

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Wednesday 30th November 2022***Assembly Building**The House met at 3: 20pm**[The Speaker (Hon. Joel Karuri) in the Chair].***PRAYER****STATEMENT****DISTRIBUTION OF HAWKERS VOUCHERS UNDER YOUTH EMPOWERMENT PROGRAM**

The Speaker (Hon. Joel Karuri): There is a Statement by Hon. David Wathiai.

Hon. David Wathiai: Thank you Honorable Speaker for giving me this opportunity to request for this Statement in front of this honorable House. Pursuant to Standing Order Number 47(2) (C) I rise to request for a Statement from the Chairperson of the Committee on Budget and Appropriations concerning the distribution of Hawkers Vouchers under the Youth Empowerment Program in the Office of the Governor.

Honorable Speaker, the County Assembly appropriated Kshs. 10 Million in the Financial Year 2021/2022 under the Office of the Governor. This amount was later spent in form of Gift Vouchers to Hawkers in Nakuru Town especially in Biashara Ward. While this was a noble idea meant to appreciate the hardworking and Small-Scale Traders, the whole activity was shrouded in a mystery. It is therefore important that we interrogate the manner in which the fund was administered. In view of this, I request the Chairperson for the Committee on Budget and Appropriations to respond on the following:-

1. Who were the beneficiaries to the Youth Empowerment Vouchers?
2. How many Vouchers were issued per person and how was the distribution structured.
3. The total amount spent in the program.
4. The Institutions, Shops, and Enterprises where the gift or vouchers were redeemed or cashed.

Thank you Honorable Speaker.

The Speaker (Hon. Joel Karuri): Thank you Honorable Wathiai. The honorable Chairperson for the Committee on Budget and Appropriations or the Vice Chairperson to take note. Honorable Karanja.

Hon. Stanley Karanja: Thank you for giving me this opportunity. When I listened to that Statement very clearly and it touched on hawkers, I am also requesting that the Committee on Trade that really deal with those issues because those are Hawkers complaining that things were

not done well, whether the Committee on Trade can be enjoined. It is my prayer because I can see it is touching on Hawkers and they are the ones complaining. Through your indulgence and I know you have read the spirit of the Statement touches on the Committee on Trade, the body touches on the Committee on Budget and Appropriations.

The Speaker (Hon. Joel Karuri): Honorable Karanja, thank you for that whereas the people who benefitted as was read by Honorable David Wathiai were the Hawkers, however the mother Department was the Office of the Governor and it was not a vote in the Department of Trade, Tourism and Cooperatives as then. As such the matter rests on the Committee on Budget and Appropriations. I am of the opinion that the Committee on Budget and Appropriations takes this Statement or the request for Statement and they respond. When matters that are specifically budgeted within the Department of Trade or any other Department that matter then stands committed to such a Departmental Committee.

Hon. Stanley Karanja: Honorable Speaker I thought you will deal with the spirit and that is why I was concerned because I thought the spirit is more provocative?

The Speaker (Hon. Joel Karuri): The issues of spirit in as far as the votes and Departmental Budgets are concerned, if for example a certain item was budgeted in the Department of Agriculture and it touches on the issues students, we are not able to commit it to the Committee on Education because they were beneficiaries. We will get back to where the mother Department where the money was budgeted in so that we can get to the root of the issue. As such, that is why now the spirit does not suffice. What is it Honorable Mwangi?

Hon. Mwangi Muraya: Thank you for this chance, I was of the view that when you will be considering the Chairperson for the Committee on Trade views also consider us the Committee on Finance because what was misappropriated is the money that we have been looking for and funding the Budget. When the spirit now comes in let us also be there.

The Speaker (Hon. Joel Karuri): Honorable Mwangi we realised that a certain Committee of an Assembly and the Assembly delegates power to that committee. You can imagine an Assembly of 75 Members wanting it; it will be a Whole House looking to a certain matter. So, we risk as much as we want to entirely have a trail on how matters will be dealt with or be investigated, we run the risk of having the whole House investigating or looking into different matters, which may not really give us the desired outcomes in as far as specific issues are concerned.

We also have to look at the mandate of specific Committees and the reasons why we have committed this one to the Committee on Budget and Appropriations is because it is concerned with their implementation of the Budget. Honorable Mwangi, the Committee on Finance, its mandates is about looking into new finances or how to raise finances, new streams and the existing streams of money and the mandate runs to that extent. When you collect the money the Committee on Budget and Appropriations sits, budgets and oversees the Budget Implementation process for any Financial Year to the extent that may be the Committee on Public Accounts and Investment has looked into issues or Reports from the Auditor General. If certain issue features the Committee on Budget does not have the mandate, then the Committee on PAIC will look into such a matter so we have to give room for our committees. So that now we promote the committee system. Now that is how the Assembly works. Next Order!

MOTION

HOUSE ADJOURNS FROM 30TH NOVEMBER, 2022 TO 14TH FEBRUARY, 2023

IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

The Leader of Majority (Hon. Alex Langat): Thank you, Mr. Speaker, sir, I raise to move a Motion; -

THAT pursuant to the provision of Standing Order, 31 (3) this House adjourns from today, 30TH November 2022, and actually resumes on 14 February 2023 in accordance with the Assembly's calendar.

We are aware that the House Business Committee had laid down a calendar which actually expires today. And according to the norms of the House members, we are aware of the good work that the Budget committee had done and any other sitting will be termed as a Special Sitting and it is well taken care of. Mr. Speaker, I raise to move this Motion and request my good friend Hon. Fadhili to second the Motion.

Hon. Fadhili Msuri: Mr. Speaker sir as presented by my good friend Hon. Majority Leader I do second.

The Speaker (Hon. Joel Karuri): Thank you. The Motion is open for debate. Hon. Karanja

Hon. Stanley Karanja: Mr. Speaker, as I read this Motion, and when I listened to the Majority Leader, he vaguely put in it that some of the committees have been kidding. Mr. Speaker, you know very well that the House cannot adjourn leaving matters pending.

It is us who make the law, thinking that we will not lock this out. We have a very serious business on the Supplementary budget. I did not get, when we say that we are adjourning and that is why it comes as a Motion it does not come as a law. It comes as a Motion so that when members discuss and see that they have no business pending, then they adjourn.

That is why it is my feeling that they are being told that there is something to be done tomorrow, if that something does not, please the administration or the speaker, then it means that it will adjourn because it will be a precedence. I presume and this is my humble request to the House, that first of all we defeated the Motion. So that we do first of all debate what brought us here. Can you imagine going home while you have no budget? my prayer is that the Motion as it is... because the Majority Leader brought what is obvious.

I am urging the members not to run away from the obvious because sometimes is tricky. So that we first of all finish with the business. Why do we agree with the business that brought us here

The Speaker (Hon. Joel Karuri): Hon. Karanja, do you want to be explained what measures are there to cure your concerns?

Hon. Stanley Karanja: Thank you, Mr. Speaker. The problem with the Motion and what the majority has said, is that the information was scanty and when the information is scanty and you cannot trace the head or the tail, because you cannot just say the rest have been catered for and not say exactly when.

Before the Majority Leader comes, he ought to be prepared enough. Have a statement that he says, yes, we want to adjourn because we know we have ABCD. And then we have this one, but you cannot bring a summary of the summary.

The Speaker (Hon. Joel Karuri): Okay, thank you, honorable Majority Leader.

The Leader of Majority (Hon. Alex Langat): Thank you Mr. Speaker, sir. I appreciate what our teacher is actually talking about. And I think he is always been good in receiving summaries. I do not know why he is not receiving the summary on this one. But it is well summarized. And I think I stated so well, that we are very much privy of the good work that the Budget committee has done. And I know the Whole House is sitting in anticipation of the approval of budget.

However, being my senior in this House, there are things that are actually catered for, by the Standing Orders and the laws and the precedence of the House.

House Business committee had the calendar. And once you have a calendar unless they go and sit again to review the calendar you have to follow it. And this one, you know very well, my friend Hon. Karanja, the business of this House expires today.

That is what was brought and was approved before this floor. So, any other sitting either perceived, assumed or anticipated, must actually be given a precedent, where we are going to set a time in terms of a special sitting.

So, if I may digest it further. I am aware that the budget has not been committed. And they are silently we hear whispers from behind. We are supposed to have a sitting to be able to approve budget, possibly by tomorrow.

So before going home, maybe I can put it to you or digested that We will have a special sitting, most likely tomorrow, so that we can be able to approve the budget and it is already taken care of, the formalities and the legalities to make that sitting official and legal, is already taken care of through administration.

So, I think you should not be worried about the small summary. But everything is in cause and just putting into consideration the business is supposed to expire and it is not peculiar to this House, but even to the rest of the assemblies. Thank you, Mr. Speaker, sir.

The Speaker (Hon. Joel Karuri): Honorable current.

Hon. Stanley Karanja: You know this is the House of rules and regulations, Mr. Speaker, Majority Leader cannot insinuate that the Motion cannot be defeated.

The Speaker (Hon. Joel Karuri): No, I am seated here and I have not had any insinuation from the leader of majority party that the Motion cannot be defeated, that is farfetched, I did not get that.

Hon. Stanley Karanja: Mr. Speaker, you know what I am suggesting is this, tomorrow we will have the business. Tomorrow can be next year. And that business and there was a particular time when we people wanted to do away with the speaker and therefore the adjournment was brought. and because it was assumed that it is the precedence then you look in the.... That is why I am saying that the law, and that is why we should know that this, as a word of caution. So that the Motion be debated and if the majority have it and they say that okay, let us continue with the business until it is over.

The Speaker (Hon. Joel Karuri): Hon Karanja even as you summarize, from your experience, you are a senior member of this House, you know that there are Motions which are procedural and one of the examples of a procedural Motion is the Motion to adjourn the House for the long recess and you realise that if I would also refresh the memory of this House is that Mheshimiwa Karanja, there was a time you used to move such kind of Motions; Procedural Motions. I want to shed more light that after adjourning, should there be need for any business, the Assembly has secured tomorrow for a Special Sitting because the Assembly calendar as passed on the floor of this House is expiring today. The Supplementary Budget issue is taken care of.

Hon. Stanley Karanja: Thank you Mr. Speaker sir. You know you are generous with information. The Honorable Majority Leader wanted to footnote us into just mere voters. Therefore, I thank you for the information and that is why I am asking the Whip, you do not just come and second anything because it has just come from your boss. You must first of all find time to look why. The issue of parroting should end. I think also Hon. Fadhili should be privy to what is coming; not standing up and sitting down just because your boss has said so.

The Speaker (Hon. Joel Karuri): What is it Mheshimiwa Minority Whip?

Hon. Virginia Gicanga: Thank you Mr. Speaker sir. I am standing on a point of order because I think Hon. Karanja is out of order. The Majority Whip has a right democratically to second the Motion. He cannot be asking Hon. Karanja what to second and what not to second.

The Speaker (Hon. Joel Karuri): Hon. Wathiai.

Hon. David Wathiai: Thank you Mr. Speaker sir. I stand to support Hon. Karanja and I also stand to be guided as you have said that there are Procedural Motions. What if the Procedural Motion is defeated on the floor of the House? What will happen after that? I stand to be guided.

The Speaker (Hon. Joel Karuri): Thank you. Hon. Majority Whip, you were mentioned. Do you want to exonerate yourself?

The Majority Whip (Hon. Fadhili Msuri): Thank you Mr. Speaker sir. At times, I like listening to my brother Hon. Karanja. He is a man who speaks with so much fury and so many words that signifies at times nothing. I have heard him loud and clear and I think being in the Assembly for so many years is not a mark of understanding some basic principles of law. I think they can take

advantage of this recess and through any of the Privileges Committee and have him re-oriented on what we need to do in this House. The Member has insinuated that I just follow my boss. He needs to be disciplined because he just defied his boss. My boss are the people of Biashara Ward who elected me and, in the House, my boss is the Speaker and you are also his boss; the Majority Leader is my boss and also his boss; Hon. Wanjohi is my boss and his boss and I am his boss. Thank you.

The Speaker (Hon. Joel Karuri): Hon. Mutai

Hon. William Mutai: Thank you Mr. Speaker sir. We have to be very aware of a wounded lion. Having been a Majority Leader, Hon. Karanja has a lot of experience and I know he is posing a very great challenge which brings us to a learning session. I want to believe that we are noting something because though we are still getting orientation, I want to believe that if this Motion, then there is some possibility that we are going for six months and we may not like it. Most of us may not like the scenario. Let us just support this Motion and we go on recess. Should there be any meeting, then we will refer to that one as a special sitting. Thank you.

The Speaker (Hon. Joel Karuri): Yes Hon. Karanja

Hon. Stanley Karanja: Thank you Mr. Speaker sir. I do not know why Members keep harassing me. Now because we are all in agreement, I said I do support the Motion, you people go home and then wait until you are called again to come and second. It should not be assumed that this Motion can pass. What happens if it does not? That is why I am saying that whenever somebody stands to bring the Motion, he must make sure that it has information. Whenever you stand to second the Motion, you must have substance. That is what I meant. It is not only that you sit and stand and then you say yes just for the *Hansard* to capture that you said something.

Hon. Rose Chepkoech.

Hon. Rose Chepkoech: Thank you Mr. Speaker sir. I am here to support the Motion because recess will help us to move around with our Engineers, some preparing BQs. Another thing, we have to visit the elderly in our villages. Also, we will go back to our communities to check on their priorities before the County Integrated Development Plan which will be there next week. Thank you.

The Speaker (Hon. Joel Karuri): Hon. Kirui

Hon. Bernard Kirui: Thank you Mr. Speaker sir. I stand to oppose what Mheshimiwa Karanja is doing here. I think Mheshimiwa Fadhili is very right since he is among the Leaders of this House. For somebody to propose or to second, I normally see you have to stand. I think Mheshimiwa Fadhili was doing the right thing by standing. Mheshimiwa Karanja must allow new Members in this House to at least learn more. Mheshimiwa Fadhili, you are very correct and I stand to support this Motion. If there is any need, we have Leadership in this House they will call us and we will come. Thank you.

The Speaker (Hon. Joel Karuri): Hon. Alex

Hon. Alex Mbugua: Thank you Mr. Speaker sir. I rise to support Hon. Karanja because I feel like this gentleman is a walking industry of knowledge. As such, we need to utilize him. I am aware that Hon. Karanja today is already eyeing another position out there. When we talk about seniority, I think he is already acquainted with where he is going. The House Business Committee emanates from the floor of this House and from these Members and as such, I think they are and can always meet and reschedule any calendar we have if there need be. Thank you very much Mr. Speaker.

The Speaker (Hon. Joel Karuri): Hon Mwangi.

Hon. Mwangi Muraya: Thank you Mr. Speaker. It is not that we do not want to go for a recess, we are much in need of it. We are approaching December, where we should be travelling but then again Mr. Speaker, there are some issues that need to be addressed. When we come out of this House today adjourned, the special sitting that will be called, we do not have a guarantee that all Members will be present unless you put in your powers to ensure that all of us will be here. I foresee a scenario where we shall adjourn the House because the calendar has ended and the Majority Leader and Mr. Speaker will themselves be waiting for us and not see us anywhere. *Naomba tunapoendelea tujue ya kwamba sio kuunga mkono tu bali pia tunaweza kupinga. Niliangalia Mheshimiwa Fadhili nikaona alisimama kwa upole sana sababu hakutaka kusecond Motion. Uliona vile alisimama lakini kukaa alikaa haraka.* Thank you

(Laughter)!

The Speaker (Hon. Joel Karuri): Hon Rottok.

Hon. Isaac Rottok: Thank you Mr. Speaker, I stand to support the Motion. This recess has come at the right time just after being elected as an MCA. I believe that most of the MCAs here never visited their village since they were voted in. It is now the right time for most of us to go and interact with

Hon. Mwangi Muraya: Point of order Mr. Speaker.

The Speaker (Hon Joel Karuri): What is the point of order Hon Mwangi?

Hon. Mwangi Muraya: Hon. Rottok cannot say that Members here have never visited their village or Ward because we have been there. We come from where we were voted. So he is out of order! If he has not visited his area he should tell the House that he has never gone back to his people. I am with my people each and every day.

Hon. Isaac Rottok: Mr. Speaker, I think I have not mentioned anyone. I just said some and I believe he is doubting himself. He might be the one who has never visited his people. I think it is now the right time to go out for these three months and go visit *Wanjiku* down there. So Mheshimiwa Mr....

The Speaker (Hon. Joel Karuri): Address the Speaker.

Hon. Isaac Rottok: Mr. Speaker, I believe my colleague here never visited his people in the village and now he is feeling guilty. Thank you.

The Speaker (Hon. Joel Karuri): Honorable Members, the issue of visiting the Ward, to what extent are we able to measure Members who visited and who did not visit their Wards? The direction the Motion is taking is which Member has visited more times and who are the Members who never visited even once. I do not know if by the end of this Motion we are going to classify Members based on the percentage of the many times or less times they have visited their Wards. Let us not take that direction because it can bring about acrimony. Let us stick to the Motion that whether we support the Motion or to not for the sake of progress. Hon. Francis.

Hon. Francis Kuria: Thank you Mr. Speaker sir. I rise to support the Motion putting in mind that we have many duties ahead of us and as we are breaking for a long recess. As House Business Committee anytime we are needed God willing for anything, we will be available. Thank you.

The Speaker (Hon. Joel Karuri): Thank you. Hon Gatuso.

Hon. Bernard Gatuso: Thank you Mr. Speaker sir. I rise to support the Motion, happening that majority of us are first timers in this House and maybe we have interacted with people before we were voted and now we are well orientated. I believe it will be possible for us to be able to engage with *Wanjiku* because we have gained the knowledge on how we are supposed to approach issues. Much of what we have learnt is the theory part and the practical part we are supposed to go down to Wanjiku so that we can start implementing on issues. Not implementing as such but to oversight on issues that will be implemented by the Executive. Thank you so much.

Hon. Robert Lang'at: Thank you Mr. Speaker. I rise to support the Motion; being a Procedural Motion this will give us time to mingle with *Wanjiku* at our Ward level. We have been very busy in this House for the last three months and these two months of recess will give us a chance to be with Wanjiku and give our services as required....

The Speaker (Hon Joel Karuri): There is a point of order from Hon Alex Bor.

Hon. Alex Bor: Mr. Speaker I think Hon Robert...

Hon. Grace Mwathi: Point of information Mr. Speaker sir.

The Speaker (Hon Joel Karuri): Hon. Grace Mwathi, you want to inform Hon. Alex or Hon Robert?

Hon. Grace Mwathi: Hon Alex.

The Speaker (Hon Joel Karuri): So you inform him then he brings a point of order on Hon. Robert.

Hon. Grace Mwathi: What I want to ask him is what point of order is he standing on?

The Speaker (Hon. Joel Karuri): Hon Alex Bor.

Hon. Alex Bor: Am asking if Robert is in order because he is neither in official or in African attire.

The Speaker (Hon. Joel Karuri): Hon. Alex Bor, you are bringing an issue of decorum. I can see that Hon. Robert seated with the Minority Whip. This issue keeps coming. My eyes are not able to see whether Hon. Robert is in decorum. Hon. Minority Leader you could help us?

Hon. Virginia Wamaitha: Thank you Mr. Speaker, I think this is like the tenth time we are talking about decorum and about the dress code for Wednesday. We agreed as a House that we are going somewhere where we shall discuss on how Members will be dressing on Wednesdays. Today I see a lot of people especially men, Honorable Members who do not have ties but because we are going for recess let us shelve this until we sit down in a...

Hon. Stanley Karanja: Point of order Mr. Speaker!

The Speaker (Hon. Joel Karuri): Kindly allow Hon Virginia to finish her submission because there was a question addressed to her from the Chair.

Hon. Virginia Wamaitha: Yes. Mr. Speaker I think Hon. Karanja is not the right person to be standing on a point of order because some time back he was not in decorum. He was not in a tie. Now today because he is in a tie he wants to bring up questions which are very irrelevant in this House. Therefore Mr. Speaker, please protect me from Hon. Karanja. I think we agreed and as a House of rules and regulations, we stick by that. So we need to go for kind of training on etiquette and dress code. I rest my case Mr. Speaker.

The Speaker (Hon. Joel Karuri): The point of order was raised by Hon. Alex Bor and it was on whether Hon. Robert is in decorum. Hon. Robert was on the floor submitting his discussion for the part of this debate. Therefore Hon. Robert finish up your submission

Hon. Robert Rutto: Thank you Mr. Speaker,

The Speaker (Hon. Joel Karuri): Hon Karanja.

Hon. Stanley Karanja: Yes Hon. Speaker.

The Speaker (Hon. Joel Karuri): What is it?

Hon. Stanley Karanja: You know and Mr. Speaker we still insist this is the House of rules and regulations; we cannot have a Whip who pretends not to see...

(Laughter)

...when that neighbour does not prescribe to the rules of the House. Mr. Speaker you very well know that when a Member is not in decorum, he is even not supposed to talk. The other thing is that there is the Speaker's Guide Book and therefore I urge and since the matter has been brought to your attention, that the Hon. Member sited next to the Minority Whip, whom she is pretending not to see, Mr. Speaker I urge you to use your powers to send the Member out to dress well and then come and sit. You know they are in the same party...

The Speaker (Hon. Joel Karuri): Order Hon. Karanja; Hon Minority Leader and then Hon Macharia

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Hon. Virginia Gicanga: To satisfy Hon Karanja's ego, Hon. Robert you go and get the tie but despite him or the other Members are calling him a senior Member, we cannot be going by him on what he wants to satisfy his ego in the House. We want to conclude this Motion and then we can forge the way forward but Hon Robert go get the tie.

Hon. Robert Rutto: Mr. Speaker, as you know today is on Wednesday, we put on African attire.

The Speaker (Hon. Joel Karuri): Order Hon. Macharia and then the Leader of Majority Party.

Hon. John Gachiri: Mr. Speaker this is not a House of mercy and therefore I stand to object the statement of the Minority Whip because if we continue this way, this House will be like a market and we need order. Even Hon. Karanja is out of order including Hon. Nene who is seated close to me is also out of order. This is because we have to put on suits according to our Standing Orders.

The Speaker (Hon. Joel Karuri): Order Hon. Member. The issue of decorum comes to an end. There is no substantive Communication from the Speaker that has described what is official or what is not official. Therefore for this one last time I will give Communication when we sit next as to what is official in terms of decorum and what attire to put on not only on Wednesday but because that issue was raised and debated upon, from what is forgoing in this debate, it looks like Hon. Macharia said that some Member seated next to him are not in decorum, other even Hon. Karanja who has been contributing a good part of this afternoon is not in decorum, then it begs the question as to who is in decorum today? Does decorum go to the extent of having a tie or we have some other attires that will be termed that we are in decorum? On this, we will have a comprehensive Communication next when we sit on what to put on by the Honorable Members when we are in plenary. We proceed, Hon. Majority Leader you want to contribute?

The Leader of Majority (Hon. Alex Lang'at): Thank you Mr. Speaker. I really do not want to add because you have made the ruling exactly what was in my mind. At least the House forget what you have just repeated today, is the same thing you had same time back when this issue came and I do not know why Members keep on forgetting.

I just wanted to remind them what you have actually already said that we had not made a ruling but at one point, and it is in *Hansard*, you had actually said you are going to make a ruling and let us agree as a House what is decorum and what is not decorum. I remember one time one of our colleague just dressed the way Hon. Karanja is dressed today, he had a tie but he never had a coat and we said it was not in decorum. And he was also very busy actually bashing the Honorable Member and I think he has also forgotten again. So lest we suffer from selective amnesia we should actually wait. You had made a ruling sometimes back and I wish to support what you have just said that you will make a ruling so that we all know what is decorum and what is not, but currently, we do not have one and what we are referring to was the previous Assembly but this is a new Assembly Mr. Speaker. Thank you.

The Speaker (Hon. Joel Karuri): Thank you the Majority Leader; this is a Motion I want to put it to question.

(Question proposed that pursuant to the provision of Standing Order 31(3) this House adjourns from today 30th November 2022 and resumes on 14th February 2023 in accordance with the Assembly Calendar).

(Question put and agreed to)

ADJOURNMENT

Thank you, Honorable Members; before we break, I want to put it straight forward that you will be getting information from the Whips about what happens next about the businesses that are pending in this House. So the House stands adjourned until when we will be informed by our Whips.

(The House rose 4.10pm)