

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 19th November, 2020

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

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Hon. Members, pursuant to the provision of County Assembly Standing Order No. 32 (2), and because the House is short of the requisite quorum, I want to request the Serjeant-at-Arms to ring the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): I want to direct that the Serjeant-at-Arms to ring the quorum bell for another five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): Chief Whip, can you please confirm if the House has attained the requisite number so that we commence business of today?

Deputy Whip (Hon. Obonyo): Mr. Speaker, I can confirm that we have attained the required number.

The Speaker (Hon. Oraro): Mr. Clerk, please take us through the Order Paper of the day.

The Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, welcome to this session. I am aware that there is a team that is out for an activity but I believe we have the quorum that we need to proceed. With us is a vital discussion which we need to dispense off with today. May I also bring to your attention that COVID-19 is real and there is serious upsurge. The County COVID-19 Response Committee has sent a reminder that the Honourable Members that they should take care by following the MOH guidelines and also by sensitizing the public that it is your responsibility to ensure that you put on mask and putting on mask must be in a proper way. Wash your hands with soap and running water or sanitize. Social distance is key. Those are the No. 1 ways of minimizing the spread of COVID-19.

Otherwise, I want to appreciate that Kisumu County Assembly has tried well and unfortunately, we received a message of the death of one of our colleagues from the Nakuru County Assembly and the Deputy Speaker of Uasin Gishu County Assembly also lost her life. I send our condolences to the two affected Assemblies and the families. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENTS

The Speaker (Hon. Oraro): Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I also want to join in condoling the families of our fellow MCAs who have lost their loved ones. I want to acknowledge that the Second Assembly has been bereaved most. We have lost so many MCAs but I want to ask the Honourable Members to pray to the whole County Assemblies fraternity. I was once sharing with my brother Hon. Aslam Khan when he had a situation where several members of his family were admitted and he was a little bit scared. He is still scared to date.

Honourable Speaker, I want you to organize a day that we can bring Members of the religious community so that we can pray to the Honourable Members so that this bad wave of death that is hitting the Counties do not reach Kisumu. It is true that COVID-19 is real but, some of the deaths that we have witnessed among the MCAs are unexplained. Some are just collapsing even before COVID-19, others in accidents. We have so many pastors here. Some of them are backsliding because we have not encouraged the practice of praying in this Assembly but we still believe that others are still strong.

We even have bishops like Hon. Atieno who I believe that by the grace and power of God has been healed from this disease and we requested that we make him our ambassador. He can also

lead us in that delegation that is going to pray so that Members of this County Assembly and all other MCAs from other counties who have not experienced any more deaths of their families and loved ones. Otherwise, once again, I want to condole with the families of the Deputy Speaker of County Assembly of Uasin Gishu and the Member of Nakuru County Assembly whom have lost their loved ones. May the Almighty God give these families consolation and may their souls rest in peace. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Arao.

Hon. Arao: On a Point of Information. Mr. Speaker, allow me to inform the House that sometimes back I requested the House to have a prayer day and that was met with a lot of opposition led by Hon. Seth Okumu. He mentioned that this is not a church. I am surprised today because COVID-19 is real, the Honourable Member has become sober and he is requesting for the intervention of the spiritual leaders who are in this Assembly. I want to remind him to read the Bible in the books of Chronicles 7. The Bible says, if the people go to God and repent then God will come back and heal our land. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Arao, does it mean that if someone refused on something then he should stick to it. Why do we have salvation? Maybe he saw the light of the day.

Hon. Arao: Mr. Speaker. I am happy that the Honourable Member has seen the light today.

The Speaker (Hon. Oraro): What is it Hon. Okumu?

Hon. Okumu: Thank you Mr. Speaker. Is it right for Hon. David Arao to discuss my Personal Statement? I know he is one of the bishops who have backslided. Thank you.

The Speaker (Hon. Oraro): Hon. Okumu, he was on a Point of Information.

The Speaker (Hon. Oraro): Yes, Hon. Aslam Khan.

Hon. Khan: Thank you Mr. Speaker. I want to take this opportunity to condole the respective Assemblies for the deaths that has occurred. I also want to condole with the family of one of my close friends the late Mohamed Hatimy who was our Chair of ODM Party in Mombasa County. I have worked with him for many years and it was painful to believe that he was gone due to COVID-19. For sure COVID-19 is real.

As I informed you earlier, on 13th October, I lost my elder brother as a result of COVID-19. I still couldn't believe what happened. I remember, I told you that twelve members of my family were also found to have contacted the virus. I can't visit them because you are all aware of how ruthless COVID-19 is. This is serious matter that we must handle with a lot of caution. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Erick Agolla.

Hon. Agolla: Thank you Mr. Speaker. Allow me also add my voice on this matter. It is true that I am one of the Elders in this Assembly and I am glad to hear that Hon. Okumu has seen the light. We must turn to God and pray so that the intervention of the Almighty can change lives in this World.

Mr. Speaker, I want to say that even pastors and bishops have lost their lives as a result of this Pandemic. Despite being a pastor or a priest, this disease doesn't care your position, faith or education level. I just want to plead with us that we as leaders must take center stage by leading by example. We must educate the masses and set precedence in this Assembly. I want to thank you for the measures you have instituted to control and follow the regulations to curb COVID-19. We need to take matter COVID-19 seriously. Thank you.

The Speaker (Hon. Oraro): Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. The COVID-19 is a serious matter in our society today. We are seeing a situation where a quiet a number of people may pass on. Yesterday, Health Committee of the National Assembly had a session with the medics of this Country. The medics were crying that there is no proper preparedness accorded to them. A number of them have died and the outcry is that there are no proper arrangements put in place by the government to help them handle the COVID-19 patients.

Mr. Speaker, we need to put pressure on our County and the National Governments so that resources that were allocated for COVID-19 are used for the benefit of our people. There was an outcry that the money allocated for the virus from the National to county level had some element of embezzlement. The Auditors were called upon to investigate. Since that time, I have not heard of any outcome and the medics are crying.

Mr. Speaker, members of the public are exposed because the measures that were put in place are now not strictly being observed. If the government is not seen to be serious by enforcing the regulations, then many people will pass on. I plead that the resources that were allocated and those that are earmarked to be allocated for the management of the virus should be properly used to save lives of our people. If a pandemic is taken casual, then many people will die. It is my hope that the government will enforce the necessary measures and provide measures that are needed to protect our people. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Next order!

COMMENCEMENT OF BUSINESS

The Speaker (Hon. Oraro): Honourable Members, before I allow the Honourable Member, I want us to refer to Standing Order No. 38. (1) Each day after Prayers have been said and the County Assembly has been called to order, the business of the County Assembly shall be proceeded with in the following sequence-

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motion;
- (vii) Statements;
- (viii) Motions and Bills

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly direct.

The Speaker (Hon. Oraro): I want to direct that we change those sequence. We have got four motions and business No. 9 shall takes precedence. Followed by No. 10, 8 and 11 respectively.

MOTION

WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE
COMMITTEE REPORT ON THE GOVERNOR'S MEMORANDUM ON THE KISUMU
COUNTY CLIMATE CHANGE BILL, 2020

BY

(HON. SAMSON AMESO, CHAIRPERSON, WATER, ENVIRONMENT, NATURAL
RESOURCES AND CLIMATE CHANGE COMMITTEE)

The Speaker (Hon. Oraro): Proceed Hon. Ameso.

Hon. Ameso: Thank you Mr. Speaker and Honourable Members for giving this opportunity to present this report on the Governor's Memorandum on Kisumu County Climate Change Bill, 2020.

INTRODUCTION

Mr. Speaker and Hon. Members, pursuant to Section 24 (2) (b) of the County Governments Act, 2012 read together with Standing Orders No. 137 (2) (b), His Excellency the Governor Prof. Peter Anyang' Nyong'o referred back the Kisumu County Climate Change Bill, 2020 with a memorandum dated 15th October, 2020 outlining reason for the referral. (See Annex i)

His Excellency the Governor informed this Hon. House that his reason for referral was on Clause 18 (c) (vi), which he notes that the inclusion of the Member of the County Assembly in the Ward Climate Change Committee waters down the oversight function of the Assembly by having

Members of the Assembly sit at the Ward Climate Change Planning Committee which is in conflict with their constitutional oversight mandate.

In accordance with Standing Order No. 123 (1) (4) the Committee of Water, Environment and Natural Resources convened on Wednesday 18th November, 2020 to deliberate on the reasons for the referral of the Kisumu County Climate Change Bill, 2020.

Establishment and Mandate of the Committee.

Mr. Speaker and Hon. Members, the Sectoral Committee on Water, Environment and Natural Resources is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandates, pursuant to the Standing Order No. 193 (Second Schedule) is as follows;

To investigate, inquire into, and report on all matters relating to the provision of clean water for Domestic use; implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising.

The Subject matter of the Sectoral Committee on Water, Environment and Natural Resources are as stated in the Second Schedule of the Kisumu County Assembly Standing Orders No. 193 and are as follows; Environmental Conservation, noise pollution, provision of clean water for domestic use, water conservation and implementation of specific national government policies.

Composition.

The committee as currently constituted comprises of the following Honorable Members;

NAME	POSITION
1. Hon. Samson Ameso	- Chairperson
2. Hon. Kennedy Ooko	- Vice Chairperson
3. Hon. Seth Okumu	- Member
4. Hon. Seth Kanga	- Member
5. Hon. David Arao	- Member
6. Hon. Joachim Oketch	- Member
7. Hon. Roy Samo	- Member
8. Hon. Steve Owiti	- Member
9. Hon. Gard Olima	- Member
10. Hon. Olga Aoko	- Member
11. Hon. Caren Muga	- Member
12. Hon. Maurice Ngeta	- Member
13. Hon. Philemon Ojuok	- Member
14. Hon. Johnson Guya	- Member
15. Hon. John Atieno	- Member

Committee Secretariat.

1. Peter Anditi - Senior Clerk Assistant
2. Harman Moses - Committee Clerk
3. Patrick Okoyo - Hansard
4. Dominic Muinde - Legal Counsel
5. Rose Baraza - Serjeant-at-arm

ACKNOWLEDGEMENTS.

Mr. Speaker and Hon. Members, I would like to express my special thanks of gratitude to all members of the Committee on Water, Environment and Natural Resources for their valuable contributions during this deliberations.

I therefore humbly submit this Report for consideration by the House on behalf of the Committee on Water, Environment and Natural Resources.

PURPOSES OF THE BILL

Mr. Speaker and Hon. Members, this Bill is for AN ACT of the County Assembly of Kisumu to provide for a regulatory framework for enhanced response to climate change; to provide for mechanism and measures to achieve low carbon climate development; financial mechanism for implementation of climate change adaptation activities and connected purposes.

COMMITTEE RESOLUTIONS

Mr. Speaker and Hon. Members, following the deliberations of the Committee, the Committee resolved unanimously;

- THAT the proposed amendments effective on Clause 18 (c) on Composition of the Ward Climate Change Planning Committee be adopted by this Hon. House to expunge the Member of the County Assembly as a member of the Committee and replace with “a representative of the member of the County Assembly.”

Mr. Speaker and Hon. Members, take notice that the Committee recognizes the urgency of this Bill as it is meant to enable the acquisition of funds for the mitigation of Climate Change by the County Government. We however wish to note as follows:

- THAT in view of the functions of the WCCPC as outlined in Clause 18, the membership of the Member of the County Assembly in the Ward Climate Change Planning Committee does not in any way raise questions of conflict of interest and the Governor has not endeavored to illustrate how a representative of the MCA will solve the question of conflict interest.

RECOMMENDATION

The Committee therefore recommends as follows;

- THAT this House consider for inclusion the Amendments to Clause 18 (c).
- THAT this Bill be approved in accordance with the guidelines and requirements for approval of a Bill as postulated in the Kisumu County Assembly Standing Orders.

CONCLUSION

Mr. Speaker and Hon. Members, following the Committee's recommendations on this Bill, it is my honor and privilege, on behalf of the Committee on Water, Environment and Natural Resources to request this House to consider for approval, this report and the recommendations herein.

Mr. Speaker, with those few remarks, may I call upon Hon. Seth Okumu to second?

The Speaker (Hon. Oraro): Yes, Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise to second the adoption of the report from the Water, Environment, Natural Resources and Climate Change Committee. It is true that we got a Memorandum from the Governor requesting that we change the Membership of Ward Climate Change Committee and the only thing that was requested is that we remove the Member of the County Assembly from the different Wards and replace it with the representative of the Member of the County Assembly. That is because of the oversight role.

Mr. Speaker, we delved into that issue and we agreed that for us to do proper oversight, it doesn't hurt to have a representative of the MCA in that committee. With those few remarks, I support.

The Speaker (Hon. Oraro): Honourable Members, a Report from the Water, Environment, Natural Resources and Climate Change Committee on Governor's Memorandum on the Kisumu County Climate Change Bill, 2020 has been moved by the Standing Committee Chair and seconded by Hon. Seth Okumu. I now want to open it for debate.

The Speaker (Hon. Oraro): Yes, Hon. Erick Agolla.

Hon. Agolla: Thank you Mr. Speaker. I want to thank my immediate Chair and the entire House Committee for work well done and the speed with which they handled this matter. Considering the importance of this Bill when we were passing this Bill in this House, we did consider its importance to the great County of Kisumu being that it was an eye opener or a gate way for this County to have or to tap into donor funding to control the environmental status of this County. I plead with my colleagues to support. I support the adoption of this report.

The Speaker (Hon. Oraro): Yes Hon. Khan.

Hon. Khan: Thank you Mr. Speaker. I rise to support this report. The Memorandum has explained the reason as to why an MCA should not sit in the committee. This is to avoid conflict of interest. I want to plead with the Members that let us fast track this so that we gain from this Bill. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. I rise to support the report from the committee. What has been raised by the Governor is not a big issue because the MCA will also have their representative at the committee level. This is because there is room for them to appoint their representative. This was just an oversight when the Bill was being discussed and passed on the Floor of the Assembly.

Mr. Speaker, we need to pass this in a record time so that the implementation takes place. We shall also be helped by this Bill when it becomes an act because the County Government will source for donor funding to help our people during the drought and when we are affected by the heavy rain.

Mr. Speaker, I know my ward will benefit greatly if this Climate Change Bill is passed because our people often suffer both when there is drought as well as during heavy rains due to flooding. I urge Members to pass this bill in record time so that we give the Executive ample time for implementation, thank you.

The Speaker (Hon. Oraro): Yes Hon. Judith Ogaga.

Hon. Ogaga: Mr. Speaker may the mover of the motion reply.

The Speaker (Hon. Oraro): Yes Hon. Samson Ameso.

Hon. Ameso: Thank you Mr. Speaker and Honorable Members. I want to take this chance once again to thank honorable Members for their contributions and especially their support of the report's recommendations. It is true and I am in support of what Hon. Seth said that in order to be great at our oversight role, the representative of the MCA should be in the committee rather than the MCA himself/herself. I also want to commend the members of the committee for giving me easy time through the process, otherwise thank you and I beg to reply.

The Speaker (Hon. Oraro): Honorable Members, the Standing House Committee for Water, Environment and Natural Resources has presented their report, which has been seconded and debated. They have presented their plea and resolutions and the Chairperson has replied to the same. As required by our Standing Orders the Speaker has to put a question after such an occurrence which I want to put a question for adoption?

(Question put and agreed to)

The Speaker (Hon. Oraro): Next Order Mr. Clerk!

Table Clerk (Pst. David Ochieng): Thank you Mr. Speaker, according to your directive that the Second motion was to be that on Number 10 which is Second Reading of the Kisumu County Climate Change Bill 2020 read by Chairperson of the Standing Committee of Water, Environment and Natural Resources Hon. Samson Ameso.

The Speaker (Hon. Oraro): Yes Hon. Samson Ameso.

Hon. Ameso: Thank you, and through your chair Mr. Speaker I want to request that the Clerk reads the bill for a Second Time.

The Speaker (Hon. Oraro): Yes Mr. Clerk.

(Table Clerk, Pst. David Ochieng reads the Bill for the Second Time)

The Kisumu County Climate Change Bill 2020, a Bill for an Act of the County Assembly of Kisumu to provide for a regulatory framework for enhanced response to climate change, to provide for mechanisms and measures to achieve low carbon climate development, financial mechanism for implementation, for climate change adaptation activities and connected purposes. And the Kisumu County Climate Change Bill has hereby been read for a second time, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honorable Members, the Kisumu County Climate Change Bill, 2020 has been read for a second time and I want to refer you to Standing Order No. 133 from part 1, which is basically on the procedure of recital of a Bill. This was a Bill that had already been passed however, the Governor Prof. Nyong'o did not ascent to it and sent a Memorandum with amendments and there is a procedure on how to handle such matters. In that regard therefore I believe we now understand our next step.

The Speaker (Hon. Oraro): Yes Hon. Ameso.

Hon. Ameso: Thank you Mr. Speaker. I request the House to revert to the committee of the Whole House and I ask the Leader of Minority to second.

The Speaker (Hon. Oraro): There is no question in such proposal and therefore I want to invite Hon. Seth Okumu.

(The House reverts to the Committee of the Whole House)

(Hon. Okumu chairs the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Okumu): Welcome Members, we are in the Committee of the Whole House and we want to consider changes in the Kisumu County

Climate Bill, 2020 that has been referred back by His Excellency the Governor Prof. Anyang' Nyong'o through his Memorandum. This is also an opportunity for you to bring forth any changes that you would want to be made to the Kisumu County Climate Bill, 2020. Otherwise, we are going to use our Standing Order No. 126 part (b) which reads;

In considering a Bill in a committee, the various parts shall thereof be considered in the following sequence

Part (b) New Clauses.

(The Chair Committee of the Whole House consults with the Clerk)

Chairperson, Committee of the Whole House (Hon. Okumu): Honorable Members, I am being guided by the Clerks that I will read both Standing Order No. 126 and 137 together part 3 (a) and (b). It stipulates that;

“If a Governor refers a Bill back to the County Assembly, the County Assembly may, following appropriate procedure under paragraph five, amend the Bill taking into account the issues raised by the Governor or pass the Bill without amendment”.

Because we have agreed with the amendments made by the Governor, I believe that we will proceed with part (a) of it. The issues raised by the Governor fall under Clause No. 18 (c). Honorable Members, we had agreed with all the Clauses except 18 (c), which the Governor requested that this House considers amending the Membership of the Ward Climate Change Planning Committee whereby we remove the MCA and replace him/her with a representative of the MCA.

Chairperson, Committee of the Whole House (Hon. Okumu): What is your point of Order Hon. Erick Agolla?

Hon. Agolla: Mr. Chair, procedurally the mover of the motion should be doing what you are doing currently. As you regulate the debate the mover should propose the amendments, it gets seconded then you put a question.

Chair Committee of the Whole House (Hon. Okumu): Thank you Hon. Member for that observation. I was just trying to give guidance on what we want to do and I want to propose that the Hon. Ameso to propose those amendments to be seconded and debated by honorable Members.

Hon. Ameso: Thank you Chair, going by the Standing Order no. 137(a), the Governor brought the Memorandum and I want to propose that the Clause 18 (c) Part 6 be amended to read ‘A Representative of the MCA and I want to ask Hon. Arao to second the amendment?’

Chair Committee of the Whole House (Hon. Okumu): Yes Hon. (Pst.) David Arao.

Hon. (Pst.) Arao: I second the amendment.

Chair Committee of the Whole House (Hon. Okumu): Thank you honorable Members. An amendment to the Kisumu County Climate Change Bill, 2020 has been proposed by Hon. Chair and seconded by Hon. Pst. Arao and I want to propose that we open it for debate.

Chair Committee of the Whole House (Hon. Okumu): What is your contribution Leader of Minority?

Leader of Minority (Hon. Oiko): Thank you Mr. Chair. I want to plead with the House to support the amendment so that a representative of an MCA sits in the committee because the MCA is often busy with other key businesses of the House that requires attendance from time to time. This will be a good delegation of work on the ground.

Chair Committee of the Whole House (Hon. Okumu): Yes Hon. Erick Agolla.

Hon. Agolla: Chair, during the plenary session I supported the adoption of the Memorandum and on that note, I still support the amendment made to the Bill which were referred here by the Governor. Nevertheless, having representatives does not bar us from attending the meetings as the oversight personnel in this great County of Kisumu.

Chair Committee of the Whole House (Hon. Okumu): Thank you honorable Members. Then, I want to put a question on the adoption of Clause 18 (c) as requested for amendment by this House as stipulated the Governor's Memorandum?

(Question put and agreed to)

Chair Committee of the Whole House (Hon. Okumu): We agree that Clause 18 (c) be amended to read Representative of Member of the County Assembly. Thank you Hon. Members.

Chair Committee of the Whole House (Hon. Okumu): Hon. Members, with that done. I want to request the Chair to revert the House to revert back to plenary.

Hon. Ameso: Thank you Mr. Chair. I request that this House reverts back to plenary. Thank you.

(House reverts back to plenary)

The Speaker (Hon. Oraro): Yes, Liaison Chair, can you report back to the Plenary.

Hon. Okumu: Thank you Mr. Speaker. Under Standing Order No. 128 (16), I want to report back on the deliberations of the Committee of the Whole House. We have agreed that the changes as proposed by the Governor in his Memorandum to be incorporated into the Kisumu County Climate Bill, 2020. We have resolved as a House that, now the Bill will remove Member

of the County Assembly in the composition of Ward Climate Change Planning Committee and include Representative of the Member of the County Assembly as a member of the Ward Climate Change Planning Committee. Thank you Mr. Speaker. Those are the only changes that Members observed in the Bill and they agree with the Memorandum. Those are our deliberations. Thank you.

The Speaker (Hon. Oraro): We have received the report from the committee of the Whole House and now I want to put a question for adoption.

(Question put and agreed to)

The Speaker (Hon. Oraro): Next Order!

MOTION

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE REPORT ON
THE DISBURSEMENT OF SCHOLARSHIP AND BURSARIES FUND FOR THE
FY2018/2019 AND FY 2019/2020

(BY HON. PST. DAVID ARAO, CHAIRPERSON, ECD, ADULT EDUCATION AND
VOCATIONAL TRAINING COMMITTEE).

PREAMBLE

Mr. Speaker and Hon. Members, pursuant to Article 185 (3) and Section 8 of the County Governments Act, 2012 read in tandem with Standing Order No. 193 of the Kisumu County Assembly Standing Orders, in the meeting of the ECD, Adult Education and vocational Training Committee on 11th JUNE, 2020 in the Minute No. CAK/ECD/08/06/2020, the members of the Committee resolved that the CEC Member for Finance and Economic Planning and CEC Member for Education, ICT and Human Capacity Development to appear before the committee on Tuesday 16th June, 2020 to provide clarity on the status of the disbursement of the county Bursaries, Scholarships and TVET Funds for the Financial Year 2019/2020 and the whereabouts of the appropriated money for the Financial Year 2018/2019 TVET Funds.

Consequently the Office of the Clerk, issued a letter dated 12th June, 2020 to CEC Member for Education, ICT and Human Capacity Development and CEC Member for Finance and Economic Planning inviting them to appear before the committee on Tuesday 16th June, 2020.

MANDATE/LEGAL FRAMEWORK

Mr. Speaker and Hon. Members, the Committee on ECD, Adult Education and Vocational Training derives its mandates from County Assembly Standing Orders No. 193 (5) (a) of the second scheduled of Kisumu County Assembly Standing Orders.

The committee on ECD, Adult Education and Vocational Training shall investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments

MEMBERS OF THE COMMITTEE

Mr. Speaker and Hon. Members, the committee on ECD, Adult Education and Vocational Training as currently constituted comprises of the following Members:-

1. Hon. Pst. David Arao - Chairperson
2. Hon. Judith Ogaga - Vice Chairperson
3. Hon. Kenneth Onyango - Member
4. Hon. George Abaja - Member
5. Hon. Inviolata Adhiambo - Member
6. Hon. Pamela Beatrice - Member
7. Hon. George Olwal - Member
8. Hon. Consolata Ollows - Member
9. Hon. Gard Olima - Member
10. Hon. Maurice Ngeta - Member
11. Hon. Beatrice Odongo - Member
12. Hon. Rashid Miruka - Member
13. Hon. Philemon Ojuok - Member
14. Hon. Ken Ooko - Member
15. Hon. Joseph Olale - Member

Secretariat

1. Mr. Benard Abuodha - Committee clerk
2. Ms. Roseline Awuor. - Secretariat
3. Mr. Fanuel Okode - Hansard
4. Mr. William Ogada - Serjeant-at-Arms
5. Mr. Dominic Muinde - Legal Counsel

Sittings of the Committee

Mr. Speaker and Hon. Members, the Committee held two sittings. In its initial sitting, to inquire on the position of the Education Department with the Bursaries and Scholarships disbursement for the FY 2019/2020 and TVET funds for FY 2018/2019. In the second sitting, the committee agreed to invite the departments to furnish it with the detailed information of the same.

The Department of Education and Department of Finance honored the Committee's invitation and appeared before the Committee on Tuesday, 16th June, 2020 at 10:00 am.

The members of the committee who were present were as follows;

1. Hon. Pst. David Arao - Chairperson
2. Hon. Judith Ogaga - Vice Chairperson
3. Hon. Kenneth Onyango - Member
4. Hon. George Abaja - Member
5. Hon. Inviolata Adhiambo - Member
6. Hon. Pamela Beatrice - Member
7. Hon. George Olwal - Member
8. Hon. Consolata Ollows - Member
9. Hon. Gard Olima - Member
10. Hon. Maurice Ngeta - Member
11. Hon. Beatrice Odongo - Member
12. Hon. Rashid Miruka - Member
13. Hon. Philemon Ojuok - Member
14. Hon. Ken Ooko - Member
15. Hon. Joseph Olale - Member

In Attendance;

1. Hon. John Atieno, MCA Kobura Ward.
2. Hon. Oiko Pete, MCA Kabonyo/Kanyagwal Ward
3. Hon. Pamela Odhiambo, MCA Manyatta B Ward
4. Hon. Samson Ameso, MCA North Seme Ward.
5. Hon. Julius Genga, MCA Muhoroni/Koru Ward.
6. CEC Member for Education, ICT and Human Capacity Development and his team.
7. CEC Member for Finance and Economic Planning and his team.

ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members, it is my pleasure to inform the house that due to the emergence of COVID-19 pandemic which has actually changed our way of doing business, the committee observed the health regulations such as; social distancing, wearing of masks, sanitization and washing of hands, during our proceedings.

May I take this opportunity to thank all Members of the Committee on ECD, Adult Education and Vocational Training and the secretariat for their input and valuable contributions during the deliberations and meeting with members of the executive, the Committee also takes this opportunity to thank the Offices of the Speaker and Office of the Clerk, of the County Assembly of Kisumu for their support during the exercise.

On behalf of the Committee on ECD, Adult Education and Vocational Training and pursuant to the provisions of Standing Order No. 193 (5) (a), it is my duty and privilege to present to the County Assembly, the Committee's Report of the Meeting of the Committee on ECD, Adult Education and Vocational Training with the Department of Education, ICT And Human Capacity Development and Department of Finance and Economic Planning.

INVITATION

Mr. Speaker and Hon. Members, PURSUANT to Standing order No. 174, of Kisumu Assembly Standing Orders. The Office of the Clerk, issued a letter dated 12th June, 2020 to CEC Member for Education, ICT and Human Capacity Development and CEC Member for Finance and Economic Planning inviting them to appear before the committee on Tuesday 16th June, 2020 (Annexure I).

COMMITTEE FINDINGS

Mr. Speaker and Hon. Members, during the meeting, the committee found out the following;

Department Of Education

The department of education provided the following submissions to the committee. (Annexure II).

- 1) Disbursement for sponsored students for the financial year 2018/2019

The process for the payment was done by the department of Education in the month of June 2019 to the county treasury for actualization; however actual payment was not made due to late disbursement of funds from the National Treasury section.

- 2) Reasons for the reduction of disbursement for TVET students for the financial year 2019/2020

This was as a result of the increased number of enrolment of the students from 547 students in the whole County to 700 students. The allocation of Kshs. 14,999,600 was shared among the 700 beneficiaries, each beneficiary received Kshs. 21,428

- 3) Measures the department had put in place to mitigate the challenges caused.

The pending bills files had been retrieved and the department was following the payment with the treasury.

- 4) The whereabouts of the appropriation money for the FY 2018/2019

The money was available and awaiting the finance department to make disbursement to the institutions.

5) When the bursary money for FY 2019/2020 will be disbursed.

Education department had prepared all the documents for the beneficiaries of 2019/2020 and forwarded to the finance department for the funds to be released.

6) Reasons why money for the financial year 2019/2020 was wired to different account from TVET individual accounts.

The money went to TVET national Grant account which was default in the IFMIS system, hence automatically captured. It had since been rectified and the money transferred to county Grant account.

The department also assured the committee that, it was to provide the list of beneficiaries with their respective wards by Thursday 17th June, 2020.

He also explained that bursaries are not paid in installments, they are paid once.

The list of the beneficiaries for FY 2019/2020 was maintained. He added that there was no challenge for the scholarships if the students were to remain in their current classes unless double intake occurs in 2020 in which cabinet would discuss and advise on the way forward.

The department used the budget for FY 2020/2021 to pay the bursaries and scholarships for FY 2019/2020.

The Education department made a requisition of Kshs. 102,500,000 for bursaries and scholarships being half of the approved budget allocated for financial year 2020/2021 of the funds to be disbursed to the beneficiaries. (Annexures IV)

In the latest engagement with the CECM, he explained how the amount already disbursed is to be shared among the beneficiaries as follows:

1. 280 form 4 full scholarship beneficiaries is Kshs. 12,641,971
2. 5525 form 4 students for ward bursaries is Kshs. 27,625,000
3. 65 form four students governor's requests Kshs. 650,000
4. 1115 students at driving school is Kshs. 10,740,150
5. 2707 university students is Kshs. 14,811,643
6. Administrative expenditure (3%) is Kshs. 1,994,062

GRAND TOTAL – Kshs. 68,462,062 (Annexure V)

He added that the rest of the beneficiaries will be paid in January 2021 when they go back to Schools as per the direction of the Ministry of Education.

2.2 Department Of Finance

Controller of the budget informed the committee that the department of Finance had made a request for the first installment by September 2019 worth Kshs. 100 million for June- March. The request was never approved due to high costs that were involved.

In January 2020, the department made a second request for a total of Kshs. 205 million owing to the fact that the first installment had not been made by then.

He also informed the meeting that there was a problem with the cash flow from the national government to the counties which caused delay.

He informed the committee that they had received the disbursement for the first installment and the county was in the waiting list of the second disbursement.

CEC Member for Finance informed the committee that the Cabinet Executive Members resolved that the 2nd term and the 3rd term for the year 2020 when schools were closed due to Covid-19 Pandemic, the bursaries and Scholarships were not payable. He further advised that the Members could engage the Cabinet Further for more clarity. He further informed the members those funds for term one would be paid when schools resume as per direction of the Ministry of Health.

During the retreat in Naivasha, the CECM for Finance confirmed that the total amount of Kshs. 68,462,826 had been sent to the accounts for the beneficiaries.

OSERVATION

Mr. Speaker and Honourable Members, the following observations were made.

- I) The department of Education used the budget for FY 2020/2021 to pay Bursaries and Scholarships for the FY 2019/2020 beneficiaries.
- II) The department of Education resolved to give the first batch of Scholarships and Bursaries to students who had reported in school. The cheques were to be in Schools in the month of October. Full Scholarship to form 4 students totaling to 280 students amounting to Kshs. 12,641,971. A total of 1115 students at Driving Schools amounting to Kshs. 10,740,150. 2707 final year students at the University amounting to Kshs. 14,811,643. Bursaries amounting to Kshs. 28,275,000 for form 4 students. The remaining amount due to Form 1, 2, 3 and other students in other Tertiary learning institutions will be given when Schools reopen.
- III) There was a problem of cash flow from the National Government to Country Governments.
- IV) The TVET funds for FY 2019/2020 were paid and for FY 2018/2019 were not paid. The Funds for FY 2018/2019 went to pending bills.
- V) The department of Education had been taking a lot of time to release funds to the learning institutions.

RECOMMENDATIONS

Mr. Speaker and Hon. Members, following the consideration of the discussion, the committee recommends;

- i) That the departments to give clear information to the Committee where Education funds for FY 2019/2020 are, as the money was appropriated in the Budget in that Financial Year. The two departments resolved to pay the beneficiaries of the F/Y 2019/2020 using the budget for the F/Y 2020/2021.
- ii) That the department release bursaries and scholarships funds for FY 2019/2020 immediately to the beneficiaries who had reported back to schools.
- iii) That the department of Education, ICT and Human Capacity Development and Department of Finance to always ensure that Education Funds are released in time. The committee advised the two departments to always start preparations of the necessary documents early enough, this would enable funds released in time to avoid delays which have been experienced in the past.
- iv) That the department of Education must timely provide reports to the Committee on the progress of the department concerning status of Bursaries and Scholarship Funds. This would enable the committee to update the house on the progress of the department.
- v) That the department release TVET funds for FY 2018/2019 immediately and provide the committee with detailed information on how the money will be sent to the respective institutions.
- vi) That the department of Education should not allow education funds to go into pending bills as was experienced in the FY 2018/2019 where TVET funds went into pending bills.

CONCLUSION

Mr. Speaker and Hon. Members, following the above findings, the committee members concluded that the Department of Finance must work together with the Department of Education to create efficiency in the department of education.

Bursaries and Scholarships are meant to cushion needy students in the County; the Department therefore should always release Education funds to the beneficiaries in time to allow learners stay in School as required.

The committee resolved that Education funds when appropriated in the County Budget must always be paid in time to avoid going into Pending Bills.

Once again Mr. Speaker, allow me send my sincere gratitude to everyone who came together to make this entire exercise a success. Mr. Speaker, with those few remarks, may I call upon Hon. Ogaga to second?

The Speaker (Hon. Oraro): Yes, Hon. Judith Ogaga.

Hon. Ogaga: Thank you Mr. Speaker. This issue of Bursaries and Scholarship has been a thorn in the flesh for a long time. As a House Committee, we have had several meetings with the two Departments but we have not achieved any fruits. We have also presented various progress reports here because it has not been easy to get information the Education Department. It is therefore not easy for us as a committee to do our oversight role. Even as at now we don't have a clear picture on the state of affairs on the matter of Bursaries and Scholarships as to whether it is still under Pending Bills or whether it is going to be paid, when it will be paid, whether it will be paid in full or in part. I therefore second. Thank you.

The Speaker (Hon. Oraro): Hon. Members, the report has been presented by Hon. Arao the Chair and seconded by Hon. Judith Ogaga. I now want to propose a question that this report is open for debate.

The Speaker (Hon. Oraro): Yes, Hon. Eric Agolla.

Hon. Agolla: Thank you Mr. Speaker. I am a bit perturbed on the matter of Bursaries and Scholarships because we are in the FY 2020/2021.

Mr. Speaker, as the Chair of Implementation in this Assembly, I want to say that we have not taken matters of Education in this County with the seriousness it deserves. The beneficiaries of Bursaries and Scholarships in this county are the vulnerable learners who only rely on this fund.

Mr. Speaker, you are aware that we have our own Vocational Training Centres that fully rely on MCAs, Scholarship and the Bursaries. As we speak, from the report that Hon. Arao has read, I didn't hear anything giving the Vocational Training Centres a priority. I want to urge the Standing Committee on Education to put pressure on the Department of Education to ensure they put their House in order. Assuming there was no COVID-19, it seems our Bursaries and Scholarships beneficiaries from this county would be staying at home because their money has not been disbursed to various schools. We appropriate to this Department yearly. I am wondering what is behind the bursary and scholarship circus. As I conclude, I want to hear clearly from the Hon. Chair when the beneficiaries left hos Kitty are due to receiving their cheques. We cannot continue reading papers, adopting papers day after day and we are not seeing any action. If we cannot get good response, Mr. Speaker, can you take up this matter so that as a County Assembly we ensure that we don't dance this tune that is being played to us by both the CEC Finance and CEC Education.

How do we treat the issue of bursaries the way we treat that of contractors? This fund is a Recurrent Expenditure and it is not Development Component. If we can refer bursaries to Pending Bills, as a county this is not the right way to go. I also want to hear from the Hon. Chair on the preparedness the County Government has to ensure our learners are safe in schools. Thank you.

The Speaker (Hon. Oraro): Hon. Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise to oppose the adoption of this report. I have seen my brother Hon. Eric Agolla struggling to support the report and having so many reservations. I don't know why he fears hitting the nail on the head. This report is as a result of work that started in June, 2020 and we are in November, 2020. That is close to five months! And what recommendations have they come up with? That the bursaries to be disbursed soon/immediately, and when is immediately? This House Committee has failed the children of Kisumu County. I am receiving calls every day and what the learners want to hear is, are you paying for our bursaries and when are you paying? We awarded the bursaries; we went through the whole process. What was remaining is for schools to reopen and cheques to be disbursed to schools. I believe the House Committee would have kept the Department on toes to have them write the cheques.

Mr. Speaker, this happened in the last financial year. No cheques were written. We are almost in the second half of this Financial Year (2020/2021) and there are no cheques yet. From that, what recommendations are we being given? Mr. Speaker, the department should tell us where the money went to. What is this committee doing? If they feel that the issue is beyond them just because we are crying for them to give us the answer, instead, they are the ones crying back to us. So, who is going to get these answers if not them? Why can't we have someone who can tell us the reasons as to why bursaries cannot be paid?

Sometimes I am tempted to conclude that there is collusion between this House Committee and the Executives because they do not want this money to be paid out. It is taking too long and the only thing we are getting is a nice report with a lot of English but nothing tangible to show at the end. It has to end today. It is either we be told that the bursaries are going to be paid so that we go and tell the students that the money is going to be paid next year (2021) or the bursaries are not going to be paid. We cannot keep the kids waiting for all these long yet, we have a working committee of fifteen members plus a reasonable chairperson.

Mr. Speaker, let us not adopt this report, instead, send this committee back with it so that they know our seriousness with regards to disbursement of this bursaries. For instance, they have recommended that the list of Ombeyi Ward in Muhoroni Sub-County to be included. Were they excluded and by who? If the bursaries were to be given to needy but bright students from each and every ward, then you come to tell us that there is a list to be included. What is wrong with this committee is the problem with the Chairperson or with Committee Members? This report does not meet the standards of this House.

In fact we just need a statement from the Chairperson ECD Adult Education and Vocational Training Committee stating that the bursaries are going to be paid and in a specified manner, that is it.

This other issues you are telling us plus what have you yet we have pressure as MCAs about this bursary issue. In the previous financial year, the committee sat and awarded the neediest kids.

We are in another financial year and there is no Bursary. Mr. Speaker I totally reject this report, thank you.

The Speaker (Hon. Oraro): Hon. Oiko. I have noticed you, Hon. Olwal, you are next.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker for giving me time to air my view on this report. When you read this report and the annexes attached, one would be left wondering whether the committee took its time to go through the report and make a sound judgment. This report shows that someone is testing the understandings of Hon. Members of this Assembly whether they take time to read these reports.

Mr. Speaker, in annex five, we are being told that the programmes of the Driving Schools were not disrupted by the Corona Virus Disease 2019 (COVID-19). Our youths who were to be taken to the driving schools, ought to have reported long ago. Is that the case?

When a government officer writes such a thing to this Assembly, and we receive it and take it as the response, you wonder what is happening. Are these cheques ready for the driving programme? They are battling now because the cheques are not there yet the programmes were never disrupted at all.

Mr. Speaker, in the same annex (five), the total number of form four candidates in Kisumu County who were to benefit from the bursaries are five thousand, five hundred and twenty five (5,525). Yet, in annex four, the number is, five thousand five hundred and ninety (5,590). With that difference, are they taking their records from the same ward or from different ward? And the amount of money allocated is Kshs. 28, 275, 000 while in annex five, the allocation is Kshs. 27, 625,000. Did the committee note that kind of disparities?

Mr. Speaker, the committee needs to take its work seriously so that whenever the Executive communicates, they will have in mind that they are doing it for the enlightened people. People who will take their time to go through the record presented to them.

Mr. Speaker, I think it was early this month (November, 2020) when this matter came here. I wish the Leader of Majority was here to explain to this House because he had said that things were in order. I remember when the Leader of Majority said that things were not in order.

The bursary records in this County, has been prepared with a column missing. They have never indicated the forms of the students. For example; John Onyango Otieno is in this form. They were only indicating the name and the admission number.

Mr. Speaker, the Department of Education and Human Resource Development is not sure of the total number of students in form one, two, three and four because these are records that have never been captured since the issue of bursary started. When they wanted to pay the bursaries for form fours only, the Ward Administrators differed with them stating that the work is tedious and

they could not do for them. So, all the bursary forms were collected and taken to that department. And people were hired to extract the list for form four students. It is most likely the reason why they do not have the exact number of form four students and it is recorder here.

Mr. Speaker, the Bursary and Scholarships ought to have been paid by first term when students report to school. Here in Kisumu County, they are paid in term two. What is the clear explanation for this? They have failed to give the reason. The budget is passed by June 30th end of every Financial Year. When they are paying the Bursaries and the Scholarships, by the second term of every following year, two months to the end of the financial year, what game are they playing? How serious are they with the education of our children? Mr. Speaker we need to question this and should not take it lightly.

Mr. Speaker, if you check the correspondents in annex four, we are being told that in the FY 2020/2021, the issue at hand should be for the FY 2019/2020, because the item was never passed in the budget. If the amount we appropriated in the FY 2019/2020 has not been paid and the one being referred to is an allocation from the FY 2020/2021, what is happening?

As a serious House, we need to reject this report and take the two *waziri* for Education and Finance to task. This is the moment that we need to show our oversight role. It is the time that we need to show the Executive that they should not take the needy children from Kisumu County for a ride.

By the beginning of the year when children are going to school, they are always given a letters. When they report to school, they are sent back. Some of them travel to far flank places as far as; Turkana, Machakos, Mombasa, Meru, etc. The transportation costs from Kisumu to those places are ranging from Kshs 3,000 to Kshs 4,000. Their parents and guardians incur those expenses because of the inefficiency of a Department.

We need not to dwell a lot in this report. I am pleading with fellow hon. Members that let us reject this report to show them that we are keen on communication matters we get from them. Let them not imagine that whenever we get a report from them, we simply file and assume. We are in a position to interrogate and make reasonable decisions. That is, rejecting the report so that, Kisumu County get the information that the Executive is playing their games with, and the Assembly is telling them; no. thank you Mr. Speaker.

The Speaker (Hon. Oraro): Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker. I rise to give my input on the same report. I want to inform the House that I am a member of ECD Adult Education and Vocational Training Committee. As the whole House knows that a report is a document that gives information depending on our findings as a committee.

Mr. Speaker, if we were given a negative report by the Executive, we have to report it the way it was given. We cannot report on something that we never furnished with. That is the essence of reporting for the House. Again, we all know the norms of the Assembly and we are also aware that the report can be adopted or rejected or adopted by amendments. I would therefore suggest that instead of rejecting this report in totality, we may go back and check our recommendations so that if we have a better one, we suggest it here and adopt the report with some few recommendations. This report has taken time and it is not our fault as committee members that bursaries are not being paid. We are also frustrated the same way as other Hon. Members. But, instead, let us come with a clear solution rather than total rejection, otherwise, thank you.

The Speaker (Hon. Oraro): Yes Hon. Nancy Owiti.

Hon. Nancy Owiti: Thank you Mr. Speaker, I wish to call the mover to reply.

The Speaker (Hon. Oraro): Hon. Arao.

Hon. Pst. Arao: Thank you Hon. Speaker. I want to say that, I appreciate the views and the observations that have been made by the Members and I was praying especially when Hon. Seth Okumu was on his feet that he doesn't break down and cry because you know he is from Seme. I thank the Members so much having seen the report which we have today.

Mr. Speaker COVID-19 came up in the month of March, 2020 and it has been with us for a while but we cannot run away from the truth. It is true that our children need to go back to school and some of them are already in school. It is true that funds that were appropriated in the FY 2018/2019 and were never disbursed to the learners. I want to equally say that the same pressure that my colleagues go through I also go through.

Mr. Speaker I cannot put it very well the way my colleague Hon. Olwal has put it that, we cannot give a report from nowhere. We are an Assembly and we do not implement. It is the mandate of the Executive to implement. Once a budget has been passed and it is not implemented that is when we call these CEC to come and respond on the queries to the House. That is what we have done and we have done it for a very long time. We have called both the CEC for Finance and Education to come and we interrogated them not on one occasion but on several occasions.

Mr. Speaker, I know very well that this matter will come to rest once the cheques are done and disbursed to the respective institutions. For the time being, I have personally gone to the Executive and I have seen the documentation and the preparation of the cheques being done. I know I will only ask Members to be patient a bit and to encourage our learner to also be patient because at least I can say that there is light at the end of the tunnel.

Finally Mr. Speaker, I know Members may quote Standing Orders No. 89. Mr. Speaker Hon. Seth Okumu is hawking in the House.

The Speaker (Hon. Oraro): Order Hon. Arao!

The Speaker (Hon. Oraro): Yes Hon. Agolla.

Hon. Agolla: Mr. Speaker, Hon. Arao should not be worried. This is one of the Common Wealth Parliament and what Hon. Seth is doing is quite in order. If you know that your House is in order then he should not be worried.

The Speaker (Hon. Oraro): Hon. Arao can you stick to the reply!

Hon. Arao: Thank you Mr. Speaker. I thought he was hawking the hyenas. Mr. Speaker I want to say that when we went to meet with the Executive in Naivasha I personally heard from the CEC Finance saying that funds had been released and cheques are being done. With this, I can say that there is hope and there is light at the end of the tunnel. It has been a while but that is the position that we have come so far and the journey is coming to an end. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the Report by the Standing Committee of ECD, Adult Education and Vocational Training on the Disbursement of Bursaries and Scholarships fund for the FY 2018/2019 and 2019/2020 has been presented by Hon. Arao the Chairperson of the said committee, seconded by Hon. Ogaga and debated upon by Hon. Members. I therefore want to put a question on the adoption of the same.

(Question put and negatived)

The Speaker (Hon. Oraro): The report from the Committee of ECD, Adult Education and Vocational Training on the Disbursement of Bursaries and Scholarship Fund for the FY 2018/2019 and 2019/2020 is hereby rejected today 19th November 2020 at 1616 hours and I direct that I shall consult and give way forward on the same.

The Speaker (Hon. Oraro): Next Order!

MOTION

3RD READING OF THE KISUMU COUNTY CLIMATE CHANGE BILL, 2020

(BY HON. SAMSON AMESO, CHAIRPERSON, STANDING COMMITTEE OF WATER,
ENVIRONMENT AND NATURAL RESOUECES)

The Speaker (Hon. Oraro):Hon. Ameso.

Hon. Ameso: Thank you Mr. Speaker I beg that the Kisumu County Climate Change Bill, 2020 be read for the third time.

The Speaker (Hon. Oraro): Yes Mr. Clerk.

(The Clerk reads the Kisumu County Climate Change Bill, 2020 for the Third Time)

The Kisumu County Climate Change Bill, 2020. A Bill for an Act of the County Assembly of Kisumu to provide for a regulatory frame work for enhanced response to Climate Change. To provide for mechanisms and measures to achieve low carbon environment, financial mechanism for implementation of climate change, adaptation activities and connected purposes is hereby read for the 3rd time.

The Speaker (Hon. Oraro): Mr. Clerk we are in the 3rd reading, so can you do it the way it is done.

(The Clerk is guided by the Speaker to dispense of the remainder of the Bill)

Thank you Mr. Speaker, I will also combine it with Memorandum of Objects and Reasons. Climate change has been universally identified as one of the greatest global challenge facing humanity requiring international attention and action. It is considered as one of the most serious threats to sustainable development globally. This impacts cut across diverse aspects of society including the economy and environment.

Part 1 of the Bill addresses the interpretation of the terms used in the Bill together with a short summary of what it entails.

Part II of The Bill deals with institutional arrangements of the Climate Change Directorate.

Part III of the Bill addresses county climate change response measures and actions.

Part IV of the Bill provides mechanisms of participation of the community in climate change projects and access to information.

Part V of the Bill provides the guidelines of measuring, reporting and verifying climate change trends within the County.

Part VI of the Bill addresses the issue of financial provisions in mitigating climate change.

Part VII of the Bill provides for miscellaneous provisions of the Bill.

Part VIII of the Bill provides delegated legislation specifically the regulations to enforce the Bill.

The Bill also establishes a County Climate Change Fund managed by a Council, into which monies appropriated from the county annual budget and other donations received in the form of donations, endowments, grants or gifts or monies raised by the Council would be paid and subsequently utilized for the achievement of the mandate and objectives of the Council. The enactment of this Bill will not infringe on the Fundamental Rights and Freedoms as envisaged in the Constitution, 2010. The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 10th August, 2020.

SAMSON AMESO,

Chairperson, Water, Climate Change, Environment and Natural Resources.

The Speaker (Hon. Oraro): Hon. Members the Bill has been read for the 3rd time and before I propose a question. That notwithstanding, I want to bring to your attention that Standing Orders No. 137 provides for the ascending of Bills whenever it is done in the Assembly. In reference is the Climate change Bill which is in discussion and was passed in this House thereafter sent to the Governor and the Governor sent back a Memorandum with proposed amendments.

Hon. Members, I have listened keenly ever since the Bill was recommitted to the Standing Committee on Water, Environment and Natural Resources, was debated, report brought and adopted. I am not getting any difference or a contrary opinion to the proposed amendments by the Governor. Standing Orders No. 137 (4) provides for what happens if the County Assembly amends the Bill taking into consideration the issues raised by the Governor.

However, now that the Bill has been read for the 3rd time after being reintroduced I want to propose a question for debate if there is any further amendment that one is going to propose on this Bill before we conclude it. Hon. Members, remember that this is the last time ever since we started from the day it was recommitted I have never seen any changes deviated from the amendments by the Governor and in the recommendations by the Governor.

The silence means that there is no comment and I have to put the question for the adoption of the 3rd reading of the Kisumu County Climate Change Bill, 2020 as amended based on the memorandum of the Governor.

(Question put and agreed to)

The Speaker (Hon. Oraro): The Kisumu County Climate Change Bill, 2020 is hereby adopted and approved today Thursday, 19th November, 2020 at 1626 hours. I direct that as per Standing Orders the Hansard Verbatim Report and the Vellum to be prepared thereafter the Bill be submitted to the Governor for ascent within 14 days.

The Speaker (Hon. Oraro): Next order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to Tuesday 24th November 2020 at 2.30 p.m.

(House rose at 4.30 p.m.)

Addendum

Hansard Reporters

<i>Zablon Otiende</i>	-	<i>In-charge, Reporter</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Jackline Otieno</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Ogolla</i>	-	<i>Reporter</i>