

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 21st April, 2021

House met in the Main Chamber at 9:00 a.m.

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

PRAYERS

The Speaker (Hon. Oraro): Hon. Members, welcome to this morning session. I can see that we don't have the requisite quorum. Consequently, pursuant to the provisions of our Standing Orders No. 32 (2), I want to request the Sergeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): Again, I want to request that the Sergeant-at-Arms rings the quorum bell for another five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): Hon. Caren Muga, could you please confirm if we have quorum?

Hon. Muga: Mr. Speaker, yes we now have the required quorum.

The Speaker (Hon. Oraro): Thank you. Mr. Clerk, kindly 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, I had earlier communicated that we were to have meetings with UNICEF and unfortunately or fortunately I did get communication from them that due to current cessation in Nairobi County and its environs, they are planning to come to Kisumu probably in the month of May or June depending on how the COVID 19 pandemic rates will behave been contained and also on how the President will make his announcement. I will give a communication immediately I hear from them again.

I also want to urge the Members to put on their masks appropriately and observe the MoH protocols on COVID 19. Let us be cautious and ensure that the microphone is sanitized before and after using it. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENT

The Speaker (Hon. Oraro): Hon. Gard Olima.

Hon. Olima: Thank you Mr. Speaker. I have a statement and it is as follows. Pursuant to the Kisumu County Assembly Standing Order No. 41 (b), I wish to request for a Statement from the Sectoral Committee on Labour and Social Welfare regarding the gross violation of the law by the Kisumu County Public Service Board while appointing the Village Administrators and the Recruitment of Liaison Officers.

Mr. Speaker, the Chairperson should inquire into and report on;

1. Why did the Kisumu County Public Service Board appointed the Village Administrators contrary to Section 10 (1) of the Kisumu County Administration Village Unit Act No. 2 of 2019.
2. Did the Kisumu County Public Service Board create or establish offices for the Sub County Liaison Officers as stipulated under Section 60 (1) of the County Government Act No. 17 of 2012.
3. Was the position of the Liaison Officers filled competitively?
4. What were the job groups, qualifications, functions and remuneration of the Liaison Officers?
5. I want the Committee Chair to submit the copies of the appointment letters of the Liaison Officers to this Assembly.

The Statement that I am seeking is of topical concern to the Kisumu County residents because there is a lot of confusion. We have Liaison Officers, Sub County Administrators, and Village Administrators who were not appointed as per the provisions of the Acts which was passed by this

House. I believe that they are the people. It is the prerogative of this House to approve the appointment of Village Administrators. Today these people are working without being approved by this Assembly as required by law.

Mr. Speaker, the statement is of concern and I would request that you allow Members to air their views on the same before you commit it to the committee. Thank you.

The Speaker (Hon. Oraro): Honourable Members, when such statements are raised and the owner is specific on a committee, then it is always important to give the Chair of that committee a chance to respond to know if the answers sought are available and if the owner of the statement is not satisfied then we shall seek for the appropriate answers and bring to the House. Chair Labour and Social Welfare Committee.

Hon. Miruka: Thank you Mr. Speaker. I wish to respond by requesting that, you give the Standing Committee two weeks to respond to the Statement raised by Hon. Olima. Thank you.

The Speaker (Hon. Oraro): The Chair has requested for two weeks. Meaning that he doesn't have the answers now. I believe that is in order.

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

Hon. Guya: Thank you Mr. Speaker. If my memory serves me well then, I believe that the Honourable Member who has sought the Statement has requested that you allow Members to add their voice on the same. Thank you.

The Speaker (Hon. Oraro): I did hear him Hon. Guya, and this is not a motion. It is a statement that has specific questions that he wants to be responded to.

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

Hon. Muga: Thank you Mr. Speaker. This is a matter of concern because it is being discussed all over the County. Kindly, allow the Members to air their views.

The Speaker (Hon. Oraro): Hon. Johnson Guya.

Hon. Guya: Thank you Mr. Speaker. I want to thank Hon. Olima for raising this matter. We are aware that in this House, we passed the Kisumu County Village Units Act and for me I happy that I also served in that House Committee and I am more than happy that during that time, you were the Chair of that JLAC Committee.

Mr. Speaker, the House resolved that for the Village Administrators, they have to be approved by this House and you can recall that it was so contentious in this House to an extent that we had to go for division/vote. I can recall that more than 95 per cent of the House voted that the Village Administrators must be approved by the House.

Mr. Speaker, if we really want to help this County then we must be people who respect the laws. Just the other day, you witnessed when the Enforcement Officers had become rogue in this County from the same laws that we just passed here. I want to add my voice that the Chair also to include qualifications of the Village Administrators that were appointed in this County.

Mr. Speaker, given the fact that we also know that the responsibility of the County Public Service Board is to create and abolish offices. Then what process did they follow to come up with offices of Liaison Officers? Were the said positions advertised? What is the role of the Liaison Officers and the Sub-county Administrators? There is a lot of confusion because we can see people launching projects in the Wards. Let those issues be explained. Thank you.

The Speaker (Hon. Oraro): Hon. Paul Okiri.

Hon. Okiri: Thank you Mr. Speaker. I am not yet convinced whether you have opened this matter for debate or it has gone to the Chair Labour. Kindly, guide the House.

The Speaker (Hon. Oraro): Honourable Member, refer to our Standing Order that when a Member raises a Statement then the Speaker can direct a day that such Statement can be discussed. Hon. Gard Olima was asking if the Members can give their views. By the leave of the House, I will grant five minutes for discussions on this matter.

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

Hon. Ogutu: Thank you Mr. Speaker. The matter before us has been a topic of discussion in this County. We must be people that respects the laws. We are aware that we passed a law in this House and that is the Kisumu County Village Units Act. We can all recall that this was a very emotive issue and when we went to Naivasha...

The Speaker (Hon. Oraro): Hon. Ogutu, I said that we are discussing this matter within five minutes. I believe that Hon. Guya and Hon. Gard Olima have pointed to that matter that there is a law; and you want inquiry. Therefore, in case you have something new, that's what you are allowed to do is add on to already what has been highlighted as glaring gaps.

Hon Ogutu: Thank you. What I wish to add Mr. Speaker is that, why are we not using the laws which we, ourselves, made in this this House? Let us respect the laws of this County. That's what I wanted to add. Thank you.

The Speaker (Hon. Oraro): Hon. Olang'o

Hon. Olang'o: Thank you Mr. Speaker. We have seven Sub counties in Kisumu. Looking at the Liaison Officers, I do not know why only men were considered for the positions which is contrary to the provisions of the Constitution of Kenya which states that in nominating or making appointments, they should be not more than 2/3 of the same gender.

The Speaker (Hon. Oraro): Thank you. I believe that she has addressed the issue of gender discrimination.

The Speaker (Hon. Oraro): Hon. Linet Muga. I believe that you are the last person to speak on this issue.

Hon. Muga: Thank you. I believe that, it is not only but also in the position of Village Admins. We need to consider gender in every appointment or recruitment. I am sure we have competent ladies who can fit the said positions. Thank you

The Speaker (Hon. Oraro): Hon. Miruka, I believe that you have received the Statement from Hon. Olima and I hope you will get a copy immediately after the plenary. At the same time, you heard the comments from Members. Therefore, I want to direct that you bring the Statement back to the House for discussion within two weeks

Honourable Members, when we say two weeks, let us make it so. The clerks-at-the-table, you need to take this communication to the Clerk of Labour Committee and the Assembly Clerk so that there is enough communication on what is required. In addition, I want to request that before you write a letter to the Public Service Board, please take your time, do research and write a letter that entails everything that you want so that we maximize on the available time.

Do not rush into writing a letter when you are still unsure of what you are requesting for. Schedule a meeting with the officials of the County Public Service Board and any other witness that you want to bring on board so that you bring the Statement for discussion within two weeks. Hon. Miruka

Hon. Miruka: Most obliged Mr. Speaker.

The Speaker (Hon. Oraro): Next Order!

MOTION

2nd READING OF KISUMU COUNTY INVESTMENT AND DEVELOPMENT
CORPORATION BILL, 2021

BY

HON. PAUL OKIRI

CHAIRPERSON, COMMITTEE ON COOPERATIVES, FINANCE, TRADE AND
ENTERPRISE DEVELOPMENT.

The Speaker (Hon. Oraro): Hon. Okiri

Hon. Okiri: Thank you Mr. Speaker. May I request the Clerk to read the Bill for the Second time?

(Clerk- at- the- table breads the Bill for the second time)

The Speaker (Hon. Oraro): Hon. Okiri

Hon. Okiri: Thank you Mr. Speaker. May I request the House to convert to the Committee of the Whole House?

(House converts to the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Muga): Thank you Honourable Members. I want to believe that each of us has a copy of the Bill. I want to request if there is any amendment in Part I

Hon. Okiri: Thank you Chair. I want to inform, the House that we do not have any amendment. I therefore want to request Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Muga): Before that, we need to put a question in case Members have any amendment

Hon. Okiri: Madam Speaker, I concur and agree with you. I was only communicating to you as the Chair what we as a committee agreed upon.

Chairperson, Committee of the Whole House (Hon. Muga): What is it Hon. Guya?

Hon. Guya: On a point of order. Thank you Chair. This is a Committee of the Whole House. As such, if there are amendments, then we do so as a Committee of the Whole House.

Chairperson, Committee of the Whole House (Hon. Muga): Exactly. That's why I am here. So Hon. Okiri, this is now the Committee of the Whole House. We therefore have to abide by the House Rules.

Hon. Okiri: Most obliged.

Hon. Guya: On a point of information. Madam Chair, are you adopting the whole of Part III or you are in page 1?

Chairperson, Committee of the Whole House (Hon. Muga): Hon. Member, we are in Part III of the Bill. I believe you have a copy of the Bill.

Chairperson, Committee of the Whole House (Hon. Muga): What is it Hon. Okumu?

Hon. Okumu: Thank you Madam Chair. Which part of Part III are we adopting? Are we in Arrangement of Clauses or part III on the clauses of the Bill? We need to be clear on what we are adopting.

Chairperson, Committee of the Whole House (Hon. Muga): I am referring to Part III of the Bill

Hon. Okumu: We are adopting the Arrangement of Clauses Madam Chair. Thank you

Chairperson, Committee of the Whole House (Hon. Muga): I want to say that if you have any amendment in Part III, you are free to raise it. I stand to be corrected.

Hon. Okumu: Thank you Madam, Chair. I still need your guidance. There is Part III in the Arrangement of Sections, there is part I, II, III and IV. Then in the Clauses, there is Part III which has Clause 16-20. Therefore, are we talking about Part III in the Clauses or Part III in the Arrangement of Sections Madam Chair?

Chairperson, Committee of the Whole House (Hon. Muga): Thank you very much Hon. Okumu. I am talking about all the Clauses. You only come in in case you have an amendment.

Chairperson, Committee of the Whole House (Hon. Muga): Yes, Leader of Majority.

Leader of Majority (Hon. Onyango): Madam Chair. I believe that the procedure should be; for example, we have preliminaries, Administration and Management. After we have adopted the arrangement then we shall adopt the clauses in the Bill, one by one.

You could probably expunge your earlier communication so that we start afresh by adopting the arrangement of the clauses or sections. Thank you.

Chairperson (Hon. Muga): Thank you Leader of Majority for your guidance. I request to leave shortly as Hon. Okumu takes over.

(Hon. Muga leaves the Chair as Hon. Okumu takes over)

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Honourable Members. We are in the Committee of the Whole House. With the report that Hon. Okiri brought before the House, we can make amendments on the Kisumu County Investment and Development Corporation Bill, 2021.

Chairperson, Committee of the Whole House (Hon. Okumu): We will start with arrangement of sections.

Leader of Majority (Hon. Onyango): Chair, could you please expunge the earlier communication because we have started afresh.

(The earlier communication expunged as directed by the Chair)

Chairperson (Hon. Okumu): Thank you. We expunge the earlier communication that was made on the Chair so that we restart the process. Honourable Members, we will start with arrangement of sections which has Part I as Preliminary. Any amendment? If there is none, then I will put a question

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, in Part II, Administration and Management which has Establishment of the Corporation, Functions of the Corporation, Board of the Corporation, Functions of the Board, Conduct of Business, Remuneration of the Board, Managing Director, Staff of Corporation, Common Seal and Protection from Liability for Damages and Corporate Governance and Annual Report.

Any amendments to those clauses? If there is none, let me put a question

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, in Part III Finances of the Corporation which has section 17, Funds of the Corporation, section 18 financial year, 19 Annual Budget, Section 20; Accounts, Section 21 Financial Reports and Audit. Are there any changes either additions or subtractions? If there are no changes then I will now I will put a question that part III on Finances of the Corporation in the Arrangement of Section be part of the bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, in part IV, on Investment Management, which has section 22; Investment Principles, Section 23; Investment Powers, Section 24; Raising Capital, section 25; Investment Strategy Plan, section 26; Investment or Project Appraisal and Financial Analysis, Section 27; Sustainability, Profitability and Competitiveness, section 28; Financial Sustainability, Section 29; Partnership, Section 30; Dividend Policy. Are there any proposed amendments by either additions or subtractions? If there are no changes then I will now put a question on part IV on Investment Management be part of the bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, Part V, on Miscellaneous which has section 31; Regulations and section 32; Transfer of Assets and First Schedule on the Conduct of the Board. Are there any proposed amendments by additions or subtractions on Part V and the Arrangement of Schedules? If there are no changes then I will now put a question on part V on Miscellaneous and schedule be part of the bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, we are moving to the short title which reads; AN ACT of the County Assembly of Kisumu to provide for the establishment of legal institutional framework for investment and development management and for connected purposes. ENACTED by the County Assembly of Kisumu. Honourable Members

is there anyone with any proposed amendments to this clause by addition or subtraction to change the short title on the Kisumu County Investment and Development Corporation Bill, 2021? If there are no changes then, I will now put a question on the Short Title on the Commencement of the Bill to be part of the bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honorable Members, up to that point we shall be making changes on the clauses as per the parts that we have agreed with in the various sections starting with the Preliminaries which has clauses 1, 2, and 3. Clause 1 has Short Title and Commencement, Clause 2 has Interpretation and Clause 3 has Object and Purpose of the Act. I want to ask Members if they have any proposed amendments to the clauses in part I on the Preliminary.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Hon. Leader of Majority.

The Leader of Majority (Hon. Onyango): Mr. Chair, although I haven't gone through the entire bill, I can see in the 2nd clause which contains Interpretation that the clerk is being given as that in the County Assembly. Is there anywhere in the bill where the clerk becomes relevant so that it gives credence to the purpose to which that interpretation has been made?

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Member, you have the bill with you and I would request that you find that out so that we understand why we had to define the word 'clerk' in that context.

The Leader of majority (Hon. Onyango): Mr. Chair, the reason I have raised it is because we have many members some, which might have read the bill and may enable us to understand it better.

Chairperson, Committee of the Whole House (Hon. Okumu): Proceed Hon. Carren Muga.

Hon. Muga: Thank you Mr. Chair, Hon. Onyango is the Leader of Majority in this House and it is quite unfortunate to hear him informing us that, he doesn't know much in relation to the contents of this bill because he is the one who should be giving us direction.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Muga. To the Leader of Majority, there is an outcry by party members in that if you are the one who brought this bill yet you claim to be less conversant then which direction should they be taking? So, take your time and go through it very fast because it doesn't have many clauses, about 30 which you can go through very fast as the teacher you are.

(Laughter)

Honorable Members, we are still on the clauses on part I of the bill; Preliminary. If there are no changes to part I clauses 1, 2 and 3, under Preliminary then I will now put a question that Part I be part of the bill without amendments.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honorable Members, we are moving to Part II of the bill on The Investment and Development Corporation. This part has clause 4; Establishment of the Corporation, Clause 5; Functions of the Corporation, Composition of the Board, Qualification for Appointment, Clause 6; Functions of the Board. Are there any proposed amendments to this Part that you would like to make on the clauses?

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Hon. Johnson Guya

Hon. Guya: Thank you Chair, as much as we want to rush this bill, we will be forced to go back to some of these interpretations. For example, if you go through the whole document, there is a repeated reference to the Board and the Corporation.

Chairperson, Committee of the Whole House (Hon. Okumu): Order! Hon. Member.

Hon. Guya: I am just building on Part II of the bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Proceed

Hon. Guya: Mr. Chair, Part II clause 4; Establishment of the Corporation. We are establishing a corporation which means the corporation here means ‘The Kisumu County Investment and Development Corporation’. If you go to sub-clause (3) of the same clause 4; it says that the corporation is able to structure its shares to conform to development proposals as maybe acceptable by the Board. Which board is this again, having defined the corporation? I wish we could go back to the definition of the board so that it is not left in ambiguity.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes, Hon. Paul Okiri.

Hon. Okiri: Thank you Chair, we are here for a serious business and if we are moving back and forth like a pendulum as we are doing so going back to Part I then we aren’t showing seriousness as is expected. The ‘Board’ is defined in part I and I would like Hon. Guya to refer to Part I clause 2 so that we continue, thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you because that is all you needed to say.

Chairperson, Committee of the Whole House (Hon. Okumu): What is it Hon. Guya?

Hon. Guya: Mr. Chair, in Clause 2 on Part I, the interpretation of the Board is that; ‘The Board of the Corporation’. I am just trying to understand the difference between the Corporation and the Board.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Guya, we are getting to that. Yes, Hon. Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Chair, I hope Hon. Guya is referring to Part II Clause 4; Establishment of the Corporation going down to sub section (3). Is it what he is addressing?

Chairperson, Committee of the Whole House (Hon. Okumu): Yes.

The Leader of Minority (Hon. Oiko): What is stated here is very clear; that the corporation is able to structure its shares to conform to development proposals as maybe acceptable by the Board. A corporation is established with technical personnel who will be answerable to the Board. So it is that that we will take to the Board for approval hence it is not the Board but the Executive that will do the day-to-day activities of the corporation.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you, allow Hon. Leader of majority to say one thing then I will get back to you, Hon. Guya.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Leader of Majority.

The Leader of Majority (Hon. Onyango): Mr. Chair, I believe that a corporation is a body entity that is created by the law, and can sue or be sued. Within that corporation, we must have people that give direction to the management of that corporation and that is where the Board comes in. I therefore believe that, there is no ambiguity at all between the definition of a “Corporation” and a “Board”. The board runs the affairs of the corporation. Thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Guya do you still need further clarification on Part II, Clause 4; sub-clause 3?

Hon. Guya: Yes, Mr. Chair I still need more explanation on that because I was still building up on something, if you allow me.

Chairperson, Committee of the Whole House (Hon. Okumu): Please continue.

Hon. Guya: Mr. Chair, if you read that then you go to; Functions of the Corporation still under Part II, then on the next page there is still “Composition of the Board”. How do we have the Functions of the Board before composing the Board? I wish we would first establish the Board then we have its functions.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Guya, I want us to first agree that where you needed the interpretation of the term “Board” as has been done as it is in Part I clause 2; on Interpretation and so no changes are going to be made to it.

You have then jumped to the Composition of the Board, which you would have preferred that the board be established first before its functions are laid out. So far, there is nothing to be contested on in the Functions of the Corporation, under Clause5; and so, we are moving to Clause...

There seems to be a mishap in the numbering from “Composition of the Board”, to the “Qualification for Appointment”. I equally want you to also take into account the arrangement of those sections and the numbering as we do changes to the bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes, Hon. Guya.

Hon. Guya: Mr. Chair, if we go to Part II Clause 4 (2); then I thought the bulletins (a), (b), (c) and (d) were Functions of the Corporation but not under the establishment of the corporation.

Chairperson, Committee of the Whole House (Hon. Okumu): So, you feel that what have been mentioned in Sub-clause 2, (a), (b), (c), and (d), to be moved to the functions and therefore not part of the establishment?

Chairperson, Committee of the Whole House (Hon. Okumu): Yes, what is it Hon. Okiri?

Hon. Okiri: Mr. Chair, it is quite unfortunate for a Member to argue over a matter of common sense. What I would advise Hon. Guya is for him to take his time and go through this bill keenly, thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Member. Hon. Guya, what do you want to add?

Hon. Guya: Chair, I believe that it is not in order for somebody whom we refer to in this House as a Senior Member to be talking that way in the House. I was just giving my opinion because the definition and “Functions of the Corporation” were jumbled up.

Chairperson, Committee of the Whole House (Hon. Okumu): What is it Leader of Majority?

The Leader of Majority (Hon. Onyango): Mr. Speaker, in my understanding, there is absolutely nothing wrong. If you look at Clause 4 (II), where the corporation is defined as a body corporate with perpetual succession and common seal and thus in its corporate name can enter into a contract. That is broad, but what are the specific duties it is supposed to do? That is where the functions come in. This is just meant to define that body corporate. I don't believe that there is anything wrong with that. Thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, so that we move very fast, on that part (ii) on Investment Corporation, we are going to go through it clause by clause. I will start with Clause 4. I will put a question on Clause 4. Hon. Guya had suggestion and other members appeared to agree with his suggestion. Now I will put a question that Clause 4 be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members we then move to Clause 5 under Functions of the Corporation. Any member with any amendment or suggestion?

Now I will put a question that Clause 5 be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, there is in the Bill unnumbered clause under “Composition of the Board”. Chair, what did you make on the numbering of the Bill?

Hon. Okiri: Thank you, Chair. Under the Functions of the Corporation, we need to renumber them from number 5 and then it comes to composition of the Board (number 6) in that order, respectively.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, the Chair of the House Committee on Finance is proposing that after Functions of the Corporation which is Clause 5, Clause 6 is Composition of the Board, Clause 7 is Qualifications for Appointment, Functions of the BOARD becomes Clause 8 and we will proceed in changing the succeeding numbers.

Now I put a question on changing the numbering of the Clauses as proposed by the Chair of the committee.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you, Hon. Members. Under Composition of the Board, which is now Clause 6, any changes?

If there are no changes then I’ll put a question that Clause 6 under Composition of the Board be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Under Clause 7, Qualification for Appointment; any amendment?

If there is no amendment then I will put a question that Clause 7 under qualifications for appointment be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, from Clause 8 to Clause 17 (Annual Reports), any amendments that Hon. Members want to make?

Chairperson, Committee of the Whole House (Hon. Okumu): Yes, Hon. Leader of Majority.

The Leader of Majority (Hon. Onyango): Thank you Chair. If you look at Qualifications of Appointment, that now became Clause 7. If you look at Clause 7 (iii), should it not be under sub section - because we had changed the numbering?

Chair, Whole House (Hon. Okumu): Hon. Chair on Committee on Finance, I want you to help us with the numbering of the section if we are to do the amendments because that changes some of the references we are making, and we need to do that now.

(Hon Okiri consults with the Chair of Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Members, please resume your seats so that we can proceed. Thank you Hon. Members. We are in concurrence that Clause 5 becomes part of the Bill. On Composition of the Board, which is Clause 6, I can see the Chair of the Finance Committee has a suggestion.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes, Hon. Okiri.

Hon. Okiri: Thank you, Chair. Under Composition of the Board, we want to re-number them so that Composition of the Board to be 6 (i), Qualifications for Appointment to be 6(ii), Functions of the Board to be number 7 in that sequence....

Chairperson, Committee of the Whole House (Hon. Okumu): Order!! Order!! Hon. Member. I want us to restrict to Composition of the Board before we move to Functions of the Board.

So other than numbering, any other amendment that you would want to put onto that Clause?

Hon. Okiri: None. It is only numbering.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, then I put a question that we amend Composition of the Board to read Clause 6 and it will be having five sub clauses as listed.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, we are moving to functions of the Board. Hon. Okiri.

Hon. Okiri: Thank you Chair. Still on numbering, the functions of the Board should now be Clause 7.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, then I will put a question that the Functions of the Board become Clause 7.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Conduct of Business. Hon. Chair of the Finance Committee.

Hon. Okiri: Chair, the amendment is on numbering. Conduct of Business should be Clause 8.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Members. Amendment has been made on Conduct of Business to read clause 8 and I put the question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Conduct of Business becomes clause 8 and it becomes part of the Bill. Hon. Members, we are on Remuneration of the Board and Managing Director.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon, Chairperson, Committee on Finance.

Hon. Okiri: Chair, with your permission that you grant this House that the numbering should go consequently instead of a chairperson each and every time giving the same as the numbers has been done; seven, eight, nine and ten in that order.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Member, which numbers do you want to change so that we change all of them now on part II of the Bill?

Hon. Okiri: Chair; Remuneration of the Board should be No. 9, Managing Director should be No. 10, Staff of the Corporation should be No. 11, The Common Seal of the Corporation should be No. 12, Protection from Personal Liability should Be No. 13, Liability for Damages should be No. 14, Corporate Governance should be No. 15 and Annual Report should be No. 16.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Members, we are expunging the earlier numberings and now introducing, and now introducing the one that you have brought in right now. Is that right?

(Acclamation)

Thank you Hon. Members, the Chairperson of the Committee on Finance has allowed me to expunge his earlier numberings out of the amendments that we have made now. He is proposing that; Conduct of Business becomes clause 8, Remuneration of the Board becomes clause 9, Managing Director becomes clause 10, Staff of the Corporation becomes clause 11, The Common Seal of the Corporation becomes clause 12, and Protection from Personal Liability becomes clause 13, Liability for Damages becomes clause 14, Corporate Governance becomes clause 15 and Annual Report becomes clause 16 in part II of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, apart from numberings, any changes that you want to be made on clause 8 to 16? If there are no changes, then I will put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): The amended of clauses 8 that is Conduct of Business all the way to clause 16 (Annual Report) becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Again; to the Chairperson Committee on Finance.

Hon. Okiri: Thank you chairperson. Consequently in Part III, I would also like to make changes in numbers.

Chairperson, Committee of the Whole House (Hon. Okumu): Proceed, Hon. Member.

Hon. Okiri: Funds of the Corporation should now be No. 17, Financial Year should be No. 18, Annual Budget should be No. 19, Accounts should be No. 20, Financial Report and Audit should be No. 21.

Chairperson, Committee of the Whole House (Hon. Okumu): Order Hon. Member. We are only doing part III first. Do not move to part IV. Thank you Hon. Members. The chairperson has proposed that the numbering of the clauses and he is suggesting that; Funds of the Corporation now be clause 17, Financial Year be clause 18, Annual Budget be clause 19, Accounts be clause 20, and Financial Report and Audit be clause 21. I now put the question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): The amendments in the changes of the numbering of clauses in part III of the Bill has adopted and now; Funds of the corporation will be clause 17, financial year be clause 18, Annual Budget be clause 19, Accounts be clause 20, and Financial Report and Audit be clause 21.

Hon. Members, apart from changes in the numberings, are there any changes that you want to make in the clauses in part III (Finances of the Corporation)? If there is no other change, then I will put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Clauses; 17,18,19,20 and 21 becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Member, we are moving on to Part IV on Investment Management.

Chairperson, Committee of the Whole House (Hon. Okumu): I can see the Honourable Chairperson, Committee on Finance on his feet.

Hon. Okiri: Thank you very much Mr. Chair. Under this Part, I would like to change the numbers. Investment Principles should now read No. 22, Investment Power should now read No. 23, Capital to read No. 24, Investment Strategy and Plan should read No. 25, Investment or Project Appraisal and Financial Analysis should be No. 26, Sustainability, Profitability and Competitiveness should now read No. 27, Financial Sustainability should now read No. 28, Partnership to read No. 29 and Dividend Policy should now read No. 30, thank you very much chair.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Member. Hon. Members, Part IV on Investment and Management, the Chairperson, Committee on Finance has proposed amendment to the numbering of the clauses; Investment Principles has been amended to read clause 22, Investment Power has been amended to read clause 23, Capital has been amended to read clause 24, Investment Strategy and Plan has been amended to read clause 25, Investment or Project Appraisal and Financial Analysis has been amended to read clause 26, Sustainability, Profitability and Competitiveness has been amended to read clause 27, Financial Sustainability has been amended to read clause 28, Partnership has been amended to read clause 29 and Dividend Policy has been amended to read clause 30. I now put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): The amendments in Part IV on Investment and Management has been adopted and will read as proposed by the Chairperson, Committee on Finance. Any other changes that we now want to make apart from numbering on part IV? Hon. Members, if there is no change, then I will put a question.

(Question was put and agreed to)

Clause 22 all the way to clause 30 now becomes part of the Bill.

Hon. Members, we are now moving to, Part V- Miscellaneous. I can see the Honourable Chairperson, Committee on Finance on his feet.

Hon. Okiri: Thank you very much chair, under Miscellaneous; Regulations should now read No. 31 and Transfer of Assets should now read No. 32 respectively.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Members, the Honourable Chairperson has made amendments onto the numbering of clauses in part V and I put a question.

(Question was put and agreed to)

We have adopted the changes in the numbering of clauses in part V of miscellaneous of the Bill. Therefore, the Regulations will now be clause 31 and Transfer of Assets will now be clause 32. Hon. Members, any other proposed amendments that you want to make on those two new clauses; 31 and 32? If there are no any other changes, then I will put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Clauses 31 and 32 becomes part of the Bill.

Hon. Members, we are moving to, the First Schedule (S.8) on the Provisions as to the Conduct of Business Affairs of the Board.

Hon. Members, any proposed amendment that you want to make on the First Schedule of the Bill? It includes; Vacation of Office, Meetings, Conflict of Interest, Code of Conduct, Execution of Interest and Minutes. If there is no change, then, I will put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): The First Schedule Providing for the Conduct of Business and the Affairs of The Board becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, we are moving to, Memorandum of Objects and Reasons. Any amendments that you want to make on the Memorandum of Objects and Reasons?

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Hon. Leader of Majority.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members, we are on Memorandum of Objects and Reasons and if there is no any amendment, then I will put a question.

(Question was put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Memorandum of objects and reasons becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): What is it leader of majority?

The Leader of Majority (Hon. Onyango): Chair, when we started going through the Bill, I did raise an issue and I was given time by you and the Chairperson of the Committee on Finance that there is nowhere whereby the ‘Clerk’ is mentioned in the entire Bill. So, I believe that under Interpretation, therefore, I believe that, it becomes inappropriate to define the ‘clerk’ when there is absolutely no mentioning of it. I think that it is good to pass a Bill that does not have dots here and there, thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Leader of the Majority, I believe that you were in this House because I am inclined to believe that part of the Bill was adopted. However, let me listen to the Chairperson of the Committee on Finance.

Chairperson, Committee of the Whole House (Hon. Okumu): To the chairperson, what are your submissions? The Honourable Leader of Majority is requesting that we move back to the Interpretation and make amendments. That means, we shall expunge previous amendments done and then factor in the changes that the Leader of Majority is suggesting.

Hon. Okiri: Thank you very much Chair. The concern of the Leader of Majority is about the ‘Clerk’. You know that this Bill is brought here and with the consent of the Clerk. If that word was omitted, then somebody could have challenged that how did this Bill reach here if it has not passed through the Clerk?

In addition, this is a justification that the Bill must be in this House after it has passed through the Office of the Clerk. So, that is our own submission. That is why we said that the ‘Clerk’, once a matter will come out, then they will say that the Bill was tabled before the Clerk before it comes into this House, thank you.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Hon. Guya.

Hon. Guya: Thank you Chair. I am getting surprised. Hon. Okiri, the Finance Chair who we believe he is a senior most Member in this House referring that the Clerk has been defined here because the Bill came through the Clerk. I believe that, that is not in order. I am also surprised about the Leader of Majority; I believe that it had been mentioned by Hon. Muga, the Bill was brought in this House by the Leader of Majority and I want to believe that by the time he was bringing the Bill then he had gone through it. I trust that he is trying to expose himself that he is not informed on what is the content of this Bill.

If you go through the Bill the Clerk has been mentioned so in several occasions. I believe that we have been reading this Bill most of the time. If you go to page 9 on the Annual Report that is the

clause that was amended 16 there is the mention of the Clerk. So the Clerk is mentioned in the Bill and if you allow me then Hon. Okiri the Chair Finance Committee and the Leader of Majority need to apologize for their ignorance to what is in the Bill that they brought in this House.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you Hon. Member for bring to the attention of Members that it is necessary that we define Clerk because it is true that the sub-clause that you are referring 16 (3). I believe that we will not go with the suggestion of the Leader of Majority and we will leave the Clerk as defined in the interpretation.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes Hon. Okiri.

Hon. Okiri: Thank you Chair. I tend to agree with Hon. Guya and he has actually portrayed what is here. It is only that I need not to apologize because the Clerk is defined here.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Member I had already protected you and I don't know why you are still referring to the same.

Chairperson, Committee of the Whole House (Hon. Okumu): What is it Hon. Philemon? I want to remind you that we were making changes onto the Bill.

Hon. Philemon: Hon. Chairperson I just have an issue of general concern on the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Order!! Hon. Member. There is nothing like an issue of general concern. We were making amendments to the Bill. It is either you bring the suggestion so that we amend the Bill or not.

Hon. Philemon: Hon. Chairperson, the issue that we are dealing with is major thing. I just want to say that this Bill takes away so many things that are done by...

Chairperson, Committee of the Whole House (Hon. Okumu): Order!! Order!! Hon. Member. We were making amendments as per the report that was brought before this House regarding the Bill and now you will have to wait until we go to the 3rd reading to make proposals for further amendments. I have just finished from clause to clause up to Memorandum of Objects and Reasons. You were late and now you want to take us back.

(Loud consultation)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Members we are finished with the amendments that we were making to the Kisumu County Investment and Development Corporations Bill. I want to request the Chairperson of the Committee on Finance to request that we revert back to the plenary.

Hon. Okiri: Thank you Chair, I want to request that we revert to plenary.

(House reverts back to plenary)

The Speaker (Hon. Oraro): Now that the House has reverted to plenary I want to ask the Chairperson, Committee of the Whole House to report back to the House.

Hon. Okumu: Thank you Mr. Speaker. We had a very robust discussion in the Committee of the Whole House and we had proposed submissions of Hon. Members on the Bill. We made a few amendments but generally it was on numbering of the Bill. Hon. Speaker the resolutions that we had in the Committee of the Whole House affects the following in the Bill;

On numbering of clauses; Part II on Investment and Development Corporation, composition of the Board was changed to read Clause 6.

- a) Functions of the Board was changed to read Clause 7.
- b) The conduct of Business was changed to read Clause 8.
- c) Remuneration of the Board was changed to read Clause 9.
- d) Managing Director was changed to read Clause 10.
- e) Staff Corporation was changed to read Clause 11.
- f) Common seal of the Corporation was changed to read Clause 12.
- g) Protection from Personal liability was changed to read Clause 13.
- h) Liability for damages was changed to read Clause 14.
- i) Corporate governance was changed to read Clause 15.
- j) Annual report was changed to read Clause 16.
- k) Mr. Speaker under Part III on the Finances of the Corporation;
- l) The Funds of the corporation was changed to read Clause 17.
- m) Financial Year was changed to read Clause 18.
- n) Annual budget was changed to read Clause 19.
- o) Accounts was changed to read Clause 20.
- p) Financial reports and Audit was changed to read Clause 21.
- q) Mr. Speaker under Part IV on the Investment Management;
- r) Investment principles was changed to read Clause 22.
- s) Investment powers was changed to read Clause 23.
- t) Raising capital was changed to read Clause 24.
- u) Investment strategy and Plan was changed to read Clause 25.
- v) Investment or Project appraisal and financial analysis was changed to read Clause 26.
- w) Sustainability, Profitability and Competitiveness was changed to read Clause 27.
- x) Financial sustainability was changed to read Clause 28.
- y) Partnership was changed to read Clause 29.
- z) Dividend policy was changed to read Clause 30.
- aa) Mr. Speaker under Part V on the Miscellaneous;
- bb) Regulations was changed to read Clause 31.
- cc) Transfer of assets was changed to read Clause 32.

Mr. Speaker if that goes that way then it means in the Arrangements of Sections of the Bill there are going to be changes in the section numberings which will move after the Functions of Corporations which is section 5, then Board of Corporation; we will introduce a new section which will be section 6 that will be Composition of the Board. We will introduce Functions of the Corporation which is clause 5 then introduce a new sub-clause which is 6 that will be Composition of the Board. Functions of the Board will be clause 7 which will proceed in that manner until you reach Clause 32.

Hon. Speaker, those are the changes that we made in the Bill so far and every other Clause was adopted as it was. I therefore request the Leader of Majority to second the amendments. Thank you.

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

Leader of Majority (Hon. Kenneth Onyango): I second. Thank you.

The Speaker (Hon. Oraro): Hon. Members, now that we have received the Report from the Chairperson, Committee of the Whole House on the amendments to the Kisumu County Investment and Development Corporation Bill, 2021, I want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Hon. Members. The report from the Committee of the whole House on the amendments to the Kisumu County Investment and Development Corporation Bill has been adopted today Wednesday, 21st April 2021 at 11.00 a.m. and therefore becomes part of the Kisumu County Investment and Development Corporation Bill, 2021 which has been read for the 2nd time.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to today Wednesday, 21st April 2021 at 2.30 p.m.

(House rose at 12:06 a.m.)

Addendum

Hansard Team

Zablon Otiende - Senior Hansard Reporter (In-charge)

Edward Odanga - Reporter

Patrick Okoyo - Reporter

Jacklyn Otieno - Reporter

Fanuel Okode - Reporter

Jesca Otieno - Reporter

Dennis Ogolla - Reporter