

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF NYAMIRA
THE HANSARD

Wednesday, 4th October' 2017

The House met at the County Assembly Chamber, at 9:30AM

[The Speaker (Hon. Teya) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

COUNTY ASSEMBLIES FORUM MEETING

The Speaker (Hon. Teya): Thank you, Hon. Members I would like to bring to your attention that I will be away from tomorrow the 5th October to attend the County Assemblies Forum, Speakers' induction in Mombasa which will take one week, from 6th to 11th. Therefore, I will be leaving the County tomorrow and I will be coming back on 12th. In my absence the Deputy Speaker will chair the sessions, therefore I request that you accord him the necessary cooperation. Together with me, I will be accompanied with hon. Sironga the MCA for Rigoma Ward who is an executive member of the County Assemblies Forum.

Thank you.

MOTIONS

ADOPTS THE SELECTION COMMITTEE REPORT

The Majority Leader (Hon. Masira.): Mr. Speaker sir, I beg to move a motion that the County Assembly considers debates and adopts the selection committee report on the composition of the County Assembly committees with or without amendments that was tabled on Tuesday 3rd October 2017. Article 185 of the Constitution of Kenya, 2010, provides that

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(1) The Legislative authority of the County is vested in and exercised by its County Assembly.

(2) A county Assembly may make any laws that are necessary for or incidental to, the effective performance of the function and exercise of the powers of the County Government under the Fourth Schedule.

(3) A county Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County executive committee and any other county executive organs.

Mr. Speaker sir, Section 14 of the County Government Act 2012 provides that:-

(4) The County Assembly shall in establishing committees under this section ensure that each member of the county assembly is appointed to at least one committee consistent with the standing orders in such a manner and for special purpose and for general or special purposes as it may consider fit and regulate the procedures of any committee so established. We underscore the importance of Assembly committees in the exercise of the noble duty bestowed upon the house. These committees will help to organize the most important work of this Assembly considering shaping and passage of bills and other legislative documents, overseeing agencies, programs and activities within their jurisdictions and in determination of any matters that may come to deliberations of this house. Mr. Speaker sir the committee on selection exercised diligence, balancing and fairness.

The committee used principles of equity, two third gender rule, community and culture diversity and protection of interests of minority as set out in article 197 of the Constitution of Kenya 2010 and Standing Order 152 paragraph 2 of the County Assembly of Nyamira Standing Orders. Deliberate efforts were made to ensure that composition of the committee membership reflects the relative majority of the seats held by each of the parties in the County Assembly and that is consistent with the provision of the constitution and our Standing Orders.

Mr. Speaker sir, committee on selection designed a selection committee is formed under the provision of standing order number 153 of the County Assembly of Nyamira standing orders. Committee membership, the County Assembly on its sitting on Thursday 28th September 2017, approved the following membership to the committee on selection:

1. Hon. Duke Masira- Leader of majority
2. Hon. Denis Nyaribo- Leader of minority
3. Hon. Benson Sironga- member
4. Hon. Jane Mokaya- member
5. Hon. Charles Maroko- member
6. Hon. Thaddeus Nyabaro- member
7. Hon. George Morara- member
8. Hon. Robinson Mocheche- member

9. Hon. Monica Mwamba- member

10. Hon. Charles Barongo- member

11. Hon. Abigail Matini- member

The Mandate of the committee on selection is set out in standing order number 153 paragraphs 2 of the County Assembly of Nyamira standing orders as the committee on selection shall nominate members to serve in committees. Save of County Assembly Business committee and Committee on appointment. Limitation of mandate; pursuant to the provisions of Standing Order No. 178 of the County Assembly of Nyamira Standing Orders, the Committee on Selection is confined to mandate set out on Standing Order No. 153 (2) of the County Assembly of Nyamira Standing Order and as much as it did not deliberate any matter that is without its mandate. On behalf of the Committee on Selection I wish to extend immense gratitude to the Speaker for his invaluable guidance, patience and commitment to united and strong County Assembly. I acknowledge with sincere appreciation guidance and the logistical support from the office of the Clerk towards the success of this exercise. I also wish to appreciate members of the committee for the fortitude, dedication and commitment in ensuring that the process was a success.

Finally, the committee is grateful to the County Assembly staff who offered invaluable technical support in the services in successful completion of this report. It is therefore my pleasant duty and privilege on behalf of the members of the Committee on Selection to table this report and recommend it to the Assembly for consideration and adoption. Pursuant to Standing Order No. 156(1)

I now present this list of members nominated to County Assembly committees for approval. Mr. Speaker sir, selection committees are formed under the provision of Standing Order No. 191

The Speaker (Hon. Moffat Teya): Hon. Majority Leader please read the titles. You are starting on sectoral committees.

Majority Leader (Hon. Masira D.): Thank you Mr. Speaker, for that verification. Sectoral committees are formed under the provision of Standing Orders No. 191 with amendment as summarized in the Second Schedule of the County Assembly of Nyamira Standing Orders; the following members were nominated to serve in these committees.

Lands, Housing and Urban Planning, Members are;

1. Hon. Callen Atuya
2. Hon. James Onyancha
3. Hon. Hezinah Mokua
4. Hon. Damaris Mouni
5. Hon. Daniel Raban Masira
6. Hon. Carolyne Mogere

7. Hon. Fred Nyachae
8. Hon. Violet Nyakora
9. Hon. Stella Matunda
10. Hon. Irene Sese
11. Hon. Benson Sironga

Agriculture, Fisheries and Livestock development, Members are;

1. Hon. Duke Omoti
2. Hon. Callen Atuya
3. Hon. Alfayo Ngeresa
4. Hon. Robinson Mocheche
5. Hon. Hezinah Mokuu
6. Hon. Abel Mokaya
7. Hon. Jane Mokaya
8. Hon. Thaddeus Nyabaro
9. Hon. Charles Barongo
10. Hon. Dennis Kebaso
11. Hon. George Mosiori

Energy, Water, environment, mineral and natural resources, Members are;

1. Hon. Hezinah Mokuu
2. Hon. Richard Onyinkwa
3. Hon. Jeridiah Yaro
4. Hon. Daniel Raban Masira
5. Hon. Enock Okero
6. Hon. Charles Keganda
7. Hon. Thaddeus Nyabaro
8. Hon. Violet Nyakora
9. Hon. Jeliah Nyakang'i
10. Hon. Samuel Nyanchama
11. Hon. Gilbert Nchore

Health Services

1. Hon. Enock Okero
2. Hon. Innocent Mose
3. Hon. Abigael Matini
4. Hon. Duke Masira
5. Hon. Monica Mwamba
6. Hon. James Onyancha
7. Hon. Charles Barongo

8. Hon. Thaddeus Nyabaro
9. Hon. Jane Mokaya
10. Hon. Jemiah Nyakang'i
11. Hon. Benson Sironga

Education and ICT

1. Hon. Monica Mwamba
2. Hon. Innocent Mose
3. Hon. Jeridiah Yaro
4. Hon. Richard Onyinkwa
5. Hon. George Morara
6. Hon. Daniel Raban Masira
7. Hon. Charles Barongo
8. Hon. Jane Mokaya
9. Hon. Charles Maroko
10. Hon. Stellah Matunda
11. Hon. Samuel Nyanchama

Roads, transport and public works

1. Hon. George Morara
2. Hon. Carolyne Mogere
3. Hon. Robinson Mocheche
4. Hon. Lilian Nyamweya
5. Hon. Duke Masira
6. Hon. Alfayo Ngeresa
7. Hon. Benson Sironga
8. Hon. Charles Maroko
9. Hon. Violet Nyakora
10. Hon. Irene Sese
11. Hon. Dennis Nyaribo

Youths, Gender, Sports, Culture and community Services

1. Hon. Robinson Mocheche
2. Hon. Damaris mouni
3. Hon. Innocent Mose
4. Hon. Lilian Nyamweya
5. Hon. Abigael Matini
6. Hon. George Morara
7. Hon. George Mosiori
8. Hon. Joseph Nyarang'o

9. Hon. Irene Sese
10. Hon. Denis Nyaribo
11. Hon. Stella Matunda

Public administration

1. Hon. Joseph Nyarang'o
2. Hon. Violet Nyakora
3. Hon. Gilbert Nchore
4. Hon. Fred Omayio
5. Hon. Damaris Mouni
6. Hon. James Onyancha
7. Hon. Abel Mokaya
8. Hon. Enock Okero
9. Hon. Charles Keganda
10. Hon. Lilian Nyamweya
11. Hon. Jemiah Nyakang'i

Trade, tourism and co-operatives

1. Hon. Alfayo Ngeresa
2. Hon. Monica Mwamba
3. Hon. Abel Mokaya
4. Hon. Charles Keganda
5. Hon. Callen Atuya
6. Hon. Duke Omoti
7. Hon. Fred Nyachae
8. Hon. Samuel Nyanchama
9. Hon. Joseph Nyarang'o
10. Hon. Jane Mokaya
11. Hon. Jemiah Nyakang'i

Finance and economic planning

1. Hon. Richard Onyinkwa
2. Hon. Duke Masira
3. Hon. Duke Omoti
4. Hon. Abigael Matini
5. Hon. Carolyne Mogere
6. Hon. Jeridiah Yaro
7. Hon. Charles Maroko
8. Hon. Gilbert Nchore
9. Hon. George Mosiori

10. Hon. Stella Matunda

11. Hon. Irene Sese

Selection Committees, Committee on Justice and Legal affairs is formed under Standing Order No.190 of the County Assembly of Nyamira Standing Orders. The Members nominated to the committee are

1. Hon. Abel Mokaya
2. Hon. Innocent Mose
3. Hon. James Onyancha
4. Hon. Raban Masira
5. Hon. Damaris Mouni
6. Hon. Lilian Nyamweya
7. Hon. Joseph Nyarang'o
8. Hon. Samuel Nyanchama
9. Hon. Charles Maroko
10. Hon. Jemiah Nyakang'i
11. Hezinah Mokua

Committee on Implementation. It is formed under Standing Order No.189 of the County Assembly of Nyamira Standing Orders. The following Members will serve in the Committee

1. Hon. George Morara
2. Hon. Duke Masira
3. Hon. Abigael Matini
4. Hon. Jeridiah Yaro
5. Hon. Innocent Mose
6. Hon. Enock Okero
7. Hon. Charles Barongo
8. Hon. Stella Matunda
9. Hon. Irene Sese
10. Hon. Fred Omayio
11. Hon. George Mosiori

County Budget and appropriations committee .It is formed under Standing Order No.187 of the County Assembly of Nyamira Standing Orders and shall consist of Chairperson and not more than ten other Members. The Members nominated to serve are

1. Hon. Richard Onyinkwa
2. Hon. Duke Omoti
3. Hon. Alfayo Ngeresa
4. Hon. Monica Mwamba
5. Hon. Robinson Mocheche

6. Hon. Callen Atuya
7. Hon. Violet Nyakora
8. Hon. Jane Mokaya
9. Hon. Benson Sironga
10. Hon. Thaddeus Nyabaro
11. Hon. Dennis Kebaso

County Public Investments and Accounts Committee. It is formed under Standing Order No.186 of the County Assembly of Nyamira Standing Orders and shall consist of Chairperson and not more than four other Members. The Members nominated to serve in the committee are;

1. Hon. Daniel Raban Masira
2. Hon. Carolyne Mogere
3. Hon. Charles Keganda
4. Hon. Gilbert Nchore
5. Hon. Charles Maroko

Committee recommendations: The committee recommends that House approves this report on the committee of Selection with or without Amendments, dated third of October 2017 and confirmed by; we undersigned hereby confirm the accuracy, authenticity and validity of this report and in the statement thereto have appended our signatures.

1. Hon. Duke Masira-Majority leader signed
2. Hon. Dennis Kebaso-Minority leader signed
3. Hon. Benson Sironga-Member signed
 - a. Hon. Jane Mokaya-Member signed
 - b. Hon. Charles Maroko-Member signed
 - c. Hon. Thaddeus Nyabaro-Member signed
 - d. Hon. George Morara-Member signed
 - e. Hon. Robinson Mocheche-Member signed
 - f. Hon. Monica Mwamba-Member signed
 - g. Hon. Charles Barongo-Member signed
 - h. Hon. Abigael Matini-Member signed

I beg to move and I beg upon Honourable to second the Motion.

Member for Gesima Ward (Hon. Maroko): Mr. Speaker Sir, I stand to support the Motion only after that correction of Abel Mokaya has been done with the amendments so that it can reflect the true picture of what transpired. So with that one in mind, I do not have any other except when I was perusing, I noted that we did not have a committee looking at the issues of bursaries and maybe that can be looked into and see whether we can have a committee looking into the issue of bursaries.

Thank you Mr. Speaker.

The Speaker (Hon. Teya): Hon. Mokaya, you are out of order completely, you are supposed to second the motion and not to bring any other issue. So I call upon you to second the Motion, the list as presented. The issue you are bringing about is not to be discussed in that Motion.

Member for Gesima Ward (Hon. Maroko): Thank you Mr. Speaker, I support and withdraw what I have mentioned. I support the Motion Mr. Speaker.

The Speaker (Hon. Teya): Thank you. Second.

Member for Gesima Ward (Hon. Maroko): seconded

The Speaker (Hon. Moffat Teya): Thank you for the seconding of the Motion. Honorable Members, I will also want to take this opportunity to commend the work of the committee on selection which sat on the 30th September through to the 2nd October 2017 to come up with the list of the various committees as outlined in the Standing Orders. Therefore members as I was saying, according to Standing Order number 153 (2), I would now like to propose that we adopt the report as given by the Leader of Majority and seconded by Honorable Mokaya Charles.

Therefore, the debate is now open for discussion on the list given in the report. Hon. Nyanchama Samuel.

Member for Itibo Ward (Hon. Nyanchama): Mr. Speaker, I came here very early in the morning, I have gone through the report and my first sentence is that I want to thank the committee on selection that they were able to combine and compute the committees as enshrined. As they have written, that there was equity and regional balance I think it was observed and equity also could have permeated to the members who were in the first assembly. So I have a serious quarrel on finance and economic planning, that if the principle of equity was to be raised, at least one or two members of the first assembly not necessarily Hon. Nyanchama but could have been a member in that committee. Look at that because I am thinking that in any new dispensation, there is need for a chairperson to guide a few areas, 4-1-10, Finance and economic planning. I think that is what I noted and with those remarks I want to support that this be the committees to run this Assembly in the next five years.

Thank you Mr. Speaker

The Speaker (Hon. Teya): Thank you, Hon. Nyanchama. Hon. members I would like to remind you of Standing Order 58(1), so when you stand up to make a comment on the motion, make sure you make it comprehensive looking through the entire report on all the committees. I might not allow you to speak twice.

Thank you. Hon. Barongo Charles

Member for Bomwagamo Ward (Hon. Barongo): Thank you Mr. Speaker. This selection committee did a very wonderful job. They were very clever, they were informed, they looked across the parties that are Jubilee and NASA, they even involved the small parties which

are the minority, called the third force. They have been observed and they looked at the gender balance very carefully Mr. Speaker. I have looked at this report very carefully also so, I beg that if only members because of timelines to adopt it very quickly because you know very well that we go for tea very far, we do not have tea within the Assembly precincts, so that we can go for tea and we come back at the time that we have eaten.

I support it very clearly, for adoption.

Thank you Mr. Speaker

Member for Ekerenyo Ward (Hon. Nyabaro): Mr. Speaker you quoted Standing Order 58(1), I say maybe you withdraw it from the Hansard because of its relevance. It is talking about the removal of the speaker from the office.

The Speaker (Hon. Teya): 78(1) Hon. Nyabaro please come back to the assembly, please bring your mind to the house I said 58 (1)? Thank you Members, I am sorry, I withdraw, and I meant 78(1). Thank you for your keenness Hon. Nyabaro. Hon. Boera James.

Special Elect (Hon. Boera): Thank you Mr. Speaker, as far as I am concerned actually, I have got very few minutes to go through the list, if I could have gotten this by yesterday, I would have gone through it very well and come up with maybe queries. But my specific query goes to the youth, gender sports culture and social services of which we have around three members or four in the house who have been nominated to cater for the youth's interest. I am surprised to only see one name of hon. George Mosiori as a youth in that committee and therefore I question on its membership Mr. Speaker. Thank you Mr. Speaker

Member for Nyamaiya Ward (Hon. Masira R): Hon. Speaker I think the member could have read the whole statement. It is not about the youth only; it is about Gender, Sports, Culture and Social Services. And the members who were nominated will not only serve the interests of the youth because I think we are being nominated or elected to serve the interest of our people. I think the criteria and members who have been elected who are also youths cannot be discriminated because they are elected and because they contested election and won. I think we could come up when we want to petition any committee let us look for a correct criteria of criticizing that committee and we come up with a report but considering the gender which is a law.

Let us talk about gender balance.

Member for Nyamaiya (Hon. Masira R): Let us talk about the representation of parties then we can change those committees but when we are talking about nomination of a member, maybe somebody was nominated on gender and he/she is not in gender committee then I think we are going to the wrong direction and we are not going to help our house. Thank you.

The Speaker (Hon. Moffat Teya): Hon. Abel you seem not to understand standing order 58, Hon. James

Special Elect (Hon. Boera): Mr. Speaker I was responding to Hon members query and in as much as I can agree we have gender sports culture and social services then my question would be what is the rational in the membership we have in that committee Mr. Speaker?

Member for Itibo Ward (Hon Nyanchama): Mr. Speaker I think even yesterday the very member who has just sat we told him that we are not going to use the assembly for education, Mr. Speaker what the leader of majority read is that they combined all the members of this house and formed committees. And the issue of asking for another rationale is not possible. If somebody was brought here of the vehicle of a youth he became part of the members of this Assembly. And the combination of committees will take the total number of this house then they are combined into various committees to drive this Assembly. Thank you Mr. Speaker

Member for Esise Ward (Hon. Nyarang'o): Thank you Mr. Speaker I will second the motion but will still express.

The Speaker (Hon. Teya): Hon. Nyarang'o you are out of order, you are not seconding the motion, the motion is already seconded...

Member for Esise Ward (Hon. Nyarang'o): I said I support the motion, whatever, but I am questioning the criteria used in selecting these people. I do not know the criteria, because first, they are supposed to be regional balance. At least some ministries had to be shared amongst the constituents of Nyamira. For example, the key ministries we cannot say the ministries are equal, some ministries are more equal than others. Therefore whereas we are using parties I use the regionalism such that each region should have proper representation because my area has been marginalized because of this misrepresentation. For example Agriculture is a key ministry it could have been given either to North Mugirango, water could have been done the same, health services, education, roads and transport.

The Speaker (Hon. Teya): What is your point of order Hon. Mocheche?

Member for Bonyamatuta Ward (Hon. Mocheche): Hon. Speaker, I think...

(Hon. Nyarang'o on his feet)

The Speaker (Hon. Teya): Hon. Nyarang'o please sit. When a member is speaking you sit Hon. Mocheche proceed

Member for Bonyamatuta Ward (Hon. Mocheche): Thank you Mr. Speaker, I think Hon. Nyarang'o somehow is misleading this Hon. House. How can you support a motion then start immediately to criticize the motion. The very motion that you are supporting and you are the same person who is criticizing. I think Hon. Speaker; the member is out of order.

The Speaker (Hon. Moffat Teya): Thank you, Hon. Masira Daniel.

(Hon. Nyarang'o on his feet)

The Speaker (Hon. Teya): Hon. Nyarang'o you need to observe the decorum of this House.

Member for Nyamaiya Ward (Hon. Masira R): Thank you Hon. Speaker, I want to refer the hon. member to order number 155, the standing order number 155, and the criteria of nominating members to the committees. It is very clearly indicated there that it should, I can read, in nominating any member to serve on select committees, the selection committee shall ensure that the membership of each committee reflects the relative majority of the seats held by each of the County Assembly parties in the County Assembly. So the criterion of bringing about regional does not come in. There is no regional in the Standing Orders here. So I think regionalism comes unless and otherwise there is a specific person because in every committee I see representation. The law has been followed on gender balance and other things. I think we should be very consistent on following the law.

Member for Bomwagamo Ward (Hon. Barongo): Mr. Speaker, my friend, Hon. Nyarang'o, should know that we are in this Assembly, in this honorable house not representing constituencies but we represent our wards. So talking about constituencies Mr. Speaker, this is a matter that should be talked in the National Assembly where his Member of Parliament Ben Momanyi represents because we represent the wards here we do not represent constituencies. The matter of talking about constituencies Mr. Speaker, he seems to be forgetting so hon. member you should talk about wards where if you read very carefully, you are somewhere to represent in this select committee.

Thank you Mr. Speaker

Member for Esise Ward (Hon. Nyarang'o): Mr. Speaker you Excellency, I do not agree with that one. They are talking of parties; I do not know how my party was involved.

The Speaker (Hon. Teya): Hon. Nyarang'o you are out of order. Number one when the speaker is talking Hon. Nyarang'o you need to freeze. I have observed this since we opened the house, hon. Nyarang'o you seem not to have understood the standing orders and it is high time maybe we will send you to an induction once more so that you understand. Number two, there is no Excellency here, you referred I do not know who you were calling your Excellency hon. Nyarang'o. You need to apologize, please know the terms that are supposed to be used in the house. You may now wish to proceed.

Member for Esise Ward (Hon. Nyarang'o): Thank you, Mr. Speaker. I apologize for calling you your Excellency. I think we are getting confused in this house. At one time we are using parties at another time we are using another thing. Let us be consistent. If we are using parties, I do not know where my party was involved. And where I am supposed to belong? I am either bat or a bird. Where is my party? Mazingira green party, where was I involved? So that

one Mr. Speaker sir, I would like to know, to classify my party accordingly. Whether NARC (National Alliance Rainbow Coalition) or Jubilee. Please put me right so that I participate here effectively or I am unwanted here. If my party leader died.

The Speaker (Hon. Moffat Teya): Hon. Nyarang'o you are out of order once again. When the speaker is speaking you keep quiet hon. Nyarang'o. I think I give you the last warning otherwise I will be throwing you out of the house. Hon. Deputy Speaker. Members you need to observe the order of superiority in the house. When the deputy speaker is on his toes, no other person is supposed to stand or speak unless it is only the Speaker. Followed by the leader of majority and those things you were taught in the induction. Followed by the leader of minority. Why are we not observing simple rules? Hon. Deputy Speaker please proceed.

Member for Kiabonyoru Ward (Hon. Omoti): Thank you Mr. Speaker sir, I would like to inform the honorable member who has just sat down, hon. Nyarang'o, that let him go back to his memory and remember and the records are very clear in the Hansard. He stood and said in this house that he does not recognize any coalition or any party in this house, he only recognizes Wangari Mathai who is deceased and I would want with due respect I would wish that Wangari Mathai comes to life and allocates him where he belongs. Further point of information Mr. Speaker sir I would want to inform the hon. member that all committees are strong and powerful, we do not have weak and strong committees, sectoral committees in this house. So let him not mislead the house by telling the house that some committees are strong than others.

Thank you Mr. Speaker sir.

The Speaker (Hon. Moffat Teya): Thank you. I would like to once again give chance to the Leader of Majority to explain, he is the chairperson of the Selection Committee to explain the criteria used so that some hon. Members like Nyarang'o to understand. Sergeant-at-Arm, the hon. Member is completely out of order. I now want to give him the last chance, he seems not to understand who the speaker is because he is standing and banging the tables when the Speaker is talking. Hon Nyarang'o with due respect you have squandered your chances, the next time I will throw you out of the house. The Leader of majority

The Majority Leader (Hon Masira D): Thank you Mr. Speaker sir, as I said earlier sir is that with the considerations of the party, the coalitions. The minority parties as my brother hon. Nyarang'o from Esise is saying if you had a chance of going through the report that we have tabled and I have read the names , from the youth that I have heard youth, Gender, Sports, Culture and Social services. I really want to tell you that we considered well first of all the representation in the house, the parties and even the age not forgetting gender.

(Hon. Nyarang'o on his feet)

The Speaker (Hon. Teya): Allow the Leader of Majority to proceed.

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The Majority Leader (Hon Masira D): Thank you for protection Mr. Speaker and that is the authority that you have always stamped on them and told them on who should address when somebody is talking and I am happy for your protection Mr. Speaker. I want to tell you with the considerations that I have read from my report, I want to ask you Mr. Speaker to just accept and members of the house to adopt the report because with the considerations that I have made in my report, I want to believe that I considered everything. I mean from gender, parties that is majority and minority and we even sacrificed sir as the majority and minority parties to even consider the other parties for giving positions. And for the statement made by Hon. Nyanchama from Itibo, of the Finance committee, we really want to appreciate for the remark but we also want to also practice on how these things are done.

Thank you Mr. Speaker.

Member for Magombo Ward (Hon. Onyinkwa): Thank you hon. Speaker. I refer to order number 154 on the nomination of select committee. And what is happening here with the Hon. Member from Esise, is questioning the integrity of the select committee which is supported here. That and if I refer to Sub-Article 2, the committee on selection shall give consideration to the needs of gender balance and shall so far as may be practicable where issues of balance whether it is gender, youth shall then be spread over all the committees, not a single committee. We cannot focus on gender, I want to see this house focusing on 16 committees and evaluating how many areas of balance are required. Is it the gender, youth? How many youths do we have here and how much is that youth spread over the 16 committees? And if it is the question of regional balance, we are feeling therefore that the Hon. Member who has just sat from Esise, we shall not trust him in any area that he shall represent us. Not all of us will go to gender, but once he is there, we expect him to execute his duties that represent all of us.

Thank you hon. Speaker.

Special Elect (Hon. Mokaya A.): Thank you Mr. Speaker sir. I would like also to inform my hon. Nyarang'o, concerning the selection that was done. It is very perfect because they had given consideration regardless of the parties and we said last time while we were giving the maiden speech that we have to work in unity. We have to consider others, we do not want to be rigid, and we want at least to be transparent. What I am saying, is that in this House, we have two big parties, the majority and the minority, already Mr. Nyarang'o had joined majority party. He is here with us and let him be comfortable with us. Those slots where he has been appointed in the committee let him be satisfied. These committees even though we are talking of the wards, we are not going to serve a ward as an individual, with all these ministries, we are serving the County. We are only but representatives. So Hon. Nyarang'o what if you are given all these ministries to take them at Esise and work there with Esise you cannot manage all of them, so the issue is we are here to cooperate that is why we are nominated and elected to serve one another and to help one another. We need cooperation, and we do not want to argue about this adoption,

what we need and what we request is that let this committees be adopted and we do not want to waste time.

Thank you.

Special Elect (Hon. Yaro): Thank you Mr. Speaker. I also want to support the motion and I am happy about the gender balance so personally I am satisfied with the committees. I am happy with the gender balance that has been done there, I am so happy so I support the motion. The committees should be adopted. Then secondly, whatever Hon. Nyanchama is saying about the Finance and Economic planning, you told us very clearly yesterday that we need to learn and we are very ready to learn, I think whatever has been done there we are ready to learn from either you or anybody that is willing to teach us so that we take over with finance and economic planning. So there is no reason that nobody is capable there. Everybody is able in this house.

Thank you Mr. Speaker.

Member for Esise Ward (Hon. Nyarang'o): Thank you Mr. Speaker. I only asked a simple question, the criteria only and they are answering so many other questions. Please can you be relevant and be specific only criteria and how often each person appears. How often, that is all.

The Speaker (Hon. Teya): Thank you. I would like somebody else, there were eleven members in the selection committee, why the other members are keeping quiet I do not understand whether they do not know the criteria they used or they are not able to stand up and defend this report. Hon. Mocheche Robinson.

Member for Bonyamatuta Ward (Hon. Mocheche): Thank you hon. Speaker. You know number one we have just sat to give priority to members who were not present to participate. So in that regard my support is based on Standing Order No. 176 and I want us to read it. Hon. Speaker, if you allow me to go through Standing Order No. 176 which states that a member may attend and participate in a meeting of any committee of the County Assembly of which he or she is not a member but such a member shall not be entitled to vote on any matter before any committee. So the Standing Order No. 176 allows any member of this County Assembly to go and sit in any committee anywhere and you can also participate. Even if you are not a youth you are welcomed to a meeting that is not of a committee that is not of that nature. So honorable Speaker, I want to urge my fellow honorable Members that we support and adopt this report, as we go into various committees you can attend and participate even if you are not a Member of that committee.

Secondly, the sectoral committees are ten; we want to know the criteria that we used to select some Members to various committees. Just go and tally if you are a Member on a certain committee and you do not have three slots in any committee then your case is genuine to argue. But if you are a Member of this House and you have three slots; in those three sectoral

committees I want to tell and inform this honorable House, honorable Members that we were fair and accountable enough.

Member for Itibo Ward (Hon. Nyanchama): Mr. Speaker the Member who has just sat is a Member of this Select Committee, he is supposed to have brought to this House the tallying list if it is a criteria which was used. Members here are just honorable Members and they were not given the task to do the selection and to do the tallying. On this issue may I request that the committee on selection bring us the tallying list so that we can compare how many of these are involved?

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you Mr. Speaker, I think the question that people are struggling, honorable members are struggling to answer was answered long overdue by Hon. Onyinkwa. He read the Standing Orders here and the majorities were using a ratio of four to two. That is (NASA) National Supper Alliance and its affiliates. On the side of Jubilee and its affiliates was using a ratio of three to one. Let us bear in mind that this document was done with people of high integrity, people who passed the integrity test and every honorable Member who felt it was good and nice attended to participate but never voted.

I think and I believe that transparency was observed. I need to inform the hon. member for Esise and the hon. member from Itibo that it is not a matter of question to answers or answers to questions. It is a matter of raising issues that can be tackled. If we decide to listen to petty questions, we cannot move but if an honorable has a substantive issue let it be raised here. And we are ready as Members to give answers and substantive answers. And at the end of this the mover of the motion said that the House to approve the report with or without amendments. Where are the amendments that are being proposed here? Bring the issues; bring the amendments so that we debate on them.

Let us take this list seriously and let us know there are other businesses waiting for us. If there is no substantive issue, put the question and you will receive the answers, we are ready for it.

Thank you Mr. Speaker.

Member for Nyamaiya Ward (Hon. Masira. R): Hon. Speaker, I had to inform the house but at least the honorable Member has done it, but I refer to the Members that the Standing Orders it is only that I could not locate it, we are only given that every Member should serve in committees. The criteria in which committee you want to serve is not upon us to decide which committee you want to serve but the criteria should be given by the Select Committee through the whips from various parties or coalitions which nominates their members to the Select Committees and that is it. If I am in Gender Sports Culture and Social Services Committee, I am also in any committee and I have any expertise in the same go and explore it there. What we want are services to our people. It is not that I must be in Budget and Appropriation Committee because I am an accountant but I can serve also in Roads Transport and Public Works Committee

because we can be 15 people who are accountants but we cannot be in the same Committee because we want to be in budget. We must be in various committees so I think the best we can do hon. speaker if you put the question that we just move out of this business and we do other business which are waiting for us.

Thank you

The Speaker (Hon. Teya): Thank you. Hon. Nyarang'o Joseph I would like you to open Standing Order number 155 and read sub section three. Hon. Nyarang'o Joseph open Standing Order No.155 and read Sub-Section three.

Member for Esise Ward (Hon. Nyarang'o): Thank you Mr. Speaker. Except as the County Assembly may otherwise resolve, and the recommendations of the committee, in the selection for reasons to be stated no member shall be appointed to serve in one more than three Sectoral Committees.

The Speaker (Hon. Teya): Please read correctly what is written there.

Member for Esise Ward (Hon. Nyarang'o): No member shall be appointed to serve in more than three sectoral committees

The Speaker (Hon. Teya): Go to Standing Order No. 155(2)

Member for Esise Ward (Hon. Nyarang'o): Despite paragraph 1, a Member belonging to a party.

The Speaker (Hon. Teya): Standing Order 154 (2)

Member for Esise Ward (Hon. Nyarang'o): The committee on selection shall give consideration to the need for gender balance and shall so far as may be practicable ensure that no more than two thirds of the members of a committee of the county assembly including a committee established through a resolution of the County Assembly shall be of the same gender

The Speaker (Hon. Teya): Thank you. Read 154 (1)

Member for Esise Ward (Hon. Nyarang'o): Unless otherwise provided by any written law, or those Standing Orders, the committee on the selection shall in consultation with the County Assembly parties nominate members who shall serve on a Select Committee. My contentions here are in consultation with County Assembly parties, where my party I do not belong to either NASA or Jubilee, so my party is orphaned. Should an orphan be neglected?

The Speaker (Hon. Teya): Thank you hon. Member. Order members, I pointed out these Standing Orders to honorable Nyarang'o who has been asking on the criteria and honorable Nyanchama who has been asking for the tallying sheet which I know because I attended the supervision, of this committee, they have. The members have it and I do not know why they fear to produce the tallying sheet.

TAKE G-4TH OCTOBER

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The Speaker (Hon.Teya): Secondly, the criterion is given. I expect Honourable Member from Esise to question that there are Members who are appearing in more than three sectoral committees. He is not pointing, Hon. Nyarang'o are you pointing out that there is Member who is appearing in more than three sectoral committees? for example check your name out. Hon. Nyarang'o on sectoral committees, check if your name is appearing three times? Yes, Hon. Deputy Speaker

Member for Kiabonyoru Ward (Hon. Omoti): Thank you Mr. Speaker Sir, for the essence of saving time. I would like to inform Hon. Nyarang'o that he appears Youth, Gender, Sports, Culture and Social Services as Member No.8, he appears in the Public Administration committee as member No.1 and also in the committee of Trade, Tourism and Co-operatives as Member No.9. The Honourable Member appears thrice and it is in line with the Standing Orders so I would want to beg this House that we proceed and summarize this issue.

Member for Nyamaiya Ward (Hon. Masira R.): I Want to inform the House that all committees mentioned are all sectoral committees and I think if he got three he has got the maximum. The three committees are all sectoral.

Thank you.

Member for Esise Ward (Hon. Nyarang'o): Mr. Speaker Sir, I am not selfish and not asking for personal interest. I am trying to unite the House to have a system of doing their work. I am not really talking about myself but everybody in Nyamira County whether it is me or someone else that is why I asked a simple question on the criteria. The simple question I asked is taking long meandering around and not answering the question. I am a teacher.

The Speaker (Hon.Teya): Hon. Nyarang'o please sits down. Are you satisfied Hon. Nyarang'o with the criteria given?

Member for Esise Ward (Hon. Nyarang'o): I am now satisfied Mr. Speaker Sir, I am getting to know it and I only wanted to educate people so that we learn to search our brains. Thank you

The Speaker (Hon.Teya): Please sit. Honourable Members, I think Hon. Nyarang'o was late because the Leader of majority specifically stated the criteria used and one of the criteria was the two thirds gender rule; number two criteria was party consideration; of course the House is composed of the majority party and minority party and Hon. Barongo explained further that even parties that are not specifically affiliated were considered and this is where Hon. Nyarang'o comes in and other parties with one or two special elects in the House. Hon. Nyarang'o it is either you were absent or present in the House but absent in the mind. The criterion is now clear than no Member is supposed to appear more than three times in sectoral committees and your name has mentioned three times.

Hon. Masira Raban has said that you are lucky you got the maximum. Hon. Nyarang'o therefore I can see you nodding and I hope you are satisfied and Hon. Onyinkwa said that you

are in that committee to serve the entire county, you are not in Public Administration to serve the interests of Esise only as much as it is Esise that you are representing here. Therefore Hon. Nyarang'o you will be a quick learner and soon acquainted with how the House operates. He is aging so we are helping him to understand these things.

Hon. Members, the report is presented to us and as the Leader of Majority said in his conclusion that the if there any amendments to the motion, then state them here so that you do not go out saying that we forced you to be in a specific committee. What said and I would want to say in his recommendations that the committee recommends that House approves this report on the committee of Selection with or without Amendments. Are there any amendments to be made?

No amendments to this committee report. I would now want to put the question and before then I would like to give the Leader of Majority if he has anything to say on the report.

The Majority Leader (Hon. Masira D.): Thank you Mr. Speaker Sir, I really want to appreciate the work done by the selection committee and I would want to urge the Honourable Members that us the Majority coalition we are not greedy. Mr. Speaker even when you go through the names of the selection committee. I want to tell you that with the ratio that we were given the lion share went to this small parties that are now scaring me that if they can complain still with the enormous cake we have given to them then. I also want to ask the Members to adopt the report as we look forward to the uphill task ahead of us. Thank you Mr. Speaker

The Speaker (Hon. Teya): Thank you, I now put to question that pursuant to Standing Order No.153 (2) that the Assembly has resolved to adopt and approve the report presented to this House by the Selection committee as it is.

(Question put and agreed)

The Majority Leader (Hon. Masira D.): Thank you Mr. Speaker, I now want to move a motion to consider the debate and adopt the following Members to the Committee on Appointments Pursuant to Standing Order No.185,

1. Hon. Moffat Teya-Speaker
2. Hon. Duke Masira-Leader of Majority
3. Hon. Dennis Nyaribo-Leader of Minority
4. Hon. Callen Atuya-Member
5. Hon. Richard Onyinkwa-Member
6. Hon. Masira Raban-Member

With the consideration made, Mr. Speaker, the two thirds gender rule was met since the three members were automatic and from Hon. Callen Atuya, Hon. Richard Onyinkwa and Hon. Masira Raban two third gender is considered and with that I beg to move a motion. I call upon

Honourable Members to adopt the names. I call upon Hon. Dennis Nyaribo to second the Motion.

The Minority Leader(Hon. Nyaribo):Thank you Mr. Speaker, I stand to second those names that have been read by the leader of majority as Members of the Appointment Committee, the list was well considered taking into consideration as the leader of majority has said, gender, regional balance and also party affiliations. I second

The Speaker (Hon. Teya): I propose the names presented to us the Leader of Majority be the names constituted in the committee on Appointments. I now open for debate for discussion. Hon. Barongo Charles.

Member for Bomwagamo Ward (Hon. Barongo): Thank you Mr. Speaker, if there is a committee that is badly constituted in this Honourable House it is this one. Member one, Hon. Moffat Teya is an automatic Member according to the Standing Order, Member two, Hon. Duke Masira is automatic Member according to the Standing Order, Member three, Hon. Denis Nyaribo is an automatic Member according to the Standing Order. Let us now come to the other people; other Members. Hon. Callen Atuya, she is representing gender and comes from NASA, Hon. Richard Onyinkwa a Member and comes from NASA and Hon. Daniel Raban Masira Member coming from NASA. This is to bury this House to the soil while some of us watch as Honourable Members, where are the small parties? Where is Jubilee in these? Because, others are all Members of NASA. If there will be any report that is badly adopted, and will kill the spirit of this House, these is the committee. I beg that this committee be dissolved in the highest magnitude.

Thank you Mr. Speaker

Member for Itibo Ward (Hon. Nyanchama):Mr. Speaker, what Hon. Barongo has raised is not on the capability of the Members. What he has raised is on the distribution of this parties.Mr. Speaker, I know all the six Members are all capable but when it comes to the equity of the parties I agree with him that only Hon. Dennis Nyaribo with virtue of his position will represent the Minority and the rest are from NASA. We got to be united and share the cake equally and this has failed that test and aspiration.

Member for Bonyamatuta Ward (Hon. Mocheche):Hon. Speaker based on the argument on the two senior Hon. Members. I want to know who has just seconded the motion on the floor right now. In my wisdom that is the leader of minority who represents the minority Members in this House and also further, sitting in the House Business Committee, they are Minority Members who sit in that committee and agreed that the majority Members should be given the full cake. To me this are able Honourable Members who are able to serve in the appointment committee to vet our County Executive Committee Members in that regard I stand to support this committee, I support the membership because the minority have agreed that the majority takes the full cake.

Member for Kiabonyoru Ward (Hon. Omoti): Thank you, Mr. Speaker Sir, In addition to what the Honourable Member has said, this House did not have the powers to put in place the Members of the committee on Appointment, this power lies with the House Business Committee where the Members of the other coalition were led by the Minority leader. I know Hon. Sironga, Hon. Sese Irene from Jubilee were there and going back slightly. Immediately we concluded debate on the selection committee, we had seven Members from the Jubilee coalition. As Members of NASA, we did not complain just accepted as they were Honourable Members and could do the right thing?

(Applause)

Hon. Charles Barongo was there from the Minority coalition, now that this is here now, I would wish to conquer with Hon. Mocheche that we move faster and adopt this report and move on the rest of the Business given that there are activities ahead of us. Thank you Mr. Speaker Sir.

The Speaker (Hon. Teya): There seems to be no further contributions in the floor of the House. Hon. Charles Barongo you spoke on this. Please it. Hon. Nyabaro Thaddeus

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you Mr. Speaker, I stand to support. Standing Order No.185 is clear, Mr. Speaker think as much as parties are concerned it is well done only that the independent Members are not there.

Thank you Mr. Speaker.

The Speaker (Hon. Teya):Hon. Barongo Charles, what is your point of information?

Member for Bomwagamo Ward (Hon. Barongo):Mr. Speaker, in this House we agreed that it is not a matter of taking the whole bread and other parties to suffer. The Bible is very clear that we don't fight the orphans and if you touch the orphans, you are touching the eyes of God.

The Speaker (Hon. Teya): Point Hon. Barongo, You are out of order, can you substantiate that you are an orphan? Otherwise you withdraw and apologies Mr. Speaker. I go to the statement of Hon. Nyarang'o if jubilee and NASA can take the whole loaf. Then, Mr. Speaker protect me I finish my statement

The Speaker (Hon. Teya):Hon. Nyanchama allow him to finish

Member for Bomwagamo Ward (Hon. Barongo): let me finish so that you can get a material for point of order. I am yet to utter a word, Thank you Mr. Speaker for protecting me. Mr. Speaker, on this one if it is going to that direction but according to the conscience of minority parties where Hon. Nyarang'o ,Hon. Nyanchama and I belong, we will be suffering psychologically but and if it a matter of tyranny of numbers then psychological effect will be haunting others. Thank you

The Speaker (Hon. Teya):Hon. Charles Barongo you are out of order and you are misleading this House. The Minority party is jubilee. There is no other party recognized in this House.

The Speaker (Hon. Teya):Hon. Nyanchama

Member for Itibo Ward (Hon. Nyanchama): Mr. Speaker, point of order is on the strength that once a Member is told to apologies, he should not put any conditions. We must put the record straight since this is House of record. If he is withdrawing, he withdraws the words fully and then starts afresh. That is my point Mr. Speaker.

Member for Esise Ward (Hon. Nyarang'o): Thank you Mr. Speaker Sir, I have heard you say that it is only NASA and Jubilee and there is no other party. Kindly let me know where Mazingira party belongs to? These are other parties. The Constitution is very clear; other parties. The Standing Order too is very clear on other parties.

Special Elect (Hon. Mogere): Mr. Speaker Sir, I think Hon. Nyarang'o is out of order. Actually he is the one to tell the House where Mazingira party belongs.

The Majority Leader (Hon. Masira D.): Thank you Mr. Speaker Sir on appoint of information. I would wish to ask Hon. Nyarang'o if he feels that he is not catered for in either party. I would wish to ask him to resign, go back to Esise and ask the electorate of Esise to affiliate himself to either party because this is confusion to the House. He should be telling this Honourable House where he belongs. It is not the House mandate to direct him to where he belongs and if it is an issue of tyranny of numbers I would say we are good in that but I say we really want to stay in this House in a brotherly way. The only person who should be complaining on that should only be an independent candidate.

Thank you Mr. Speaker

Member for Manga Ward (Hon. Okero): Thank you Mr. Speaker, just a point of clarification. We have the majority government that is a NASA government led by His Excellency Hon. Nyagarama and then we have the minority. The minority with most of the seats in Jubilee so I will advise Hon. Nyarang'o that he is in the minority party and now Jubilee cuts the cake. He now belongs to Minority parties where Jubilee carries the day. This is not a NASA business. Thank you.

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you Mr. Speaker, there are some facts that we cannot avoid. Kenya is a multiparty country. As much as there is minority as the second largest party or coalition in the House that has the second largest Members in the House except Jubilee or NASA. We agree I can support any party of the government. I can jump to the other side or be here.

The Speaker (Hon. Teya): Hon. Nyabaro, your point is made.

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you.

The Speaker (Hon. Teya): Are you in support of the motion in the Floor? Let us restrict.

Member for Ekerenyo Ward (Hon. Nyabaro): I support the names, I support the committee and I support it.

The Speaker (Hon. Teya): so are the Honourable Members from Bomwagamo and Esise out of order when they are saying they are not represented in that committee because I know you

sit in the House Business committee which I chair. Is there point valid when as they raise it given that you were there when we comprised this committee?

Member for Ekerenyo Ward (Hon. Nyabaro): Under Standing Order No.185, I said there argument is invalid. The law only identifies only independent Members. If you read Standing Order No. 185 (1) at the tail end it says bearing in Independent Members of which County Assembly of Nyamira has no Independent Member here. Thank you Mr. Speaker

The Speaker (Hon. Teya): I now want to put to question that pursuant Standing Order No. 185 that the Assembly resolves to adopt the names as presented to us by the leader of majority to consist the committee on appointments.

(Question put and agreed)

Members, I would want to bring to your attention especially Hon. Nyarang'o, Hon. Barongo and the likes that it is important to note that the majority will always have their way and minority will have their say. Therefore it is you to affiliate yourself to where you would want to belong and where your interest will be taken care of.

ADJOURNMENT

The Speaker (Hon. Teya): Hon. Members the House stands adjourned to today the 4th of October at 2:30p.m.

The House rose at 11.05AM