

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Thursday 7th April, 2016***Assembly Building**The House met at 2.40pm**[The Temporary Speaker (Hon. Eunice Muriithi) in the Chair]***PRAYERS****MOTION**

THAT THE HOUSE ADOPTS THE REPORT OF WELFARE COMMITTEE ON THE GUIDELINES FOR MEMBERS OF THE COUNTY ASSEMBLY WELFARE

Hon. Joseph Miangari: Thank you Madam Temporary Speaker, I beg to move a Motion;-

THAT this House adopts a Report of the Committee on Members' Welfare, Catering and Library Services on the Guidelines for Members of the County Assembly Welfare.

Madam Temporary Speaker you know we have been having many challenges about the welfare of Members of this County Assembly and we came up with this Report and I urge the House to adopt the Report which is for the benefit of our Members.

Madam Temporary Speaker, I request honourable Steve Kihara to second the Motion.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Miangari, honourable Steve Kihara.

Hon. Stephen Kihara: Thank Madam Temporary Speaker, I want to congratulate the Committee on Members' Welfare, Catering and Library Services because personally, I had expressed concerns before on the manner in which Members' welfare was being handled and especially when one of us was faced with tragedy. And I always say that if you are to apply the law, it must apply to all. We cannot as a House afford to do what we call selective amnesia where some Members are more Members than others when it comes to issues of welfare. You will find a very interesting scenario where a Member is faced with sad circumstances and contributions are made towards that Member, but when another Member is faced with similar circumstances, no meaningful response is made. Madam Temporary Speaker, in this Assembly, we are all equal even before the eyes of God and the religion I subscribe to treats everyone as thus.

Madam Temporary Speaker, the purpose of the Committee if you look at page 4 of the Report, it has categorized various areas where we have the Members of the County Assembly, the spouse

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and biological child. You know some of us have many kids but the Committee in its wisdom restricted this affair to the biological children.

Madam Temporary Speaker, sometimes we may have biological children who are not in our custody and I do not know whether those ones are eligible in this matter. Such interesting scenarios are there and I am not saying this because I am one of those persons but I am a potential customer by the mere factor that I am a man.

Madam Temporary Speaker, when we come to the events, the Committee categorized the various circumstances and has highlighted only two. One is death where the Committee proposed that when a Member of this Assembly passes on, we will contribute Kshs. 2000 towards the deceased family. When a Member's spouse passes on each Member will contribute Kshs. 1 500 and when it is a child Kshs. 1000;and I would want to propose a biological child under the Member's custody.

On sickness Madam Temporary Speaker, the Committee proposed that all of us are covered by an insurance scheme and that if the bill amount surpasses what is provided for by the insurance scheme, the Members will come in and have the Committee handle it at that specific time.

The other interesting thing that the Report has provided for is the cessation of Membership. The provision and process for that has been stipulated in the Report.

And finally Madam Temporary Speaker, the Committee also proposes that any other event that may come outside what has been proposed in here, for instance dowry paying ceremonies, a *kamukunji* will be held and will come up with a way forward, with those few remarks Madam Temporary Speaker, I beg to second the Motion, thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Steve, honourable Member from Visoi.

Hon. Edward Kamau: Thank you Madam Temporary Speaker, I am a bit disappointed by this Report. It is shallow, looks like it was made in a hurry and I think our welfare is thicker than just one page and somebody should have thought about many other things that affect us. Things even outside this County Assembly that can be followed up in other forums. Before we ratify this Report, we need to go to so many aspects of our welfare like following up issues to do with our Lapfund, our gratuity. How will this Committee come in to address such issues? Issues like the insurance? We would like to have the outpatient amount increased to at least Kshs. 200 000. The Committee has not talked about this. Whereas I agree with what they have captured here, I tend...

Hon. Stephen Kihara: On a point of information, thank Madam Temporary Speaker, it is important we read from the same script. The purpose of this Report is not to eliminate what the Standing Order provides for this Committee. This is only supposed to guide on social matters that affect our Members and not issues to do with mortgages, Lapfund, our loans or these other issues of the insurance scheme because this Report is not negating the role of the Committee on Members' Welfare and Catering. The role of the Committee still remains and the Committee will

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still carry on with its duty as provided for in the Standing Order in terms of following up in terms of Members' welfare, Lapfund and Insurance scheme.

The Committee Madam Temporary Speaker has been doing that since its inception. As a Committee we have had bank people here with us, with the Human Resource from this Assembly. So the purpose of these guidelines is to talk about issues that affect us socially as Members and not those that touch on statutory bodies. Issues that touch on statutory bodies like Lapfund, insurance scheme, loans and mortgages are going to be dealt with by the Committee itself and the procedure is provided for in the Standing Order, thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Steve, honourable Gitau carry on...

Hon. Edward Kamau: I think the explanation is clear on that but still the scope of social welfare is also narrow, it only deals with death and sickness, this is not everything about social welfare and it needs more of us to put in more even dowry payments, weddings and so forth, they are part of our social welfare. How does this Report address this issues?

We are three to four years in this Assembly and a lot of water has gone under the bridge, there are those people who have had functions, they have been attended by people and there are those of us who do not attend other people's functions and such guidelines are important in creating the way forward. I would like a Report that takes care of me because I do not intend to die or get sick by next year, how does this Report take care of me if this things do not happen.

There are many other social activities that we can include in this Report to have a wider scope in terms of addressing our welfare, and when I talk of shallowness I am also talking of the Members description of beneficiaries like spouses, what happens if you have two wives, the seconder of the Motion said is a potential polygamist.

There is also the issue of secession of Members, I want to look at secessions, it is also not clear if a Member may cease to be a Member under any of the following ground, End of the term or if a Member ceases to a member or Speaker, this is vague may be there is a typo or something, does that include the Speaker of the County Assembly?

(Several Members stood in their place)

Since that I am about to finish, let me finish so that she can inform the House. Kindly

The Temporary Speaker (Hon. Eunice Muriithi): kindly let us allow him to finish then you can give your point of information.

Hon. Edward Kamau: Under misappropriation of funds it is also important to...How do we receive money from bank then use the same money? How do we receive? To me that is a bit vague in terms of how do you apply discipline under social welfare and what is the mechanism. Apart from the few briefing of this Report I feel it is timely that we have some guidelines that guide us on social welfare so that we can all join together where there celebrations and when there are misfortunes, not only when we have misfortunes that we come together, we should also

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celebrate, those of us who are still young in this Assembly want to marry and we want to join them, those who want to re-marry or get married and pay dowry, we want to include all things here. The more things we do together the more cohesive we become, thank you very much.

The Temporary Speaker (Hon. Eunice Muriithi): Let us get the point of information from honorable Jane.

Hon. Jane Ngugi: If honorable Gitau had gone through this Report, he would have noticed that on page three where it written committee mandate, eligibility of all MCAs elected and nominated including the Speaker of the Assembly, that is why when you go to that point he was arguing about electing a Speaker or a Member, so I wanted to confirm that the Speaker is a member of this welfare Committee.

Hon. Penina Sortum: To contribute on this particular Report, I am of the opinion that with this death issues this Committee can assist the Members to be able to join the benevolent fund. I have joined one where I pay Kshs 2,400 per year in preparation for my departure so that I do not bother people contributing Kshs 2000 which probably only buy the casket and leave very little.

Thank you.

The Minority Leader (Hon. Daniel Ambale): Thank you Madam Temporary Speaker, I want to hail this Committee and also look at this matter objectively.

I believe for every guidelines and regulations produced by any committee is based on any particular matter that has been observed to be a problem to us.

In the beginning just after we were sworn in, we did so many things relating to our welfare and among them we would contribute money here for Members to do a homecoming function, that progressively went to occasions where some of the Members would want to pay dowry, we have even seen resources of the Assembly being used for example vehicles to ferry Members.

Most touching we have had contributions to help settle hospital bills for Members of this House and also for Members when they lose their beloved ones.

As time goes by, if you follow carefully you will realize this is a social trend that we have. People tend to behave differently. We contribute for some people and others are not contributed for.

It was in honor of this Committee to look at this specific matter and give guidelines tailored to meet specific objectives which is to deal with matters of demise and illness.

However I would say that the title is a bit misleading because if we say guidelines for Members of the County Assembly's welfare because welfare is a whole world affair and is not only limited to this two. We can amend this to say guidelines for Members of the County Assembly's welfare on matters of death and sickness so that we do not refute what is here because I know where the problems come in.

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We have had Members here challenge the Chairman for Welfare Committee that at one point my father or uncle died and you did not call people to raise money for me, or when someone else had a burial you raised more money than for me. How then could the Chair make sure that there is a fair play ground in that matter? It was so important to come up with guidelines that meets that objective. And as such I think I took that Committee to think and come out with very specifics, a guideline could even be two sentences as long as it covers the objectives. And here I can see that this Committee tried to narrow down that to which extent of welfare regarding death can Members of this House participate, which is to the extent that a Member is dead, a spouse and biological children.

I think this is borrowed from the NHIF description where one is presumed to be having one spouse at a time, so it is up to the Members of this Committee maybe to at one point to say if you have more than wife you declare them prior to that particular time so that when such matters are considered we do not say that we do not know them.

And then a biological child is a biological child whether born by a “Mpango wa kando” or a woman you stay within your House, so if I come and I tell you that is my child. I think what the Committee needed to have said here is that there are some other documents that confirms that one is a child of a person including birth certificate. So we should even have data of these people put somewhere within the Committee, for example who is your child or spouse that you want us to take care of so that we know and incase of demise we do not have questions and all push and pull.

I want to congratulate this Committee and support this Report...

(Applause)

On the grounds that it is going to bring sanity and make sure that each and every Member of this House participate on matters that affect others so that we do not have the Chair calling everybody to ask them to contribute.

Thank you.

The Temporary Speaker (Hon. Eunice Muriithi): Hon. Dan are you suggesting an amendment that there be a bio data of every Member given to the welfare Committee

The Minority Leader (Hon. Daniel Ambale): That is the second one and the first one was to amend the title to be ‘guidelines for Members of the County Assembly’s welfare on matters of death and sickness’.

The Temporary Speaker (Hon. Eunice Muriithi): Okay that one I have captured.

Hon. Vitalis Okelo: Thank you very much Madam Temporary Speaker, I think this Committee should have done much research in this Report because according to me the vision is lacking in the Report, in that we are supposed to seek to improve our current status.

It is also lacking in the mission, what is the purpose, how will the Members welfare be uplifted? By the way matters of Members welfare should be informal arrangements and should not be

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discussed in the Assembly. Members should discuss these things in their private life and make such kind of ...

Hon. Stephen Kihara: On point of information, Thank you Madam Temporary Speaker, I want to inform my colleague that this is not a merry go round documents that you want to do savings and give a Member after some days or invest in land after which you sell and share out the money. Hon. Vitalis should understand that this House after 2017 we all park and go, as for who will come back that is only known to God.

I also want to inform him that because I have read where he is headed to and I think we need to get the intentions of these guidelines which I said earlier it is to talk about the welfare of the Members in a span of this time specifically a period of 5 years when Members are here. And if you look at the composition of Membership it is clear that after the lapse of our term you cease to be a Member unless you are reelected back for you to become a Member again, but importantly, as we debate on this Report let us restrict ourselves to those social welfare just as the ones hon Ambale has pointed out, that we shall have orderly way of doing our things in terms of contributing should there be a misfortune that has stricken or should there be any other outcome

The Temporary Speaker (hon Eunice Muriithi): Hon Kihara make it shorter because you were on a point of information.

Hon Stephen Kihara: Hon from Kivumbini do not criticize and say this is not entirely a document of this Committee, it is also a document of this House. Otherwise it would have been deemed to have passed at Committee stage. The Report is here for debate and Hon from Kivumbini is also free to do amendments if he feel that something was omitted. He should also restrict himself by not insinuating the committee lacked vision. That to me is immaterial.

Hon Vitalis Okelo: The most important thing, what will improve my welfare and I think other matters will be on how I can win the 2017 election. If there could be a welfare on how I will win this election that will be a welcome idea. It is a voluntary thing

The Temporary Speaker (Hon Eunice Muriithi): Hon Vitalis you are out of order, you are deviating, and we are debating on the welfare as it is written here. Please be brief so that other Members can contribute

Hon Vitalis Okelo: Welfare encompass a wide scope. Madam Temporary Speaker, I think this document does not merit to be discussed in this House, because welfare matters is voluntary and members choose whether to join or not. I tend to think we could do a local arrangement or informal meeting to discuss this matter. It looks like a traditional welfare where members look into issues of the dead instead of progressing they degenerate. So I think we should not adopt this document

The Temporary Speaker (Hon Eunice Muriithi): Hon Irene then we put it to question

Hon Irene Chebichii: I just want to air out some amendments to this Report. As you are aware that we all come from somewhere, when I look at the list of beneficiaries and I do not see the list of parents I do not think we are loyal to them. Death is something that occurs once in a while.

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We should add our parents as number four. Our biological children, I like to bring to your attention that some Members of this Assembly have adopted children and they have valid documents to back the adoption of such children. As Members of this House we realize there are challenges that we are facing in our communities because some of the parents have passed on and we are forced to adopt them. So number three should remain just as “children.” Also as you understand we have three events in our lives, we have births, we come to this world through birth, and we have our weddings and engagement. The last is death. We might not be in a position to celebrate our births but we have the other two events to be celebrated. God has blessed us, we can bear children. We thank God that Honorable Members of this House continue to sire children, so when it comes we should add baby showers we should all appreciate by contributing something. Let us not celebrate when someone dies but instead let us celebrate when a child is born. That is “baby showers” for honorable Members new born. I have tried to go through this document, I have seen the functions of the chair as having to receive revenue or funds it is not clear how the funds will reach our chair; will it be from our allowances?. I am one of the most disappointed because I have contributed to these things. Last year and early this year, honorable Chebor and honorable Molok lost their mothers and I did not see chair concerned about them and I was concerned as to whether it was tribal or what. We need our chair to be very aggressive looking for funds. I do not know if he was a little biased or what. I want to see chair how he is going to react to that.

The Temporary Speaker (Hon Eunice Muriithi): We give the last chance and be brief to the point. I see Members walking out.

Hon Joel Maina: Thank you Madam Temporary Speaker, possibly they could walk out for various reasons; one is because the Report that we are discussing this afternoon is stingy with words and stingy with intentions. I must appreciate this House because I am a beneficiary of the generosity extended by these Members when things happen. When we are discussing a very serious document for the future because I want to believe that this document is not only meant for this House but also for the future. I am of the opinion that this Report, we may not keep it as an act or possibly as a policy which was passed in the floor of this House. I am feeling that this is a bit private, we can talk privately and come up with a welfare policy which is conclusive and comprehensive. We can add all those issues raised here. These amendments are going to be many. When you look at page 3 after the preamble, the name of the association, does this mean that this Report is creating a Nakuru Members Welfare Association? When you come to officials, if it is an organization, then all Members need to be part of how officials are appointed, nominated or elected. I am of the feeling that Madam Temporary Speaker you should not put the Report to question so that it can go back to Welfare Committee then privately we can come with a serious welfare policy.

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much Hon. Karuri for that insight. I actually think of the same opinion. This is because when I look at the amendments proposed, they supersede the contents of the document. I would refer the document to the Committee then they can look at it wholesomely. Alternatively if there is a public participation needed as far as County Assembly Members are concerned, maybe they can give their output so

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that we can come up with a comprehensive document to take care of all these issues. Looking at the mood of the House and the way the debate has progressed, I will not put it to question. I refer it back to the Welfare Committee for further scrutiny. The honorable Member's participation parse.

PAPER

REPORT ON FISH FARMING IN GILGIL AND NAIVASHA

Hon John Chege: Thank you Madam Temporary Speaker; I wish to table the Report of the agriculture Committee on fingerlings hatcheries revival at Tarambete in Gilgil and Karagita fisheries department in Naivasha. This is after the committee went on a fact finding mission and this is a Report that they came up with. I beg to table.

(The Report was laid on the Table)

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much, the House stands adjourned until Tuesday at 2.30 pm.

The House rose at 3.05pm