

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Thursday, 13th September, 2018

House met in the Main Chamber at 02:30 p.m.

(The Temporary Speaker (Hon. Erick Agolla) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Agolla): Good afternoon Hon. Members and welcome to this afternoon session. Let the Clerks take us through the business of the day?

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Agolla): Hon. Members, I want to bring to your attention that we acknowledge the presence of our guests in the House. These are students from the School of International Training. We want to recognize your presence of the following;

- a) Lola Philomena
- b) Adrian Asarivis
- c) Zoe Heskel
- d) Lauren Sherffie
- e) Megan Powel
- f) Emma Stephans
- g) Ann Betty

- h) Nicholas Phenades
- i) Christine Odera – Programme Manager

Please feel welcomed and enjoy our debates in the chambers of the Kisumu County Assembly. I equally want to recognize in a special way members of the Fourth Estate (Media), please feel welcomed.

The Temporary Speaker (Hon. Agolla): Next order!

MOTION

MOTION ON THE ZONING OF SUGAR-BELTS IN KISUMU COUNTY

BY HON. CARREN MUGA, NOMINATED MCA.

The Temporary Speaker (Hon. Agolla): Hon. Muga, the floor is yours.

Hon. Muga: Thank you Mr. Speaker.

Aware that, the Fourth Schedule Part 2 (1) (a) and (e) of the Constitution of Kenya, 2010, Agriculture, including Crops and Animal Husbandry and Fisheries among others are devolved functions of the County Government. Sugar Farmers in Kisumu County, especially Nyando Sugar belt have been suffering due to mismanagement in the state owned factories that is, Muhoroni and Chemelil which are limping while Miwani has collapsed. It is only Kibos Sugar Factory that is active and operational in a way that only favors' them in most cases. Mr. Speaker, Zoning of sugar belts will lower cane prices as farmers currently are free to sell their cane to millers with best prices and that can co-operate with them. This will be unfair to farmers who have been working hard on their farms in order to get the best out of them. This motion is to implore Members of the House to petition the House of Senate not to adopt the said motion on zoning of sugar belts which was introduced in the National Assembly by a Member of Parliament.

Mr. Speaker, Article 20, 22 and 23 of the Constitution of Kenya 2010 states the protection of rights and fundamental freedoms and these rights and freedom are observed in Kenya today. It is true that the economy is limping and I want to implore Hon. Members of the House to assist farmers get their rights. I request Hon. Kenneth Onyango, the MCA, Miwani and Leader of Majority to second this motion?

Leader of Majority (Hon. Onyango) Thank you Mr. Speaker. I believe the Hon. Member is playing trickery on me and I am not very sure if I want to second this motion.

Mr. Speaker, for one, this motion is not properly before this House because it violates the provisions of Article 191 of the Constitution of Kenya. This is because this Article talks about concurrent functions or legislations and that is legislations that can be debated both at the County

and National level. However, once the National Assembly has debated on a motion that is concurrent in nature, and gazettelement thereof is done, because this is the Sugar Act Regulations 2018, then we do not have the jurisdiction to debate on such a motion because it has already been dealt with at the National Level. However, the only way the Hon. Member would have had is to make a petition to this House for onward transmission to the Senate. Again, we all know how petitions are supposed to be structured. So, I am afraid with your indulgence. I want you to rule that this motion is not admissible before this House and therefore, we cannot debate it, thank you.

The Temporary Speaker (Hon. Agolla): Fair enough, Hon. Members. Our Constitution and Standing orders are explicit. Accordance to the provisions of the Standing Orders, once a motion has been approved by the Clerk and the Office of the Speaker and approved through the House Business Committee, moved in the House, the way Hon. Muga has moved the Motion, the procedure of this House is that the motion has to be seconded before debate on the same can commence. Hon. Members, I am afraid this motion has not been seconded.

Hon. Members, now being that I would not wish to discourage the Hon. Member Hon. Muga for brining another motion. I would like to give you an opportunity to either withdraw this motion, go draft it properly, then there is leeway for you to bring it back to the House within six months or we go the way of just dropping it by the virtue that it has not been seconded.

The Temporary Speaker (Hon. Agolla): What is it Hon. Oraro!

Hon. Oraro: On appoint of order, Thank you Mr. Speaker. It has just come to my attention that we have commenced discussing a motion but there is no quorum in the House.

The Temporary Speaker (Hon. Agolla): Fair enough Hon. Oraro. Hon. Carren Muga the floor is yours, before I deliver a ruling on this matter.

Hon. Muga: Thank you Mr. Speaker. I want to say that I am so disappointed because the Leader of Majority sweet talked me and assured me of supporting the motion. Since both of us come from Muhoroni Area where farmers were against this aspect of Zoning. In cognizant to the fact that there is a Draft of the Sugar Act and Regulation, 2018 as published by the Cabinet Secretary, who is the minister for Agriculture, Livestock and Fisheries AFFA on 07th August, 2018? This draft contravenes the Constitution of Kenya, 2010...

The Temporary Speaker (Hon. Agolla): Order Hon. Muga! It is your privilege and an opportunity that I have cordially extended to you to go build on those legal Constitutional grounds so that you bring the motion to this House next time. The opportunity that I have accorded you is not just to drop your motion so that you withdraw it and go and redraft it again.

Hon. Muga: Obligated Mr. Speaker. I withdraw.

The Temporary Speaker (Hon. Agolla): Order Hon. Members, the motion sponsored by Hon. Muga on the Zoning of Sugar belts in Kisumu County has been withdrawn by the sponsor and she has been given an opportunity to go and redraft it again for presentation to the House.

The Temporary Speaker (Hon. Agolla):Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Agolla): There being no any other business to transact, this House stands adjourned until Tuesday, 18th September, 2018 at 02:30 p.m.

House arose at 02:44 p.m.