I realized that I didn't declare my stand when I was giving my comments. Mr. Speaker Sir, on behalf of Kithumula/Kwa Mutomga Ward residents. I oppose this motion.

The Speaker: Thank you, is good to speak for your people. One of our primary roles is representation, is good to be on record for your people.

Hon. Erastus Mbuno: (*Spoke off-record*)

The Speaker: Hon. Mbuno you are out of order. One quality of a leader is to be decisive and to have a stand. So, Hon. Paul Maluki and of course Hon. Katumbi, it is good to have a stand and as the presiding chair, I respect all those positions in which you are representing your people.

So, we must respect that even those who could have ran away because they want to abstain that is also a stand (laughter) but the best stand is to come to the chambers because you represent your people here, is better to come here and say I abstain than staying away. Therefore, we must

have a position like Hon. Muthama Kieti on behalf of the people of Athi Ward. Hon. Judith Wanza, what the people of Nuu Ward saying?

Hon. Judith Kasyoka: Thank you Mr. Speaker, on behalf of Nuu people whom I represent in this Assembly. I support the policy because after going through it, I have seen that it is good for our people. Thank you, Mr. Speaker.

The Speaker: Thank you, I hope I have not locked out anyone? Yes, Hon. Members, I think I have given you enough time to deliberate on this motion. I want also to thank the Majority leader who moved the motion on additional sitting hours and I thank all of you for unanimously approving that motion.

I think all of you have spoken on behalf of various groups and the various wards you represent which is very important. On that note Hon. Members, allow me to put the question.

(Question put and agreed to)

Thank you, members, that is what we call democracy and members, allow me to congratulate you for passing this policy. It is the first policy we have passed. So, it's a big milestone to us on our role of legislation. Let us not cerebrate yet, let us cerebrate after the policy is fully executed by the Executive, are we together?

Hon. Members: Yes

The Speaker: It is only us who can put the executive on toes. The Committee on delegated County Legislation, you have done a good job; congratulations. You always asked for my support and I have supported you. I am sure you know that this policy has consumed a lot of money. As the chairperson, County Assembly Service Board I must say that we made that choice because we know this policy is important for our people.

So, thank you for doing us proud, we consulted widely and I think that is what Hon. Kasinga was saying. We consulted widely with our colleagues in the Executive, looking into the views of the members of the public and we are where we were, so congratulations.

Hon. Members, let us all ensure fully implementation of this policy and the first step of ensuring fully implementation is through enacting the law, because a policy without a law is not executable. So, Hon. Rose Kathoka, and your Committee on Environment, the ball is in your court, do us justice. I am sure, your work is still in progress I have approved a program by the Committee on Environment, starting from tomorrow. To work on the bill, please do a good job; finalize the bill.

I know you have two more pending reports to be approved and that is why I have said that on Tuesday we will approve them, then on Wednesday we deal with the bill. So, I am praying for all of you to have good health. Hon. Jeremiah continue pushing these members of the other side to prove that they are indeed doing their job by coming. I am sure there are so many other important things out there for all of us to do...

Hon. Jeremiah: *(Spoke off-record)*

(Laughter)

The Speaker: I have not heard you. I know there are other important works for us to do but what is important is to do that which God has given us. I know all of us are believers in God, please, let us do the right thing. Committee on Environment, do us proud. We are hoping that next week we shall deal with the bill to finality.

I like the words that Sammy used, that the committee can only recommend. It could not amend anything. Sammy used very important words, so do your job and recommend, amendments are done by the house. So, do proper recommendation and I believe according to the law, amendments are done in the committee of the whole house.

So, members let us be properly guided, those who were opposing please pay a key interest on the bill. It is your right to follow up on the bill, make sure that the bill is very good and as Hon. Mbuno has said, there is always room for improvement. We can always keep on amending these bills as we continue.

Therefore, members, with those very many remarks, thank you once again. My office is always available to support you not only on the work of the bill and policy but on any other work which comes before us. So, thank you for your patience, this indeed shows that we are committed.

So please keep it up, God is watching that you have sacrificed your entire evening to be here. You could have been out there doing wrong things because you know, the right things are done at the right time. So, if you are out there not here in the Assembly, whatever you are doing is wrong because you are doing the right thing at the wrong time, so it is wrong but all of us who have been here, thank you very much. Keep it up and I believe when we go out there the other days when we don't have plenary, we can do better things.

So, thank you, Committee on Environment I am sure you have received a memo from the Clerk proceed on report writing and do a good job. I know members, this month has been tough on your welfare matters but now you see the outcome of your sacrifice is the policy and next week the bill.

I believe moving forward it will be better, please, okay? I know it has been tough but all is not lost, all shall be well. Next week, let me announce for those who will not be able to hear. Next week on Wednesday, I will be convening Speakers' "*Kamukunji*" after the rise of the afternoon sitting, we discuss members welfare.

(Foot thumbing)

If you have any agenda, direct it to the Deputy Speaker. Deputy Speaker, please try to collect all the agendas by the members and share them with me. So that we can prepare accordingly, if your matter is not on the agenda list on that day, please don't bring it up. Yeah, because we can always have these meetings.

So, Deputy Speaker, by next week Monday at 5p.m, whatever agenda you will have received from the members, forward to me. If there is any other we will have another "*Kamukunji*." so, that we sit down informally and talk matters welfare and I believe that is the right way to do things in order to avoid attacking each other and discussing our matters on the social media platforms; others using bloggers to attack other members.

I think matters can be resolved amongst ourselves, so please next week on Wednesday after the rise of the afternoon sitting. I will be seated here listening to you so that we discuss our matters which I think it is very important. So, thank you very much Hon. Members, with those very many remarks, let us be upstanding so that we adjourn the house.

ADJOURNMENT

Hon. Members, this House now stands adjourned until Tuesday 27th day of February, 2024 at 9:00 a.m.

County Assembly rose at 7:10 p.m.

