

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, June 5 2018

The House met at 2:40 p.m.

[The Speaker (Hon. Nduati Kariuki) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Nduati Kariuki): As I notified you earlier, on May 4, 2018, I received a letter from the Leader of Majority on removal of certain Members from Committees of the House as per Section 170 of the Murang'a County Assembly Standing Orders and the rights of political parties to take disciplinary measures against their Members in the House.

This right cannot be taken away from the party irrespective of other sections in the Standing Orders that seem to contradict section 170 of the Standing Orders. Hon. Members, section 170 says, "The Assembly party that nominated a Member to a Select committee may give notice, in writing, to the Speaker that the Member is to be discharged from a select Committee". Sub-section two says, "The discharge of a Member shall take effect upon receipt by the Speaker of a notice under paragraph one." These powers have been used even at the National Assembly to de-whip Members from Committees.

As Speaker, I have the highest regard of the party and cannot be the judge of their actions or even interrogate the procedures they use in arriving at their decisions. The role of the Speaker is to receive the party communication and deliver it to the House.

However, I promised Members that I would do further research on the procedure used in the matter of delivery of such communication to see whether it followed all laws and customs that have been applied in other instances and particularly at the National Assembly. I have also researched and perused other laws apart from the Standing Orders and the County Governments Act that offer guidance on the matter at hand. Like I said I cannot interrogate the procedure the party used to arrive at their decision or what reasons they had to discipline the affected members. I have looked at our Standing Orders and compared them to those of the National Assembly on the matter in question and have found that there is a divergence in the two Standing Orders, although the Standing Orders of the Assembly were supposed to be the same as those of the National Assembly until amended by the County Assembly.

Specifically, I want to refer to Standing Order number 204 (2) which states that inter alia "A Member appointed to a sectoral committee at the commencement of the Assembly or at any other time during the term of the Assembly shall, unless the Assembly otherwise resolves, serve for the term of the Assembly".

The equivalent Standing Order in the National Assembly is Standing Order Number 216 (2) which says that, "A Member appointed to a Departmental Committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 on discharge of a Member from a Committee." Which means even in our case Standing Order number 204 supersedes Standing Order number 204

Honorable Members, the Standing Orders are not a replacement of statutory laws or common law or the Constitution. Any section in the Standing Orders that offends a law enacted by Parliament or Constitution is illegal.

Now which law is offended by this standing order? Honorable Members, I refer to Article 47 of the Constitution of Kenya, 2010, Sub-article 1, which provides that every person has a right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

In addition, the Fair Administrative Action Act No 4, of 2015 assented to on May 27, 2015 provides as follows, "This Act applies to all state and non-state agencies including any person exercising administrative authority, performing a judicial or quasi-judicial function under the Constitution or any other law whose action, omission or decision affects the legal rights or interests of any person to whom such action, omission or decision relates." Section 4(1) of the Act states that; "Every person has a right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair."

Section 4(3) of the Act states inter alia; "Where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the administrator shall give the person affected by the decision (a) Prior and adequate notice of the nature and reasons for the proposed administrative action (b) an opportunity to be heard and to make representations in that regard; (c) Notice of a right to a review or internal appeal against an administrative decision where applicable.

In a ruling by the Speaker of the National Assembly Hon. Justin Muturi in reference to a similar matter at hand, the Speaker ruled that and I quote; " Though the decision to de- whip a Member from a Committee is one to be made internally by a parliamentary party, the current Standing order 176" similar to our standing order number 17 "Neither incorporates the need for decision of the party to be based on any grounds nor does it provide for a procedure affording the affected Member a right to be heard when compared against the extensive provisions of the political parties Act with regard to the discipline of Members by parties that sponsored them to the House." The inadequacy of the Standing Order, which parliamentary parties would use to discipline their Members within the House becomes apparent. You will agree that this clear disparity calls for an urgent review of the text of the Standing Order".

Honorable Members, having on my own volition and personally researched on this matter and having made wider consultations, and, in reference to the laws quoted above, it is clear to me that the party did not demonstrate to me that they accorded the affected Members the right to be heard. This right is fundamental to any administrative action. Without the affected Members being notified of the action and the reasons thereof, the discharge of the said Members cannot

stand. Any request for discharge of a Member pursuant to Standing Order 170 shall comply with the law. As such, the political party seeking discharge must; one, formally give notice of discharge to the affected Members. Two, demonstrate the party has given the affected Member the right to be heard.

I, therefore, state that the letters in reference to discharge of Members from Committees are null and void and the position of the Committee membership remains as they were as far as party Members are concerned. Any administrative action has to follow procedures as provided for in the laws that I have just read. Which means if the party still wants to discharge the members, they can still do this but, they must give the necessary notice and also demonstrate that the party has given the affected members the right to be heard. I have discussed this with the Leader of the Majority and he concurs and agrees that the procedure was missed.

Honourable members, I have two further observations to make: The Speaker in a divided House has unenviable task. Each side of the divide would like to pressurize The Speaker to make a ruling in their favour. They would even quote parts of the Standing Orders and law that favours their argument and ignore those that do not. Whereas this is natural The Speaker has to resist pressure from any side and conduct independent research and consultations. This requires a lot of reading, assimilation and patience and I thank the Hon. Members for their patience.

Secondly, as I said I respect the party's decision and I will abide with their decision when it is properly done and done procedurally in the manner that I have stated. However, Hon. Members how far do you want this Assembly to be controlled from outside? Do we have to call the party every time we disagree to give us the solution? Are we so incapable of finding solutions from within? Are our differences so unresolvable that we cannot on our own sit, talk and solve our problems?

I have always told you of immense benefits that can come into the County as whole and to Members personally if we learn to respect one another and look at the bigger picture of things. Hon. Members, I was very pleased and joyous when during national prayer breakfast no lesser a person than The President of this nation His Excellency Uhuru Kenyatta humbled himself and very politely told Hon. Raila Odinga to forgive him for all the things he has done and said against him. This was no lesser person than The President of republic of Kenya apologising to a person who does not hold any public position in the country. This was all for the sake of the country. When I heard and saw this I wondered to myself can this happen in our County?

We are politically very small people compared to The President and Hon. Raila Odinga, yet some of us has very big ego and feeling of importance that they think they are God's gift to others and they are indispensable. Others would rather shout rather than being cool and recognize they are not angels and can be wrong as well.

Hon. Members, I plead to you, let us lower our ego and see whether we can work together. Looking at the County, one may particularly think that it is impossible but it is only impossible when it has not been tried and tried again and again.

I suggest Hon. Members that after recess we have Mombasa number two, not necessarily in Mombasa it can be anywhere, but convened by the Assembly and make one more attempt to

bond and reconcile. After that, since this problem of disunity is also within the wider leadership of the County we can also just like the National Assembly did, the Members of the National Assembly initiated the national prayer breakfast. We can also initiate Murang'a County prayer breakfast, or Murang'a County conversation where we shall confess our failures, biases and sins and see whether we can make a change.

No one guarantees success for such a move but then we shall not be accused of having never tried. We however must have faith and prayerful that such an attempt will bear fruits. Thank you Hon. Members.

STATEMENTS

REQUEST ON DAIRY DEVELOPMENT PROGRAM

Hon. Ruoho Wangechi: Thank your Mr. Speaker. Pursuant to Standing Order 46 (2) (c), I hereby request for a statement from the Chairperson Trade, Industrialization, Co-operative Management, Tourism & Wildlife Committee on the following;

1. Is the Chairperson aware that over the last one year co-operative officials and farmers have been complaining about the following issues regarding the Dairy Development Program;
 - a. Reduction of milk prices from the established Kshs35 per liter.
 - b. Delayed payment of farmers' dues after supplying milk to the Murang'a County Creameries.
 - c. Transport dues for milk collectors and staff up to 10 months.
 - d. Mass secession of farmers from the established dairy development program financed and run by the County Government.
2. Is she also aware that in light of the above issues, farmers have been taking to the streets and in Kinyona Ward, I have been forced to literally stop demonstrations offering promises which have not been fulfilled.
3. Following the Countywide public outcry on the matter, can the chairperson establish and clarify on the following concerns;
 - a. What has informed the reduction of milk prices in various dairies yet it was set as a price floor for the farmers?
 - b. What is the cause of delayed payments all over the County?
 - c. What action has been taken to reduce secession of farmers from the County co-operatives?
 - d. Who should pay the milk transporters and staff in the co-operatives?
 - e. What are the current outstanding payments to farmers?
 - f. How far is the plan to operationalize the Murang'a County Creameries milk plant at Maragua?
 - g. Is the milk development program sustainable considering that the milk dues are very high and farmers prefer market freedom?

- h. Are there any interventions by the County Government departments of Finance and Economic Planning and Co-operatives Development to sort out the issues?

Thank your Mr. Speaker.

The Speaker: Chair Trade Committee.

Hon. Jecinta Ng'ang'a: Thank you Mr. Speaker. First and foremost I will take this chance to thank MCA for Kinyona, Hon. Ruoho for your good intervention with the demonstrators not to go to the streets because that could have caused a lot of damage.

The other thing that I would wish to let this House know that some of the things that have been read from the concerns of farmers due to the production of milk, the demos and the lik., I would wish that this House to give me some time so that I can talk to the County Executive Committee Member (CECM) maybe he can give us the way forward upon these issues because this one has got me off guard. Thank you Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Thank you, next.

Hon. Ruoho Wangechi: Thank you Mr. Speaker, in regard to whatever is happening to Murang'a County concerning the milk issues, I would request the committee now that you have several members, I would request maybe you can give us a specific amount of time, maybe one week. We as the Assembly can allow you to embark on the issue and maybe give us an answer maybe after one week. Thank you Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Chairperson, can you answer to that? Would you like to respond to that request?

Hon. Jecinta Ng'ang'a: Thank you Mr. Speaker, maybe once again I would wish that we be given time because we are going for the recess. Maybe after the recess.

The Speaker (Hon. Nduati Kariuki): Honourable members may want to have an estimate of what is ample time?

Hon. Jecinta Ng'ang'a: Immediately after the recess.

The Speaker (Hon. Nduati Kariuki): That is more accurate, thank you.

MOTION

ADOPTION OF REPORT OF DELEGATED COUNTY LEGISLATION COMMITTEE ON VISIT TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY, DODOMA, TANZANIA

Hon. Lilian Kabaya: Thank you Mr. Speaker. I would like to move the following motion;-

That, this House adopts the report of the Delegated County Legislation Committee on a Visit to The East African Legislative Assembly Dodoma, Tanzania laid on the Table of the Assembly on Tuesday June 05, 2018.

Mr. Speaker, in April Delegated County Legislation Committee visited the East African Legislative Assembly, Dodoma, Tanzania and the report is in the files of the Members. Hon. Speaker, on behalf of the committee Delegated County Legislation it is my duty and pleasure to present to this honourable House the report of Committee's Visit to EALA.

The committee wishes to sincerely thank the Offices of the Speaker and the Clerk to the County Assembly for the necessary support accorded to it in the execution of its mandate. The

committee wishes to sincerely thank the Offices of the Speaker and the Clerk to the East African Legislative Assembly for allowing the visit and warm reception accorded to the Committee during its entire visit. The Chairperson to the Committee takes this opportunity to thank all the Members of the committee for their diligence and commitment to making the business of the Committee a success.

The Committee wishes to register its appreciation for the services rendered by the staff of the County Assembly attached to the committee for exhibiting competence in compiling this report. Mr. Speaker again, we would like to extend our gratefulness your office and that of the Clerk and the Board for allowing us to undertake this visit. It is now my pleasant duty, on behalf of the Committee on the Delegated County Legislation to present and recommend this report.

Mr. Speaker, kindly allow me not to read the whole of this report because some of it is not very necessary and I believe the Members can peruse. The delegation set out with the following objectives: exchange on parliamentary best practice and traditions, to share experiences on the best practice in our countries and parliament, to enable the committee to learn how Murang'a County Assembly and County Assemblies in general can support the integration endeavours of East Africa Community, to study intergovernmental relationships between the six East African Legislation member states.

The committee attended the EALA plenary settings, committee sittings, met with officials from EALA and met members of EALA. The members of the delegation were myself, Hon. James Kabera the vice - chairperson, Hon. Duncan Kamau, Hon. Sospeter Nyoko, Hon. Morris Thuku, Hon. Peter Githuka and Mr. Joel Ngugi, the Hansard reporter.

Mr. Speaker, if you allow me I will call Hon. Morris Thuku a member of the committee to present the findings and the committee recommendations. Thank you Mr. Speaker.

Hon. Morris Thuku Gathoni: Thank you Mr. Speaker and the Chair Delegated Legislation committee. I hereby read the findings of the visit: the delegation was able to note and observe the following best practice carried out by EALA in execution of its mandate;

1. The Assembly has hired professional legal drafters who advice the committees on drafting on any legislative proposal. The role of the drafters is to guide and advice on how an idea will be turned to a legislative proposal. For instance the committee was privileged to attend Committee on Integration and Conflict Resolution sitting where the drafter was advising the committee on how to go about drafting a Bill on integrity and corruption.
2. Wider consultative process while legislating: the delegation was able to learn that East African Legislative Assembly carries out wider consultations on any legislative proposal they have: this should not be confused with public participation. The consultations are done before final draft of the proposed law is written.

The delegation was lucky to witness committee of the Whole Assembly and finally adoption of East Africa Oath Bill 2018. It is also good to note that the minister of East Africa Community Kenya attended the sitting on that day, to respond on some of the consultative questions they needed: that is Hon. Munya.

3. Any legislative proposal is thoroughly scrutinized to ensure it is not conflicting East Africa Community treaty and member states constitutions. This is done by the legal drafters who ensure the proposed legislation is aligned to those two legal instruments to avoid confusion during implementation.
4. Before any legislative proposal is considered for plenary debate, the East African Assembly ensures that the proposal is not repeating any other legal provision that is in place. This is done to avoid double legislating on the same issue. An Example; the committee attended Committee on Integration and Conflict Resolution where debate on legislative proposal on integrity and corruption resumed after it had been adjourned in the previous meeting to give the legal drafter time to go and ensure the Bill was not similar to Integrity and Anti-Corruption Convection by United Nations and Africa Union as member states had already ratified the two legal instruments.
5. Rotation of plenary sittings to various member states: this is done to ensure all the member states feel part of the community and to bring the regional legislative body closer to the people. For example the sitting for EALA this month of May will happen in Nairobi.
6. The committee found the plenary debate robust, engaging and Members seemed to have done their research and had a lot of information on the subject matter. This made the debate lively, interesting and captivating. Their manner of debate is among the best practice to be borrowed in this House since it made the sittings enjoyable not only to the Members but also to us as the audience.
7. Finally, there was also time keeping: the delegation was able to note that both plenary sittings and committee sittings are done on the appointed time without delay. Time consciousness is another best practice, though appearing obvious, that ought to be emulated.

We noted the challenges that the EALA is going through and I think I should highlight on the findings of the challenges faced by EALA;

1. There is undue delays in ratification of the East African Legislative Assembly resolutions.
2. Slow pace in legislation since all legislative proposals must be agreed upon by all member states and must be aligned to member states constitutions, just to note on this, it happened when members of the delegation were sharing on the representatives at EALA when a Bill or a Motion is not very friendly to the member states , some Members abscond or miss in action to attend the plenary . That means you either lack quorum or the Bill is not supported so it requires a lot of lobbying.
3. Legal council taking long before meeting yet legislative proposal cannot be taken to the Floor before it is seen by the legal council for their input. This is because all member states, Attorney Generals, are the ones who compose the council and thus they take long time before they meet due to the nature of their offices

The recommendations to this House, this committee recommends that;

1. The Committee handling any legislative proposal should carry out wider consultations with the County Executive, or any Executive organ that is expected to implement it and

any organizations or agencies directly touched by the legislative proposal before coming up with the final draft of the legislative proposal for tabling at the floor and adoption. This will ensure every critical player in the area to be legislated upon feels part of the Bill and will make it easier for Bill to be implemented. Note that this is not public participation but a consultation forum among critical players in area to be legislated upon.

2. The County Assembly should hire at least one legal drafter in the next financial year. This has been talked openly and I think it is very critical for this House to look into this.
3. The County Assembly should ensure it holds its plenary sittings at various sub-counties once in a while. This will make it easier for the residents of Murang'a who will then have an opportunity to learn more on operations of the Assembly and how they can use Assembly to improve their livelihoods. This is also a great method of publicizing the County Assembly and the work it carries out in terms of enlightening the residents on roles of Members of County Assembly.
4. The committee should be holding meetings at various places with the County, for instance a particular committee can hold its meeting at a local area which will be directly concerned with the subject matter before the committee. This will help the residents to feel associated with may be the problem that is being discussed as well as the committee members to gain knowledge or consult members on the best way they can be able to solve the problem
5. Just like East Africa Community, Murang'a County should form economic blocks with other counties that have similar objectives and economic activities for progress or development in economic activities across the counties.
6. Legal department to ensure any legislative proposal or any resolution to be made by the Assembly is aligned to the existing law.
7. The Speaker to the County Assembly or the Chairperson to any sectoral or select committee to ensure plenary or Committee starting time is strictly adhered to. This will create ample time for plenary or Committee deliberations.

Mr. Speaker I call upon Honourable Muturi to second the motion.

The Speaker: Order! Order! I thought you were seconding the motion?

(Laughter)

Hon. Amos Thuku Gathoni: Yes, thank you Mr. Speaker.

(Question proposed)

Hon. Murigi Amos: One thing is to highly appreciate the good work done by this committee. I just wanted also to chip in only in one area which I also think it is very useful to this Assembly.

If you look at page 15 about the inter-governmental relationships between the East Africa Assembly member states of which I think we need to borrow a lot as this Assembly because having read about the inter-governmental relationships between East African Legislative Assembly member states, the delegation was able to make the following findings which is very practical and can be very useful to this Honorable House.

One thing is member states enjoying cordial relationships which has been lacking in this Assembly and I think it is very important some of it we adopt. It is also important to also take note of this because I think we require a lot to learn from what you have presented here because what we have seen in most of these times, most of our members are not accommodating to other people's views and you just want to impose your views. Some of these cases are also lack of consultations which I think have hampered the deliberations and work of this Assembly. I believe this were very crucial.

If you look at the other one, they have said that diplomacy is a tool widely used to solve differences between the member states of which diplomacy here is totally lacking in this Assembly. I think it is important we borrow from some of these issues because lack of diplomacy sometimes as Honorable members, we should use it as a tool. Even if you want to communicate something, I think it is important we embrace the issue of diplomacy because sometimes we may have some differences but I believe as Honorable members because diplomacy is very important.

Lastly is the issue of supportive among us, sometimes you should not take advantage of my weakness. That is what we have seen people after they know your weakness they exploit it and Honorable Speaker I know you have suffered as we talk here. I know I have a weakness of talking a lot, when I talk a lot, I have a habit of talking my mind. This has been used excessively by some members to their advantage because I know my relationship with the Executive Arm is very bad and it is out of these members using that as a weakness and I think this is something which we require to desist from because this one has really contributed to some of these problems. Because of some people taking advantage of when you have a weakness, this and this to their advantage. If this House is to go on I think we should desist from some of these things.

The other thing I have also noted, member states enjoys complimentary and not competitive relationship. We are not here to compete Honorable members, I think we are here to support one another. We may be having some differences here and there and they will always be there. We should have a way of how we are going to resolve our differences because I do not think there will be anybody who will come to this House to sort out our differences. We are the only people who can sort out the differences which we have. There is no way we can swear that we are no longer going to have differences but we must have a mechanism of how we will definitely be able to resolve our differences.

I have listened to the message from the Chair and that is very encouraging. I have seen how the member states in the East African Assembly relate and it is important we learn from that. In supporting you about having a Mombasa Two, if all of us can go to Tanzania instead of Mombasa, we can have a very useful lesson.

(Laughter)

Hon. Murigi Amos: I have seen how they relate and it is totally absent in this Assembly. It can be of very great use. If you ponder on that, we are going to give you 100 percent. We can

go to Tanzania after recess so that we learn more on the issue of relationship among us. I support.

The Speaker (Hon. Nduati Kariuki): Kiiru.

Hon. Kiiru Mwangi: Thank you Mr. Speaker, I am a Member of the Committee on Delegated County Legislation. I also rise to support the Report of the Committee. They represented us because not all of us were part of the delegation to Tanzania.

My friend has tried to create an opportunity from that and I hope it will be coming soon. I do not want to echo the sentiments of Hon. Murigi on some of the recommendations that they have made but if different countries with different Constitutions can correlate with consultations, we need to work without much consultation because our Constitution is the same and our laws are similar.

I now want to draw your attention to recommendation number three, I do not know whether there are special arrangements for carrying the Mace. If we have Plenary sittings outside the designated Plenary room, I do not know how we are going to make of the Mace because most of the times, the Serjeant-At-Arms is always standing in preparation of any eventuality. If we can possibly have Committee sittings outside the Assembly, those are very encouraging so that we can have Members of the public. According to the Constitution and our Standing Orders, we are supposed to have our sittings open even to the media.

I do not know whether the Seconder has changed his heart because it good to change heart as he does not have to take a permanent position. I have seen that he has not signed the Report but it is good to have change of heart. Thank you for changing heart and supporting the Report.

Finally, from your Communication, if at all we are going to have any Mombasa Two, then let it be consultative. Let people be given free space to exercise or give their views. We should not go to receive lectures and not give Members the opportunity to express their concerns because it will be a matter of reconciliation if we want to bring this House to order.

As you have said, sometimes we need to lower our ego and once you get a position of leadership, you have to respect the people who gave you that position. That communication was quite in order, let people lower their ego and let people be accommodative of each other because you might be there today and tomorrow somebody else takes your position. We are here for only five years. Nobody has a guarantee to be in this Assembly in the next Assembly.

I support the communication from The Speaker, he has been going through undue pressure from both sides, and I want to say I am part of one of the sides and there are people who are in the other side. You have to fight for your space and you have to fight for justice but the laws of natural justice must take precedence in this country. We wish people can listen to one another. I support this Motion; let us adopt it as it has been presented. Thank you, Mr. Speaker.

Hon. Ruoho Wangechi: Thank you Mr. Speaker, I want to draw your attention to recommendation number two, I am doing this as a Member of the Committee that has prepared this so that we can clean our name: the County Assembly should hire at least one legal drafter in the next Financial Year (FY). I just want to put a disclaimer that it is not that we have realized

that the legal officers we have not been doing their work lest it is interpreted that we may be requiring a legal officer. We appreciate the work they have been doing; it is only that in the Report is that there was one permanent legal drafter. We support the existence of the Legal officers who have been working very well and actually, as a Committee, we have no issues with them.

Mr. Speaker, in addition to whatever has been stated, I had some fears when I was requesting for that Statement because I did not know how that Statement request will be interpreted when it comes to the Assembly and maybe because it may eventually land in the County Executive. I did not know how to work it out because I wondered, if I ask a question concerning the dairy development program, that is supported by our Governor, will I have someone who shall take that Statement, interpret it in his own way and deliver it to the Executive and it is indicated that the Hon. Member from Kinyona who was sponsored by a political party from elsewhere, is now fighting the dairy development programme.

Hon. Members, that is just in accordance to the duties of this County Assembly. We are required to request Statements where we need or expect something to be done. I have stated that Statement that should allow all the Members to take into consideration what is happening in your co-operatives because if you take a moment to think of what is happening, I think you will 100 percent support what I have asked there. In our aspect of interdependence, I humbly request that the interpretation of that request for Statement should be as positive as it has been put.

Thank you very much Mr. Speaker.

Hon. Mburu Muthoni: Mr. Speaker, I am the Member of County Assembly (MCA) for Kagundu-ini Ward. As I support what my Committee Members have done, one thing that all the other Members in their respective Committees should emulate from this Committee, is that, one, we had no wrangles from the word go on who was to go to represent us in Dodoma or who would not be going to represent us; that is one thing with this Committee that is so peculiar.

Number two, I also rise to congratulate you Mr. Speaker, from the bottom of my heart for you have never given an exceptional statement like the one you have given today and I support you so much. Why do I say so? You have talked of research; all the times I have stood, I have consecutively said that we have a Speaker who is prudent enough in making decisions. In your statement today, you have portrayed that you not only have wisdom, you are not only prudent, but you are there for Murang'a.

The differences that have been in this House have not been there because of anything else, it is because of the personal interests and not only that, it can be solved within a twinkling of an eye if people can agree to sit and talk. It is said by one of the writers in South Africa that that two things that keep people together: first one is trust and second one is communication. When I do not trust you my Speaker and I do not talk to you we will always be at war.

When people sit down and communicate you are able to understand where that person is coming from and where he is headed. Today I will go home a very happy man knowing very well that The Speaker of this County Assembly Hon. Nduati Kariuki has now awoken and is ready to take the task of moving this House to another level that it deserves. Why Mr. Speaker?

Many instances in the past you took sides but today in your communication you have not taken any side and I bless the Lord for that.

(Hon. Stephen Chege rose on a point of order)

The Speaker: There is a point of order

Hon. Stephen Chege: Thank you Mr. Speaker, with all due respect we were discussing the report from Dodoma but everyone is talking on your communication. I would rather you give us time discuss the communication or we deal with Hon. Lilian Kabaya's report.

The Speaker: Thank you for that observation. Let me redirect you; we are discussing the report from Dodoma and nothing more, my communication is not subject for discussion. I will ask the Mover to respond.

Hon. Lilian Kabaya: Thank you Mr. Speaker, I would like to thank all the members whom have contributed to the Motion. I wish to state that some of them have gone out of context but it all in good spirit. The issue of diplomacy and support among member states has really inspired them to talk about your communication.

Thank you for member of Kimorori- Wempa; he makes debates in this House very lively and I would ask Members to emulate him in contributing to Motions. Thank you to all the persons who have responded. I wish to retaliate that while we observed a lot of diplomacy or the comments of Hon. Murigi Amos that this East Africa Legislature Assembly (EALA) rotates among member states they will not be in Dodoma in the next sitting. They could be in Kigali, Burundi or Kampala. I wish to agree with the sentiments that it will be beneficial for all members to attend and see how persons from different countries can relate with each other without fighting. Thank you very much for that suggestion Honorable member.

I ask members to support this Motion so that this Assembly can implement the committee's recommendations and practices we learnt from our brothers and sisters across East Africa.

Thank you.

(Question put and agreed to)

SUPPLEMENTARY ORDER PAPER

NOTICE OF MOTION

DECENTRALIZATION OF DEPARTMENTAL BUDGET

Hon. Murigi Amos: Thank you Mr. Speaker, I beg to give notice of Motion on Decentralization of Departmental Budget.

Aware that, Article 226 of the Constitution of Kenya 2010 provides for the designation of an accounting officer in every public entity at both national and County level, further aware that section 148 (2) of the Public Finance Management (PFM) Act 2012 further stipulates that, an accounting officer is responsible for the administration of a County Government entity and management of its finances, cognizant of the fact that County Assembly has vetted and approved accounting officers for departments in the County Government pursuant to section 43(1) (b) of

the County Government Act 2012, this House therefore urges the County Executive Committee Member (CECM) In charge of Finance, IT and planning:

- (a) To decentralize the County Treasury so that every department Chief Officer is able to deliver on their mandate of public finances and subsequently be answerable to the County Assembly.
- (b) That in ensuring compliance with the resolution the CECM in charge of Finance, IT and planning submits a report to this House with the following details for every department on or before 15th of June 2018:
 1. Chief Officer
 2. Procurement officer
 3. Accountant
 4. Whether the above named persons have the authority to incur expenditure, make requisitions and implement programs in the department
- (c) That the report in (b) should serve as a basis of approval of the budget of the year 2018/2019 by the County Assembly.

Thank you Mr. Speaker

ADJOURNMENT

The Speaker: Honorable Member the House stands adjourned until tomorrow 2:30p.m.

The House rose at 3:35 p.m.