

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Tuesday 10^h May, 2022

PLENARY

BOMET COUNTY ASSEMBLY

OFFICIAL HANSARD REPORT

Tuesday 10th May, 2022

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 9.00 a.m

[Hon. Speaker (Hon. Nelson Mutai) in the Chair]

PRAYER.

PAPERS

Hon. Speaker (Hon. N. Mutai): Hon. Leader of Majority

Hon. J. Kirui: Hon. Speaker, Sir, thank you. I beg to lay the following papers on the Table of the County Assembly today, Tuesday, 10th May 2022.

1. The Bomet County Assembly Budget for the year ending 30th June 2023
2. The Bomet County Program Based MTEF Budget Estimates for the year ending 30th June 2023.

I beg to lay.

Hon. Speaker (Hon. N. Mutai): Proceed.

(Hon. Member laid the Papers)

Hon. Speaker (Hon. N. Mutai): I commit the Papers to the Committee on Budget and Appropriation to come up with a report within 21 days.

BILL

THE BOMET COUNTY COMPASSIONATE ASSISTANCE BILL 2021

Hon. Speaker (Hon. N. Mutai): Chairperson, Hon. Keter.

(Silence)

Hon. Leader of Majority, are you a Member of the Committee?

Hon. J. Kirui: Hon. Speaker, Sir, I am a Member of the Committee on Administration. I talked to the Chairperson and I was consulting with the Clerk-at-the-Table because he did not give me a written permission but he told me to Move the Motion on his behalf.

Hon. Speaker (Hon. N. Mutai): Proceed, Hon. Josphat.

Hon. J. Kirui: Hon. Speaker, Sir, thank you. I beg to Move this report on the Bomet County Compassionate Assistance Bill, 2021 (Bills No. 4). This Bill dated 3rd September 2021, a Bill for the introduction into the County Assembly of Bomet, the Bomet County Compassionate Assistance Bill, 2021. I beg that the Bill be read for the Second time. I request Hon. W. Kiprotich, a member of the Committee to Second. Thank you.

Hon. W. Kiprotich: Hon. Speaker, Sir, thank you. I rise to Second that the Bomet County Compassionate Assistance Bill, 2021 (Bills No. 4) be read a Second time. Hon. Speaker, we are all conversant with the Bill and what it is supposed to do to the residents of Bomet and those who are in need of this Bill. I know the Bill is in circulation with the Hon. Members and that this is a compassionate Bill. By the definition, it targets people who are less fortunate, those who have problems, those sick and those who meet predicaments in this life, be it fire, ailments or terminal diseases. It also targets orphans and vulnerable children and persons living with disabilities. This Bill, when enacted, will give authority to the CECM in charge of administration to dispense this duty during and when these problems occur. Hon. Speaker, I do Second that the Bomet County Compassionate Bill, 2021 be read a Second time.

(Question Proposed)

Hon. Speaker (Hon. N. Mutai): The Bill is now on the floor of the House for debate. Hon. Rono.

Hon. R. Rono: Hon. Speaker, Sir, thank you. I support that the Bill be read for the Second time. I urge this House to support the Bill because it is long overdue. We are facing several issues concerning our residents in terms of vulnerable children or orphans who need to be assisted. As a representative of the people, the residents are facing challenges when it comes to medication in various hospitals. Some of our residents sometimes are not able to pay hospital bills because they are vulnerable or orphans. I urge the House to pass this Bill so that we are able to support our community. Thank you.

Hon. Speaker (Hon. N. Mutai): Hon. Janet.

Hon. J. Turgut: Hon. Speaker, Sir, thank you. I stand to support the reading of this Bill for the Second time. Before I give my input on that, I would like to correct the Secunder of the Bill, Hon. Kiprotich. Since I am concerned with persons with disabilities, I want to correct a word he used. He said ‘persons living with disabilities’. Hon. Speaker, we are not living with disability. People are living with their wives and their children. We are not living with disability. We have disabilities in our bodies. In as much as he was supporting persons with disabilities, I want him to withdraw as we continue.

Hon. Speaker, I support this Bill. We have several challenges. As a person with disability and as a woman, we have double tragedies especially when it comes to chronic illness. This Bill has been long overdue and I support that it be read a Second time. Thank you.

Hon. Speaker (Hon. N. Mutai): Thank you, Hon. Janet. Hon. W. Kiprotich, I hope you took note of what Hon. Janet said.

Hon. W. Kiprotich: Hon. Speaker, I am sorry for using the word, ‘persons living with disabilities’. It is written in the Bill, ‘persons with disabilities’. I am sorry. I withdraw and apologize.

Hon. Speaker (Hon. N. Mutai): Thank you. Hon. Ambrose.

Hon. A. Koech: Hon. Speaker, Sir, thank you. I thank you for giving me this opportunity to support that this Bill be read a Second time. This Bill has been long overdue and I hope these Members that since this Second Assembly started in 2017, this issue has been elusive. Our people in various hospitals, those who have been affected by fire or those who are supposed to be given compassion have been suffering. These Hon. Members have been running up and down trying to look for support from the Executive. I thank the initiator of this Bill because it is going to legalize and streamline this issue so that the support to our people who require compassion comes promptly. In some instance, compassion has been made to families when the person who was to be supported for treatment has long gone because it takes long. I hope this Bill will solve this. Otherwise, I support this Bill.

Hon. Speaker (Hon. N. Mutai): Thank you. Hon. Maritim

Hon. Leader of Minority (Hon. A. Maritim): Hon. Speaker, Sir, thank you. I support that this Bill be read a Second time. This is because the Bill has been there. It is only that it used to work in only specific areas. This Bill has been expanded to accommodate more needy people in the society basically because the world is moving and there are so many issues and challenges coming up.

Hon. Speaker, remember we had so many challenges especially in the medical sector whereby people have looked for help especially in the county. Hon. Speaker, Sir, this Bill has delayed. It did not delay because the Assembly was not working on it. It delayed because it was not forwarded early enough by the Executive. When people visited our homes, they have been saying that the Assembly failed to pass the Bill and I think that is one of the challenges that Members faced because people were told that the Assembly failed to pass the Bill on time. The Executive failed to bring the Bill to the Assembly at the right time. Let it be clear that the Bill has now come to the Assembly and we are more than ready to fast track and move with speed so that this Bill can be put to use as early as tomorrow. I urge the Executive and any other sector players that this Bill should be looked into and implemented in totality.

This is a Bill that requires utmost care. Therefore, those who are going to use this Bill should be honest and of high integrity because the medical bills currently in our hospitals have sky rocketed. If you go to private hospitals nowadays, many people are languishing in poverty. Some have even lost their property through auction because of the medical bills. We have now passed an elaborate Bill that will cover all those social problems which include; the health, the vulnerable, children, and people in abject poverty who require shelter, clothing, household facilities, and even transporting the sick to hospital.

When we allocate funds to this bill, it should be a wakeup call for the Executive to dispense these funds, protect them and avoid short cuts so that people may benefit out of it. I wish to thank those who drafted this bill in a comprehensive way. This is the real care that we require in this county.

Mr. Speaker, I support this Bill to be read for the Second Time.

Thank you.

Hon. H. Kirui: Mr. Speaker, thank you. I also rise to support the Bill to be read for the Second Time. As my colleagues have said, this is an important Bill. The Bill will establish compassionate assistance funds. This is elaborated in the sources of funds clause. Apart from the appropriation from the assembly, it is also creating a source of funds.

I support the reading of the Bill for the Second Time.

Thank you.

(Question that the Bill be read a Second Time put and agreed to)

(Hon Speaker (Hon. N. Mutai) left the Chair)

COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

[The Chairperson (Hon. W. Kiprotich) in the Chair]

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, I take this opportunity to welcome you to the Committee of the Whole County Assembly for the consideration of the Bomet County Compassionate Assistance Bill, 2021 after the Second Reading.

Clause 3, 4, 5, 6, 7, 8, 9 and 10

(Question that Clause 3, 4, 5, 6, 7, 8, 9 and 10 be part of the Bill proposed)

Hon. Chairperson (Hon. W. Kiprotich): What is it honourable Leader of Majority?

Hon. Leader of Majority (Hon. J. Kirui): Hon. Chair, thank you. We have some amendments on Clause 2.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Leader of Majority, in as far as you have lined up quite a number of amendments, please note that your Committee did not Table the Report of this

Bill. Hence, the Bill will be passed the way it is. If there are any amendments, then you can amend it later under the amendments of Bills.

Hon. Leader of Minority (Hon. A. Maritim): Hon. Chairperson, I am of the same opinion with the Leader of Majority. If we pass the way it is, Clause 2 (a) will be subject to abuse especially when it is about fuel. People will be siphoning fuel and paying through the clause. If we do not amend, it might become difficult to amend after it is passed.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Leader of Minority and honourable Members, I will take you through the Standing Order No. 130 (2) which reads in part that;

“these amendments should be given to the clerk 24 hours before the commencement of the sitting.”

It is well stipulated. The other problem is the issue of the Report that has not been Tabled.

Hon. J. Kelong: Hon. Chairperson, this Bill was deferred in order to give time for the Committee to look at it. We expect that they did it. Now that it is before the House, we are perplexed to find the same thing that was deferred.

Hon. C. Langat: Mr. Chair, thank you. I am of the opinion that the whole thing be suspended for further consultations before we resume.

Hon. L. Kirui: Hon. Chair, before you make a ruling, I remember that this Bill was before the Floor last week. If you follow the proceedings of this House, there is a time that the Chair was of the opinion that we could continue with the Bill without the Report from the Committee. I do not know what the Speaker was implying. Through your Chair, we can get the true position of how such can be done. As I conclude, I want to ask whether the provision of the Standing Orders can allow us to give an opportunity to the Motion Mover

So instead of suspending it until some other times, why don't we allow this to be tabled and we just continue. Thank you.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, I wish to dispense with the hon. Leader of Majority and the Majority Whip. From the reading of what the Members are putting across, I can notice that the bill is at their hearts. Similarly, the residents of Bomet are eagerly waiting for us to pass the Bill. What hon. Leaders Majority and Minority did mention earlier concerning these amendments is that some could be far-reaching and as a result, I want to rule that I will read clause by clause. When that amendment comes up, I will be able to give an approval or deny depending on the predicament or the weight that it carries.

Clause 3

(Question that Clause 3 be part of the Bill proposed)

(Question put and agreed to)

Clause 4

(Question that Clause 4 be part of the Bill proposed)

(Hon. Leader of Majority (Hon. J. Kirui) rose on a point of order)

Hon. Leader Majority (Hon. J. Kirui): Hon. Chairperson, I propose that Clause 4 (c) be deleted. It states that one of the functions of the committee is to make grants to any organization, group or body of citizens for the purpose of providing assistance to person in need or likely to become in need. This is a dangerous clause because when you make grants to any organization, somebody could even be having some boys in seclusion demands for the same. This can be an avenue of an abuse to this provision. Therefore, I propose that Clause 4 (c) be deleted.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Leader of Majority, you need to come out clearly. While you are making an amendment to this Bill, as I said, I will give an approval or a rejection depending on the weight that it carries. Are you moving this amendment on behalf of the Committee or as a Member of this County Assembly or as Leader of Majority?

(Hon. Leader of Majority rose on a point of order)

Hon. Leader Majority (Hon. J. Kirui): Hon. Chairperson, all the amendments that I am moving are actually in the Report of the Committee and I am moving it on behalf of the Committee. Thank you.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, I approve that amendment.

(Question that clause 4 (c) be amended proposed)

(Question of the amendment put and agreed to)

(Question that Clause 4 (c) as amended be part of the Bill proposed)

(Question put and agreed to)

Clause 5

((Question that Clause 5 be part of the Bill proposed)

Hon. Leader Majority (Hon. J. Kirui): Hon. Chair, on behalf of the Committee, I propose that Clause 5 (3), be amended by deleting the word “two” and replacing thereof with the word “three”. The term of office of the members appointed under clause 5 (1) (e) shall be three years, renewable once. That proposition is because, this being a serious committee, they require adequate time so that they can dispense with this matter.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, the Mover is requesting that the term of office of the members appointed under clause 5 (1) (e) shall be three years. I want to rule on

whether the assembly agrees to increase the term of office from two years that the bill stipulates to three years. Let us have two Members to contribute on that before I rule.

Hon. A. Koech: Hon. Chair, thank you. I think the general practice all over is that these two years are inadequate. All the committees are given a contract of three years which is renewable on performance. I support the amendment.

Thank you.

Hon. L. Kirui: Hon. Chair, thank you. I also support the same considering a situation whereby this committee is attached to an administration. After we have passed this Bill, then it will come into effect immediately after election. That means we will have a new administration. For us to allow that committee to stay within that administration for the next five years, then the three years will be sufficient because you will renew another three years. This means that the committee will work for six years. In those six years, if a new administration comes in place, a new one will be established.

Therefore, it is fit for that amendment.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Mover, can you justify?

Hon. Leader Majority (Hon. J. Kirui): Hon. Chair, the contributors have stated clearly that these three years are tenable for the effective administration of the committee.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, I approve.

(Question that clause 5 (1) (e) be amended proposed)

(Question of the amendment put and agreed to)

(Question that Clause 5 as amended be part of the Bill proposed)

(Question put and agreed to)

Clause 6

(Question that Clause 6 be part of the Bill proposed)

(Question put and agreed to)

Clause 7

(Question that Clause 7 be part of the Bill proposed)

(Question put and agreed to)

Clause 8

(Question that Clause 8 be part of the Bill proposed)

(Question put and agreed to)

CLAUSE NINE, TEN, ELEVEN, TWELVE

Clause 9, 10, 11, 12

(Question that Clause 9. 10. 11 and 12 be part of the Bill proposed)

(Hon. J. Turgut rose on a point of order)

Hon. J. Turgut: Hon. Chair, I have an amendment as a member of the County Assembly and as you raised that you may approve the amendment, let me move it.

Hon. Chairperson (Hon. W. Kiprotich): Which Clause?

Hon. J. Turgut: Hon. Chairperson, clause 12.

Hon. Chair: Hon. J. Turgut, it is already ruled and in affirmative.

Hon. J. Turgut: Hon. J. Turgut, I beg to move just for information. I am concerned that we have so many categories of Persons with Disabilities (PWDs) and are eligible for this compassionate fund. We have five categories of PWDs but only three have been indicated here. So, I want to inform this committee that it was in order that we insert some categories of PWDs. In these categories we have those who are; physically handicapped, visually impaired, hearing impaired, mentally disabled, and severely impaired

Thank you.

Hon. Chairperson (Hon. W. Kiprotich): Hon. Member, you have said that as general information. So, that can be considered in future amendments. Your point is noted but it has been ruled on and therefore, we cannot make the amendment now.

Clause 13

(Question that clause 13 be part of the Bill proposed)

(Hon. Majority Leader rose on a point of order)

Hon. Leader of Majority: Hon. Chairperson, thank you. I propose that clause 13 (3) (3) be amended by deleting the word “section 26” and replacing thereof with the word section “section 14”

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members, that is in concurrence of other sections. I approve.

(Question that clause 13 be amended as proposed)

(Question of the amendment put and agreed to)

(Question that clause 13 as amended be part of the Bill proposed)

(Question put and agreed to)

CLAUSE FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN AND EIGHTEEN

Clause 14, 15, 16, 17 and 18 (Proposed to be part of the bill)

Hon. Chairperson (Hon. W. Kiprotich): *(Question on the bill is put and agreed to and the clerk read the next clause (19))*

Hon. Chairperson (Hon. W. Kiprotich): I propose that clause 19 be part of the bill.

Hon. J. Kirui (majority leader): Thank you very much hon. Chair, on behalf of the committee I beg to move an amendment that a new clause that is 19(2) be introduced with the following words “The County executive committee member for finance shall pursuant to section 116(1) of public finance management act publish regulations to provide for the management of the funds under this section. Hon. Speaker, I beg that in that financial provision that this new clause be inserted so that we can get a way of operation of the bill because it has to publish regulations of the management of the funds. Thank you.

Hon. Chairperson (Hon. W. Kiprotich): That amendment hon members bring the CEC in charge of finance to publish regulations for this bill which is actually waiting and therefore approved. Therefore, I propose that a new clause 19(b) be introduced with the following words “The county executive committee member for finance shall pursuant to section 116(1) of public finance management act publish regulations to provide for the management of the funds under this section.

(Question on the amendment is put and agreed to).

Hon. Chairperson (Hon. W. Kiprotich): Hon. Members I, therefore, propose that clause 19 as amended be part of the bill.

(Question on the clause is put and agreed to).

(Question that Clause 20, 21, 22, 23, 24, 25 and 26 be part of the Bill proposed)

(Question put and agreed to)

The Schedule

(Question that the Schedule be part of the Bill proposed)

(Question that the Schedule be part of the Bill put and agreed to)

Clause 2

(Question that Clause 2 be part of the Bill proposed)

Leader of Majority (Hon. J. Kirui): Hon. Chairperson, I rise to move an amendment that Clause 2 (a) be deleted. The Clause is providing for the payment for food, shelter, clothing, fuel, and utilities, household supplies and personal requirements.

This provision caters for personal issues. The personal effects do not fall under the category of the Bill. I beg that it is deleted.

Hon. Chairperson (Hon. W. Kiprotich): The Leader of Majority is proposing that Clause 2(a) is amended. What of a condition when there is famine, evacuation or any other disaster? Do you wish that they do not form part of it?

Leader of Majority (Hon. J. Kirui): Hon. Chairperson, it talks about the financial assistance and gives the meaning of a financial assistance. That is when you read it in totality. Clause (a) has a different connotation. What we are describing are special needs.

Chairperson (Hon. W. Kiprotich): If in the event there is a disaster, should we delete shelter? Will the Bill cater for the disaster stricken individuals?

(Hon. J. Kelong rose on a point of order)

Hon. J. Kelong: Hon. Chairperson, if we delete (a), then in (b) we shall specify what is supposed to be catered for.

Chairperson (Hon. W. Kiprotich): It also brings in the aspect that (a) can easily be misused. We proceed.

(Question that Clause 2 (a) of the Bill be deleted proposed)

(Question that Clause 2 (a) of the Bill be deleted put and agreed to)

(Question that Clause 2 as amended be part of the Bill proposed)

(Question that Clause 2 as amended be part of the Bill put and agreed to)

The Long Title

(Question that the Long Title be part of the Bill proposed)

(Question that the Long Title be part of the Bill put and agreed to)

Clause 1

(Question that Clause 1 be part of the Bill proposed)

(Question that Clause be part of the Bill put and agreed to)

Chairperson (Hon. W. Kiprotich): Hon. Members, all Clauses have been considered. I now ask the Mover to report.

Leader of Majority (Hon. J. Kirui): Hon. Chairperson, I beg to move that Committee reports to the Assembly its consideration in the Bomet County Compassionate Bill, 2021(Assembly Bill No. 4 of 2021) and its approvals thereof with amendments.

(Question that the Committee reports to the Assembly its consideration in the Bomet County Compassionate Bill, 2021(Assembly Bill No. 4 of 2021) and its approvals thereof with amendments put and agreed to)

[House Resumes]

(Speaker (Hon. N. Mutai) in the Chair)

Hon. Speaker (Hon. N. Mutai): Hon. Deputy Speaker.

Hon. W. Kiprotich: Hon. Speaker, I beg to report that the Committee of the Whole County Assembly has considered the Bomet County Compassionate Bill, 2021(Assembly Bill No. 4 of 2021) and its approvals thereof with amendments.

Leader of Majority (Hon. J. Kirui): Hon. Speaker, I beg to Move that the House do agree with the Committee with the said Report.

(Question that the House does agree with the Committee in the said Report proposed)

(Question that the House does agree with the Committee in the said Report put and agreed to)

Hon. Speaker (Hon. N. Mutai): Hon. Members, we shall proceed in the afternoon with the Third Reading.

ADJOURNMENT

Hon. Speaker (Hon. N. Mutai): Hon. Members, there being no other business, this House stands adjourned to 10th May, 2022 at 2. 30 p.m.

The House rose at 10.05 a.m