

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Wednesday, 26th September, 2018

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

(The Speaker (Hon. Onyango Oloo) in the Chair)

PRAYERS

The Speaker (Hon. Oloo): Good afternoon Hon. Member?

Members: Good afternoon.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oloo): Thank you Honourable Members. I have received communication to the effect that all the elected Members of the County Assembly should bring any correction or omission in the approved budget for the FY 2018/2019 regarding development projects in the Wards.

The second communication I would like to make is that today at about 2:30 pm, I received a letter addressed to the Speaker of the County Assembly in his position as the Chairperson of the Kisumu County Assembly Service Board informing the Speaker of the resolutions of the Members of the Assembly.

It is signed by thirty one (31) Members, to be precise, seeking the replacement of Hon. George Abaja Othuthu and Careen Oguok Nyangoya with Hon. Kenneth Onyango and Hon. Gard Okoth

Olima. The letter has substantively reflected on various provisions of the law in particular the County Government Act 2012 as revised in 2017 various sections quoted therein. The County Assembly Service Act 2017 and various sections quoted therein as well as all other enabling provisions of the law. I am yet to consider this letter so that I will be able to act on it effectively.

I want to undertake on behalf of the House that not later than Wednesday next week, I would have reverted to substantively on the content of this letter upon receipt of technical advice from the staff of the Assembly.

PAPERS

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker, I would want to lay before this House today Wednesday 26th September, 2018 the following Financial Reports of the County Assembly for;

- a) Q1 Financial Report for the period ending 30th September, 2017
- b) Q2 Financial Report for the period ending 31st December, 2017
- c) Q3 Financial Report for the period ending 31st March , 2018 and;
- d) Q4 Financial Report for the period ending 30th June, 2018

Thank you.

NOTICES OF MOTION

ADJOURNMENT OF THE ASSEMBLY PLENARY SESSION ON THURSDAY 27TH
SEPTEMBER, 2018 TO FRIDAY 28TH SEPTEMBER, 2018 AT 9.AM

The Speaker (Hon. Oloo): Proceed, Hon. Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you once again Mr. Speaker. I would want to give the following Notices of motion. Pursuant to provisions of Standing Order No. 45 read together with Standing Order No (3) and 31 (1), I wish to give Notice of Motion that this House considers Adjournment of the County Assembly Plenary Session on Thursday 27th September, 2018 to Friday 28th September, 2018 at 9:00am to enable the Assembly undertake Public Participation on the Kisumu County Finance Bill, 2018. Thank you.

The Speaker (Hon. Oloo): Thank you Honourable Members, we have just realized a slight omission on the Papers that were tabled. I hereby commit them to Budget and Appropriations Committee to act on them accordingly and revert back to the House.

Hon. Misachi: On appoint of order, we have just heard the First Quarterly report and we have the Finance Committee in the House. Let them team up with the Budget and Appropriations Committee, not a single committee.

The Speaker (Hon. Oloo): Thank you Honourable Member. The Speaker has the opportunity to consider that and looking at our Standing Orders, I come to the conclusion that it would be proper to commit them to the Budget and Appropriations Committee, in particular, the Cooperative, Finance, Trade and Enterprise Development. It states as follows;

Its mandate is all matters relating to cooperative development, microfinance institutions, and empowerment of the registered women and youths groups. Insurance, proposed loans and advances by the Executive. Trade developments and regulations including markets, trade licenses excluding regulations of professions, fair trading practices.

Honourable Members, it is in view that I consider it prudent that this document be committed to the Budget and Appropriations Committee. I did not find anything in the mandate of Cooperative, Finance, Trade and Enterprise Development that would relate to quarterly report of the County Government of Kisumu, be it the Assembly or the Executive.

Yes Hon. Guya.

Hon. Guya: Thank you Mr. Speaker. I agree with your ruling. A statement was sought in this Assembly few days ago regarding the quarterly financial reports and in your ruling using the same Standing Order you ruled that the Statements be referred to the committee of Finance.

Mr. Speaker, today you are using the same Standing Order to refer the same documents to the Committee of Budget and Appropriations. What has changed in the Standing Orders?

The Speaker (Hon. Oloo): Yes Member for Kabonyo- Kanyagwal.

Hon. Oiko: Thank you Mr. Speaker. The financial report of the County Assembly needs to be interrogated. The watchdog committee should be PIC and PAC because that is the committee that deals with the oversight on the expenditure of the County Assembly and the Executive. In the last regime, there was a committee on Finance and General Oversight Committee which was done away with.

I therefore think that the two documents should be committed to the PIC and PAC. Allow me to quote this, the Public Accounts and Investments Committee shall have two main functions;

- a) examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit; and
- b) examination of the working of the public investments.

We have also learnt that the oversight role of the Assembly and the Executive is a continuous process for any purpose at the end of the year. PIC and PAC should be the relevant committee for the financial reports

The Speaker (Hon. Oloo): Honourable Members, as you can see there is a lot of interest and am reminded that I may have passed a ruling previously that could have differed with that. I would really wish to gain from sight so that this House of orders and laws does not appear to be a House that is rudderless. As you can see, there are Members who are feeling that it should go to PIC and PAC. In my view, having quoted to the provisions of the Standing Order is that, it is to be committed to the relevant committee, that is Budget and Appropriations Committee, in view of facts and positions of the law being advanced by various Members of the Assembly. I want to defer my ruling so that I give a considered ruling by next week on Tuesday during the afternoon sitting. By the way, nothing stops us from committing it to two or so committees but the law tries to look at the committee in which the matter at hand largely domiciled. In view of various positions, let me make a considered ruling which I will revert to the House latest Tuesday next week.

STATEMENTS

The Speaker (Hon. Oloo): Yes Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker.

The Speaker (Hon. Oloo): You are rising under which order?

Hon. Kanga: Under statements.

The Speaker (Hon. Oloo): I would wish to know under which Standing Order he is rising on. I remember receiving or approving statements an hour ago.

Hon. Kanga: I am rising on Standing Order No. 41 and 42.

Hon. Oraro: On appoint of order, there are provisions of debate and one of them is the Order Paper. The Clerk has just told us that we are in Order No. 7 that is Statements. I am confused. Kindly guide us on the Order in which we are on.

The Speaker (Hon. Oloo): As you could see. I was equally taken back by the Clerk of the House. There was minor typo that No. 5 should have been Papers, No. 6 Notices of Motion and then No. 6 was not numbered consequentially. So Notices of Motion ought to have been No. 6, Statements ought to have been No. 7. Then we have motion 8, 9 and 10. My considered ruling is that this is a minor typographical error that does not go to the substance of the argument and as such, I would allow the Clerk to come back clearly and state under which Order are we in.

Yes Honourable Member for Market Milimani?

Hon. Kanga: Thank you Mr. Speaker. I am rising on Standing Order No. 41 and subsequently No. 42. In review of the ruling which were to be submitted to this Honourable House in respect

to two matters, I want to remind you on the matters which the Speaker promised to make a ruling upon.

The Speaker (Hon. Oloo): Order Honourable Member. Have you looked at the Standing Order No. 42 effectively? It says that during statement hours a Member may by the indulgence of the House explain matters of a personal nature although there is no question before the House but such matters may not be debated.

Hon. Kanga: Thank you Mr. Speaker. I have indicated Orders No 41 and 42. I wanted to start by Standing Order No. 42 in respect to rulings which were supposed to be given by the Speaker as he earlier promised yesterday at 2:30 pm.

The Speaker (Hon. Oloo): Yes, Hon. Member for Kajulu?

Hon. Samo: Thank you Mr. Speaker. I rise on the same Standing Order No. 41 with your due permission. The Honourable Member for Market Milimani has substantively mentioned Standing Order No. 41 to base his arguments. If you read the same Standing Order then whatever he wants to base his arguments upon must have been written and placed before you. He cannot just combine the two standing Orders.

The Speaker (Hon. Oloo): Can we get the precise subsection?

Hon. Samo: Allow me to read to you from 41 (3) A member who wishes to seek leave to raise a matter under paragraph (2) (a) or (b) shall, before 1. p. m., on the day on which the Statement is proposed to be made, hand to the Speaker a written notification of the matter, but the Speaker may refuse to allow the request unless satisfied that the matter may properly be discussed in the House.

The Honourable Member has based his arguments on Standing Order No. 41. You have also ruled that such issues should be on personal matters. What he is talking about touches generally on the running of the assembly. That is not a personal matter because he is not affected in any way.

I would wish to remind the Honourable Member that if you touch on Standing Order No. 41 then such matters should be written to the Speaker and if another Speaker had mentioned something that he had to rule on, then, that should be written and brought to your office. Kindly guide the Member on that.

The Speaker (Hon. Oloo): Thank you. Yes Hon. Guya.

Hon. Guya: Thank you Mr. Speaker. I just want to help my friend Hon. Seth. A statement was sought in this House yesterday and the Speaker then made a ruling that he will give the direction today at 2:30 pm. That is what my friend was talking about.

The Speaker (Hon. Oloo): Are you admitting that he has rose on the wrong Standing Order in the course of helping him?

Hon. Guya: Mr. Speaker, it was not a motion but it was under statements but the Speaker then could not make a ruling yesterday then, he directed that he would make a ruling today.

The Speaker (Hon. Oloo): Just indulge me a little.

Hon. Guya: Thank you. I think the Clerks can help you on that.

The Speaker (Hon. Oloo): Let me just consult briefly.

(Honourable Speaker consulting with the Clerks at the table)

The Speaker (Hon. Oloo): Thank you Honourable Members, I have gotten the opportunity to consult with Speaker who was in the Chair. Some of you may not be aware, the then Honourable Speaker had some personal issues that may have affected his time on the ruling. He has asked me to indulge him until Thursday next week when he hopes to make the ruling.

Other than that Member for Market Milimani, I don't think Standing Order No. 41 helps you much.

Hon. Kanga: Mr. Speaker with your indulgence, this is a matter that came up yesterday and this is a matter that has been pending before this House for the last two months. This is a matter of procedure and you have earlier indicated in your opening remarks that this is a House of order and I request you as a lawyer that you be consistent with your ruling.

This is an issue that was brought some months ago, it was written and submitted to the table clerks. For you information..

The Speaker (Hon. Oloo): Order Hon. Kanga.

Hon. Kanga: Kindly allow me to proceed. Mr. Speaker, protect me from being harassed.

The Speaker (Hon. Oloo): You are allowed.

Hon. Kanga: Hon. Samo should declare his interest on this matter because the Standing Order is so explicit on such issues. The County Assembly Service Act clearly tells us on what we are supposed to do in this House. We were waiting for the ruling on seven matters but I can only remember two. One was for the procedural allow...

The Speaker (Hon. Oloo): Order Hon. Kanga. Yes Hon. Samo.

Hon. Samo: Thank you Mr. Speaker. You have just made a statement that you've talked to the Speaker on the Chair then and he had personal matters on the same. Kindly let us have direction based on Standing Order No. 41.

The Speaker (Hon. Oloo): Thank you Honourable Member. Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I just wanted to remind the Members on Standing Order No. 41. The whole of that is about Statements. I wanted to help my colleague Hon. Kanga in regard to what Hon. Samo had said. Standing Order No. 41 (3) is very clear. A member who wishes to seek leave to raise a matter under paragraph (2) (a) or (b) shall, before 1 p. m, on the day on which the Statement is proposed to be made, hand to the Speaker a written notification of the matter.

Mr. Speaker, the Standing Order No. 41 (1) (c) and (d) do not require you to hand over a written statement to the Speaker. The Honourable Member is the Chair of Roads and Public Works Committee. The Standing Order No. 41 (1) (d) gives him lee way to give his statement. Whether it is of topical concern or it is relating to his committee.

We do not know if what he was intending to say is something to do with his committee or not. Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Hon. Members, I want to make a ruling on this thing. Hon. Member, I have read the Standing Order number 41 and my view is that the substantive sections are 41 (1) a,b,c and d, 3 gives us the procedure of effecting our interest therein. When you look at 41 c and d, which the Hon. Oraro has mentioned, then you realize that it does not lend credence or help to the Hon. who sorts reliance on it. For number 1, it says if you go to (d) it says:

The Majority Leader, the minority Leader, or a Committee Chairperson, as the case may be, or their designees, may make a statement relating to their responsibility in the County Assembly or the activities of the Committee. If you look at it at the provision and you want to act on it effectively,

It is a statement that you need to give in your capacity as a Majority Leader, Chairperson or a person who has been designated to do it on behalf of that Majority Leader, Minority or Chairperson. Section (c) does not help at all. In fact, it talks about the powers of the Minority Leader or in his/her absence a member of the House Business Committee designated by the Majority Leader for that purpose shall every Thursday or the last sitting day of the week. It talks about Thursdays, it talks of House Business, it even worsens your case Hon. Member. In that case.... (interruption) Pardon me, I have read for you that; Hon. Member or may be for the case of clarification, I will re-read for section (d) (reads section 41 (d) again). In that case he will read this himself or a person he has designated will read it on his behalf, having made a ruling Hon. Members, my ruling is that the then Hon. Speaker has come before me and explained, no amount

of canvassing will make it any better, let us indulge him until Thursday when he will bring the rulings and will take it upon myself to ensure compliance.

Hon. Seth Kanga: I am still rising on a point of order Mr. Speaker on standing order no. 41. You have the powers of the High Court Mr. Speaker, and in the High Court the Judges usually require the indulgence of the advocates who are prosecuting that particular case before he makes a ruling. In that view Mr. Speaker, you have made a ruling before taking into consideration my indulgence Mr. Speaker because I think Thursday in my view is too far as I raised that matter under certificate of urgency. Thank you Hon. Speaker.

The Speaker (Hon. Oloo): Thank you Hon. Members, unfortunately, I cannot revisit my ruling unless a substantive motion is now brought. We shall strive to ensure compliance. Hon. Members, I have seen we are moving to the next motion, sorry, we were still on statements. The Chief Whip of the Majority Party!

Hon. Gard Olima (Majority Whip): Thank you Mr. Speaker, I rise to give a statement under Standing Order number 41(2) (a) as you have clearly given a communication. On the letter written to you from the office of the Chief Whip, I do not think it was a matter of referral because the letter was very clear and signed by the Majority Members of this House so the letter did not need any response. We wanted a communication without any dalliance because as the letter states, it was with immediate effect, so Mr. Speaker, I want to indulge you so that you review unless the Chairperson has an interest on the same that may delay the ruling because this does not need a ruling, this was a clear letter that was written to the Chairperson of the County Assembly Service Board directing him on the interest of the Majority members of this House.....

The Speaker (Hon. Oloo): Objection allowed Hon. Member. Chief Whip you may go down.

Hon. Samo: Thank you Mr. Speaker, unless we are not following the rules that are clearly stated. What the Hon. Majority Whip is talking about is completely out of Order when he refers to Standing Order number 41. The purported letter touches on an office that is engraved on an Act of Parliament which is section 12 (1) and in this case it is the County Assembly Service Board where those members are serving and that is a substantive office whereby a member cannot just purport to write a letter to remove somebody who is in the office. That is completely out of Order Mr. Speaker sir.

The Speaker (Hon. Oloo): Yes, Chief Whip

Hon. Gard Olima (Chief Whip): Mr. Speaker with due permission and with due respect, I would like to inform Hon. Roy that whatever we wrote is not on the issue of the office. It was on the issue of Membership of the Office of which the majority of the Members in the House have decided to recall their representation to the same office and I don't think it is the Chairpersons prerogative to decide for members who to be in that office and therefore the Majority Members

of this House have made it clear by putting down pen to paper that they have recalled their members with immediate effect to that office and therefore Mr. Speaker, I don't think this needs a ruling.....

The Speaker (Hon. Oloo): Yes Hon. Member Kaloleni/Shaurimoyo Ward.

Hon. Prisca Misachi: Thank you Mr. Speaker, if my memory reminds me well, You said that you have received communication signed by majority of members of this Assembly requesting for the removal of some members of the County Assembly Service Board that is the instructions of the members who appended their signatures.

Mr. Speaker, Kindly do not interrupt me whether I am talking on a point of Order or not. I want what I am saying to be recorded in this Assembly. Mr. Speaker, Your seat as the Speaker of Assembly is a Party Seat, The Leader of Majority is a Party Position, The Whip is a Party Position, Mr. Speaker, I would like to say that unless we sit as a people, who want to deliver to the electorates of Kisumu, then we are going to miss the bus and we are not going to reach Canaan where we want to go to.

Mr. Speaker, it pains me for this County Assembly, which is united to purport to be divided. I would say this as they were your own words. I would request you and even go down on my feet to request you to seek the redress from the Orange Democratic Party Head quarters to seek on the formation of that Board in question. Mr. Speaker, I am not wrong I was a member of the last Assembly and there is never any day I heard anything from the Board being discussed in the floor of this House, the Clerks are here who should advice accordingly, they should guide you and also guide this House at large.

Mr. Speaker, that is my request, if you accept it or defer it. The positions that they think they are holding are party positions and you have to seek the Parties redress. Thank you.

The Speaker (Hon.Oloo): Just a moment, can I have the County Government Act. Hon. Chief Whip, I would allow you to complete so that we can make a substantive ruling on the same.

Hon. Gard (Majority Whip): Thank you Mr. Speaker. I once again want to repeat very clearly as the Senior Member has said, we were not requesting. The letter was not requesting. The letter was informing you as the Chairperson that the majority of the members whose interest are in the County Assembly Service Board have decided to replace the membership and it is therefore the prerogative of our representation in the Board that we are seeking. What we told you or what we communicated to your office was our statement so that you may be informed that from today as the letter was received henceforth we do not recognize the members who were there before in that Board and therefore I do not think if it is a question that you want to rule on or we wait for more time because it is us who are being represented in that Board and it is us who have said we want to change the membership.

The Speaker (Hon. Oloo): Thank you Hon. Member just before you sit down, If you can be of assistance to me, do you agree with the Member for Kaloleni/Shaurimoyo that this positions are party positions.

Hon. Gard (Chief Whip): Yes

The Speaker (Hon. Oloo): Have you also had a look at section 12 (a)

Hon. Gard (Chief Whip): It is in that letter I have given you.

The Speaker (Hon. Oloo): You may sit Hon. Member. The reason I was asking to be allowed so that we can consider this first and foremost is what the member for Kaloleni/ Shaurimoyo has said we can consider this particular issue with the leadership of the party and more importantly, Hon. Members, I am still talking so could you kindly go down.

I want us to agree Hon. Members that we are a House that is governed by rules, laws, standing orders and the constitution of this Country. The fact that a letter has come does not seclude us from revisiting the law applicable. In these signatures, I have seen signatures of persons who are not members of the Orange Democratic Party. Those are issues that may force us to sit with the leadership party. Other than that, I will.... Yes, I can see the member for Awasi/ Onjiko.

Hon. Ngeta: Thank you Mr. Speaker for according me this opportunity, I rise on a point of information Mr. Speaker. I think that when we were given these positions, these members did not ask for these positions. Mr. Speaker, this Hula bolos are witch hunting Mr. Speaker. What has gone wrong now that makes this members to leave the County Assembly Service Board yet they did not request to be there in the first place?

The Speaker (Hon. Oloo): Thank you Hon. Member. Yes Member for Market/Milimani Ward.

Hon. Seth Kanga: Thank you Mr. Speaker, I am rising on point of Order number 16 to strengthen the argument of the Majority Whip which talks about the Majority Leader.

Mr. Speaker, the person who represents the Party in this Honourable House is the Majority Leader not ultimately the Hon. Speaker. The Speaker is a Neutral Arbitrator in this Honourable House. The Ultimate person who should consult the party on matters pertaining to the issues of our Party in this House Mr. Speaker is the Leader of Majority and it is clearly spelt out.....

The Speaker (Hon. Oloo): Yes, Chairperson Liaison Point of Order granted.

Hon. Samo: Thank you Mr. Speaker, the Hon. Member purports to have stood on Standing Order number 16. Can I bring your attention to what Standing Order number 16 talks about? This is what it says:

The largest party or coalition of parties in the County Assembly shall elect a member of the County Assembly belonging to the party or coalition of parties to be the Chief Whip or the Majority Party whose removal from that office shall be handled by the Majority Leader as stipulated in Standing Order number 16 and the Majority Leader informing the Speaker accordingly.

It doesn't necessarily support what the Hon. Member is saying, in standing to say what the Majority Chief Whip is saying he has to be talking about an election, but what I am saying is that Mr. Speaker

The Speaker (Hon. Oloo): Hon. Member you may complete

Hon. Samo: Kindly allow me, it is me who stood to bring your attention to County Government Act section 12 and precisely if you read part 5 and 6 to guide the debate

The Speaker (Hon. Oloo): Hon. Member, I have told you I have consulted my Clerks and they have advised me that having made a ruling, and this having been a communication from the Chair, it cannot be opened for debate. Thank you, next order. You cannot have a statement from the Communication from the Chairperson; you are opening it up for debate. Next statement? Yes, Hon. Guya.

Hon. Guya: Thank you Hon. Speaker, I do not know whether to carry on with my statement because the Chief Whip was also standing on a statement.

The Speaker (Hon. Oloo): I have given a ruling that was opening a matter in respect of what I had made a ruling on and this was merely the communication from the Chairperson.

Hon. Guya: Thank you Mr. Speaker, even if you made a ruling you should remember that it is the same Chief Whip who gave you a letter proposing the names of those members who should represent us in the County Assembly Service Board.

The Speaker (Hon. Oloo): Hon. Guya, can you make your statement please.

Hon. Guya: Thank you Hon. Speaker, around 6 weeks ago, I had sought for a statement under Standing Order number 200 with the Committee of General Oversight. Mr. Speaker, 3 weeks later the Chairperson Hon. Caleb Omoro rose in this House and gave an undertaking that he would bring a report in a week's time. Mr. Speaker, today is the sixth week down the line and I have not received the statement.

Mr. Speaker, it is good that the Chairperson of General Oversight is here today and the Chairperson who committed to this House that he would bring statement should be having it with him. Thank you Hon. Roy for helping your friend but at the end of the day just as we have said, this is an Assembly of rules and procedures. Mr. Speaker, I had also sought for statement from the Chairperson of Water on the 5th of September and am happy Hon. Ngeta is present in the

House today. This was in response to the issues that are affecting the residents of Nyakach, Nyando and Muhoroni. I believe that the Chairperson is also affected with this issue. Finally, I have also sought for a statement from the Chairperson of Culture and Sports Hon. Rashid Miruka. I want to believe that the said statements are going to be availed. The consultations are now becoming too much.

The Speaker (Hon. Oloo): Sorry I was consulting on some issue.

Hon. Guya: Mr Speaker, I would kindly request that these statements be answered to in that order Mr. Speaker. Thank you.

The Speaker (Hon. Oloo): Yes Chairperson of Budget Committee

Hon. Steve: Thank you Mr. Speaker, I rise to make a statement in regards to my committee on the issue of Public Participation that will be coming up tomorrow. Mr. Speaker, due to constraints of time, I wish to urge other Hon. Members in the House to coordinate so that each and every Ward shall have Public Participation on the Finance Bill tomorrow. Thank you, Mr. Speaker.

The Speaker (Hon. Oloo): Thank you Hon. Member, Yes Hon. Omoro

Hon. Omoro: Thank you Mr. Speaker, as the Vice Chairperson of the General Oversight Committee, we received a statement from the Hon. Member of Nyakach my good friend Hon. Guya about the status of revenue collection in the County. Mr. Speaker, together with our Committee Clerk, we have written a letter to the Executive and in particular the CEC Finance, to give us the status of revenue collection in the County. Mr. Speaker, we are yet to receive any response to our letter, we are pursuing it up with my Clerk. I promise that we will still follow it up and as soon as we get communication on the same we shall present it to the House. Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Thank you Hon. Member, There was a statement on Water and Environment, Sports, Yes Hon. Guya

Hon. Guya: Mr. Speaker one sorts out a statement and it is replied to in this House the members should be given time to interrogate. The chair of General Oversight says that they have written to the CEC Finance. Can he show us the evidence to prove that he has indeed done so. Mr, Speaker, remember it is 6 weeks down the line.

The Speaker (Hon. Oloo): Yes Hon. Omoro

Hon. Omoro: Mr. Speaker, I know my friend is a teacher of evidence and I would like to inform the House that we can prove and are willing to produce a letter that we wrote to the CEC Finance by next week Tuesday afternoon.

The Speaker (Hon. Oloo): Thank you Hon. Member the Statement hour is as good as finished. Since the Majority Leader is on his feet, I will allow him to talk but before that the Hon. Member had sort for 3 statements. I would like to hear from the Committee Chairpersons for Sports and Culture and also from the Committee Chairperson for Water and Environment then the Majority Leader will conclude.

Hon. Miruka: Thank you, Hon. Speaker on 4th of September Hon. Guya sought a statement on the state of Moi Stadium. I had served Hon. Guya with a copy of the same and he is aware that I was to present the same to the House today. He had sought to know how active the Moi Stadium.....

The Speaker (Hon. Oloo): Have you availed to him a copy of the response.

Hon. Miruka: Yes, I had given him

The Speaker (Hon. Oloo): And the other members? Hon. Member could you be patient, once a question is asked in this House it is a property of the House and the answer is a property of the House too. Give us the day when you will bring it to the House.

Hon. Miruka: I will do it next week on Tuesday.

The Speaker (Hon. Oloo): Thank you. The Chairman of Water and Environment

Hon. Ngeta: Thank you Mr. Speaker. I want to say that I received the report being sought for yesterday in the afternoon and would like to implore my colleague Hon. Guya which I believe I shared with him this morning so that I respond on the same tomorrow afternoon.

The Speaker (Hon. Oloo): When do you intend to avail it to us?

Hon. Ngeta: Mr. Speaker, tomorrow in the afternoon.

Hon. Guya: On appoint of Order. You have always said that we need to take the business of the House seriously. I do not know what the Chair is fearing and why he is fearing to respond to the statement that I had sought. Mr. Speaker, a written Statement was provided, and this was done yesterday. Today, the Hon. Member cannot stand up to own what he gave us. Is it for us to read and keep it in our files because we need time to interrogate this report and the Chair must rise to the occasion and deliver the report because it is there and Members were furnished with copies? Unless he has interest and there is something that he is hiding.

The Speaker (Hon. Oloo): Hon. Member, In view of the fact that the Statement time is over, I will only indulge the Leader of Majority. The Chairperson of Water and Environment has just said he will be ready on Tuesday, he cannot run away forever. Thank you and that is my ruling.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. We all know that Statement hour is over. Mr. Speaker, yesterday I did say that our role in this Assembly principally are three which is representation, oversight and legislation. Whenever matters are brought to this Assembly, Members require to take them seriously.

Mr. Speaker, if you look at the provisions of Standing Orders No. 195 read together with 196 and 197, the mandate of the General Oversight Committee, I did assist the Hon. Omoro because it appears that he is not so conversant with these pieces of statutes which are the mandate of the Committee. Mr. Speaker, I did say that the role of that Committee is to invite the CEC Member to come to this Assembly so that he can give responses to specific issues that have been raised. He cannot purport to say that they have written, because we need to invite the CEC Member responsible for that docket to come before the Assembly so that he can explain matters that are of County Importance.

Mr. Speaker, once more, I want to implore my colleague Hon. Omoro that please read the Standing Orders.

The Speaker (Hon. Oloo): Hon. Member Omoro, just a word or two.

Hon. Omoro: Thank you Mr. Speaker. The last time we talked about this, yes indeed my friend the Leader of Majority came to my rescue and being a man of good standing in education and was once a teacher, I want to say that you can explain one thing in many words. Mr. Speaker, it is said that a rose is a rose even when called in a different name. Mr. Speaker, I reiterate that we did a correspondence to the Minister In-charge of Finance and one of the things that we placed in that letter that he needs to address if he wants me to go into details is that, we requested him to appear before the Committee of the Whole House with various items, unless you want me to bring that letter and read for you and I would like to inform this House that it was one of the conditionality that we put forward because he has to be aware as to why he is appearing before the House.

The Speaker (Hon. Oloo): Thank you. Hon. Members, the Leader of Majority has raised an issue that is a bit substantive. The General Oversight Committee is more of a Prosecutorial Committee that compels the attendance of people to come and respond to issues. I would like to ask my deputy, I equally stand indicted that we take this more seriously and that we equally acquaint ourselves with the Powers and Privileges Act, so that when we are conversant with this Acts, we will be effective in the discharge of our responsibilities as well as the Standing Orders of the House. I have ruled that the Statement Hour is over.

The Speaker (Hon. Oloo): Hon. Kanga, you appear to be ready?

Hon. Kanga: On appoint of Order, it is not in order for a Chair of a Committee to say that unless you want me to table that letter. Mr. Speaker, the provisions of Standing Orders No. 89 states that when you allege that you have written a letter to so, you should be able to table that letter

before the House. If you want to table you do so, unless you don't have that communication then you don't mention it in the floor of the House.

Hon. Guya: Thank you Mr. Speaker. I said that the Statement was on Standing Orders No. 200. This Orders have timelines attached to them, on how the procedures should move. If these timelines are not adhered to, then the Statement becomes stale. Mr. Speaker, the provisions of Standing Orders No. 200 states that, a Member desiring to ask a Statement through the Committee of Oversight shall hand to the Clerk the written request at least seven days before the Member intends to have the question addressed by the Committee.

Mr. Speaker, this request was done six weeks ago and it is six times late. Mr. Speaker, Part (3) states that following the approval of the Speaker under Paragraph (1), I don't know what this means?

The Speaker (Hon. Oloo): You should.

Hon. Guya: Following the approval of the Speaker under (1) the Clerk shall within 48 hours submit the request to the relevant CEC Member in-charge. Mr. Speaker, if the Member is claiming that he had written the letter, he needs to tell this House, when was that letter done? Mr. Speaker, if it is seven days, we believe that the CEC should have been standing here before us and actually this is not to request the CEC, it is to summon him to appear.

Hon. Samo: On appoint of Order. I must say that I am a learned fellow and please allow me to assist my colleague. Mr. Speaker, you have given me the opportunity and when the Member talks of Order No. 200 (1), (2) and (3), this is just a sequence of orders as to how things should happen when it is brought to this House then to the Office of the Clerk to its logical end. Mr. Speaker, it does not specify at what time the CEC should appear before this House. Is it one week, a month or one year?

Mr. Speaker, in that premise, the Vice Chair for General Oversight Committee has indicated that a letter had been done and you have even made a ruling on that and the Vice stated that as soon as the report is ready he is going to avail it before the House.

The Speaker (Hon. Oloo): Hon. Members, that matter is as good as closed. The Statement Hour I had initially mentioned is over; we can revisit these issues in our next meeting.

Next Order!

The Speaker (Hon. Oloo): Hon. Members, before we go to the next order, I have had the opportunity to see what is coming next and it is my sincere conviction that this has everything to do with the Conduct of the Substantive Speaker with the intention of removing him. Hon. Members, the cardinal principal of law is that no man shall be a judge in his own Court, I

therefore excuse myself and step aside and allow the Chairperson of Liaison to take charge of the proceeding.

(Hon. Members on their feet in loud consultations)

I therefore excuse myself so that you address all those questions to the next Speaker. Thank you

(The Speaker vacates the chair, Liaison Chair on the Chair)

(Hon. Members in loud consultations)

The Temporary Speaker (Hon. Samo): Hon. Members, the House is in session and the Substantive Speaker has excused himself.

(Hon. Members in loud consultations)

The Temporary Speaker (Hon. Samo): Hon. Members Order!! Order!! The House is in session. Can the Clerk take us to the next order of business?

(Hon. Members run a moke)

The Temporary Speaker (Hon. Samo): Hon. Members Order!! Order!!

(Hon. Members approach the Temporary Speaker for consultations on matters of procedure)

Hon. Okumu: On appoint of Order, the House cannot proceed with illegalities because we know the procedures of bringing motions into this House. Hon. Omoro, I am an elected Member and I am talking, we cannot afford to have an illegality happening in this House no matter the mischievous plan of those Members, we will not allow that to happen. Mr. Speaker, if somebody wants to bring problems in this House, we will not allow and we want a Supplementary Order Paper be brought into this House before we continue and that is what we need now.

(Applause)

We are instructing the Leadership and the Table Clerks to go out and prepare a Supplementary Order Paper. If they want to bring that motion, procedures should be followed including the signatures that they used to approve. Otherwise, Hon. Members, let us not proceed until the Supplementary Order Paper is here, thank you.

Hon. Steve: Hon. Members, let us adhere to the laws. The provisions of Article 178 of the Constitution of Kenya 2010 explicitly states that a Speaker can only be removed using Section 11 of the County Government Act, 2012, likewise it is clearly stated in our Standing Orders 61 for that motion to see the light of the day because I happen to sit in the House Business Committee and this matter was never brought to that Committee. Hon. Members, it cannot be sneaked into the House under Standing Orders No. 50 (j). Therefore, we are not going to allow

an illegality to happen and Hon. Samo cannot purport to sit in the chair of the Speaker. I would like to ask the Clerks to leave the table because we cannot preside over an illegality.

(Hon. Members in loud consultations)

The Temporary Speaker (Hon. Samo): Hon. Members, can we please resume your seats. The Leader of Majority is on his feet.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. This afternoon, I want to say that the events of this afternoon are so outrageous, extremely mischievous and cunning. It has happened in total disregard....

The Temporary Speaker (Hon. Samo): Order!! Order!! Leader of Majority. The House is in session please stand guided.

Leader of Majority (Hon. Onyango): Hon. Samo, you do not have the capacity...

The Temporary Speaker (Hon. Samo): Order!! Order!! Leader of Majority. Hon. Member, because I occupy this seat I order that the microphone be taken away. If not we shall sit here until the night falls.

Hon. Steve: Mr. Speaker, do not give us illegal order here!

Leader of Majority (Hon. Onyango): Mr. Speaker, what I want to say and I want this to go to the Hansard. At no time did we talk about or as Members of the House Business Committee and as the Leader of Majority discuss the Impeachment of the Speaker.

(Applause)

In any case, even if we were to discuss that, the Impeachment of the Speaker is clearly outlined in our Legal Statues, in the Constitution of Kenya, 2010 the County Government Act, 2012, equally outlines in our Standing Orders...

The Temporary Speaker (Hon. Samo): Order Leader of Majority!! I want to say that what you are doing is illegal and that will not be recorded. Leader of Majority, if you want to be guided and those who want to leave the House can do so, because the Leader of Majority is misleading the House.

Leader of Majority (Hon. Onyango): Mr. Speaker, what I want to say is in the interest of the Party that I represent so that this County remains peaceful...

(Hon. Members in loud consultations)

Leader of Majority (Hon. Onyango): Mr. Speaker, in view of the event of this afternoon, I request that the House suspends itself for 20 minutes so that sanity may be restored, thank you.

(Applause)

(House resumes session after 20 minutes)

The Temporary Speaker (Hon. Samo): Leader of Majority, I want to give you time to address the House because the House is in session.

Leader of Majority (Hon. Onyango): Mr. Speaker and Hon. Members may we have some sanity. Mr. Chair, I would wish to indulge you that the purported Motion No. 7 is improper before this House and wish that it is deleted from the Order Paper because it is not properly brought before this House...

The Temporary Speaker (Hon. Samo): Hon. Omoro, before you interject, the Leader of Majority has said that he has some submission to make. Leader of Majority, just to bring you to attention, a moment ago you approached the Chair and stated that you are going to suspend this motion and I here you now say deleted, I want that to be captured.

Leader of Majority (Hon. Onyango): Mr. Speaker, we cannot suspend it because it is improper before this House...

The Temporary Speaker (Hon. Samo): Order!! Leader of Majority, just to stand with you, I want to get you right. You as the Leader of Majority can do that but can we get the concurrence of Members if they are in agreement? Either deleted or whatever way.

Leader of Majority (Hon. Onyango): Mr. Speaker, what I am saying we cannot suspend it because it is illegally before this House because the Removal of a Speaker is explicitly spelt on the Provisions of Standing Orders No. 61, the County Government Act, 2012 and the Constitution of Kenya 2010. This motion was meant to cause disharmony in our County and meant to portray us as chaotic and it was a well-choreographed move.

Mr. Speaker, I want to say that in this County we resolved to remain united and we will not be shaken by this kind of move, this is because as the Majority Leader, I sit in the House Business Committee where all motions are slotted and allotted before they are brought into this House. Mr. Speaker, I am vast with the provisions of our Standing Orders and nobody and repeat that nobody can sneak such a motion whose aim is only to cause disharmony, chaos in this House and to paint the picture of Kisumu County as being chaotic. Mr. Speaker, we have enjoyed peace and it must prevail. I must say that, I am very sorry for some people, if the blue eye boys are the kinds of Hon. Omoro, then I am so sorry...

The Temporary Speaker (Hon. Samo): Hon. Leader of Majority, you were proceeding well but now you are digressing...

Leader of Majority (Hon. Onyango): Secondly...

The Temporary Speaker (Hon. Samo): Leader of Majority, the House is in session and I have agreed that you are going to proceed.

The Temporary Speaker (Hon. Samo): Hon. Omoro, what are you rising on?

Hon. Omoro: Thank you Mr. Speaker. I am the mover of this motion and not the Leader of Majority. Mr. Speaker, I am not suspending or deleting this motion from the Order Paper. Mr. Speaker, get it on record that I am not withdrawing, deleting and not suspending this motion. Please let me move my motion then they debate on it.

The Temporary Speaker (Hon. Samo): Hon. Omoro, please can you sit so that we allow the Leader of Majority to conclude.

The Temporary Speaker (Hon. Samo): Leader of Majority, as you are still consulting can we please allow Hon. Steve.

Hon. Steve: On appoint of order. Allow me to inform you that you make a ruling in line with existing laws. The Removal of the Substantive Speaker is provided for in the Provisions of Article 178 of the Constitution of Kenya. This article states clearly that the removal for a Speaker shall be provided for by an Act of Parliament, this Act is section 11 of the County Government Act, 2012 and it is clearly spelt out in our Standing Orders No. 61. Mr. Speaker, there is no way that a matter that is provided for in the legal instruments of this Country can be allowed to happen.

Secondly, the procedures are very clear, one-third (1/3) of the Members of this House ought to have appended their signatures and petitioned the Office of the Clerk, after petitioning of the Clerk, the matter should have been taken to the House Business Committee. You and I know clearly that this matter has never been brought to the House Business Committee before it is brought into this House and we can't allow an illegality to prevail in this House because this is a House of Order and a Member cannot purport to rise on Order No. 50 (j) which is sub-ordinate to the Act of Parliament and Constitution of Kenya 2010. This is not acceptable and not allowed and want to implore you as the one in that Chair to rule Mr. Omoro out of Order so that the motion be expunged out of the Business of this House.

The Temporary Speaker (Hon. Samo): Hon. Members, this House is getting a way forward. We give the Chief Whip time...

Chief Whip (Hon. Olima): Thank you Mr. Speaker. I wish to move that this House be suspended for 30 minutes so that a Supplementary Order Paper can be prepared...

The Temporary Speaker (Hon. Samo): Hon. Whip, I implore you that there were Members on the floor still contributing.

Chief Whip (Hon. Olima): Please allow me to proceed. Mr. Speaker, I wish to request that this House be suspended for 30 minutes...

The Temporary Speaker (Hon. Samo): I agree with you Chief Whip, I will give you that opportunity..

Chief Whip (Hon. Olima): That is the opportunity I am asking for and I request Hon. Oketch to second?

The Temporary Speaker (Hon. Samo): Before you are given that opportunity. Hon. Omoro, what do you want to say?

Hon. Omoro: Thank you Mr. Speaker.

(Hon. Members on their feet in loud consultations)

The Temporary Speaker (Hon. Samo): Going by the advice from other Hon. Members, I would wish to say that going through the order paper of the day, this motion has not been properly brought in this House and I would wish to state that this motion should not stand the way it is in this House for discussion. I want to put it in the record as I had said earlier that Hon. Omoro did not follow the proper procedures which are laid in the standing orders to bring a motion to the House. I therefore say that this motion has not been properly brought in this House and allow me because he has also said that he is going to consult his mind and everything. I therefore rule that this motion is suspended.

Next order!

(Loud confrontation from Hon. Members)

(The Temporary Speaker exits the Chair)

The Temporary Speaker (Hon. Rodgers): Order Hon. Members. Let us have some order so that we can proceed. The Speaker will not be forced to do what he is not supposed to do. I have consulted with our whip. Before we proceed, I would like the Majority Whip to come back to my table because I do not want to be intimidated.

(The Temporary Speaker consulting with the Majority Whip)

The Temporary Speaker (Hon. Rodgers): Yes Hon. Joachim.

Hon. Joachim: I am just trying to observe the moves of the Chief Whip because I am the hands man, so don't be afraid about that.

The Temporary Speaker (Hon. Rodgers): Thank you Hon. Member. What is it the Leader of Majority?

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, before I say anything, allow me to say that you have always been very sober whenever you take up the seat as the Speaker and today amidst all these chaotic scene, you can bring sanity even by one minute pronouncement. I want to indulge you that if a motion is improperly brought before the House, then it cannot be suspended but be expunged. So my appeal is that you find it appropriate that because this motion was not properly brought before this House, it be expunged from the order paper. May I ask Hon. Muga to second?

(The Temporary Speaker consulting with the Clerks at the table)

The Temporary Speaker (Hon. Rodgers): Hon. Members having listened carefully from our Leader of Majority who said that a ruling was made by the previous Speaker who was on the Chair about the motion that was brought before this House which was unprocedural, I therefore rule that the Chair be given some little time so that he can give a considered ruling. Next Order! Yes Hon. Kanga.

Hon. Kanga: The matter before us as it has been clearly prosecuted by Hon. Owiti, the Leader of Majority and the Chief whip and from the look of the House, sometimes we need to go an extra mile and clean up our minds. The matter before us is clearly very unprocedural and the person who printed the order paper ought to have been disciplined by the office of the Speaker. This person sneaked in something which ought not to have been included in the order paper. For a motion to be in the order paper, a notice has to be given and our standing order no. 61 and the County Government Act no. 11 which largely indicates the procedure for the removal of the Speaker from office. Mr. Speaker, I plead with you that the motion which was supposed to be moved by Hon. Omoro be expunged from the order paper and this just requires a secondment which was supposed to be done by Hon. Muga as earlier requested by the Leader of Majority. Hon. Muga was supposed to second that motion and after that we could be able to deliberate on the motion. Mr. Speaker, with your due indulgence, kindly allow Hon. Muga to second that motion so that the House can move procedurally with humility. Thank you.

The Temporary Speaker (Hon. Rodgers): Hon. Member, I am just afraid that when I go ahead to open up the debate that had been ruled then I would be breaching the standing orders of this House. Yes Hon. Okiri.

Hon. Okiri: Mr. Speaker, I love the way you are talking, the proceedings of this House should be serious. This thing that we are talking about is not a matter that will end today but it is a matter that can escalate even for the next few months to come. The only thing that we want to know is that you use the word 'expunged' because this is a motion which has not been properly brought in this House and it has not been signed by over 75% of the Members.

The Temporary Speaker (Hon. Rodgers): Yes Hon. Joachim.

Hon. Joachim: Mr. Speaker, today I did not want to contribute but I have been forced to. Mr. Speaker you are a Member of our party (ODM) and you know that our party is a party of procedures; it is a party that follows rules and it is a party that believes in the rule of law. Mr. Speaker, I have just heard you a moment ago that you do not want to break the rules of the standing orders but you are on record on allowing a criminal activity to take place in this House. Whoever sneaked in a motion into the order paper should have been arrested like 30 minutes ago and should be sleeping in the police cell just like the other people are doing. This is a very big issue and we should know the person who printed the order paper and who ever allowed the order paper to reach the floor of the House.

Mr. Speaker, I would wish to differ with your colleague who just sat on that table 20 minutes ago. I know and I am sorry to say this that there are a lot of interests in this issue and I know there are some god fathers who are involved. If it is money that was given out, we are ready as Hon. Members to refund that money to the person who took that money. Let the god father know that we will not be intimidated anymore, what we want is the procedure to be followed and that is why we are asking you Mr. Speaker that if at all you are saying that the issue had been ruled upon and you cannot rule twice we are asking you to suspend this House so that the order paper be changed so that we can have a supplementary order paper with the correct statements and motions on it because we don't want to take this House down. We know that the intention of that motion was to cause division and to portray the Members of this House in a bad manner. Mr. Speaker, kindly be a Honourable man and lead us in the right direction.

The Temporary Speaker (Hon. Rodgers): Hon. Muga, kindly allow me to give chance to Hon. Olale because I had promised him. Yes Hon. Olale.

Hon. Olale: First of all, I would like to apologize to this House on what has happened. Secondly, I would like to talk about the motion of removing the Speaker of Kisumu County. Mr. Speaker there is no intention what so ever...

The Temporary Speaker (Hon. Rodgers): Hon. Muga, whom do you want to inform?

Hon. Muga: My information is that this motion that you are talking about had been ruled out of this House and it was improper for it to be before this House. Meaning it is a gone case. What we are expecting from you to say is the word 'expunged' so that we can go to another motion. Thank you.

The Temporary Speaker (Hon. Rodgers): Yes Hon. Guya. Are you standing on a point of order?

Hon. Guya: I want to concur with what Hon. Muga has said. If you look at the County Government Act and the Standing orders, there is a procedure that we are supposed to use to discuss that motion which is here. I want to say that what has just happened in this House is unprocedural. In the County Assembly of Kisumu, we have our Speaker whom we elected. The

Speaker appointed three other people to assist him who became the Speaker's panel. Even if we were to discuss the debate on the removal of the Speaker in the absence of the Speaker, it is the Members of this Assembly who are supposed to elect somebody who is supposed to act as the Speaker.

The Temporary Speaker (Hon. Rodgers): Order Hon. Guya. You have not stated whether you are standing on a point of order or contributing.

Hon. Guya: Mr. Speaker, I stood on standing order no. 61. I was saying that, ordinarily as a House, we would have elected a Member as the Chair in the absence of the Speaker and now that we did not elect, the pronouncements are null and void in this House.

The Temporary Speaker (Hon. Rodgers): Order Hon. Guya. You have just said that you stood on standing order no. 61 which states that;

'(1)The Speaker may be removed from office by the Assembly through a resolution supported by not less than seventy five percent of all the Members of the County Assembly.'

Hon. Guya, the point of order that you stood on is not in order. Hon. Owiti, you know very well that it is not in order for you to start contribution on the floor of the House when you have not been given the opportunity to do so by the Speaker. Standing order no 61 (2) states that;

'(2)A notice of the intention to move a Motion for a resolution to remove the Speaker shall be given in writing to the Clerk of the County Assembly, signed by at least one third of all the Members of the County Assembly stating the grounds for removal as provided under section 11 of the County Governments Act.'

Hon. Guya, what was your point?

Hon. Guya: My point was on standing order no 61 (4) which states that;

'4) A Motion for a resolution to remove the Speaker shall be presided over by a Member of the County Assembly elected to act as Speaker as contemplated under Article 178(2)(b) of the Constitution.'

We as the Members of this County Assembly did not elect somebody to act as the Speaker.

The Temporary Speaker (Hon. Rodgers): Hon. Owiti, what is your point of information?

Hon. Owiti: Allow me to bring you back to standing order no. 50 (j) and what it states. We must not misinterpret...

The Temporary Speaker (Hon. Rodgers): Order Hon. Owiti. The issues that the Hon. Members have raised are very weighty issues and it will only be fair for the Chair to rule accordingly. This motion was ruled by the Speaker, Chair of Liaison. Yes Hon. Guya.

Hon. Guya: The motion was to be moved under Standing order no. 50 (j) which states that;

‘Motion made under Standing Order 230 (Exemption of business from Standing Orders);’

Standing order no. 230 talks about Hansard reports. How can you bring a motion to remove the Speaker under Hansard Reports? So there is no motion that was supposed to be brought here.

The Temporary Speaker (Hon. Rodgers): Yes The Leader of Minority.

The Leader of Minority (Hon. Ojuok): I think that we are all talking about following procedures and it is the same procedures which we are flouting. This thing has been said to be improper in this House. And for that, it should be expunged. We are arguing about nothing and this thing is not in existence in the first place. So why are we arguing about that and opening a debate on something which has already been closed?

(Loud consultations)

The Temporary Speaker (Hon. Rodgers): Yes the Leader of Majority. Before I give you the chance, the Chair did direct that the Hansard audio be brought to the House but because you are persistently requesting that we proceed then we will do so.

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I wanted to seek for an extension under Standing order no. 50 (m) that this House extends for the next 30 minutes. I am advised that I don't give time limitation. So my contention is that the House extends beyond 6.30 pm. I would like to ask the Deputy Majority Leader to second.

The Deputy Majority Leader (Hon. Pamela Odhiambo): Thank you. Mr. Speaker, I second the extension of time.

The Temporary Speaker (Hon. Rodgers): Hon. Members, allow me to put the question that this House be extended.

(Question put and agreed to)

The Temporary Speaker (Hon. Rodgers): Order Hon. Members. Can the Hansard officer report to the table of the Speaker.

(The Temporary Speaker consulting with the Hansard Officer)

The Temporary Speaker (Hon. Rodgers): Hon. Members, the Chair is being informed that the Hansard audio might take some more time and I now say that I will follow up with the Hansard office so that we can give a ruling. Next order! Hon. Guya, what is your point of order?

Hon. Guya: This is the reason why we have always felt that you must be on that chair because you had directed that the audio report be brought before the House. Further to that, the Majority Leader stood and you have agreed to extend the sitting. We are not in a hurry in this House.

We are willing to wait for the Hansard Audio report to be brought, we listen to it and then we make the ruling and conclude this matter. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Rodgers): What is your point of Order Majority Leader?

Majority Leader (Hon. Kenneth): Thank you Hon. Speaker, I have just made a mood emotion of extension and it was procedurally seconded and you did put it for voting and you asked members to debate on it.

Mr. Speaker, a short while ago, I also made a similar motion that the report be expunged, it was seconded but you didn't ask for division. Was that procedural because I moved a motion and I stated that the motion which was brought to the House was not procedural, you did not ask for division contrary to the provision of Standing Order number 68. Mr. Speaker, do you have selective amnesia? Please have we thrown common sense out of the window? Thank you.

The Temporary Speaker (Hon. Rodgers): Next Order Mr. Clerk

Majority Leader (Hon. Kenneth): Hon. Speaker, kindly respond to the issues I have raised as that is what the Standing Order demands.

The Temporary Speaker (Hon. Rodgers): Hon. Majority Leader you are out of order.

(Consultation)

Temporary Speaker (Hon. Victor Rodgers): Order Honourable Members. Yes Leader of Majority?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I want to rise on Standing Order No. 50 (h) and (i). I wish that they be read concurrently with (j). Sometimes it calls for courage valor for us to move out of situations that appears so difficult. Sometimes orders may be made that are not in tandem with the provisions of our Standing Orders. A rising on the same Standing Orders, I want to move that the correction that was given initially was not sound because the Speaker did pronounce himself that indeed the motion which is under contention was brought irregularly. It was brought unprocedurally but he had said that that motion needs to be suspended.

Mr. Speaker, when you suspend something then do not invalidate it. A lot of times suspensions is accorded to motions that run out of time. So the question of validity is not addressed. We want you to find it reasonable that this motion was invalid and therefore it needs to be expunged and not suspended.

Mr. Speaker we don't need to deliver on this so much because even just common sense will demand that that is the direction we should go. With that allow me to ask Hon. Elisha Oraro to second that. To Hon. Roy, I know you are blue eyed. You are trending right now. You are the blue eyed boy of the system but we are dealing with an issue that is so important to the county. Kindly hold your horses.

Temporary Speaker (Hon. Victor Rodgers): Order Honourable Members. You are all aware that any Member can stand at anytime on a point of order. Let me allow.

Hon. Oraro: Mr. Speaker the standing order doesn't allow anybody to stand on a point of order when a motion has been moved in between.

Temporary Speaker (Hon. Victor Rodgers): Kindly read that Standing Order.

Hon. Oraro: That is Standing Order No. 82.

The Temporary Speaker (Hon. Rodgers): Proceed Hon. Member.

Hon. Oraro: Thank you Mr. Speaker. I stand to second.

The Temporary Speaker (Hon. Rodgers): Hon. Samo, which Orders are you rising on?

Hon. Samo: Thank you Mr. Speaker, while citing the provisions of Standing Order No. 100, I am not rising as a Speaker and don't stand as any other person that I may purport to be and wish that it goes into the records of this House.

Mr. Speaker, Standing Orders No. 100 allows me as the Chairperson of Committees. When I sat in that House I wish to bring this to your attention if you may allow me. Whenever you sit or any of the Members occupy that seat, they assume the powers of the High Court and this is within our Standing Orders. When you are there enjoying the privileges of that seat, as a judge of the High Court and made undertakings while seated on that seat, the only person who can overturn your ruling cannot be done in the same session...

The Temporary Speaker (Hon. Rodgers): Order Hon. Members! A Member is on appoint of Order.

Hon. Samo: Mr. Speaker, that is the reason I say that I rise on Standing Orders No. 100 as the Chairperson of Committees. Having made that ruling, I bring this to your attention that there is no any other person in the same sitting that can overturn the same ruling that was initially made

in that chair. This is the reason I am saying that the same session is still on, then the chair cannot purport to revisit a ruling that was done at that point. This is because he is the same judge of the High Court and that matter had been ruled and they issue has been suspended and it cannot be brought back into the House because it had been suspended and let us go with that.

(Hon. Members in loud consultations)

The Temporary Speaker (Hon. Rodgers): Order Hon. Members! Hon. Samo rose on appoint of Order and I want to rule as so, Hon. Samo is misleading the House and Members are also doing what is not right because our rules require that you seek that attention of the Speaker so that you are given an opportunity to speak, before doing that you will all be out of order.

Hon. Members, pursuant to provisions of Standing Orders No. 1 the Hon. Speaker has found it not possible for this House to continue with its business. I therefore suspend the House until Thursday, 27th September, 2018 at 02:30 p.m.

(THE HOUSE NOT ADJOURNED)

(House rose at 07:15 p.m.)