

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 30th June, 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, pursuant to the provisions of County Assembly Standing Order No. 32 (2). I request that the Serjeant-at-Arms to ring the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): The Leader of Majority, could you please confirm if we have the required quorum to transact business?

The Leader of Majority (Hon. Onyango): Mr. Speaker, we still don't have quorum. Thank you.

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

(Quorum bell rung for five minutes)

(Resumption of House after attainment of the requisite quorum)

The Speaker (Hon. Oraro): Now that the Majority Whip is there, could you please confirm if we have quorum.

Hon. Misachi: Thank you Mr. Speaker, we have quorum.

The Speaker (Hon. Oraro): Thank you. 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, today is crucial because we are going to discuss the Appropriations Bill. I would like Members to be sober but also again, I would like Members to adhere to the Ministry of Health protocols on Covid 19 pandemic. Ensure that your mask is covering both your nose and mouth for your safety and that of your neighbor. Thank you.

The Speaker (Hon. Oraro): Next order!!

PAPERS LAID

THE KISUMU COUNTY APPROPRIATIONS BILL, 2021

BY

HON. KENNETH ONYANGO

LEADER OF MAJORITY

TOURISM, WILDLIFE AND HERITAGE COMMITTEE REPORT ON THE STATUS OF
TOURISM SITES IN KISUMU COUNTY

BY

HON. HABIL NYASUNA

CHAIRPERSON, TOURISM, WILDLIFE AND HERITAGE

AND

THE REPORT ON COUNTY BUDGET IMPLEMENTATION FOR THE FY 2019/2020 AND
THE FY 2020/2021

BY HON. ERICK AGOLLA, CHAIRPERSON, IMPLEMENTATION COMMITTEE

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 113 (7), I wish to lay today Wednesday 30th June, 2021, the Kisumu County Appropriations Bill, 2021. Thank you.

(Leader of Majority lays the paper before the House)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the Kisumu County Appropriations Bill, 2021. I therefore commit this Bill to the County Budget and Appropriations Committee for necessary action.

Yes, Hon. Linnet Muga.

Hon. Muga: Thank you Mr. Speaker. Allow me to lay this paper on behalf of Hon. Habil Nyasuna, Chairperson, Tourism, Wildlife and Heritage. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 182 (6), I wish to lay today Wednesday 30th June, 2021, Tourism, Wildlife and Heritage Committee Report on the status of Tourism Sites in Kisumu County.

(Hon Muga lays the paper before the House)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of Tourism, Wildlife and Heritage Committee Report on the Status of Tourism Sites in Kisumu County. I therefore, commit this report to the House Business Committee to schedule it for debate.

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

Hon. Agolla: Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 182 (6), I wish to lay today Wednesday 30th June, 2021, County Budget Implementation for the FY 2019/2020 and the FY 2020/2021. Thank you.

(Hon Agolla lays the paper before the House)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the report on County Budget Implementation for the FY 2019/2020 and the FY 2020/2021 by the Implementation Committee. I therefore, commit this report to the House Business Committee to schedule it for debate. Thank you.

The Speaker (Hon. Oraro): Next order!!

NOTICES OF MOTION

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

Hon. Muga: Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 45, I wish to give a Notice of Motion on Tourism, Wildlife and Heritage Committee Report on the Status of Tourism Sites in Kisumu County. Thank you.

The Speaker (Hon. Oraro): Thank you.

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

Hon. Agolla: Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 45, I wish to give a Notice of Motion on County Budget Implementation for the FY 2019/2020 and the FY 2020/2021. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION

1ST READING OF THE KISUMU COUNTY APPROPRIATION BILL, 2021

BY

HON. STEVE OUMA OWITI

CHAIRPERSON, COUNTY BUDGET AND APPROPRIATIONS COMMITTEE

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker. May I request the Clerk to take through the First Reading of the Kisumu County Appropriation Bill, 2021. Thank you.

(The Clerk taking the Members through the First Reading of the Kisumu County Appropriation Bill, 2021.)

THE KISUMU COUNTY APPROPRIATION BILL, 2021

A Bill for

AN ACT of the County Assembly of Kisumu to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the services of the year ending on the 30th June 2022, and to appropriate those sums for certain public services and purposes.

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker. Now that the Bill has been read for the First time, I now want to request that the House be suspended for one hour to allow the Budget and Appropriation

Committee to go through this Bill and to align it with the report that we adopted yesterday. May I ask the Leader of Majority to second? Thank you.

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

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

The Speaker (Hon. Oraro): Honourable Members, you are aware that after the First Reading of a Bill, the committee should work on it and bring a report to the House and this being a money Bill, we are guided by the Standing Order to implement all the stages. Having been proposed that we suspend the House and seconded by the Leader of the Majority, I am not going to propose a question but I am going to say that the House is suspended for one hour to allow the committee look at the Bill and align it with the report that we did yesterday.

(The House suspended for an hour)

(House resumes after one hour of suspension)

The Speaker (Hon. Oraro): Honourable Members, welcome back to this session. It is good to give the Chairperson, County Budget and Appropriation Committee a chance to give us a report after the Bill had been read for the First time.

Hon. Owiti: Thank you Mr. Speaker. We had meeting as a House Committee and there was an additional of Kshs. 43,100,000 to the Assembly Budget.

Mr. Speaker, We had a discussion among the Members and we were adequately informed that this amount will go to Recurrent Expenditure. Mr. Speaker, this is how the Assembly envisages to apply the additional fund of Kshs 43,100,000.00 as below;

1. Office of the Speaker, there will be Kshs. 3,000,000,
2. Kshs. 4,000,000 for training of both staff and the Members,
3. Kshs. 3,000,000 for policy under the Office of the Speaker and accommodation,
4. Library Establishment Kshs. 1,000,000,
5. Public Participation, Kshs. 3,000,000,
6. Purchase of Computers at Kshs. 600,000.
7. Furniture and Workstation for Staff Kshs. 1,400,000,
8. Close Circuit TV System Kshs. 300,000,
9. Committee Travels with be given additional of Kshs. 18,000,000,
10. Car Loan and Mortgage for Staff has been added Kshs. 5,000,000.
11. CAF Subscription of Kshs. 2,500,000,
12. Repair and Maintenance of Buildings Kshs. 1,000,000 and;
13. Curtains be allocated Kshs. 300,000.

Mr. Speaker, that gives us Kshs. 43,100,000 which was added towards the personnel emoluments. Thank you, Mr. Speaker. May I ask the Leader of Majority to second?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I second the amendment therein. Thank you.

The Speaker (Hon. Oraro): Honourable Members, the Chair Budget having reported back to the House on developments as per the amendments on the previous Report. I want to confirm that I was part of the meeting. Therefore, I will not put a question because it is a matter of general consensus unless there is a contrary opinion.

Hon. Members, If there is no contrary opinion, I believe that we should proceed as per the order paper of today.

The Speaker (Hon. Oraro): Next Order!

MOTION

SECOND READING KISUMU COUNTY APPROPRIATIONS BILL, 2021

BY

HON. STEVE OWITI

CHAIRPERSON, COMMITTEE ON COUNTY BUDGET AND APPROPRIATIONS

The Speaker (Hon. Oraro): Hon. Owiti

Hon. Owiti: Thank you Mr. Speaker, Sir, and Honourable Members, allow me to request the Clerk, through your indulgence, to take us through the Reading.

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

(Clerk at the table reading the Kisumu County Appropriations Bill, 2021 for the second time)

The Speaker (Hon. Oraro): The Bill has been read for the second time. Hon. Owiti

Hon. Owiti: Thank you Mr. Speaker, now that the Bill has been read for the second time, to allow any amendment or other further scrutiny into the Bill, I want to request that the House reverts to the Committee of the Whole House. I ask the Leader of Majority to second.

Leader of Majority (Hon. Onyango): I second that the House reverts to the Committee of the Whole House. Thank you

(House reverts into the Committee of the Whole House)

(COMMITTEE OF THE WHOLE HOUSE)

(The Speaker is relieved of the Chair by Hon. Joachim Oketch the Chair, Liaison Committee)

(Chairperson, Committee of the Whole House (Hon. Joachim) in the Chair)

(Consultations between the Chairs, CWH, Budget Committee and the Clerks)

Chairperson, Committee of the Whole House (Hon. Joachim): Order!! Honourable Members. Let me apologize for the lengthy consultation. It was however very important. Once again, I want to welcome you to the Committee of the Whole House. I know Members are exhausted due to the rigorous nature of this Budget making process. I know, by design that Honourable Members are busy people. As such, I would wish that we spend the least time possible.

Members, I would like to put it clear that we will be guided by Standing Orders No. 126 on a sequence to be observed when handling a Bill. I wish to read that in considering a Bill in a Committee, the various parts shall be considered in the following sequence;

- i. Clauses as printed excluding Clauses providing for citation of the Bill, the Commencement if any and the interpretation*
- ii. Clause*
- iii. Schedules*
- iv. New Schedules*
- v. Interpretations*
- vi. Preamble*
- vii. Long Title and*
- viii. Clause providing for citation of the Bill.*

I will hand over to the Clerk to take us through. We will be going Clause by Clause as provided for in the Standing Orders. Mr. Clerk!

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

Hon. Owiti: Chair, I have a proposal that the addition 4.3 has already been dealt with which should have created an amendment in the proposed Bill which we have resolved on how it would be appropriated.

Further, Chairperson, Committee of the Whole, I want to propose that we go the guillotine way so that we are able to handle it because most of the issues had been canvassed and we are now at par. I want to ask Hon. Jagongo to second that we go the guillotine way.

Hon. Jagongo: Seconded.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Hon. Jagongo. I therefore propose that having been proposed by the Chair Budget and seconded by Hon. Jagongo that I put a question.

(Question put and greed to)

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

Hon. Guya: On a Point of Order. Thank you Chair. Even as we support going the guillotine way, basically, in a Budget Making Process, as we go through the Appropriations Bill, we should be comparing it with the Proposed Estimates. Chair, we are all ware that even at the Budget Committee of this House, that the Estimate was brought then there were proposed amendments that factored in the Kshs. 20 million per Ward. That was going to affect the whole of the Budget Estimate Honourable Chairperson.

As we sit here right now, we do not know what the new Budget Estimates looks like. What are going to compare this with? We should have been given the new Estimates after factoring in the Kshs. 20 million per Ward; so that even if we say we are going to spend a certain amount in a department, then we compare with the Budget Estimates that was brought.

Mr. Chair, I understand and know that there is need for us to pass the Budget and we must pass the Budget. However, we cannot do it like cows being taken to the river to drink water. We are not cows and if we want to turn to be cows in this House today, then let us be cows. We must first see the Proposed Estimates if it was changed because it had to. What does it look like today? We want to pass something that we do not even know then, tomorrow, it will be brought in this House and we will be told about projects that we do not know about with claims that it is us who passed the Budget. This is my humble plea. I know we must pass it and we will pass it.

Mr. Chair, we need to pass what we are seeing and what we know. Something we can defend. Here we are being turned into cows in this Assembly.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Hon. Guya. I believe that, I want to call upon Chair Budget to respond to your concerns.

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

Hon. Owiti: Chair, I am amazed by the Honourable Member who is a member of the Budget Committee to report that we do not know. Chair, the Budget Committee was in Mombasa for seven days and during that period, one of the resolutions was that we collapse all the proposed development projects. This was to allow the inclusion of an allocation of the Kshs. 20 million per ward, which implied that the earlier proposed projects had been collapsed. As a House Committee, we agreed that this would be looked into to ensure that the budget for Development is not interfered with and we have maintained the above 30% that is required by law.

Mr. Chair, I want to remind the members of this Committee of the Whole House that, we had another meeting in Nairobi that was looking into the same budget, which agreed on the retaining the same percentage. Each member gave their proposals from the wards on prioritization of the projects thus completion of these projects.

After the completion, we gave the leeway that they could later look into some Departmental or Flagship Projects that are incomplete, and use the remaining amount to complete them. In the report that we presented and was adopted by this House yesterday, our proposals indicated that after adoption of the Appropriations Bill, we must have a Post-Approval Meeting with the County Treasury before the publication of the budget. The publication will not interfere with the Development Votes, which still stands at over Kshs. 3 billion. We will have to ensure that the suggestions that were given, during the public participation that was conducted by the County Assembly which is also included in the Committee report and the like, are already amended and included in that Appropriations Bill. In an event that we want specific ward by ward then there is a ready report on the same because members are entitled to it, and it is therefore quite wrong to come to this House purporting that we do not know.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Budget Chair, Hon. Owiti. Hon. Guya I believe that you have been answered amicably. Do you have something else?

Hon. Guya: Mr. Chair, I agree with all he has explained. However, he has answered what I had requested because as we had agreed that we include Kshs. 20 million per ward, and in essence it implied that the proposed Development Budget will remain as was earlier but the items might change. We do not know what it is that has changed to create room for the Kshs. 20 million per ward. As a Budget and Appropriations Committee Member, I do not know and that goes to the Chair of the Committee as well as all other members.

Hon. Owiti: Mr. Chair, Hon. Guya cannot insinuate that I am ignorant of the process that...

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Chair, you will have a right of reply.

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Guya you have 2 minutes.

Hon. Guya: Mr. Chair, the Chairperson of Budget and Appropriations Committee has just said that we will have a Post-approval Meeting with the County Treasury and in the report that was adopted yesterday. Indeed, there are allocations for the Ward-based projects of Kshs. 20 million which every member is aware of. From the Kshs. 700 million, which is the remaining balance that is referred, and which projects have been collapsed to create room for the Kshs. 20million per ward? Which ones are the remaining ones and that haven't been funded as Flagship Projects? Even as a House Committee, we did not discuss that and just agreed on the Kshs. 20 million and that the Department of Finance was going to reorganize the budget and bring it back to us for discussion.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Hon. Guya, Honorable Members, I want to clarify that Hon. Guya has a concern that will be addressed by the Hon. Chair, but at this stage of the Second Reading of this Bill, I believe that we as well as the Chairperson cannot address that concern. I want to give to the chair to address Hon. Guya's concern and his concern cannot deter us from proceeding to the next phase of the Bill.

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

Hon. Ngeta: On a point of information. I am even more lost than Hon. Guya who apparently is a member of the Budget and Appropriations Committee and who has been in agreement with his fellow members in all the meetings they have held across the country. It is quite amazing to hear him raise complaints now. I believe we should be realistic in all we do and not antagonize the process, thank you.

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

Leader of Majority (Hon. Onyango): Mr. Chair, when an argument is raised, we ask ourselves where the end point of that argument is. Whether it is to sabotage the process or make it work. The Budget Making Process sometimes is a political process and it takes cognizant in certain considerations that cannot be argued in an intellectual realm. When we were in our meeting in Mombasa, the Committee's agreement was that Ward Development must be allocated, which wasn't there initially. We said that the on-going Flagship Projects must be given priority. Similarly in Nairobi, which I am not sure whether the member attended the meeting, the Department of Finance took us through all the flagship projects, which we agreed that they were to go and rearrange the budget and give priority to these flagship projects. That was the only way to realize equity in all our wards. So, Mr. Chair, when this argument is coming up now, the question is; what does he want to achieve? Thank you.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Leader of Majority. Hon. Roy Samo, I am inclined to allow the chair to respond then we proceed.

Hon. Samo: Allow me to speak for just a minute.

Chairperson, Committee of the Whole House (Hon. Joachim): Okay, Hon. Roy Samo.

Hon. Samo: Hon. Chair, I totally agree with the validity of what Hon. Guya is saying. However, I would have wished he would have talked to the Chair as I also had the same concern but the Chairperson made a clarification. The Post-approval meeting that the chairperson talked about will involve both the Executive and the House Committee of Budget and Appropriations. This will help him and the other members to see all the projects as indicated. It would however be dangerous to want to approve a Bill with a notion that we do not know about it.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Hon. Samo.

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

Hon. Okiri: Thank you Mr. Chair. We are often advised to be very keen at this stage. I know the chairperson is going to come up on the explanation when he responds to the argument by Hon. Guya. I want to castigate what the Leader of Majority said about meetings in both Mombasa and Nairobi. Assuming there are members who were not in both meetings but are in this House, they cannot pass a budget that they do not know. So, the Hon. Onyango should have something lucrative for members to be enticed to passing this document.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you, I believe that just like Hon. Samo had clearly put it, there will be a Post-approval Meeting that would be held to clear the doubts and questions on the same. So, Hon. Chair you will have 2 minutes to respond to the concern by Hon. Guya.

Hon. Owiti: Thank you Hon. Chair, we had the budget report yesterday which was adopted in this House, and gave each one of us ample time to add what would have been a miss in our discussion. The Hon. Guya was around but left before the meeting was concluded and further failed to bring up that proposal until the report was adopted. I withdraw my statement.

Let me move to the response, and at the point where we are, we are looking at the voteheads of all the Departments. There was very little we could do on the Personnel Emoluments but we mentioned issues that needed to be addressed because our ratio of P&E is very high. Operations and Maintenance also had issues but ordinarily it had gone down so, there was need to reorganize the Development Vote and each member was given opportunity to look at what had been proposed versus what they went to propose at the wards and until yesterday, there were members of this Assembly who hadn't reconciled their Kshs. 20 million which was allocated. So, we said that there is a constitutional requirement, and legal requirement that we need to pass the budget.

There will only be reorganization of those items but it will not interfere with the Development Vote. When we now go to reorganize the final details ward by ward, then we will automatically see the remaining amount in that department. This was a long conversation because we had put our proposals and negotiated that there should be equity in each and every ward.

This is the reason why even when we were in Nairobi, there are certain decisions we made that once we have cleared and summarized and the amount is taken care of, whatever remains, there is an allocation called Conditional which will go specifically to Smart Agriculture among other development activities.

Up to where we are, we are still on track. Based on the discussions we have heard during the first and now the second reading, if there is any amendment in the vote then this is the right place. Like

we did with the Kshs 20, 000,000, we will still have contact with every member so that each and every ward is not denied its allocations.

Mr. Chair and Hon. Members, we have had other discussions outside this. For those who have been following the issue of payments, there is a time they stopped the process of validation. We agreed that those things must be validated so that the Opening Balance will represent those projects which have been approved and implemented. Will handle other finer details on need basis to ensure that what we approve is what goes into the voteheads and is what is implemented.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you. I believe that, we are done with that matter. Hon. Guya, I want to put it clear that at this stage of the Bill, we are not discussing the report. We are looking at the votes, which a lot of Members might ask themselves what the votes are. We are basically looking at the overall components so the issue of the content which I know Hon. Guya is raising, the Chair has addressed and there is another window which he has said will be opened and we will be able to get into the content which brings these votes.

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

Hon. Guya: Thank you Chair and I agree. But something cannot just go like that. Hon. Ngeta has insinuated something that is not right – that I do not understand what was happening. I want to make it clear that I understand the budget process and somebody like Hon. Ngeta who does not understand anything on budget making should not come to the Assembly to say that I do not understand anything. That is very wrong – it is what I wanted to correct. He does not have the moral authority to say that I do not understand anything on the budget.

Mr. Chair and Hon. Members, I want to agree with what Hon. Owiti has said but, the truth will remain the truth. For example, he says it will not affect us here but I want just to give you one example so that we get to know. Most of the members here proposed several projects like roads. If you go to the list of roads, the figure that was brought here remains the same – not taking into the account the proposals we made. But if you want me to sit down and accept that it is the right thing then, I will simply do that. Whatever I was raising is something genuine but because most members feel we need to pass it the way it is, I also want to agree with them that we pass it but after passing, we are going to have problems. We are passing the budget of roads at Ksh190 million yet the proposals on roads stand at more than Ksh400 million. So, where will we get that balance? The next moment, the projects will not be done. I would have wished that we correct this anomaly at this stage so that we move on the same page.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Hon. Guya. I believe that we are done with that matter and just for the purpose of clarity, Hon. Guya, at this stage of the Bill we are inclined to look at the votes and that is what we will stick to. Hon. Committee Chair, I request that we proceed. I know the postmortem or Post-budget Procedure will handle that. Hon.

Chairperson, Committee of the Whole House (Hon. Joachim): Steve Owiti.

Hon. Owiti: Chair, it is not post-mortem. We agreed to have Post-approval Meeting. Remember we had a Pre-budget Conference for the first time to canvass on some of the issues that we wanted to highlight. We have also seen the need to have a Post-budget Approval Meeting so that the finer details and the things that might not have been captured are done.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you, Hon. Owiti - the Budget Committee Chair. Let us proceed. It is Post-budget Approval Meeting but post mortem sounds very sweet.

Hon. Members, I am guided by Standing Order No. 126. We will proceed and we will go Clause by Clause. Remember guillotine had been proposed and adopted by this House. We will start with Clause 4 because as per the Standing Order, remember the Short Title, the Long Title, the Preamble will come later. Remember Clauses 1, 2 are part of the Short Title and Clause 3 basically explains the happenings in Clause 2. So, that is why we start with Clause 4 for purposes of clarity.

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

(The Clerks takes Member through Clauses 3,4 and 5)

Clause 3, 4 and 5 to be part of the Bill

Chair, Committee of the Whole House (Hon. Oketch): I don't know if there was any proposed amendment from the Chair. Because there is no amendment, I want to put a question that we adopt Clause 3, 4, and 5.

(Question put and agreed to)

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

(The Clerks takes Member through the First Schedule (vote 317R01 – Clause 317R14the Bill)

First Schedule (vote 317R01 – Clause 317R14 to be part of the Bill

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Chair, we are on the Schedules and because of guillotine, we will be handling the Recurrent Expenditure Component as a whole which starts from page two all the way to page four. Kindly, if there is any proposed amendment?

Hon. Owiti: Thank you Chair. I have an amendment because of the Car Bill that was passed. There is an additional allocation that we had already discussed of Kshs 43,100,000.00 which is on vote 317R12 on the Assembly. It means that figure will go to Kshs 745,021,194. I propose that that amendment be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Chair.

Hon. Owiti: Mr. Chair, I believe that I need a seconder. I ask the Hon. Leader of Majority to second.

Leader of Majority (Hon. Onyango): I second.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Leader of Majority. Hon. Chair, proceed.

Hon. Owiti: Thank you. Having taken into consideration that addition to the County Assembly by Kshs 43,100,000.00, it means that the Recurrent Expenditure of the County Assembly will go up by that same amount and thus it will not be Kshs 7.5 billion but it will be Ksh7, 648,095,005. I would want to ask the Leader of Majority to kindly second the report.

(The Leader of Majority bows)

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Leader of Majority. Before we move to the Development Expenditure, I want to put a question.

THAT we adopt the first schedule from page 2-4 with the amendments as stated by the Chairperson of Budget and Appropriations Committee.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Joachim): The parts stand adopted as read by the Chairperson.

Chairperson, Committee of the Whole House (Hon. Joachim): Clerk!

Part II of the First Schedule (the Development Expenditure Components) this is exhibited or explained by Vote Code 317 D01. That is; Development Expenditure I for Governance and Administration. Hon. Chair, with the indulgence I now ask kindly that that part from Page 5-7 that is; Vote Code 317D01 – 317 D14 including the Sub Total Development and the Grand Total be part of this Bill.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much. To the chairperson, any proposed amendment?

Hon. Owiti: No proposed amendment.

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

Hon. Owiti: Chair, I do not have any amendment on the Development Expenditure Vote but I have an amendment on the Grand Total budget to be appropriated. That is because of that

additional Recurrent Expenditure of the Assembly. The Grand Total of the budget shall now be Kshs 10, 904, 937, 676.00 and I ask Hon Rashid to second.

(Hon. Rashid bows)

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Hon. Chair. Having been read by the Clerk and amendment stated by the chair, I therefore called upon to put a question on the First Schedule on Second Part from page 5-7 including the Grand Total be amended to read Kshs 10, 904, 937, 676.00.

(Question put and agreed to).

Chairperson, Committee of the Whole House (Hon. Joachim): To the Clerk!

Hon. Chair, with your direction, we skipped clauses II and III for one purpose that there are some changes which I think the chair needs to move under clause II. We now have the new Grand total which is approved which are not captured in the clause II and that is again referred in clause III. So Hon. Chair may I ask you to kindly propose THAT clause II and III with the amendment that the chair is going to put be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much. Hon. Chair...just approach the chair please.

(Chairperson, House Committee consults the Chairperson, Budget Committee)

Chairperson, Committee of the Whole House (Hon. Joachim): Please proceed.

Hon. Owiti: Thank you chair, because of the revised County Allocation Revenue Act (CARA) Bill that was approved by the Senate. Our proposed budget nationally shall amount to Kshs 10, 904, 937, 676.00 shall be increased on amount to take care of those amendments. Now as we speak, I propose that our Grand total amount of revenue to be projected be read as Kshs 10, 904, 937, 676 and I ask the Hon. Dede to second that we include that to be part of the Bill.

(Hon. Dede bows)

Chairperson Committee of the Whole House (Hon. Joachim): Thank you very much Hon. Dede. Having been read by the Hon. Chairperson, Budget Committee with the proposed amendments and seconded by the Hon. Dede, I therefore put a question on clause II.

(Question put and agreed to)

Chairperson Committee of the Whole House (Hon. Joachim): Clause II stands adopted as read by the chair. Clerk!

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you Hon. Chair, pursuant to our Standing Order No.126 (b) and (h). We are going to the Long Title there is no preamble in this case of the Bill. We are now going to the Long Title and Citation.

THE KISUMU COUNTY APPROPRIATIONS BILL, 2021

A Bill for an Act of the County Assembly of Kisumu to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the services in the year ending on the 30th June, 2022, and to appropriate those sums for certain public services and purposes.

The Bill is ENACTED under the County Assembly of Kisumu as follows-

Short Title

This Act may be cited as the Kisumu County Appropriation Act, 2021.

Hon. Chair if you read the plain reading of that Long Title seemingly there is something which is a miss. The other thing Hon. Chair or the Leader of Majority because it reads a Bill for a Bill but it is a Bill for an Act.

Chairperson Committee of the Whole House (Hon. Joachim): Thank you very much; I believe that I will allow the Chair to proceed.

Hon. Owiti: Thank you Chair. I want to propose that an amendment be made on the Long Title clause that in a place a Bill, we replace it with an Act.

THAT; KISUMU COUNTY ASSEMBLY APPROPRIATION BILL 2021,

A Bill for

It is now an **Act**. Because we are working on the safer process. We need an Act of Kisumu County Assembly to authorize the issue... So I propose that we delete the word Bill and insert Act so that it reads; an Act of County Assembly of Kisumu to authorize the issue of certain... as it goes.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much chair.

Hon. Owiti: I request Hon. Ageng'o to second.

(Hon. Ageng'o bows)

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Chair. Remember we are on the Long Title as regarded by Standing Order No. 126 (b) and therefore I put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Members, the Long Title stands adopted with the said amendments.

Chairperson, Committee of the Whole House (Hon. Joachim): Clerk!

Short Title/Citation.

1. This act maybe cited as the Kisumu County appropriation Act, 2021.

Once it is approved, it will now be cited as; This Act may be cited as the Kisumu County Appropriation Act 2021.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much. Being that there is no amendment for the Short Title, I propose that we equally put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Members, the Short Title stand adopted as part of the Bill without any amendment.

Chairperson, Committee of the Whole House (Hon. Joachim): Clerk!

MEMORANDUM OF OBJECTS AND REASONS

The Kisumu County Appropriations Bill, 2021 makes provisions for giving statutory sanction for public expenditure for the year ending on the 30th June, 2021 on the basis of the estimates of expenditure for FY2021/2022 (Recurrent) and the estimates of the expenditure for FY2021/2022 (Development) and for the appropriation of those amounts.

That is the Objects and Reasons for this law to appropriate funds for both recurrent and development for the FY2021/2022 ending 30th June, 2022.

Chairperson, Committee of the Whole House (Hon. Joachim): Thank you very much Mr. Clerk. Having read the Memorandum of Objects and Reasons and being no amendments to it. I will also propose that we put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Members, the Memorandum of Objects and Reasons stand adopted without any amendments.

Chairperson, Committee of the Whole House (Hon. Joachim): Hon. Members, I believe we are through. Once again I thank the Hon. Chair and the Members for the lengthy deliberation. It will be long but I believe we are making steps amidst the challenges that we have as members.

(Committee of the Whole House reverts to the plenary)

[The Speaker (Hon. Oraro) in the Chair]

(Consultations)

The Speaker (Hon. Oraro): Yes Hon. Members, the last time we convened into the Committee of the Whole House. So, I believe that the Chairperson, Committee of the Whole House who is the Chair of Chair is expected to give a report on the deliberations from the Committee of the Whole House. The floor is yours.

Hon. Joachim: Thank you Mr. Speaker. The Committee of the Whole House had a lengthy discussion and this being a Money Bill we understand that there are a lot intrigues involved.

Mr. Speaker, I would like to give the report of the Committee of the Whole House that, as guided by the provisions of Standing Orders No. 126, we did delve into the Kisumu County Appropriations Bill, 2021. The Chairperson of the Committee of County Budget and Appropriations, Hon. Steve Owiti proposed that we go the guillotine way and this was seconded by the Leader of Majority.

Mr. Speaker, we moved Clause by Clause. We did commence by looking at Clause 4 because as per the provisions of Standing Orders No. 126 we recall that the Long and Short Titles come at the tail end of the reading and basically Clause 3 explains what happens in Clause 2.

So, Mr. Speaker, in clause 4 and 5 the Committee did not propose any amendments. On the Schedules, which is from page 2 of the Bill, we did handle the Recurrent Expenditure Vote-head from page 2 all the way to page 4.

Mr. Speaker, there was proposed amendments on the Schedules which is on page 4 of the Bill. That is Vote-head 317R12. On the General Administration and Planning Services and this is the amount required in the year ending 30th June, 2022 for the expenses of the County Assembly including Salaries, General Administration and Planning. Mr. Speaker, initially it was Kshs 701,942,494.00. Mr. Speaker, this was necessitated by additional funds for Recurrent Expenditure to the tune of Kshs 43,100,000.00 which triggered the amendments to read Kshs 745,021,404.00.

Mr. Speaker, as a result of that change, there was likewise an amendment on the Sub-total on the Recurrent Expenditure Votehead because the changes that were made on the Votehead 317R12 had a resultant effect on the Sub-total. Therefore. Kshs 7,599,299,582.00 was amended to read Kshs 7,648,095,005.00.

Mr. Speaker, on the second part of the First Schedule, that is from page 6. Mr. Speaker, from page 5 all the way to page 7 which is on the Development Expenditure Votehead 317D. Mr. Speaker, we did have an amendment on the last segment which is the Grant Total of both the Recurrent and the Development Expenditure Votes. This was also because of the amendments that were undertaken on Votehead 3017R12 for the expenses of the County Assembly including Salaries,

General Administration and Planning of Kshs 43,100,000.00. This had a resultant effect on the Grand Total.

Mr. Speaker, therefore Kshs 10,856,142,253.00 was amended to read Kshs 10,904,937,676.00.

Mr. Speaker, we simultaneously had an amendment on the Long Title of the Bill. If you read the Kisumu County Appropriations Bill, 2021, A Bill for. Mr. Speaker, remember the first two words there is a repetition for a Bill for a Bill of. Therefore, this was amended by expunging the word Bill in the first sentence is substituted with an Act for.

Mr. Speaker, if I read it in total, it will read, read the Kisumu County Appropriations Bill, 2021, An Act of the County Assembly of Kisumu to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the service for the year ending on the 30th June, 2022, and appropriate those sums for certain public services and purposes.

Mr. Speaker, we did not have any amendments on the Short Title. Therefore, this was adopted without any amendments.

Mr. Speaker, on Clause 2, there was a corresponded amendment because we did ament the Grand Total amount which was initially Kshs 10,856,142,253.00 and in words Ten Billion, Eight Hundred and Fifty Six Million, One Hundred and Forty Two Thousand, Two Hundred and Fifty Three Shillings Only. This had to be amended to read as follows;

The County Treasury may issues the sums of Kenya Shillings 10,904,937,676.00, Ten Billion, Nine Hundred and Four Million, Nine Hundred and Thirty Seven Thousand, Six Hundred and Seventy Six Shillings Only out of the County Revenue Fund and supply granted for the service of the year ending on the 30th June, 2022.

Mr. Speaker, we did not have any amendment on the Memorandum of Object and Reasons. Therefore, it was adopted without amendments.

Mr. Speaker, basically, those were the few amendments that we made in the Committee of the Whole House. Therefore, I call upon the Chairperson, County Budget and Appropriations Committee to second. Thank you

Hon. Steve Owiti: (Bows).

The Speaker (Hon. Oraro): Hon. Members, we have received the report from the Chairperson, Committee of the Whole House presented by the Liaison Chairperson seconded by the Chairperson, County Budget and Appropriations Committee. As our tradition, I want to put a question?

(Question put and agreed to)

The Speaker (Hon. Oraro): Hon. Members, the report from Committee of the Whole House now forms part of the Kisumu County Appropriations Bill, 2021. Thank you.

The Speaker (Hon. Oraro): Next order!!

ADJOURNMENT

The Speaker (Hon. Oraro): Hon. Members, there being no any other business to transact, this House stands adjourned until today Wednesday, 30th June, 2021 at 02:30 p.m.

(House arose at 12:20 hours)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (In-charge)</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Ogolla</i>	-	<i>Reporter</i>