

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 17th February, 2016

The Assembly met at the County Assembly chambers at 8:30 a.m.

The Deputy Speaker, County Assembly of Samburu, (hon. Adamson Lanyasunya) on the chair

PRAAYER

COMMUNICATION FROM THE CHAIR

The Deputy Speaker, (hon. Adamson Lanyasunya): Thank you hon. Members. I have two communications to make. The first one is the communication regarding the Governor's memorandum on the Samburu Culture Bill, 2014 and the Samburu County Alcoholic Drinks Control Bill, 2015.

Hon. Members, you recall that on 22nd July, 2015, the assembly passed the Samburu County Culture Bill 2014, the Assembly Bill No. 7 of 2014. Thereafter, the bill, as passed by the assembly, was forwarded to H. E the Governor for assent in accordance with section 24 (i) of the County Governments Act, 2012. Consequently, on Thursday 17th November, 2015, I received a memorandum from H. E the Governor pertaining to his reservation on the Samburu County Culture Bill, 2015, seeking the consideration of the bill by the County Assembly in accordance with section 24 (ii) (b) of the County Governments Act, 2012. The memorandum explains the details of the reservations.

Hon. Members, on 16th September, 2015, the assembly passed the Samburu County Alcoholic Drinks Control Bill, 2015, Assembly Bill No. 12 of 2015 and therefore, the Bill, as passed by the assembly, was passed to H. E the Governor for assent in accordance with section 24 (i) of the County Government Act, 2012. Then on Thursday, 17th November, 2015 I received a memorandum from H. E the Governor seeking the consideration of the Bill by the assembly in accordance with section 24 (ii) (b) of the County Governments Act, 2012. The memorandum explains reservation details.

Hon. Members, the two bills were referred back by H. E the Governor having been laid on the table of the assembly by the Committee on Culture, Gender and Social Services. The committee is required to exempt the reservations by H. E the Governor contained therein and report back to the Assembly. The Clerk is directed to cause the memorandum from H. E the Governor to be circulated to all members so that they can familiarize themselves with its content.

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Hon. Members, in the consideration of the memorandum, the assembly, in accordance with provisions 24 (iii) 41 (v) of the County Governments Act, 2012, have the following options:

- ❖ Amend the bill taking into account the issues raised by the Governor or
- ❖ Pass the Bill without amendments.

If the County Assembly amends the bill in consideration with the issues raised by the governor, the Speaker will give 14 days to submit the Bill to the Governor for assent. If the county assembly passes the bill without amendments or with amendments which do not accommodate the governor's concerns by fourth supported by the 2/3 of the members of the County Assembly, the speaker shall within seven days submit the bill to the governor and he, within seven days will assent the bill. If the governor will not have assented to the bill, we will refer it back root within the period referred to under this section the bill will be taken without being assented to the expiry of that period.

Hon. Members, for avoidance of doubt and in accordance with Standing Orders, I wish to remind the assembly and the committee (*Inaudible*) of the Bill as confirmed by the governor shall be considered. Similarly, the assembly shall consider the governor's reservations within 21 days, thank you.

The second communication from the chair is on the Select Committees whose term comes to an end upon commencement of the 4th session in accordance with interim Standing orders. Hon. Members, there are three select Committees which as per our Interim Standing Orders are constituted immediately after general elections and are supposed to serve for a period of three calendar years and constituted thereafter to serve for the remaining part of the term. These committees are:

- ❖ Committee on Appointment
- ❖ Public Investment and Accounts Committee
- ❖ Budget and Appropriation Committee

According to the County Assembly Standing Orders 152 (i) (b), the House Business Committee is also supposed to be constituted upon the commencement of the next session therefore making a total of four committees to be considered by the House in the fourth session.

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Hon. Members, the Committee on Selection in consultation with County Assembly parties is supposed to nominate members to serve in the committees such that the membership of the House Committee and Committee on Appointment as clearly indicated in our Standing Orders No. 152 (i) 185 (i) respectively. All I therefore urge all the four committees to complete any pending matters as the term has come to an end according to our Standing Orders. The Committee on Selection is hereby directed to hand the nomination of their members to the Budget and the Appropriation Committee and Public Investment/ Accounts Committee and the House Business Committee. The Committee on Appointment should also be reconstituted as per the Standing Orders and membership of the four committees be tabled before the House for approval next week on Wednesday, 24th February, at 2:30 p.m.

Hon. Members, it has also come to my attention that members are advocating for the reconstitution of these committees and I implore them to equip themselves with the Standing Orders and then the parliamentary procedures on the same and the Committee on Selection in consultation with the assembly parties should also table a report on the same, thank you.

STATEMENTS

MCA Porro Ward, (Hon. Letitik): Thank you hon. Speaker, there was a statement requested yesterday by hon. Lesoipa and hon. Leshoomo which was to be responded to today but I beg to be given time until tomorrow Thursday afternoon, thank you.

The Deputy Speaker, (hon. Damson Lanyasunya): Allowed. Hon. Members we are expecting response to statement No. 033, 2015 from the chair for Medical Services, Public Health and Sanitation concerning the employment of ambulance drivers sought by hon. Jerias Leshoomo and response No. 035, 2015 from the Chair on Implementation Committee concerning the financial report for all the departments and progress report sought by hon. Romano Leakono. Then response No. 002, 2016 from the Chair for Agriculture, Livestock and Fisheries. The chair may need to combine the two statements, that is, statement No. 001 and 002, 2016.

MCA Ang'ata Nanyokie ward, (Hon John Lemulugo): Thank you hon. Speaker, I understand that the statement sought by hon. Leshoomo was asked sometimes back but we had to consult more from the statement and the report is almost ready to be tabled in the House and so we shall

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consider together with my clerks to see if we can be ready to table it today in the afternoon, thank you hon. Speaker.

The Deputy Speaker, (hon. Adamson Lanyasunya): So, are we expecting it today?

MCA Ang'ata Nanyokie Ward, (Hon. John Lemulugo): Yes, we are expecting it today

The Deputy Speaker, (hon. Adamson Lanyasunya): Ok, we shall put it in today's session.

MCA Ang'ata Nanyokie Ward, (Hon. John Lemulugo): but it will come as a report and not a statement.

The Deputy Speaker, (hon. Adamson Lanyasunya): It was a statement and so has to have a supporting document. So you will table it as a statement as asked. I also mentioned statement No. 035 from the implementation committee sought by the Leader of Minority; hon. Romano Leakono. This statement is actually overdue as it was asked last year yet it is still pending, hon. Pius Lobuk.

MCA Baawa Ward, (hon. Pius Lobuk): Thank you Mr. Speaker, since this statement touches every department of this county as asked by hon. Leakono, this Progress report will be tabled tomorrow in the afternoon.

However, I need your direction as far as this statement is concerned. The role of the Implementation Committee does not concern the financial or anything monetary. So, the financial report should go to the right docket. And the progress report as far as the projects are concerned, it is the business of the Implementation Committee, as per the Standing Orders. Therefore, Mr. Speaker, further to this, I need your direction.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Thank you Chair. You need to meet as a Committee on Implementation and it also involves finances. There are Finance Committees, PIC and PAC and Sectorial Committees whose concerns relate to the expenditures of the sectoral committees on finances required in implementing their projects. You can still avoid a financial report but then the status of the implementation of the projects as per sectors which, for example, you can meet as a Committee, as per the schedule of the sitting of the Committees, and write a letter or visit the CECs and tell them that you need their implementation reports. It is also a

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requirement that they bring to the House, through sectoral chairs, to be tabled. Let the Members contribute then I will give you the chance to contribute. Hon. Leakono.

MCA Elbarta Ward, (Hon. Romano Leakono): Thank you Hon. Speaker. If my memory serves me right, the question was directed to the activities allocated and the activities carried out and what balance of activities was there. That was the main issue and not the activity or the money value for the project done or not done. The Committee should be on it because it is really not an audit work as such but an audit work of activities and not values and monies. Thank you Hon. Speaker.

MCA Lodojek Ward, (Hon. Jerias Leshoomo): Thank you Hon. Speaker. I also concur with Hon. Lobuk. I think the framing of the statement is really confusing is really confusing because what Hon. Leakono is saying is that, he was interested in the implementation of the projects in the whole of the Samburu County and not the financial reports or the progress reports. I think, the frame of the statement is what Hon. Lobuk was trying to inquire but Hon. Leakono made it clear that he wanted the progress report of the projects done and those that were not done in the previous years. Thank you Hon. Speaker.

MCA Baawa Ward, (Hon. Pius Lobuk): Mr. Speaker, that is the right direction as far as that Committee is concerned. Our role is to see the implementation or the status of the projects and give the reports of the status. Anything that is financial should go to the right sectoral committee.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Leakono. I think that all of us are in the same footing. I told you to ignore the financial report earlier and base your Committee role to the departments to bring the reports. You can even write a letter to the department that the House has been calling for the reports.

(Call for a point of information by Hon. Lobuk)

MCA Baawa Ward, (Hon. Pius Lobuk): We have already written to all the departments of this County and we have received feedback. There is a report which generalized the whole situation which we are tabling in this House, for all the departments, the only thing that will cover...

(Interrupted by the Deputy Speaker)

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The Deputy Speaker, (Hon. Adamson Lanyasunya): So when are you tabling it?

MCA Baawa Ward, (Hon. Pius Lobuk): Tomorrow afternoon.

The Deputy Speaker, (Hon. Adamson Lanyasunya): That will be good.

(Call for a point of information from Hon. Romano Leakono)

MCA Elbarta Ward, (Hon. Romano Leakono): Thank you Mr. Speaker. I think that this has waited for three years. We are going to the fourth year. It is the constitutional rights of this House to be served with the implementation and progress reports quarterly. Since I came to this House I have never seen such a report from either department. This time we are not going to take a generalized report.

We are here for the interest of the whole community as elected leaders. We need to be served with the right information as required because this information is to be archived in this Hon. House for future references. The first House, as per the Constitution, we have a duty to lay the right foundation. We are not going for something general. I think that we are going to implore the Hon. Chair that we need a detailed report department by department. Thank you Hon. Speaker Sir.

MCA Baawa Ward, (Hon. Pius Lobuk): Mr. Speaker, that report entails the progress of each department. All is included. Peruse the report and come out with the feedback because every department has sent the status of their implementation in that report. If you go and say that you need a separate report, you know how our departments operate when we request a single statement. That will take another three or four months or even a year. Maybe that year we shall not be around here.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Thank you Hon. Lobuk. That is in order and it is also a requirement that respective departments should table reports through their Chairs. You will table that report tomorrow. I propose that you have a meeting with the Committee. The Standing Orders require that you also invite the Sectorial Chair so that as you discuss the report on the respective departments, the Chairs can also be able to make their reports so that when they table, then they can present their reports as Chairs of various Sectorial Committees. The House

will also need to debate the report. You will also be able to put a notice of motion and then the House business Committee will allocate time for the House to debate the report and that will be a chance for the Members to contribute on the report.

Just to read on the report of the implementation Committee, it goes beyond the sectoral report and it also passes on the legislation as passed by the County Assembly. It is the role of the Committee to make a follow up whether the bills that have been passed by the Assembly are being implemented or not. Standing Order number 189(1) states that there should be a select Committee to be known as the Committee on Implementation. The Committee shall scrutinize the resolutions of the County Assembly including adopted reports. In this case you will find that many sectoral committees have not yet presented their reports apart from a few reports that we have gotten from Finance, Budget and so on. There are still so many reports in essence of Hon. Leakono's statement. Petitions and the undertakings given by the County Executive Committee should examine:

1. Whether or not some decisions have been implemented and where implemented the extent of their implementation and whether such implementation has taken place within the minimum time necessary.
2. Whether or not legislation passed by the County Assembly has been operationalized and where operationalized the extent to which such operationalization has taken place within the minimum time necessary.
3. The Committee may propose to the County Assembly sanctions against any Member of the County Executive Committee who fails to report to the relevant select Committees on implementation status without justification reasons.

So, you find that through the Liaison Committee, the Chair has even written to the Chairs to bring the status of the implemented projects for this sector. This is where your Committee role comes in. The Committee may also give through the County Assembly sanctions against any Member of the County Executive. It is also your Committee that will propose the Sanctions that will be taken against the CECs who cannot bring reports. You can meet as a Committee and review your functional role which touches on the implementation of legislations passed by the County Assembly and the reports that are supposed to be tabled in the Assembly. Because we

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have time frames that each CEC is supposed to table the implementation report. I hope that I have assisted in giving you direction.

Hon. Members the time being half past 10 o'clock and there being no other business this Assembly stands adjourned until Wednesday afternoon, 17th February, 2016, at 2:30 pm. Thank you.