

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – SIXTH SESSION

Wednesday, 22nd June, 2022

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

(The Temporary Speaker (Hon. Inviolata) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Inviolata): Good afternoon Honourable Members and welcome to this afternoon session of the County Assembly. I want to refer you to the provisions of County Assembly of Kisumu Standing Orders No. 32 (2) and request that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum Bellis rung for five minutes)

The Temporary Speaker (Hon. Inviolata): Hon. Rashid Miruka, can you please confirm if we have quorum.

Hon. Miruka: Thank you Madam Speaker, there is quorum.

The Temporary Speaker (Hon. Inviolata): Mr. Clerk, please take us through the order of the day.

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

PAPER LAID

The Temporary Speaker (Hon. Inviolate): Yes Senior Member, Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. I seek your indulgence and allow me lay this paper on behalf of the Chairperson, Budget and Appropriations Committee Hon. Steve Owiti.

The Temporary Speaker (Hon. Inviolate): Please proceed.

Hon. Khan: Thank you Madam Speaker. On behalf of the Chairman, Hon. Steve Owiti and pursuant to the provisions of County Assembly Standing Orders No. 182 (6), I wish to table today Wednesday, 22nd June, 2022 a report from the Select Committee of County Budget and Appropriations on its consideration of the Proposed Kisumu County Budget Estimates for the Financial Year 2022/2023. Thank you.

(Hon. Khan tables the report before the House for consideration)

The Temporary Speaker (Hon. Inviolate): Thank you. Honourable Members, I would like to confirm receipt of the report from the Select Committee of County Budget and Appropriations on its consideration of the Proposed Kisumu County Budget Estimates for the Financial Year 2022/2023. I would like to refer this report to the Select Committee of House Business for scheduling for discussion. Thank you.

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

NOTICE OF MOTION.

The Temporary Speaker (Hon. Inviolate): Yes Senior Member, Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. I again seek your indulgence and allow me lay this paper on behalf of the Chairperson, Budget and Appropriations Committee Hon. Steve Owiti.

The Temporary Speaker (Hon. Inviolate): Please proceed Hon. Member.

Hon. Khan: Thank you Madam Speaker. On behalf of the Chairman, Hon. Steve Owiti and pursuant to the provisions of County Assembly Standing Orders No. 45 (1), I wish to give a Notice of Motion today Wednesday, 22nd June, 2022 a report from the Select Committee of County Budget and Appropriations on its consideration of the Proposed Kisumu County Budget Estimates for the Financial Year 2022/2023. Thank you.

The Temporary Speaker (Hon. Inviolate): Thank you. Next order!!

STATEMENTS.

The Temporary Speaker (Hon. Inviolate): Honourable Members, we are on Statement hour.

The Temporary Speaker (Hon. Inviolata): Any Honourable Member with any issues to raise?

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

MOTION.

SECOND READING OF THE PROPOSED KISUMU COUNTY REVENUE
ADMINISTRATION (AMENDMENT) BILL, 2022

BY

HON. STEVE OWITI, MCA, KOLWA EAST.

(CHAIRPERSON, COUNTY BUDGET AND APPROPRIATIONS)

The Temporary Speaker (Hon. Inviolata): Yes Senior Member, Hon. Khan.

Hon. Khan: Madam Speaker thank you once again. I would like to request the Clerk to read the Kisumu County Revenue Administration (Amendment) Bill, 2022 for the second time.

The Temporary Speaker (Hon. Inviolata): The Clerk, please proceed.

THE KISUMU COUNTY REVENUE ADMINISTRATION (AMENDMENT) BILL, 2022

A Bill for

AN ACT of the County Assembly of Kisumu to amend the Kisumu County Revenue Administration Act, 2015 to give effect to S. 157 (1) of the Public Finance Management Act, 2012 and to provide for the establishment of the Kisumu County Revenue Board as a body for the assessment and collection of County revenue, for the administration and enforcement of the laws relating to revenue and for connected purposes.

Madam Speaker and Honourable Members, the Kisumu County Revenue Administration (Amendment) Bill, 2022 is now read for the Second time. Thank you.

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

The Temporary Speaker (Hon. Inviolata): Yes Senior Member, Hon. Khan.

Hon. Khan: Thank you Madam Speaker. I propose that the House concert in the Committee of the Whole House.

(House collapses into the Committee of the Whole House)

(Hon. Seth Okumu Chairs the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, we are now in the Committee of the Whole House to look at the amendments that were proposed and we want to make them on the Bill and I want to accord the Chairperson, Budget and Appropriations.

Hon. Khan: Thank you very much Mr. Chair. The Committee had presented their report on the Bill this morning which contained the amendments therein. What I am proposing is that we move clause by clause and if Members have any proposals where necessary, they will be taken into considerations. So, the Committee's recommendation are there and I would like to go through them one by one.

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Member, I believe that under Standing Orders No. 127 I believe it commences from 126 which states;

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

- (a) Clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;*
- (b) New clauses;*
- (c) Schedules;*
- (d) New schedules;*
- (e) Interpretation;*
- (f) Preamble, if any;*
- (g) Long title; and*
- (h) The clauses providing for the citation of the Bill and the commencement.*

So, Honourable Members, I believe that we move clause by clause and you can propose all the amendments and they are seconded and Members can debate upon them and we approve them at once.

Hon. Khan: Mr. Chairman, if you may allow me Let me commence with causes 1, 2 and 3. Mr. Chair, there are no propose amendments therein. Therefore, they will remain unamended.

Mr. Chair, on clause 3A, the Committee has proposed as follows; amends clause (3) of the Parent Act to provide for insertion of new section (3) for Establishment of a Board to be known as the Kisumu County Revenue Board. We have inserted the word "Board" and this was approved as the Committee resolution and there was not public input on the same. So, this remain the way it is.

Mr. Chair and Honourable Members, in clause (3) we provided for establishment of a Directorate. It amends clause (3) of the Parent Act to provide for insertion of new section (3) for Establishment

of a Board to be known as the Kisumu County Revenue Board. This was approved by the public and the Committee.

Mr. Chair and Honourable Members....

Chairperson, Committee of the Whole House (Hon. Okumu): Order!! Honourable Member. I would prefer that you inform the House exactly how the clause will now read if we either delete, insert or substitute whatever proposals were made in the report.

Hon. Khan: Mr. Chair and Honourable Members, the first would be the Short Title which states that the Act may be cited as Kisumu County Revenue Administration (Amendment) Bill, 2022.

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Khan, please approach the Chair.

(The Chair consults with Hon. Khan on procedural issues)

Hon. Khan: Thank you very much Mr. Chair. I stand guided. Mr. Chair, we go to clause 3A which is on the establishment of the Kisumu Revenue Board...

Chairperson, Committee of the Whole House (Hon. Okumu): Order!! Honourable Member. Thank you, I want to propose that clause 3 be part of the Bill. If there are no further amendments to clause 3, then, I will put a question?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Clause 3 of the Kisumu County Revenue Administration (Amendment) Bill, 2022 becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Member, we move to clause 3A. I want to propose that clause 3A becomes part of the Bill. Honourable Chair, do you have any proposed amendments to clause 3A?

Hon. Khan: Thank you very much Mr. Chair. We have a proposed amendments to clause 3A (5).

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

Hon. Khan: Mr. Chair, in clause 3A (5) which provides for the Composition of the Board whereby the Composition of the Board should;

1. Consider "2/3rd of gender" be inserted.

2. The Membership of the Board be reduced from “nine” to “seven”
3. In clause 3A (5) (d) by removing the Director of Revenue;
4. One person’s among the four to be appointed by the CEC for Finance;

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Khan, please approach the Chair.

(The Chair consults with Hon. Khan)

Hon. Khan: Mr. Chair, if you may allow me to continue.

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

Hon. Khan: Thank you Mr. Chair. In clause 3A (5) (d), the Committee proposes that the words “the County Director of Revenue” be deleted.

Mr. Chair on the same clause 3A (f) the Committee has a proposed amendment whereby the words “four other persons” should be amended to read “three persons appointed by the CEC Member for Finance”.

Mr. Chair, after clause 3A (f) the Committee has proposed a new insertion of the issue of “2/3rds Gender”. Mr. Chair, those are the only amendments in clause 3A (5).

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Khan, please identify a Member to second you proposals.

Hon. Khan: Thank you Mr. Chair. May I call upon Hon. Oiko Pete to second?

Leader of Minority (Hon. Oiko): Thank you Mr. Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, I now want to propose that clause 3A (5) be part of the Bill as amended. I want to put a question?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Clause 3 A (5) of the Kisumu County Revenue Administration (Amendment) Bill, 2022 becomes part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Chair!!

Hon. Khan: Thank you Mr. Chair, I was inquiring if we proceed.

Chairperson, Committee of the Whole House (Hon. Okumu): Yes we are continuing. I want to put a question that clause 3B becomes part of the Bill?

Hon. Khan: Mr. Chair, clause 3B has a proposed amendment. It should be amended to read: No person shall be appointed as the Chairman of the Board or as a member of the Board under paragraph (f) of subsection (4) if such person is a public officer or has been a public officer within the immediately preceding six months.

We propose that we delete the “immediately preceding six months” and substitute with the word “officer a period preceding six months”. I call upon Hon. Nancy Owiti to second?

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

Nancy Owiti: Thank you Mr. Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu): Thank you. Honourable Members, I now want to propose that clause 3 (B) be part of the Bill as amended. I want to put a question?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, clause 3B of the Kisumu County Revenue Administration (Amendment) Bill, 2022 becomes part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Okumu): Honourable Members, clause 3C? Yes Hon. Chair.

Hon. Khan: Thank you Mr. Chair, there is a proposed amendment on clause 3C (b). It should be amended by deleting the words “has knowledge and experience of at least five years

Mr. Chair, if you delete the word “experience of at least five years” and inserts the words “ no experience and has knowledge and no experience in matters relating to accountancy, commerce, law, taxation, business administration or public administration to qualified persons with no experience in the field to seek the positions”

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Chair, could you please come up again. You have stated that the Committee has an amendment in clause 3C, which sub-clauses?

Hon. Khan: Thank you Mr. Chair, clause 3C sub-clause (b).

Chairperson, Committee of the Whole House (Hon. Okumu): The (b) part?

Hon. Khan: Yes Chair. This read as follows; has knowledge and experience of atleast five years in matters relating to accountancy, commerce, law, taxation, business administration or public administration to qualified persons with no experience in the field to seek the positions.

Mr. Chair, it is amended to read as follows; “has knowledge and delete the word “experience of at least five years” substitute with the words “no experience”. Mr. Chair it should therefore read;

“has knowledge and not experience in matter relating to accountancy, commerce, law, taxation, business administration or public administration to qualified persons with no experience in the field to seek the positions”

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Khan, please approach the Chair.

(The Chair consults with Hon. Khan)

Chairperson, Committee of the Whole House (Hon. Okumu): Hon. Agolla, please approach the Chair. The Serjeant-at-Arms, please assist Hon. Agolla to reach the chair with haste.

(The Chair consults with Hon. Agolla and Hon. Khan)

Hon. Khan: Thank you Mr. Chair, I propose that we revert back to plenary.

(House reverts back to plenary)

(The Temporary Speaker in the chair)

The Temporary Speaker (Hon. Inviolata): Honourable Members we are in the plenary session. The Chair, Committee of the Whole House, can you report back the deliberations of the Committee of the Whole.

Hon. Okumu: Thank you so much Madam Chair. In the Committee of the Whole House we had very extensive deliberations and we were trying to factor in what was in the report into the Bill. Madam Chair, we were not successful in so many clauses. After a long protracted discussions, we resolved to call off the Committee of the Whole House so that we allow the report to identify exactly areas on the proposed recommendations where the amendments need to appear in the Bill.

Madam Chair, it is our humbly request that, we be accorded more time so that we have another session probably tomorrow so that we factor in those recommendations. For that reason, we were not able to proceed with further reading of the Bill. Thank you Madam Speaker.

The Temporary Speaker (Hon. Inviolata): Honourable Members, as well reported from the Chair, Committee of the Whole House, we cannot proceed to the Third Reading of this Bill. This has been deferred to tomorrow as requested by the Chair, Committee of the Whole House.

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

ADJOURNMENT

The Temporary Speaker (Hon. Inviolata): Honourable Members, there being no any business to be transacted, this House stands adjourned to Thursday, 23rd June, 2022 at 02:30 p.m.

(House arose at 03:20 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng’ – Hansard Reporter