

## MURANG'A COUNTY ASSEMBLY THE HANSARD

Wednesday, 24<sup>th</sup> June 2015

The House met at 3:08 p.m.

*(Deputy Speaker Hon. Gachui Mungai in the Chair)*

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

##### MAU MAU WAR VETERANS ASSOCIATION PETITION

**Hon. Deputy Speaker:** Hon. members pursuant to standing order number 198 a petition was forwarded to the office of the clerk to the Assembly by Mau Mau War Veterans Association on June 10, 2015 and in accordance with standing order number 199 (1) (a) a petition is hereby lodged to the Assembly.

I want to highlight on the petition, it is written by Mau Mau War Veteran Association. This is a public petition from the county of Murang'a Mau Mau liberation war veterans to the Murang'a County Assembly drawn in accordance with part 22 of the standing orders of Murang'a County Assembly.

They wanted to draw the attention on the following; that we the fraternity of fighters from Murang'a county who directly or through the participation of our parents and other relatives fought and defended the freedom of the people of Kenya prior and after colonization

The real struggle for freedom begun with our legendary forebearers including Kang'ethe wa Kamau from Ng'araria in Kandara, Njoroge wa Kihutu Kiharu town, Karanu wa Kahara from Kirutara in Gatanga, Peter Kariuki wa Cung'ara from Mathioya, Iruri Kimana wa Njuku from Kiharu, Mukuria Hungu , Kagia wa Mwaganu, from Kandara Gitura, Gacanja wa Mucucu from Kandara Kabati area, Jack Kang'ethe wa Kamau from Kagundu-ini, Mbutia wa Chege in another name Mbiuta from Maragua and many others who may not have been noticed.

Without the dedication of these fore heroes and heroines and Mau Mau gallant fighters like Matenjagwo, Gitau wa Ng'ang'a from Kagundu-ini, General Ihura wa Kareri from Kangema Kihoya and General Kago wa Mboko from Kangema Wanjerere area the freedom enjoyed by all Kenyans today would not have been achieved.

The freedom fighters from across the country suffered greatly through the application of draconian law, detention without trial, imprisonment, torture with cruelty in emergency villages, rape, beating, denial of enjoyment of human rights and deliberate excommunication of huge populations.

We respect and acknowledge the role and mandate of democracy; respect for humanity and the land we fought for. The objective of our national liberation appears to have been progressively forgotten and its values paled resulting in tribalism and balkanisation of the country. The issues in respect to which this petition is made are not pending before any court of law or constitutional or legal body in Murang'a County Assembly jurisdiction.

The prayer for the veterans is as follows; to consider and appreciate and recognize all wars of resistance waged by our ancestors and those who followed in their footsteps and note their heroic deeds and record them for prosperity through an act of Murang'a County Assembly and also recognize the Mau Mau armed struggle for independence as waged by Kenyans from all corners of the country and recognize them through an Act of Murang'a County Assembly.

Likewise recognize the struggle for more democratic space that we are saying second liberation through an Act of Murang'a County Assembly, and also facilitate the writing of the history of the freedom struggle for the benefit of current and future generations.

Consider for recognition, adequate monetary and other material compensation to all heroes and heroines of struggle in the county of Murang'a as stipulated below.

1. They be awarded some extra gratia payment as an appreciation for this role.
2. The living freedom fighters in the county be awarded pension to see them through their twilight years.
3. The heroines and heroes of freedom struggle be accorded representation in the County Assembly.
4. Monuments in honour of the struggle of heroes and heroines in these wars be erected especially in areas where these fighters were killed and buried in large numbers.

They are saying that they have in mind that Kangema, Mununga, Gitengenyne and Kigumo where hundreds of freedom fighters were brutally killed and thrown into trenches and toilets. Kangema, Rwathia and Wanjerere where colonial links destroyed human lives, properties and burned many homes leaving many freedom fighters very poor.

Freedom and Unity University be set up in the county to promote research in nationalism and culture.

Land confiscated from Mau Mau freedom fighters and their sympathizers during the war to be returned or alternative land to be granted in compensation.

The role of Mau Mau emergency villagers, detainees and prisoners in carrying out development work such as construction of Mau Mau road and stadia in Murang'a County through hard labour be recognized and appreciated. That this petition be subjected to public debate. According to our standing orders and the rules of this House this petition is now committed to the relevant committee according to the law. Next order

### **MOTIONS**

#### **INCLUSION OF PERSONS WITH DISABILITY IN APPOINTIVE AND COMPETITIVE POSITIONS**

**Hon. Florence Nyambura:** Mr. Speaker sir I beg to move the following motion;-

Aware that Article 54 (2) of the Constitution of Kenya 2010, stipulates that the state shall ensure the progressive implementation of the principle that at least five per cent of members of the public in elective and appointive bodies are persons with disabilities, cognizant of the fact that in all the recent appointments undertaken by the County Government, persons living with disability are not adequately represented; this Assembly urges,

1. The County Public Service Board to consider persons living with disability in all appointive and competitive employment in the County.
2. All departments to observe Article 54 (2) of the Constitution while hiring casual labourers.

As I thought of bringing this motion, I went through the Constitution and I also went through the employment that has been done by the county government and I came to realize that in all employment that have been done by the county government that is the public service board itself and the executive, chief officers and other appointments the disabled are not represented.

That is why the issues of disability become very hard to understand and in our county there are so many people who are learned and educated.

I would like to thank the parents in the county because they realize that a person with disability is just like any other child and are taking them to school up to university level. I remember in this House when we were vetting the alcohol board members there was no slots for disabled and they re-advertised after a long struggle.

This is an affirmative program and those who put it in the Constitution knew that the disabled were being forgotten. Somebody said that the wearer of a shoe knows where it

pinches, we as the representatives of the disabled know the challenges. I remember when we joined the House there was a lot of struggle, today I thank all the members because they have understood that people with disability are part and parcel of life and we should do consider these people because they are learned,

I know of a person in Mathioya who has a degree in accounting and wherever he goes to seek for the job he is told there is no job. I told him to apply for a job in the county government and he told me he had no information of such jobs, he had been applying but he has never succeeded.

I am urging this House to be looking into those issues even when appointing the ward boards. I know that election of health boards is going on and if the names are brought in this House you will be surprised to find that there is no representation. I would like to urge the service board wherever there is appointive or nominative post to ensure the disabled are represented.

In the issue of casual labourers being employed by the county government, I would like to kindly ask the public service board or the departmental heads to be considering and also to place them in the rightful places.

On Thursday I met a lady who has hearing impairment and she is working as a casual labourer with the town management. The lady is placed to sweep the roads, I met her sweeping the other day and a car was hooting at her and she was pushed off the road by another lady.

The lady said that she is straining because sweeping along the road might cause another problem. We thought we might be helping her but I thank the town management for employing her but if that girl is placed to be sweeping in the Assembly we could have helped that person. She told me she is sweeping along the public toilet in town and I thought what if somebody comes let say a man and she is not hearing and the man locks her in the toilet?

We are saying let them be placed in a favourable working environment and we will be very glad because giving them a hand out is overtaken by time. We need to empower people with disability but not giving them hand out because today we will give them hand outs but tomorrow we will not give them. I set an example if my mentors gave me hand outs I could not be where I am but they showed me how to fish.

As I conclude I would like to urge the county government to show them how to fish but not to give them fish because when they are given fish everybody is going to get tired and when we see them we will be escaping because we will see them as a bother to us.

When we empower them, when we give them opportunities, when we consider them during tendering we will change our county. A community without people with disability is not a complete community. We are not praying for the disability to come but it is the nature of God and we cannot control the nature.

Mr. Speaker, I request this hon. House to support this motion. I will be very happy because all of us will be representative of the people with disability; they are our voters, friends, relatives, sisters and brothers. I know that we will be of great help to them.

I rest my case there and call hon. Wadome, MCA Makuyu to second, thank you.

**Hon. Danson Mburu:** Thank you Mr. Speaker Sir, I am Danson Mburu Muchoki not Wadome

*(Laughter)*

**Hon. Deputy Speaker:** Yes, we don't have a member by the name Wadome

**Hon. Danson Mburu:** I stand to second this motion because as you can see the mover has pleaded with the House so that we can support this motion.

The people living with disability are recognized by the Constitution which says that when we are employing, appointing we should remember to have 5% given to the disabled.

We know these people because they live amongst us. Some of us here have relatives who are unfortunate to be in this category and when we ask the county service board to remember these people and give them employment this is in the Constitution and they should follow the Constitution.

These people I am saying they are unfortunate, they are just like us the only difference is just that they are deformed in one way or the other, otherwise they are like us in all aspects.

We should remember these are the people abused everywhere because sometimes they are unable to move. If they are attacked they cannot be able to run and therefore some people take advantage of the situation and they abuse and we should sympathise with the situation.

So when we are asking that they be represented adequately I think in Murang'a County that should be the case. The CEC in charge of this docket is supposed to know how many disabled people we have in this county and categories of their disabilities so that when there is any interview these people should be considered first. And ensure that if it is employment they are employed and support them because there is no difference between them and any other person.

Like a case at hand these people representing the disabled are able to move motions here and articulate the issue well and there is nothing wrong with them.

If the disabled are employed, I am sure they can bring up healthy families and will be able to support the families but when we don't consider them they will continue suffering. If they are given hope that the Constitution recognizes them and when the boards are giving jobs they consider them, we shall have done a lot of good to people living with disability in our county. I second the motion.

*(Question proposed)*

**Hon. Charles Kirigwi:** Thank you Mr. Speaker, I need guidance on this motion because I doubt whether this Assembly has *locus standi* to amend or enforce what is clearly stated in our Constitution. The Constitution is very clear that we should do this; I do not think we need a resolution

**Hon. Deputy Speaker:** And hon. member you quote the Article in the Constitution for the reference of the other members.

**Hon. Charles Kirigwi:** I am quoting Article 54(2) as put I the motion. The Constitution itself if you go to article 54 it says that progressively this country called Kenya will engage persons with disability up to a certain percentage.

It is already stated there do we need another resolution to enforce what is there in the Constitution? I do not think we need. But maybe going forward we need to task our county public service board why have they not shown any signs of going this way. How far have they gone in terms of going progressively to five per cent? Maybe they give us numbers and tell us they have employed a certain percentage. We task them and maybe we give them budgetary allocation if there is budget to accomplish what they want.

I basically feel that this is a matter that is already addressed by the law of the land and we as an Assembly we may not have competence to enforce. Thank you.

**Hon. Deputy Speaker:** The hon. member was making his contributions and the mover of the motion is taking points so when it comes to response time the mover of the motion will respond to that. Hon. Kariuki

**Hon. Peter Kariuki:** Nasimamia kikundi ambacho ni cha walemavu na ningetaka kunga mkono mjadala huu kwa ajili tangu katiba ilipotengenezwa, hakika tumeona ya kwamba kuna mambo mengi ambayo yamepatikana. Watu wengi wameajiriwa, watu ambao ni walemavu

wanakosa kuajiriwa. Huwa wanasema ya kwamba ni kwa sababu hawajatumia maombi yao lakini wengi wamesoma lakini hakuna chochote kinachofanyika.

Kulingana na mjadala huu ningetaka kusema kuna wengi ambao wamesoma hata masomo ya kisayansi, hesabu na kazi za mikono vile vile, lakini hakuna yeyote ambaye ameweza kuajiriwa.

Na ndiposa mjumbe mwenzangu ameweza kuleta mjadala huu ili tuweze kujua hii kamati ya kuajiri wafanyi kazi wa umma ni kwa nini haijaweza kuajiri walemavu ilihali wamesoma. Kama si baba na mama kunipeleka shule, kama si watu amboa wametuzingira katika vijiji vyetu walioshikana mikono ili niweze kuelimishwa je ningekuwa nikichangia mjadala huu? Singekuwa naweza kuchangia.

Nakumbuka hata wakati ambapo mawaziri waliweza kuchaguliwa pia hii tume ya kuajiri wafanyikazi wa umma ilipoweza kuteuliwa nilitoa ujumbe kwa waandishi wa habari nikilalamika kwasababu hakuna hata mtu mmoja aliyewekwa pale.

Naunga mkono huu mjadala ili wale wengine watakao ajiriwa waweze kukumbuka ya kwamba kuna katiba inayotetea mwananchi ambaye ni mlemavu. Ombi langu ni kwamba tuunge huu mjadala mkono ili walemavu pia waweze kuajiriwa na hatutaweza kuwa na matatizo mengine katika kaunti hii yetu ya Murang'a.

**Hon. Charles Karina:** Thank you Mr. Speaker, mine is just to thank the mover of this motion and urge her to withdraw the motion because the prayer in the motion has been captured well in Article 54(2) if she can agree to withdraw and put emphasis on the CEC member to observe this Article of the Constitution of Kenya. I think that one will be well Mr. Speaker, I need your guidance. Thank you.

**Hon. Deputy Speaker:** The guidance the chair is going to give on that is this motion is a private member's motion and prayer is clearly indicated and there is nothing wrong for any member to move a motion to urge anybody or any officer to observe a certain article of Constitution so we continue, hon. Mary.

**Hon. Mary Waithira:** Thank you Mr. Speaker sir, I want to echo what the hon. members are saying, we agree and I have a lot of confidence with the mover of the motion but all I am saying is ours is to defend the Constitution and since this is something that is bringing an imagination or a feeling that there is somewhere those in office have failed to observe that is why we are calling for a withdrawal.

I think the kind of motion that is supposed to be brought in line with Article 54(2) is for us to reprimand the offender who has failed to observe the Constitution that we are supposed to defend as the members of this hon. house.

What the prayer seeks is what article 54(2) of the Constitution says. Ours is to have enough data to support the allegation so that we may reprimand the offenders who have failed to obey the Constitution article 54 (2). Let us have the data so that we can urge necessary action to be taken against the officer who has not adhered to the Constitution. Thank you.

**Hon. Deputy Speaker:** At this point for the benefit of all members I request the clerk to read that Article of the Constitution so that the mover and the debaters' may be informed. I just wanted the member who may not be having Constitution to hear that so that when they are contributing they can do it from an informed point of view. The mover of the motion has quoted the whole article in reference to what the clerk has taken us through. Members can refer to that Article the way it is.

**Hon. Kago Njoroge:** Thank you Mr. Speaker, I stand to support the motion and to remind the House that this is not the first motion where the members have quoted the Constitution even schedule four referring to devolved functions so if this motion is misplaced I believe that all the other motions passed here quoting the Constitution saying this is devolved function it means they were all misplaced.

If I have listened to the Article of the Constitution that the clerk has read very well I heard that the state will ensure and I believe that we are state officers so we are part of those to ensure the Constitution have been adhered to and if the hon. Florence has seen that this has not been done it is her right to bring the motion here so that the House can also echo with her to remind the executive that here is something they need to do.

I support and say all of us are prone to disability as we are driving home an accident can happen and start saying I wish I supported this. As the mover tried to express herself she even said about casuals not only those who are appointed in big offices.

The 15<sup>th</sup> of this month was deadline of job applications that had been announced. I feel if there are some people living with disability and they have requested for the position they should be considered for those post.

We are also supposed to enlighten our community and tell them to be applying for those jobs. In most cases you see those people living with disability some of them do not have the courage to come out and say I have this and this qualification.

I am supporting the motion saying the member is constitutionally right because we always debate our motions even the budget we are about to debate it will be oriented to the Constitution that we passed in 2010. Thank you Mr. Speaker, I support the motion.

**Hon. Duncan Njuguna:** I stand to oppose the motion. All the motions that have been moved under this Article we have always been told that we are standing here we do not know the next minute whether we will be disabled.

It is like a threat so that we can support the motion.

*(Laughter)*

There is elective, appointive and employment. If it serves me well the county government does not employ but the county public service board does and the County Assembly Service Board. In appointment it is the Governor to appoint his executive committee members and executive members can appoint various people to various boards and other areas. With that I have a problem with the cognizant of the fact that in all recent appointments undertaken by the county government no person with disabled was considered because to me the count government does not appoint. On the stated article 54(2)

*(Hon. Peter Kariuki on a point of information)*

**Hon. Duncan Njuguna:** I do not want to be informed

*(Laughter)*

**Hon. Deputy Speaker:** Order! Member do you want to inform the member or the House? It is allowed if you want to inform the House.

**Hon. Peter Kariuki:** As we can see the last sentence is urging the county public service board but not the county government. It is the county public service board to consider people with ... I do not know ... I may speak in Swahili and people say that I do not understand English but here it is urging the ... kindly members understand.

**Hon. Deputy Speaker:** The House has been informed. Hon. member for Gitugi you may continue.

*(Laughter)*

**Hon. Duncan Njuguna:** You know the problem is ....

*(Hon. Bernard Kariuki rose on a point of order)*

**Hon. Deputy Speaker:** Is it a member who has violated a standing order?

**Hon. Bernard Kariuki:** I rise on standing order 53 (k) read together with standing order number 97 and I move that this debate be limited to five minutes considering the business before the Assembly.

**Hon. Deputy Speaker:** Any seconder to that motion?

**Hon. Bernard Hon. Duncan Njuguna:** Mr. Speaker I call the hon. member for Township to second.

**Hon. Charles Karina:** I second the motion.

**Hon. Deputy Speaker:** Order! Order! Hon. member, the motion has been moved and seconded and you cannot continue debating unless the House is in agreement. So we have to debate that particular motion whether we are in agreement with the mover of the motion to limit the debate to five minutes or not.

**Hon. Duncan Njuguna:** Mr Speaker sir I stand to oppose simply because I do not know the clock or the watch you are going to use to limit the contribution to five minutes because if I look around I cannot see any clock on the wall so we cannot go by your watch or by that of any other member.

**Hon. Deputy Speaker:** Any other debater, we are debating the limit on the debate. Member for Kamahuha

**Hon. John Gitau:** I also rise to oppose that motion because all motions are equally important to this House.

**Hon. James Kagoni:** I also stand to oppose the motion because when I check though the member for Gitugi has said we should not consider our watch, but I realize we have enough time to debate the two motions equally and it is adequate so we can also discuss this motion adequately and continue and take the next motion adequately. I think both of them are important, thank you.

**Hon. Joseph Machiri:** I stand to support that motion bearing in mind that you can even yourself read the mood of the House that we have already said the mover should withdraw the motion. So.....

**Hon. Deputy Speaker:** Order! Order! Hon. member

*(Laughter)*

The motion we are debating is on limitation of time to five minutes. First of all we have to agree and vote to the motion. Hon. member for Kahumbu on the motion that is on the floor

**Hon. Erick Kimani:** Thank you Hon. Speaker, I wish we proceed so that I

**Hon. Deputy Speaker:** Do you support or do you oppose?

**Hon. Eric Kimani:** I oppose right now, even the five minutes are over. I oppose we get on with the previous motion so that we can move to the next business.

*(Question put and negated)*

*(Laughter)*

**Hon. Deputy Speaker:** continue Hon. member for Gitugi

**Hon. Duncan Njuguna:** If I can remember very well it is the informer of the House that was on the floor but the problem of the informer is when he contributed to the motion he used the language that he could not quote what he has quoted to inform the House.

All the same I was saying bullet two of the motion; all the departments to observe article 54(2) of the Constitution while hiring casual labourers. I listened very well when the clerk

was reading that article, sub-article two; I did not hear anything to do with hiring of casuals. In essence the motion itself is kind of misleading the members and if it is passed the way it is it will be contravening the same article.

With those few remarks and knowing very well that the people with disability who qualify for jobs do not apply, they cannot be appointed. Unless they apply, they go through the process of interview and vetting they cannot be appointed or even nominated. With that I stand to oppose, thank you.

**Hon. Erick Kimani:** I stand to support this motion as it is. Bullet one, the County Public Service Board, to consider persons living with disability in all appointive and competitive employment in the County. Although members are saying it is contravening the Constitution, even the Constitution states there should be appointment of people living with disability

I do not want to be selfish I would be grateful if there are appointments and either me or we are five of us and there is a person who is disabled and is taken I would be grateful because I have all hands, my physical appearance is good, I have good muscles and I may be able to work and get food so I support the motion.

**Hon. Rebecca Mwicigi:** I rise to support the motion and point out the mover has clearly stated that it is competitive employment and before we point the fingers at the county public service board we need to know when these positions are advertised do these people qualify for them? Because even if you are disabled, you cannot be taken for the job if you are not qualified

I have a lot of sentiments with disabled people and what I would suggest is that we have a database of all the people who are disabled, their qualifications and extent of their disabilities so that when they are put into jobs they are not given positions that would jeopardise their lives like the example given by the mover of someone who is deaf and is given a casual job to sweep the road. It is dangerous, it is not right and I am sure if they had the database I do not think anybody with sane mind would do that.

Let them know that there should be a register showing the qualifications of the +disabled people so that when they are not employed then we can ask a question. Thank you Mr. Speaker.

**Hon. John Gitau:** Thank you Mr. Speaker, on a balance of probability and in so far as I am concerned I think this is a good prayer by the member because what she is praying is that the law should be followed. There is nothing wrong in quoting that particular law that is supposed to be followed.

If you look at the people generally, people are competitive animals. For those of us who use public means when we are getting into those matatus especially during rush hour we struggle to get into those matatus.

What the mover is saying is that we should not apply the jungle rules. We should consider, and this is what we are saying, if people are given equal chances then people without disabilities will win but then the law restricts us by saying a third or so should be employed from that disadvantaged group.

I just want the members to imagine if these representatives of disabled were not here, if they were not in this House what would happen to the rest of the disabled? This is a very good prayer because we only need to take statistics and that is what the mover is saying.

How many of our CEC's are from the disabled community? How many chief officers do we have? That is violation of law. What we are saying is that the county and executive in particular have continuously violated this law and when the member comes here to pray that the law is followed we do not appear to understand. I think as a House we need to polish up, we need to see things in reality.



This is not a money motion, this is a motion that we are saying let the law be followed. Members I urge you to support this motion because we need people with disability to be represented so that we are able to take care of the rest of the people. Thank you Mr. Speaker.

**Hon. Samuel Wandia:** I thank you Mr. Speaker for giving me this opportunity, I rise to support this motion. Our role is oversight and what this motion is reminding us is that we should emphasize on oversight. The mover is only urging this House that we should play all our roles. What I am saying Mr. Speaker our role is to put the executive on their toes. What the mover is reminding us that we should put our foot down. So I support and urge my colleagues here that we should urge the county public service board to stick to the law and implement the law. There is nothing with this motion it is only there to remind us

*[Hon. Charles Kirigwi on a point of order]*

**Hon. Charles Kirigwi:** Is it in order for

**Hon. Deputy Speaker:** Point of order? State which order has been violated by that particular member

**Hon. Charles Kirigwi:** Mr. Speaker sir, is it in order for the Hon. Member for Muthithi to mislead this House? We have eyes and we can read, he is saying that the motion is to compel the Service Board and we can see what the motion is asking. Can he stick to the subject matter of the motion?

**Hon. Deputy Speaker:** Hon. Member, the floor is yours.

**Hon. Samuel Wandia:** Unless I was not a good student in English, he is saying he differs with what is here. I have said our role is oversight, not unless he does not know what oversight means. If he knows what I mean by oversight, he should know that this motion is only trying to remind the Executive that they should recognise the disabled people, that is what this motion means. I therefore support it 100% and urge my colleagues to also support it so that the Executive can wake up and we teach the disabled madam

*(Laughter)*

Sorry, I mean the disabled need to be treated with dignity. Thank you Mr. Speaker sir.

**Hon. Deputy Speaker:** Hon. Member for Ng'araria.

**Hon. James Kariuki:** Mr. Speaker sir, I rise to support the motion and I will be very brief. This motion only reinforces Article 54 (2) of the Constitution and I do not see anything wrong with that; it is proper before the House. This motion is flexible; it is not cast in stone because of three words. The use of the word 'progressive' means that the employment of these people is on-going; hence timeless. It can be one, two, five or even 10 years to come when we shall have fulfilled the 5%. In that respect, I have no problem with it because it is flexible.

Two, there are the words 'urges' and 'to consider'. Those words make the whole motion very flexible and I do not see anything wrong. The prayer for the People With Disability (PWDs) is proper and I support it 100%.

However, I would urge the mover of the motion, as I said earlier when they had another Bill here, that since they have brought quite a number of motions on PWDs, we can now have a Bill. I know the PWDs in this country have a lot of interest in their members. I know it is a very cohesive and strong group and they can ask the National Council for People with Disability to come up with a Bill that is going to address virtually all these issues so that we shall not be debating such issues every now and then. Otherwise, the prayer that is being asked by the mover is proper in my view and I support it.

**Hon. Deputy Speaker:** Hon. Member for Gaichanjiru.

**Hon. Bernard Kariuki:** Thank you Mr. Speaker sir, for the opportunity to contribute to this motion. I rise to support the spirit of the motion because the mover is very passionate about the PWDs. We have to respect the interests of our constituents. On the issue of Article 54 (2) of the Constitution, it is very straight forward and very clear that every of our institutions should observe that provision of the Constitution because the Constitution itself is very progressive; it recognises that the PWDs are people who can contribute to meaningful development of a nation.

Therefore the spirit of this motion is very forward thinking and I have no doubt that what the mover had in mind is to help the people she represents. I however urge her to consider adjourning debate of this motion so that other issues such as a policy framework for hiring the PWDs is developed by the Public Service Board. The issue of acquisition of employees is a unique one because the Public Service Board must advertise for jobs and ask qualified people to apply for those jobs.

Mr. Speaker sir, we know that the PWDs have their own challenges; most of them have been neglected; most of them have not been taken to school; most of them have not been taken to college; hence when the Public Service Board advertises for various jobs, you find that they may not be in a position to apply. What is very critical in this department is to have a proper policy framework that is going to ensure affirmative action in human resource management so that the PWDs are also accorded a chance to serve the government.

Therefore, Mr. Speaker sir, the motion is very good; it is forward thinking but I would urge the mover to consider moving for the adjournment of debate so that such issues can be solved. Even if we make a recommendation to adopt this motion, the Public Service Board will be confronted by a challenge in terms of ensuring that PWDs apply for jobs. We cannot force these people to apply for jobs and there are so many reasons why they do not apply.

One, they lack access to information and secondly is that some of them have been neglected for long. Very few of them have been taken to school and when the Public Service Board says that experience is 10 years, there is nothing you can do with a PWD who has been locked in a house for his or her entire life. I therefore think that a policy framework is better to enforce this provision of the Constitution so that the Public Service Board can be in a position to observe this very ambitious provision of the Constitution. I rest my case. Thank you Mr. Speaker sir.

**Hon. Deputy Speaker:** I will now call the mover to respond.

**Hon. Florence Nyambura:** First I thank the Hon. Members for supporting and giving their comments on the motion. I want to begin by responding to the first contributor. I recall that in November last year, I brought a motion citing the same Constitution about hearing aids. Last week, we passed a motion on education and we also cited the same Constitution. I also remember that I moved another motion early this month citing the same Constitution. Early last year, I took a motion to the Clerk but I was told that I had not cited the Constitution. I was given the answer that we should be bringing motions that are corresponding to our Constitution because we have to quote the law.

Secondly, my other two Hon. colleagues and I faced many challenges outside there before we joined this Assembly. Together with Hon. Esther and Hon. Kariuki, we mobilised our people and told them to take their Curriculum Vita (CV) to the County Public Service Board. I know there is a file in the Public Service Board and they assured us that whenever there will arise opportunities, they are going to be looking at the qualifications of the PWDs and accepting them. We look forward to that.

The other issue is on the level of education. I remember that when I was in primary and secondary schools, I had the advantage of being added some extra time during the exams. I would be allowed to sit for an exam in one and a half hours for an exam that was set to be

undertaken in one hour because of the challenge that I have. Therefore, if the County Public Service Board advertises for a certain position and the qualification is a degree certificate, it would be good to give priority to PWDs who qualify.

As I conclude, if we say that the PWDs should compete with other people, they will not be in a position to do so sometimes. It would surprise you if I told you that while in school; I would only concentrate on what the teacher was saying because I could not manage to write with the speed at which other learners were writing. Those people also join colleges but are not as quick as the rest in doing things. We have a very good lady employee in this Assembly who does a good job. She serves us very well. What if the defunct municipal council did not consider her? She could not have been employed and we could have locked out a person who is productive to our County.

I am emphasising that they should be allowed to compete. We are not saying that somebody who is not qualified to be an accountant should be appointed to such a job. No, I am saying they should compete and they have to produce their academic qualifications. On the other issue of the Bill; it is on the way. We have been talking about the issue with my able chair and the public is bringing a Petition on the Bill and we are going to include everything. However, a Bill has a process. For example, if a Bill is going to pass in 2017, it means that our people are not going to be served for now because there is no Bill in place. Even if the Bill is coming, we will continue to move other motions. We are talking about the Bills and the policy papers and the rest.

I would like to rest my case there and say that I know that there are some markets for the casual labourers and people are being employed to collect garbage. Even the PWDs who have not gone to school can do that. If it is the issue of collecting revenue, there are some who are there and the County Government should consider them when employing people in future. I would just like to correct one thing that was commented by one Hon. Member who said that we are all candidates. It is true that we are all candidates because we do not know what will happen today or tomorrow. However, we are not passing this motion because we are going to have an accident and be disabled. No, we are passing it because even if we are not infected, we are affected. I kindly request the members to support, thank you

**Hon. Deputy Speaker:** Hon. Members, before I put the question, I have made an observation; it is always good for us to be working very seriously at the committee level. For example, this good motion passed through the House Business Committee where it was approved.

*(Question put and agreed to)*

Next Order

ADOPTION OF THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2015/2016 AND MEDIUM TERM FOR MURANG'A COUNTY GOVERNMENT

**Hon. Peter Mweri:** Thank you Mr. Speaker sir, I am the Chairman Budget and Appropriations committee and I would like to move the following motion;-

That this Assembly adopts the Budget and Appropriation committee report on Estimates of Revenue and Expenditure for the year 2015/2016 and the Medium Term for Murang'a County Government laid on the Table of this House on 23<sup>rd</sup> June 2015.

Mr. Speaker sir, it is good to note that this is the third annual budget to be prepared under the new system of devolution and the current administration. The Assembly has been actively involved in the preparation, approval and execution stages of this budget. As you are aware, and as required by the Constitution and the Public Finance Management Act (PFM),

the budget estimates and related documents for the two arms, the County Assembly and the County Executive were submitted to this Assembly on 30<sup>th</sup> April 2015.

Prior to the tabling of the Budget Estimates, and pursuant to standing order no. 1, the Speaker ordered the Budget and Appropriations committee and the Finance, ICT and Planning committee to undertake a preliminary scrutiny of the Budget Estimates to establish whether they conformed to the laws. Among other things, we also wanted to establish if the budget complies with the County Integrated Development Plan (CIDP) and the resolutions of the County Budget Outlook Paper (CBROP) as adopted by the Assembly.

As you are aware, Mr. Speaker sir, this Assembly adopted a memorandum on the said estimates. The Budget and Appropriations committee consequently examined and discussed the estimates and made recommendations which are contained in this report. Once approved by this House, these recommendations will form the basis for the passage of the Appropriation Act.

On the issues of adherence of the estimates to the law, the committee noted that the County Treasury failed to a great extent to adhere to the legal provisions of the Budget Estimates as identified in the memorandum on the Budget Estimates for FY 2015/16. The committee noted that the County Executive Committee Member (CEC) for Finance did not comply with section 130 of the PFM Act, however, the CEC for Finance, in response to the Memorandum, maintained that the Budget Estimates were rightfully before the Assembly and that he had complied with all the legal provisions in preparation of the Budget Estimates.

In the key highlights of this year's budget, you will realize that the budget we are proposing for the FY 2105/2016 totals to Kshs. 6.6 billion, it consists of Recurrent Expenditure that totals to Kshs. 3.36 billion and Development Expenditure that totals to Kshs 3.30 billion. We also resolved that the budget should provide for viable and prioritized programs to reduce the increasing tendency of borrowing to foot the recurrent expenditure, as has been the trend in the past. Indeed, the County Treasury should desist from assuming a popularity approach by budgeting more than 48% of Development Expenditure while rendering expenditures in respect of which the Recurrent Expenditure votes insufficient and unreasonable programs; hence prompting borrowing.

The committee also noted that debts owed to suppliers and contractors have been rising at a very high rate. This is attributed to lack of a debt management strategy, laxity on the part of the procurement office and lack of strict adherence to the Public Procurement and Disposal Act.

In complying with the budgeting principles, it is required that incomplete projects and programs be re-voted in the subsequent fiscal year. It is therefore important to re-vote all the incomplete projects in the Budget Estimates of this financial year to ensure effective utilization of public funds. For example, we noted that the County Assembly refurbishment had a capital allocation of Kshs 89,000,000 in the FY 2014/15 and the cited amount of money has not yet been released up to date yet the contract has already been awarded. We also noted that during the adoption of the Supplementary Budget last year, we had proposed to finance two dispensaries; one in Maragua and one in Mathioya, the same has not been given money.

In terms of financing this year's budget, we are expecting to get Kshs 5.7 billion from the National Government that will be about 85% of the total expenditure. Other revenue sources will include Danida Health Support amounting to Kshs 23,000,000 and local revenue of about Kshs 850,000,000. We also realized that the Kshs 1.7 billion budget that was proposed may not be achievable, despite the fact that we know that the Executive has the mandate to say exactly how they will get the revenues. Considering that, we looked at the trend and anticipated having local revenue of about Kshs 580,000,000 yet the Executive has budgeted for over Kshs 850,000,000. The Fiscal Strategy Paper says that we should increase

by 10%. However, the local revenue that has been collected to date is about Kshs 522,000,000. We expect to collect about Kshs 560,000,000 in the remaining few days. Having said that, we agreed that they are, maybe, more ambitious to raise the Kshs 850,000,000 and, therefore, decided to leave it at that.

Mr. Speaker sir, we went out for public participation as required by law. The budget was also committed to sectoral committees. The public was very categorical on what they need to be done on the budget and that was left to the sectoral committees. There were issues that were raised by the public and the said committees. For example, there was a big outcry on the deplorable state of public and access roads and there were proposals that the rural road networks be opened up and upgraded. They however appreciated that the Executive had already done a tremendous job in the same department but they require the roads to be done even much better. Some were even proposed to be graded.

The public and the sectoral committees had a lot of interest in investment of water. In terms of water for irrigation and domestic, they requested that we invest in pipes and small irrigation projects. In agriculture, the committee and the public emphasized the need to have expansion of good storage facilities for agricultural products. There was also a request, especially on the tea zone areas, that since tea is not doing very well, we support tea farming.

There was great concern on issues of women, youth and persons with disability. Those categories of people requested for empowerment. There was also an outcry that our youth are into the vice of overdrinking alcohol. They requested the County to look for measures of reducing that menace.

On health, we realized that there has been confusion in the past on whether health services are devolved, however, people have now realized that health is devolved; hence the big request for huge allocation on medicine and renovation of existing health facilities.

There is an issue that the public brought up very strongly; this is the issue of the Ward Development Fund. This Assembly has already passed an Act on the same, it is Act number no. 4 of 2014. The public was very categorical that they want the resources to be distributed equitably within all the wards. They demanded that they be supplied with the same fund.

There was also a huge outcry on allocations to the ECDEs and polytechnics for the youth which are fully devolved functions. The public felt that we should concentrate more on those devolved units, but we can allocate small percentages on the non-devolved units in education. We realised that even as we talk, some of the tutors in the ECDEs and youth polytechnic institutions are not being paid; hence a big concern to the public.

On issues of transport, energy and infrastructure, there was also huge outcry for the development of our major towns and street lighting to all shopping centres to counter thieves at night. In that regard, there were requests that we finance installation of streetlights and flood lights. Our committee came up with some recommendations. Some of them are shown in the report which the members have and they will see them if they go through it.

I would however note recommendation number four; that specific departments should prioritize their expenditures to accommodate any outstanding bills on the commencement of the fiscal year in order to address this issue.

Furthermore, there is need for a proper framework of settling pending bills to ensure that they are not carried forward to the supplementary budgets. In that regard, after the committee's recommendations, we proposed adjustments and re-allocations in the FY 2015/2016 budget where we reallocated the following development expenditures for key proposed priority areas as follows:-

- a. Kshs. 22.5 million under the Department of Youth, Sports, Culture, Social Services and Co-operatives from milk dispensers.

- b. Kshs. 32.135 million under the Department of Youth, Sports, Culture, Social Services and Co-operatives from Co-op audit and assurance program.
- c. Kshs. 50 million under the department of Youth, Sports, Culture, Social Services and Co-operatives from school milk program. You realize that there was a huge chunk of money for milk program and we realized we can reduce that money to cater for other programs because the milk program is a continuous process.
- d. Kshs. 40 million under the Department of Youth, Sports, Culture, Social Services and Co-operatives from animal feeds plant and so on.

We also realized we need to reallocate Kshs. 15,000,000 for Development Expenditure for the use of mobile clinics under the Department of Health Services as follows:

- a. Kshs. 5,000,000 to Public Health, and;
- b. Kshs. 10,000,000 to motivational program for Health Officers in the County.

There are other many reallocation proposals and they are tabulated well in the report. I will therefore not go through all of them because I think the report is very clear.

We also looked at some reductions of some votes, the report clearly tabulates the reductions on page 18. We also proposed some additions on page 19, for example, on bullet number one; increase the capital allocation to lands and planning by Kshs 50,000,000 for planning, survey and control.

Mr. Speaker sir, you know that we have been having problems with planning of the towns in this county and that is why we decided to increase the allocations for lands by Kshs 50,000,000. We also increased the recurrent allocations to outstanding local authority arrears by Kshs 20,000,000. The outstanding arrears are salaries owed to the defunct local councils and going by the data, we were informed that the arrears owed are to a tune of Kshs 40,000,000, therefore, we decided to add Kshs 20,000,000 to that vote.

We also realized that we needed a lot of money on the recurrent allocations on the ECDEs and we therefore decided to increase the vote by Kshs 180,000,000, this money will go to financing the salaries of the caretakers of the ECDEs. All these additions are detailed on pages 19 and 20 of the report. By the end of the day, the budget came to a total of Kshs 6.6 billion as I said earlier.

I would like to comment on the expenditures, if you go to page 21, you will realize that we had problems with the development votes in the budget of last year because they were not divided between the recurrent and the development expenditures. We had to consult and tell the Executive to breakdown the development votes as per department and per program so that if we, for example, allocate money to agriculture, which is the first item named 10801, it will be clear which program. For example, you will realize that we have allocated Kshs 20,000,000 for cash crop development. For the development of this program, we have allocated Kshs 46,000,000. Therefore, we are able to know that we will only spend Kshs 46,000,000 for the development of that program. The other money will go to the administration of that program.

In that regard, we have allocated Agriculture, Livestock and Fisheries Department a total of Kshs 141,343,000 for the Recurrent Expenditure and a total of Kshs 102,264,000 for development, giving a total of Kshs 243,607,000. If you look at agriculture, for example, you will notice that there are several programs related to agriculture and the money has been divided between the four programs. That way, as the oversight body, we know it will be very easy to track the expenditures by Vote.

On Alcoholic Directorate, I mentioned that we have the problem of alcohol in our County and we are looking for measures on reducing the menace on that. We have broken that to about five sub-programs. The County intends to spend a total of Kshs 15,058,000 on

recurrent and Kshs 44,750,000 on development, thereby totaling to Kshs 59,808,000 for the program.

If you go to environment, we realized that we need to allocate money for waste management, public control programs, environmental conservations and environmental leadership and governance, and, administration support and coordination. We realized that we need to conserve our environment and we decided to allocate Kshs 9,100,000 on the recurrent and Kshs 82,625,000 on development of the same. Therefore, the total expenditure on environment will be Kshs 91,725,000.

If you go to governance, the total expenditure will be Kshs 224,472,000. Again a chunk of the money will go to recurrent expenditure which will be Kshs 218,372,000 and Kshs 6.1 million on development expenditure. On Trade and Industries Department, we have allocated Kshs 6,130,000 for recurrent expenditure and Kshs 146,000,000 for development expenditure. Trade and Industries has been broken into four different programs and it is clearly stated what money will go where.

In the Department of Education and Technical Training, as I said earlier, this is where we needed to concentrate more on the devolved units. We have allocated Kshs 172,800,000 on the recurrent and Kshs 92,000,000 on development expenditures respectively. The total expenditure is Kshs 264,800,000.

If you go to Finance, ICT and Planning Department, we have allocated Kshs 242,243,000 on recurrent and Kshs 873,200,000 on development expenditures. That totals to Kshs 1,115, 44, 000. We have allocated ICT program Kshs 30,000,000 and you will realize that it has taken a huge chunk of money. Financial management programs have been allocated Kshs 100,000,000 and the Ward Development Fund has been allocated Kshs 700,000,000. Administration and support has been allocated Kshs 285,443,000.

On the Infrastructure, Transport and Energy Department, we have committed a total of Kshs 753,222,000 to cater for sub-programs like water development which we said is very critical based on what we gathered from the public. The water development program alone has been allocated Kshs 495,000,000 so that the community can benefit from domestic water and small irrigation projects. Other projects in the same department include the road development program, market and urban development, and administration and support.

On the Department of Lands, Housing and Physical Planning, we have allocated Kshs 114,564,000. In this sector, we have five programs and the one that has taken a huge amount of money is the development control and planning program with Kshs 49,801,000.

We also have the County Public Service Board, we did not have an allocation for this board in the last year's budget because it used to be financed by the Department of Finance, ICT and Planning but we realized that it is an independent body and we have allocated it Kshs 45,504,000. This money will go to human resource management and development, national value governance, general administration and support. We have allocated Kshs 793,025,000 for the Public Service Department.

If you go the Health Department, we have allocated Kshs 1,494,445,000. As I said earlier, health is life and we realized that we need to have a lot of allocation for it so that our people will not continue to die for lack of drugs. In actual fact, most of this money will go to health administration, planning, and support program. It will also cater for curative health program which will, among other programs, take Kshs 312,427,000.

We have allocated the Department of Social Services a total of Kshs 501,393,000. For the legislation and representation roles of the Assembly, we have allocated Kshs 249,216,000 for recurrent expenditure. There is no money allocated for development. We have allocated Kshs 108,765,000 for oversight role which is again a recurrent expenditure. On general

administration, planning and support services, we have allocated Kshs 300,000,000. Part of this money is what I was saying we had to re-vote.

The total budget now stands at Kshs 6,658,712 billion. That is the budget that we worked on. As we stand here today, I know that we have come from very far. We have been in this Assembly for the last two years and I must appreciate the contributions the Members have given to the budget of this year. I must, especially, appreciate what the public did for this budget because, initially, it was like they did not know their role. They really contributed to this budget. I must also say that this is the best budget we have ever done since we came to this Assembly and if it is followed to the letter, I am double sure that Wanjiku will get a lot of benefit from it and, essentially, our work will become very easy if the structures are in place.

On the issue of the Ward Development Fund, I said that there is an Act in place and we are going to distribute the money equally among all the Wards.

During the public participation, the public came up with the projects that they want to be initiated in their respective wards. Therefore, that money will be particularly used for such services that the public requested for. That way, we will eliminate the problems that we are having today because as we stand, some wards have benefited more than others. Whenever we have small issues in our wards, such as construction of small bridges, we go to the Executive to beg to be given some money. Therefore, such small issues will seize. I request this Assembly to support this report so that we go to the next step of preparing the Appropriation Bill which we are supposed to pass before the end of this month.

*(Hon. Charles Kirigwi rose on a point of order)*

#### EXTENSION OF TIME

**Hon. Charles Kirigwi:** On a point of order, Mr. Speaker sir

**Hon. Deputy Speaker:** What is the Point of Order?

**Hon. Charles Kirigwi:** I want to move a motion that this Assembly sits for 30 more minutes because of the business that we have on the floor.

**Hon. Deputy Speaker:** Yes, that is a proposal that we extend the sitting time by 30 minutes; that is from 5:30 as required by law to 6 p.m. Secunder to that Motion? Yes Hon. Member for Kamacharia; take the microphone.

**Hon. Joseph Machiri:** Mr. Speaker sir, I stand to second.

**Hon. Deputy Speaker:** Any counter proposal? Yes Hon. Member for Gitugi.

**Hon. Duncan Njuguna:** Mr. Speaker, Sir, I cannot remember exactly the standing order number, but the motion of additional extra time is supposed to be done one hour before the due time.

**Hon. Deputy Speaker:** Which is that standing order you are quoting?

**Hon. Duncan Njuguna:** I cannot remember exactly but I oppose.

**Hon. Deputy Speaker:** Do you have a seconder?

*(Laughter and consultations)*

So the decision to extend is unanimous. We continue with the debate. Hon. Chairman, continue.

**Hon. Peter Mweri:** I appreciate the mover for proposing that we extend more time so that we debate this very important issue. I was saying that those small problems we have been having in our Wards will not be there anymore if we get the allocation of the Ward Development Fund because we will focus on the priorities of the public. Otherwise, I urge this House to support this report so that, at least, by 1<sup>st</sup> July, we will start the implementation. I call Hon. Gitau who is the Chairman for Finance to second this motion.



**Hon. Joseph Kimani:** Thank you Mr. Speaker, Sir, I do not need to go through what the Chairman for Budget and Appropriation committee has said. I second the report and as the Chairman for the committee of Budget and Appropriations has said, we have really come from far. After we wrote the memorandum, we held a meeting with the County Treasury and we also held meetings in our sectoral committees where the respective CECs were invited.

The issue of the Budget adherence is very well explained in the report. The sections which were violated by the CEC on compiling of these estimates are outlined. When we come to the budget framework, the Chairman of the Budget and Appropriation committee has explained that we realised that the Kshs 7.1 billion budget was very high and therefore saw the need to reduce it to Kshs 6.6 billion. The most..

*(Hon. Joseph Machiri crossed the floor without bowing)  
(Hon Duncan Njuguna rose on a point of order)*

**Hon. Duncan Njuguna:** Is it in order for the Hon. Member for Kamacharia to criss-cross the floor without bowing to the mace?

*(Hon. Machiri bowed at the Bar)*

**Hon. Joseph Kimani:** Thank you Mr. Speaker, I was saying that the budget committee after sitting considered the size of the budget and saw that the budget could be reduced, most importantly because of the size of one of the projects which was there; power generation and the committee thought that the project will not be complete to generate the same income at the same time.

Under the budget framework, we also noted that the debts owed to suppliers and contractors, which have raised uncontrollably, the committee, felt that we need to have the debt management office that the executive had proposed. We thought that it would save us from other financial years while making our budgets and having the debts sustainability and setting their ceilings.

Mr. Speaker, in regard to financing, the committee felt that, in the financial year we are in, comparing the revenue trend, we thought that the budget would have been reduced to 585 million for the local revenue but since we know it is their obligation to make sure that we meet the budget, we thought that the budget should remain 850 million for the local revenue.

On public hearings, I thank the Assembly and the office of the Speaker, because this time we went to the public in each ward, initially we used to go to sub-counties and as we have seen, in future we could be going in wards because we felt that our electorate were concerned on this and gave us constructive ideas and priorities which have been considered in this budget.

We also have the sectoral committee reports; they have sat down and given their sectoral priority areas which has also been considered in this budget, e.g. ECDE and polytechnics, health sector and social, culture department.

We have also made re-allocations that have been agreed in the budget committee where we have the chairpersons of all committees. We feel that this year's budget is the best, as the members know; we have made a programme- based budget where we are able to explain each departmental programme and also sub-departments.

The committee has done a commendable job and I plead with Hon. Members to accept the report the way it is. We have done a commendable job. As you can see the reallocation of the budget, the recurrent is 52% and we have had development at 48% which we feel it is commendable; we have surpassed the 30%. I stand to second the report, thank you

*(Question Proposed)*

**Hon. Duncan Njuguna:** I stand to support the report, being a member of the committee and knowing very well that for the last few days, we have really burnt midnight oil to produce this good work done by the budget committee.

In the Lands department, the programmes that are there require a lot of money since some motions adopted by this House and others that we intend to bring intend to take a lot of money from the budget but since we only had 6.6 billion we had to contend with the much we were given because when we are requesting for statements and motions they require a lot of money to be catered for.

To some programmes you would find that the amounts allocated were minimal, but now with the Ward Development Fund, I am sure that, as the mover and the budget chair have said, we shall be serving our people well because even the small things like toilets, footbridges and all this we will be able to do them without taking a lot of time or using a lot of money. I support the report

**Hon. Joseph Machiri:** I rise to support this report in totality bearing in mind, I can term this budget as historical, and from the time we came to this Assembly we have been passing what I would call abnormal budgets.

Mr. Speaker, as an Assembly, we have totally failed because sometimes back, like in 2014/ 2015 we passed a budget so that the government can buy nappier grass, English potatoes, crushes and we criss- crossed the whole county, to almost all 35 wards to hear the public demands and outcry. I thank Mr. Speaker for allowing us to do so.

I videotaped what happened in Kamacharia ward, as evidence now and in future if need arises. Through the public participation, I went to Kamacharia and Gaturi and I have evidence of what happened there.

People talked about free goodies as if we are enticing the public for 2017 campaign. The public said that we are creating lazy people in our county. If you can recall, our former president Hon. Kibaki, who is now very silent, talked about making Kenya a working nation. We need to make Murang'a County a working nation where things are not given for free. We can give coffee seedlings at subsidized prices.

Mr. Speaker, as we went to Kamacharia and Gaturi, people talked about water as very key, Ward Development Fund, roads and they partly talked about milk and other issues but they are not certain about the consistency of milk. What we need now and in future is people and demand driven budgets where the people at the grass roots says what they want, we come from bottom to top but not otherwise.

The motion passed yesterday will enhance revenue collection in our county; I commend the mover of yesterday's motion because we shall collect more revenue in future if we confirm the staff of the defunct local authorities because the staff are demoralized. We cannot achieve the intended objective of collecting 850 million but if we confirm them and I hope this time the chairman of Implementation will hurriedly do that now instead of sleeping

*(Laughter and Applause)*

We can collect about 1.2 billion in this County if the staff are not demoralized. I support this report in totality.

**Hon. Cecilia Gitu:** Thank you Mr. Speaker, I stand to support this report. I feel very excited, I have been in the budget for two years but as members are saying, it has it has been a very inclusive budget. The fact that we have incorporated all the chairmen into the sectoral budget has enriched our way of doing the budget, so that we have produced a balanced sharing of resources.

In the past we have been passing bulky figures without programmes and for the first time we have insisted on programmes and itemized budget which we have insisted on as the executive.

But on the committee on Education, I am gratified that we are putting money where it matters, we have been crying about putting our resources in functions that have not been devolved but looking at this year's budget, we have put more money in youth and polytechnics where we have a crisis because the tutors have not been paid, we do not have learning materials and the infrastructure is breaking down. At least we will be able to provide interventions this year. At least we will be able to employ care givers.

If you look at the important docket, of transport and infrastructure, we have put a substantial amount, because if we cannot transport our goods due to bad roads, then the economy will hurt.

On health we have put our money in departments that matter. If the hospital does not have medicine then we have an unhealthy county. We are doing good to our people by providing medicine. In total I want to say that this budget is very different from any budget that I have seen in the past particularly with the introduction of a vote head for Public Service Board. We have had problems in employment, I am also in the Governance and Labour committee and we have decried this service board being independent. They cannot be independent if they are influenced because they do not have a vote head. I am glad we have provided money to run it and enable independent decisions.

The Ward Development Fund is a turning point in this county, it puts an end to the divide and rule tactics that have been in this county. We now know that something will happen in Muthithi where I come from and in Gaturi in a balanced manner to ensure equity of resources because we do not need a county that is not developing in some areas whereas in other things are being done.

In total, I support this well thought budget where we involved even Wanjiku. I was there in Muguru, I was there in Kahuhia and I heard the sentiments of Wanjiku regarding the crops where a lot of money has gone into buying seedlings that have not been well managed and they have wasted a lot of money. Let us agree with Wanjiku and follow this budget and I am sure we will see a different scenario this year and next year. Thank you.

**Hon. Charles Kirigwi:** Asante, Ningetaka kushukuru kamati hii ya Bajeti kwa kutengeneza Bajeti ya mwaka 2015/2016. Kwa mara ya kwanza, tumeona mabadiliko hasa kwa kusikiliza maoni ya Wanjiku. Lile jambo lipo sasa ni kupitisha hii Bajeti mapema, kama leo ni tarehe ishirini na nne na tunaomba gavana atie sahihi ili tusaidie jimbo hili letu.

Kamati hii ya Bajeti tumezingatia maono ya Jimbo yaani CFSP na mambo mbali mbali. Ukiangalia asilimia inayoenda kwa maendeleo utaona jimbo hili imezingatia kiwango kilichowekwa na serikali kuu cha asilimia thelathini na hata tumepitisha na asilimia kumi na nane. Kuna uwezekano hili Jimbo ndilo la kwanza kupitisha hiki kiwango kwa Bajeti, asante, naunga mkono

**Hon James Kagoni:** Mr. Speaker today is one of my happiest days. If we were able to, the youth of this county would have a late night party to celebrate what the Assembly has been able to do.

In the department of social services, there are two items that are crucial to the young people; the department has been allocated adequate money. One of them is Ward Development which has been allocated 74 million a total of 76 million. There is also another item of youth development that has been allocated 80 million.

For the last two years we have had budgets in this county, there has been nothing serious about the youth. To say the least, we appear like we did not have an agenda for the young people of this County. With the 80 million allocated there it means that the youth of Murang'a

can have green houses, with the allocated 80 million, it means that the youth of this county can have a revolving fund for soft machines where they can own them and depending on the discipline, and the category of work they do, from power saws to hair dressers, hair dryers, compressors for vehicle painting, car washing machines, they can be able to own these because we have been able to consider them this time around.

With this amount of money we can have chicken rearing programmes; we have complemented a lot the money that has been put under the alcohol. Once the directorate will be working and reducing issues of drug and substance abuse our youth will be busy, they only need to identify what they want to do and then we can have a policy on how we can engage them in a mature and productive way. In this way, the 60% of constituents of this County, who are the young people, we will be able to reduce poverty. Like the previous speakers have said, a county with a budget that has 48% going to development, we need to clap for ourselves, this is very progressive.

I am not sure whether there will be any other County, not even the national government will be able to achieve these kind of figures. It shows that we know where we are heading and this needs to be spoken loud and clear. We need even the media to know that Murang'a County has allocated 48% to the development agenda. That shows if we had anything else to do we would almost make it at par because the law states at 30% but we have been able to increase by 18% over and above that. What I have learnt through this budget making process is that in future we require a lot of honesty between the county executive and the County Assembly and we must realize that this County is not about an individual but about all of us, what we can do and where we are going.

There were items that the members of the public and County Assembly were raising but some people were uncomfortable with them. We must realize that this is not my money. This is not Assembly money but public money that should be used for progressive agenda and we need to listen to our people because we are only custodians but not owners of this money.

As I sit, I am only wondering about the Ward Development Fund code, whether it is correct, I do not know much about IFMIS and how they generate those codes but I am concerned that the digits are five while most of the other digits are six, could it be a fake code to just appear like that maybe it is not captured anywhere. Anyway, I support this budget.

**Hon. Kago Njoroge:** I rise to support the report of the budget committee and challenge some other things they have said that need to be taken care of even after passing this report. In bullet 4 adherence to budget, they are saying that the CEC Finance never adhered to the budget policy which involves policies on revenue, debt and expenditure in Section 131, I thought we could get in their report when they will receive some of this policies.

As Hon Kagoni has talked of youth empowerment, I would like to know whether the money will trickle down to the youth. We passed policies here and waited for implementation, we waited for the money, and up to date we do not know where the money went to.

The budget committee should push to get these policies for implementation on this budget. We are saying that the CEC Finance failed to submit an explanation to the Assembly on how the budget relates to the Fiscal policy. I thought they will give us an explanation, although I support the figures, since I participated, I feel that some of these things that we lack need to be highlighted.

Mr. Speaker, I wish to remind the budget committee, that we have a CIDP that all of us participated in drafting, and see the reflection on its implementation. We need to know where we were; last year, where we are and where we are going. But we are just putting figures but we are not showing our constituents any progress, As I echo what Hon. Kagoni is saying,

each one of us wants to see whether his or her department has been allocated well but we are not considering what is supposed it be considered.

I also feel that the budget committee, last statement should be rectified, they are telling us that the total expenditure is 6.6 billion, and they are talking about equitable share from the national government and local revenue, the 850 million, yet in the opening remarks, they have told us that it will be 5 billion but in the closing remarks, number 52, there are talking of 850, I see some contradiction there and I do not understand. It needs to be clarified as the mover responds.

As they were doing their additions and subtractions, sometimes I think we should pick just the 1, increase of capital to the land and planning department by 50 million, they are not telling us where they got the 50 million from to add to the land and how much was there before adding and the resultant amount. I would have liked to see the first budget released by the CEC Finance relating to what we are discussing. Otherwise, I support, and as the mover responds I need him to clarify, we need the Hansard to record exactly what we want done in our budget estimates as we pass this report. I support.

**Hon Mary Waithera:** I rise to support the budget and commend the good work done by the budget committee. From the look of things out of the many failures of the Finance department cited by the budget committee, I think they are better placed to come up with the budget rather than what we received,

As I support the budget, I want to echo Hon Kago's sentiments, that even if we are saying that our budget is good, it is not really showing where we are going, or coming from. Although out of the many failures they have written here, they have not been able to connect properly from the failures they are noting here. Even as we come up with a very good budget, we have a challenge in regard to policies and regulations to the expenditure of the money, many programmes cited here by various departments we find that we do not have policies. As we pass the budget, we will still have problems although, it has been seen as a tradition that every time we pass the budget we are not so much into policies and regulations when expediting the money. But Mr. Speaker sir, this policy gap might put us into problems in future.

As we enjoy the good budget that have been prepared, we know that we have a challenge since many programmes do not have policies, it is also good because they have highlighted on various vote heads and the need to adhere to them, I think if we can pay attention to IFMIS we can be able to control over expenditure and stick to the budget.

I remember there is a motion we passed on automating revenue collection, the committee of budget is citing challenges in local revenue collection, we are talking of 850 and when we look at what we previously got, from the Kenya National Bureaus of Statistics 2015 Economic Survey, we are talking of a 10.41%rise which might be a challenge to what we are getting.

If we do not follow correctly in the recommendations we have been given, we will not live to experience some deficit in our budget, in the next financial year this will affect since we will have to revisit the previous. I would say that we will be happy if we have women empowerment programmes just like we have youth empowerment programmes instead of our monies being combined with other such that we cannot tell what is there for women, Otherwise the budget is good but we still have the challenge of policies to expedite on that but I commend the committee for the good work.

**Hon. John Gitau:** I support this report. As previous speakers have said, there appears to have small problems with the calculations, I think the person who was doing it does not have good command for mathematics. Looking at page 7, the total allocation is 6.658 but adding

3.36 recurrent you get 6.66, there is a small error but looking at the colossal sums of money, this can be significant.

Mr. Speaker, the budget is very commendable, if it is followed to the letter it is like 50-50 for recurrent and development. If it is followed to the letter by the executive, we are going to realize a lot of development for Murang'a County.

I am the Chairman of Education committee; the department is among the biggest beneficiaries of this budget. This is a good thing because we are here because we can understand what is going on, we attained this through education. Education should be the first priority. After the money is allocated, we need to know what we are supposed to do and what other people including the national government are supposed to do in terms of devolved functions.

Up to where we are, we have done zero in education, this is because no money was initially allocated for ECDE or Youth Polytechnics. Mr. Speaker, I was worried when I received the first budget and went through it because there was nothing for Polytechnics or rather what was there was very little, the trainers of the youth polytechnics have been forwarded to the counties, it is upon the county to start paying even those that were being paid by the national government. If we went that direction, we would have closed all the Youth polytechnics and you could have seen the crisis that would have been there in Murang'a County.

ECDE is a devolved function, last time we gave nothing. This is to say we are giving our children nothing and that is why educational performance in Murang'a county will continue to deteriorating because if you do not have good education foundation, in terms of ECDE, we are going to realize very low education standards.

Ward Development Fund will address diverse priorities in our different wards; this is one of the best areas that Murang'a County people have. When I look at this budget it is good but we also need to organize an investor's forum, Money will never be enough, one characteristic of money is scarcity, resources are ever limited

as we embrace this budget let us know where else we could get money for development, even if we borrow we will pay and our county will develop.

Mr. Speaker, I am happy with the budget, because it deliberately kills the dependency syndrome. In the previous budgets, people were being given free money; this is not good for our people. In the interest of time, and I say that this budget is healthy and should be adopted and implemented accordingly.

**Hon. Samuel Wandia:** I do not have to say much about this budget because I have been involved in its preparation, I would like to remind the County Assembly Service Board that we have talked here about the budget and it is the high time they recruit a financial analyst this year. Mr. Speaker the office is important because all the budget inadequacies that we talking of in this house, if we had that office, these problems would not have been there.

I have consulted the Budget committee chairman and he has assured me that he has budgeted for that office. If we had that office, it could be easier to detect fund transfers,

Mr. Speaker I heard in the report that there were vote and fund transfers in the executive. If that office was in existence this would have been noted long time ago. It would have also been easier for the office to note non-performing votes so that when the executive approaches us on supplementary budget, which should not occasion if a budget is properly done. I emphasize that the Assembly service board comes up with that office and puts the right personnel, thank you

**Hon. Deputy Speaker:** Hon Member for Gaichanjiru and members we need to observe time because we have quarter an hour to go and we need the mover to respond

**Hon. Bernard Kariuki:** I take this opportunity to thank the Budget committee and say that our new standing orders are doing well since the budget for this year is very good; I also commend the nominated members willing to remain in the chambers until we dispense this business.

*(Applause)*

I want to be brief and state that the budget for this year is very involving. Article 174 of the Constitution talks of the objectives of devolution, while article 176 says that every county government must decentralize its functions as far as possible. This is what the report of this committee is doing by making sure every ward get an equitable share of the budget.

We must all agree that the basis for politics in the modern day shall be the distribution of resources; I think the budget committee in its wisdom has cooled down those politics that there are regions that are favored and wards that are marginalized. I am very happy because, I am one of those who were very much involved in the enactment of the Ward Development Fund and this is the biggest highlight of the budget, to ensure that the nitty gritty projects that do not require much money are going to be addressed, those include footbridges and those other small projects that are a headache to Wanjiku. I commend the committee, and call upon them to ensure the budget is implemented the way it is since it will have wonderful impact on the people's lives and the people of Murang'a are going to appreciate that they have a county government that appreciates them.

Thank you Chairman for leading this cause and we should be behind you on this, thank you

**Hon James Kariuki:** Mr. Speaker, I want to support this budget and say that I am not very amused with the process because it looked like the Assembly was working on its own and there was a lot of reluctance from the executive to consult. To me that is very sad. Just like in the Constitution, the making of the budget should be consensual, we are not supposed to be pushing things when the executive is not willing, that to me is sad. I think it is the high time that the executive embraces the spirit of consultation and discussion because we are all serving the same people. This is something that was not happy about although at the end we have come up with a good budget.

Mr. Speaker, I want to clarify on thing, being the chairman of agriculture committee, when people talk of free things, I am not for free things, but there is seed capital, this is where you can give 2kg of maize for planting to the poor and the marginalized, but in the subsequent years they will harvested one or two bags and they will not need any more assistance. It is not entirely bad to give something for free as long as it will not happen in subsequent years. However we have agreed with the CEC agriculture and the chief officer that they shall be subsidizing instead of giving free things.

I am happy we have the Ward Development Fund Act to support it because, in my view, this will be transformative to our wards. I support.

**Hon Peter Kihungi:** I want to congratulate the committee for working within the CRA ceilings. We have done it well this time. Ours was much on development to the common man; we have worked within the CRA ceilings. Thank you Mr. Speaker Sir,

**Hon. Deputy Speaker:** I call the mover to respond, putting into consideration the limited time that we have, you have less than 10 minutes

**Hon Peter Mweri:** Mr. Speaker I would like to congratulate the members for supporting this year's budget, I am also very happy man today, the last few days I have not been sleeping.

I have noted several concerns from the members mostly on issues that can be considered we shall do so as implementation takes place. I would also like to clearly state on the issue of

local revenue. In our Memorandum we had suggested that we work with 585 million but after lengthy consultations even with the National Assembly we realized that we do not have any mandate to stop the executive to say that they can raise more money, so that is why the figure changed. On the total Budget allocation, I would like to clarify that it is 6.658712Billion

On the issue of Ward Development Fund code, somebody noted that the digits are less; I would like to confirm that there is a zero before 7, and that one is taken care of.

On other issues, on the interests of time, I have already noted them down and we shall put them into consideration. Otherwise I take this opportunity, since the budget cannot be 100%, I appreciate that the members are appreciating that we have done a good job and in the next two Months, if a need arises we can still do a Supplementary budget. I can see Hon. Mary Waithera has small issues.

On the pending supplier payments, it is good to note that they have been allocated in the different departments. Otherwise thank you for giving me this opportunity, I thank members and I wish we continue working together in the same spirit. I would like to echo what Hon. Cecilia said about the inclusion of the sectoral committee chairmen in the budget committee, they have given a lot of input. I must appreciate this.

**Hon. Deputy Speaker:** Before I put the question I take this opportunity to congratulate the members, this is the longest sitting in the history of this Assembly because of the business that was ahead of us.

I must say, what the member of Gaichanjiru has said, the nominated members had a lot of interest because I can see several nominated members who appreciate the reason they came to this Assembly because this is a very important day.

*(Applause)*

As an Assembly we have done a wonderful job but I want to clarify for the interest of the members of the public and the media present, there was a comment by Hon. Member for Ng'araria that the making of the budget was for this assembly, it was not. The assembly under standing order 190(2)(b) is mandated by the law to discuss and review the estimates, then make recommendations to the Assembly and that is exactly what the budget committee was doing. It received the budget as tabled and it has been discussing, reviewing the estimates and making recommendations that were tabled. So if this Assembly will adopt the report the budget committee will have derived this mandate from the standing order 190 (2) (b).

*(Question Put and Agreed to)*

*(Applause)*

#### **ADJOURNMENT**

**Hon. Deputy Speaker:** This House stands adjourned until tomorrow 2: 30 p.m.

*The House rose at 5:56 p.m.*