

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Wednesday 06th March, 2024

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): Clerk, please take us through the Order Paper of today.

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

PAPERS LAID

MODEL INTERGOVERNMENTAL CONDITIONAL ALLOCATION TRANSFER
AGREEMENT

BY

HON. LUMUMBA OWADE, MCA, SOUTH EAST NYAKACH WARD

(THE DEPUTY LEADER OF MAJORITY)

REPORT OF THE SELECT COMMITTEE OF PIC/PAC ON EXAMINATION OF THE
AUDITOR GENERAL REPORT ON THE FINANCIAL STATEMENTS OF KISUMU
COUNTY REFERRAL HOSPITAL FY 2021/2022

BY

HON. JAMES WERE, MCA, NYALENDA “B” WARD

(LAID ON BEHALF OF THE CHAIRPERSON)

(MEMBER, SELECT COMMITTEE OF PIC/PAC)

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

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Speaker. Pursuant to the provision of Section 191 (a) of the Public Finance Management Act, 2012 read together with Section 8 of the County Government Act, 2012, I wish to table today Wednesday 06th March, 2024 a Model Intergovernmental Conditional Allocation Transfer Agreement. Thank you.

(The Deputy leader of Majority lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I want to confirm that on 21st February, 2024, a letter was written to the Clerk by the County Executive Committee Member for Finance and Economic Planning on a Model Intergovernmental Conditional Allocation Transfer Agreement that has been tabled by the Deputy Leader of Majority. Honourable Members, I want to refer Members to Section 191 (a), 3 (b), of the Public Finance Management Act (Amendment) 2022. It requires that, before the County Government proceeds with any conditional grant, it must lay before the House all the agreements.

Honourable Members, the Council of Governors in their sitting came up with a Model Intergovernmental Conditional Allocation Transfer Agreement which the Executive of Kisumu County adopted and put all the Conditional Agreements that they have in it. So, this document is properly laid before the House as per that amendment on the Public Finance Management Act. I want to commit this agreement to the Standing Committee of Finance and ICT. This House Committee will invite the County Executive Committee Member for Finance and Economic Planning for further queries or on their role in this kind of agreements.

Honourable Members, the purpose of this is enable the committee report back to the House through a motion or a report on the agreements if they are in tandem with what is proposed in the CRA. The main reason this is done is because the National Treasury is expected to carry out further Public Participation on the same before we move to the Fiscal Year 2024/2025. I believe that, this should take a week. Please ensure that you contact the County Executive Committee Member for Finance and Economic Planning for clarification so that you can sit and listen to the concerns. Remember there are only two options. You either agree with it or reject it because it is not originating from us. It is from Council of Governors which the County Government of Kisumu brought to the Assembly.

Honourable Members, if there is any matter concerned then you can raise it as a comment or concern and if rejected then it can be taken back to the Governor with the comments then they take it to the CoG with those comments and the process is repeated. I can see Hon. Lumumba Owade who is the Vice Chair.

The Speaker (Hon. Oraro): Yes Hon. James Were.

Hon. Were (MCA, Nyalenda “B: Ward): Thank you Mr. Speaker. Allow me to lay this Paper on behalf of Hon. Kennedy Ouko.

The Speaker (Hon. Oraro): Proceed.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Mr. Speaker. Pursuant to the provision of Orders No. 183 (2) of the Standing Order, I wish to table today Wednesday 06th March, 2024 a report by PICPAC Committee on Examination of the Auditor General Report on the Financial Statements of Kisumu County Referral Hospital FY 2021/2022. Thank you.

(On behalf of the Chair, Hon. Were lays the paper before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I want to confirm the receipt of a report by PICPAC Committee on Examination of the Auditor General report on the Financial Statements of Kisumu County Referral Hospital FY 2021/2022. I direct that the Clerk and the Chair of this House Committee ensures that the Members have this report on time for debate. I repeat that ensure that Members have this report for proper debate on the motion.

Honourable Members, for the Model Intergovernmental Conditional Allocation Transfer Agreement that was laid by Hon. Lumumba Owade, please ensure that it is scanned and send to Members early enough for purposes of preparing it for debate.

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

NOTICE OF MOTION

REPORT OF THE SELECT COMMITTEE OF PICPAC ON THE EXAMINATION OF THE
AUDITOR GENERAL REPORT ON THE FINANCIAL STATEMENTS OF KISUMU
COUNTY REFERRAL HOSPITAL FY 2021/2022

BY

HON. JAMES WERE, MCA, NYALENDA “B” WARD

(NOTICE GIVEN ON BEHALF OF THE CHAIRPERSON)

(MEMBER, SELECT COMMITTEE OF PIC/PAC)

The Speaker (Hon. Oraro): Hon. James Were.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Mr. Speaker. Allow me to give a Notice of Motion on behalf of Hon. Kennedy Ouko.

The Speaker (Hon. Oraro): Proceed.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Mr. Speaker. Pursuant to the provision of Orders No. 45 (1) of the Standing Order, I wish to give a Notice of Motion on a report by PICPAC Committee on Examination of the Auditor General report on the Financial Statements of Kisumu County Referral Hospital FY 2021/2022. Thank you.

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

STATEMENT

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

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Speaker. Pursuant to the provision of Standing Order No. 42 (2) (c)....

The Speaker (Hon. Oraro): Honourable Deputy Leader of Majority, you are rising while citing the provisions of which Standing Orders?

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Mr. Speaker, I arise while citing the provisions of Standing Orders No. 42 (2) (c).

The Speaker (Hon. Oraro): The Deputy Leader of Majority, please approach the Chair.

(The Speaker, consulting with The Deputy Leader of Majority)

The Speaker (Hon. Oraro): Proceed.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Speaker. Pursuant to the provision of Standing Order No. 42 (2) (c) which mandates me in my capacity as the Deputy Leader of Majority to present and lay a Statement informing the County Assembly of the business coming before the House in the following week.

Hon. Speaker, this is therefore to bring to the attention of the Honourable Members and the County Assembly that for the week commencing Wednesday 6th March, 2024 to 12th March, 2024. The Select Committee on Assembly House Business at its last meeting approved the following tentative businesses to appear in the order paper as follows;

On Wednesday, 06th March, 2024 at 9.00 a.m. the papers to be laid. The County Assembly Leader of Majority, Hon. Kennedy Ooko intends to law the following papers;

PAPERS TO BE LAID

A Model inter-governmental Conditional Allocation Transfer Agreement. Secondly, the Chairperson PIC/PIC Hon. Ouko will Move a Motion for adoption of a report by PIC/PAC Committee on the Examination of Auditor General's report on the Financial Statements of the Kisumu County Referral Hospital for FY 2021/2022.

NOTICES OF MOTION

The Chairperson PIC/PAC Committee Hon. Ouko intends to give the following of Motion: That pursuant to Orders No. 182 (6) of the Standing Orders, this House adopts a report of PIC/PAC Committee on the Examination of Auditor General's report on the Financial Statements of the Kisumu County Referral Hospital for FY 2021/2022.

SUBSTANTIVE BUSINESS FOR THE DAY

The Chairperson Agriculture, Fisheries, Livestock Development and Irrigation Committee Hon. Eunice Alandoh will Move the following: Second Reading of Kisumu County Agricultural Sector Co-ordination Bill, 2023, County Assembly Bill No. 7 of 2023.

Mr. Speaker, on Wednesday, 06th March, 2024 at 2:30 p.m.,

PAPERS TO BE LAID

1. The County Assembly Leader of Majority Hon Kennedy Ooko intends to lay the following Paper: Kisumu County Fiscal Strategy Paper FY 2024/2025

The Chairperson Lands, Housing Physical Planning and Urban Development Committee Hon Boitone Ratib intends to Table the following reports:

1. The report on the Representation of the County in the Lands Control Board
2. Report on the Status of Operation of Municipalities in Kisumu County

SUBSTANTIVE BUSINESS FOR THE DAY

The Chairperson Sectoral Committee on Agriculture, Fisheries, Livestock Development and Irrigation Hon Eunice Alandoh intends to Move the following:

1. Third Reading of the Kisumu County Agricultural Sector Co-Ordination Bill, 2023, County Assembly Bill No. 7 of 2023.
2. Second Reading of the Kisumu County Facility Improvement Financing Bill, 2023, County Assembly Bill No. 9 of 2023.

Mr. Speaker, on Thursday 07th March, 2024 at 2:30 p.m., the following business will be transacted;

NOTICES OF MOTION

1. The Chairperson Lands, Housing, Physical Planning and Urban Development Committee Hon Boitone Ratib intends to give the following Notice of Motion: That, pursuant to Orders No. 182 (6) of the Standing Orders, this House adopts a report of the Standing Committee of Lands, Housing, Physical Planning and Urban Development on the Representation of the County in the Lands Control Board
2. That pursuant to Orders No. 182 (6) of the Standing Orders, this House adopts a report by Standing Committee of Lands, Housing, Physical Planning and Urban Development on the Representation of the County in the Lands Control Board

Mr. Speaker, please allow me to proceed with the following

SUBSTANTIVE MOTION OF THE DAY

The Chairperson Sectoral committee Agriculture, Fisheries, Livestock Development and Irrigation Committee Hon Eunice Alandoh intends to Move;

1. The Third Reading of the Kisumu County Facility Improvement Financing Bill, 2023, County Assembly Bill No. 9 of 2023.
2. The Chairperson on Select Committee on PIC/PAC Hon. Ouko intends to Move a Motion on Adoption of the report of PIC/PAC Committee on the Examination of Auditor General's Report on the Kisumu County COVID-19 Emergency Fund for the year ended 30th June, 2022.

Mr. Speaker, on Tuesday, 12th of March, 2024 at 2:30 p.m.

PAPERS TO BE LAID

The Chairperson on Standing Committee of Water, Environment, Natural Resources and Climate Change Hon. Dede intends to table the following report: Report on the Petition regarding intended increase of water tariffs and master operations.

SUBSTANTIVE BUSINESS OF THE DAY

The Chairperson Select Committee on PIC/PAC Hon. Ouko intends to Move a Motion on adoption of a report on the Examination of the report by the Auditor General on the Financial Statements of Kisumu County Emergency Fund for the year ended 30th June, 2022. Thank you Mr. Speaker.

The Speaker (Hon Oraro): Honourable Members, you have noticed that I have allowed Hon Deputy Leader of Majority, on behalf of Majority Leader, to give that Statement as per the provisions of Standing Order No. 41 (2) (c) which reads:

“The Majority Leader or in his absence a Member of the House Business Committee designated by the Majority Leader for that purpose shall every Thursday or the last sitting day of the week present and lay on the Table a Statement informing the County Assembly of the Business coming before the House the following week.

Honourable Members that is a practice that I said we need to adopt. The reason we are adopting that is for you to get prepared for business to be transacted in the coming days. Therefore, the Members who are scheduled to table reports or Papers or even to Move Motions need to mobilize their House Committee Members.

This Statement ought to have been made yesterday because our last sitting of the week as per our calendar is Tuesday. Reason being we do our House Business Committee sitting on Tuesday and we plan for Wednesday to Tuesday the next week. By interpretation, it means that our last sitting of the week in the calendar is Tuesday. I have allowed the Deputy Leader of Majority to present this statement today because yesterday we adjourned because of lack of quorum. Therefore, the only perfect day we would have it done is today. Otherwise, the Leader of Majority after laying the Paper, I want to direct that the same be copied to all the Members so that they are made aware of what is coming in the week.

The Speaker (Hon Oraro): Hon Members, it is Statement time

(Silence)

The Speaker (Hon Oraro): Next order!!

BILL

Second Reading

2ND READING OF THE KISUMU COUNTY AGRICULTURAL SECTOR CO-ORDINATION
BILL, 2023

(COUNTY ASSEMBLY BILL NO. 7 OF 2023)

(PRESENTED ON BEHALF OF THE CHAIRPERSON)

BY

HON. BILL OLIVER ODHIAMBO, INDEPENDENT MEMBER.

(VICE-CHAIRPERSON, STANDING COMMITTEE OF AGRICULTURE, LIVESTOCK
DEVELOPMENT, FISHERIES AND IRRIGATION)

The Speaker (Hon Oraro): Yes, Hon Bill

Hon Bill (MCA, Kobura Ward): Mr. Speaker, I want to request that, on behalf of my Chair, that the Bill should be read for a second time.

(Clerk-at-the Table reads the Kisumu County Agricultural Sector Co-ordination Bill, 2023, County Assembly Bill of No. 7 of 2023 read for the second time)

The Speaker (Hon Oraro): Honourable Members, before I give Hon. Bill time to proceed, I want to give a direction that as per the provisions of our Standing Orders, and even as a practice in both the Senate and the National Assembly, Members are always given an opportunity to debate on a Bill in the Second Reading. But what we have practiced, which I believe that is making us maximize on the time we have is that, when the report comes, we debate on it, we only agree with the proposed amendments moved by the House Committee and the public, after public participation. We even allow Members to give further amendments. Honourable Members, this gives us the opportunity to maximize on the time so that when the Bill is read for the Second time, we revert to the Committee of the Whole House. This is where we adopt the amendments on the report are report back on the same. So, in that regard, therefore, it is just in order to give Hon. Bill time to proceed.

Hon. Bill (Vice Chair, Agriculture Committee): Thank you Mr. Speaker, I request to move that the House moves to the Committee of the Whole.

The Speaker (Hon. Oraro): Hon. Bill can you approach the Chair?

(Hon. Bill approaches the Chair)

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you, Chair, I move that the House proceeds to the Committee of the Whole House.

COMMITTEE OF THE WHOLE

(The Speaker (Hon. Oraro) leaves the Chair)

IN THE WHOLE HOUSE COMMITTEE

(The Temporary Chairperson (Hon. Okumu) in the Chair)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, we are in the Committee of the Whole House, and I will first take us through the sequence to be observed in a Bill, in a Committee of the Whole House on which is pursuant to the provisions of Standing Order No. 126

'In considering a Bill in the 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, we will proceed with the Kisumu County Agricultural Sector Coordination Bill, 2023 in that order.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Madam Clerk, Clause III.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Hon. Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, I propose the question that Clause III be part of the Bill.

Hon. Bill (Vice Chair, Agriculture Committee): That Clause III be amended in paragraph (a) by deleting the word “*co-ordination*” appearing immediately after the word “*sector*” and substituting therefore with the word “*consultation and cooperation*”. So, I call upon Hon. Samuel Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Hon. Dede

Hon. Dede (MCA, North Kisumu Ward): Thank you, Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, an amendment has been proposed in Clause III and seconded by the Hon. Dede, and I now want propose a question that we debate the amendment.

(Pause)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, if there is no debate on the amendment, then I propose to put a question of adoption.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable members, I direct that Clause III as amended be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Next Clause IV

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): That, Clause IV be amended in 'KASCOM' by inserting letter "C" between letters "K" and "A" to read "KCASCOM" and I call upon Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Hon. Dede.

Hon. Dede (MCA, North Kisumu Ward): Thank you Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, an amendment has been proposed in Clause IV, and I propose to put a question that we debate on the amendment.

(Pause)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, if there is no debate on the amendment, then I propose to put a question of adoption.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I now direct that Clause IV as amended is now part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Next Clause V

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you, Chair, in Clause V we do not have any amendments.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there is no amendment in Clause V from the House Committee. Any amendments in Clause V that Hon. Members want to propose?

(Pause)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, There being no amendments in Clause V, I now put that Clause V be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I now direct that Clause V is part of the Bill. Next Clause

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Chair, Clause VI?

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Mr. Chair, that Clause VI be amended in **sub-clause (a), paragraph (e), by deleting the entire provision and substituting** therefore by the following.

“A representative of the Non-State Actor, actively involved in Agricultural activity”

Secondly, “Amending Paragraph (f) by deleting the entire provision and substituting therefore as follows;

“i) a representative from the agriculture sector network”

Third, “Amending paragraph (g) by deleting the entire provision and substituting therefore as follows;

“a representative of the Lake Development Authority”.

And in (b) of that Clause, in Sub-Clause (iii) by deleting the number 7 appearing immediately after the word section, and substituting therefore with the number 1. I therefore want to call upon Hon. Samuel Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Hon. Dede.

Hon. Dede (MCA, North Kisumu Ward): Thank you Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, there are proposed amendments in Clause VI, and seconded by Hon. Dede and I want to propose a to put a question that we debate on the amendments.

(Pause)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, if there is no debate on the amendments, then I propose to put a question of adoption that Clause VI as amended be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I now direct that Clause VI as amended be part of the Bill. Next Clause

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Clause VII.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you, Chair. That, Clause VII be amended in sub-clause (iii), by deleting 7 (1) (d), (e), (f) and (g) appearing immediately after the word “section” and substituting therefore with the number 6 (1) (d) (e) (f) (g) and (h). I call upon Hon. Samuel Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes, Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you Chair, I beg to second, thank you.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, an amendment has been proposed in Clause (7) and I want to put a question that we open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate on the same, I now put a question that Clause (7) as amended be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I now put a question that Clause (7) as amended be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Next Clause?

Clauses (8) (9) (10) (11) and (12)

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, Clause (8) (9) (10) (11) and (12) have no proposed amendments.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, I now put a question that Clause (8) (9) (10) (11) and (12) be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Now, Clause (8) (9) (10) (11) and (12) is part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Next Clause!!

Clause (13)

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, on Clause (13) that it be amended by *inserting a new paragraph (d) as follows; (d) contravenes any of the conditions set out in Clause (12)*. Again, I want to call upon Hon. Member, *Mheshimiwa Dede* to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, an amendment has been proposed in Clause (13) and I now to propose that we open the amendment for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate, I now put a question that Clause (13) be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, now, Clause (13) is part of the Bill as amended.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Next Clause!!

Clause (14) and (15)

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. In Clause (14) and (15), there were no proposed amendments.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no amendments in Clause (14) and (15), I now put a question that Clause (14) and (15) be part of the Bill.

(Question put and agreed to)

Chairperson Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Now, Clause (14) and (15) becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Next Clause!!

Clause (16)

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, in Clause (16), there were proposed amendments that Clause (16) be amended as follows;

- a) *In paragraph (g) by deleting the entire paragraph and substituting therefore as follows. 'a representative of Government Authority working in the Agriculture Sector in the Ward'.*
- b) *In paragraph one (1) by deleting the entire paragraph and substituting therefore as follows 'a representative of non-state actor having demonstrable interest/investment in agricultural production.*

I want to call upon the Hon. Member Dede to second.

Hon. Dede (MCA, Kisumu North Ward): Thank you Chair, I second.

Chairperson Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, amendments have been proposed in Clause (16) and now, I want to open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate, I now put a question that Clause (16) as be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Now, Clause (16) as amended becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Mr. Chair, we move to the next Clause!

(Clause (17))

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. In Clause (17), there were proposed amendments that Clause (17) be amended as;

- a) *By deleting the number 15 and substitute therefore with 16 appearing immediately after the word 'section'.*

- b) *By inserting the phrase 'and is actively engaged in agricultural business' immediately after the word 'constitution' appearing at the end of the paragraph.*

Let me call upon Hon. Dede to second.

Hon. Dede (MCA, Kisumu North Ward): Thank you Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, there are proposed amendments in Clause (17) and, I want to open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate on the amendments in Clause (17), I now put a question that Clause (17) as amended be part of the Bill?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Now, Clause (17) as amended becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Mr. Chair, next Clause!!

(Clauses (18) (19) (20) (21) (22) (23) and (24))

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, Clauses (18) (19) (20) (21) (22) (23) and (24) had no proposed amendments.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no proposed amendments in Clauses (18) (19) (20) (21) (22) (23) and (24), I now put a question that Clauses (18) (19) (20) (21) (22) (23) and (24) becomes part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable members, now, Clauses (18) (19) (20) (21) (22) (23) and (24) now becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Mr. Chair, we move to the next clause!!

(Clause (25))

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, Clauses (25), we had proposed amendments that Clause (25) be amended by inserting a new sub Clause 4 as follows;

“The CEC Member for Agriculture through KASCOM WILL issue response to the project proponent within not more than 30 days of submission of application”.

Let me call upon Hon. Samuel to second.

Hon. Dede (MCA, Kisumu North Ward): Thank you Mr. Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, an amendment has been proposed in Clause (25) and I want...

(Hon. Ochele rises on his feet)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): What is it Hon. Ochele?

Hon. Ochele (MCA, East Kano Wawidhi Ward): On a point of Order.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Which Standing Order are you citing?

Hon. Ochele (MCA, East Kano Wawidhi Ward): Chair, I just want to straighten something.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): But, which Orders are you citing? You arose on a Point of Order and I have a copy of the Standing Order which i want to make reference to....

Hon. Ochele (MCA, East Kano Wawidhi Ward): Mr. Chair, just please lend me your ears.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Member, but for you to proceed we only need to be informed on which Standing Order you are rising on so that it is easy for me to make a determination.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Mr. Chair, I want to give some Statement of Facts.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): So, it is Standing Order No. 89. Then proceed Hon. Member.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Thank you Mr. Chair. It is on record that in this House, as it is constituted, we have Honourable Members who are called Samuel. So, if the Vice Chairperson for the Agriculture, Livestock and Fisheries does not specify which Samuel to

second, we might be confused later on who seconded. That is because we have Hon. Samuel Dede and Hon. Samuel Onyango, the Member representing Railways Ward. That is why the Vice Chairperson for the Committee must be specific on which Samuel he is referring to. Thank you.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you Hon. Moses Ochele. The Hon. Vice Chairperson Agriculture Livestock and Fisheries Committee, it is requested that you state which Samuel you have been referring to as you propose the seconding of your...

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair, I was referring to *Mheshimiwa* Samuel Dede.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you Hon. Member for that clarification. Yes Hon. Samuel Dede. So, the Hon. Samuel Dede has seconded the amendment proposed in Clause 25 and I open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I have noticed that there is no debate. I propose to put a question that clause 25 as amended be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, that Clauses 25 as amended now forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. In Clauses 26, 27 and 28 we did not have any proposed amendments.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no proposed amendments in Clause 26, 27 and 28, I know put a question that Clause 26, 27 and 28 become part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Clause 26, 27 and 28 now become part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you. In clause 29, we had a proposal that it be *amended by deleting the numbers “2015” appearing immediately after the word ‘Act’ and substituting therefore with “2020”*. I therefore call upon Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you Mr. Speaker. I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, the Chair and Hon. Dede have proposed an amendment in Clause 29 and I want to put a question that we open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): There being no debate, I want to propose that we put a question that Clause 29 as amended be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Clause 29 as amended now becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. In Clause 30, we did not have any proposal.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no proposed amendment in Clause 30, I propose to put a question that clause 30 be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Clause 30 become part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you Honourable Members. Yes Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Mr. Chair, in Clause 31, we had proposed amendment that Clause 31 be amended in sub clause 2(b) by;

- a) *Deleting the word 'more' appearing immediately after the word 'appropriated' by substituting by the word 'not less'.*
- b) *Deleting the phrase 'annual budget' appearing immediately after the word 'County' and substituting therefore with the phrase 'Agriculture Departmental Budget'*

I call upon Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you Chair. I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, the proposed amendment in Clause 31 has been seconded by Hon. Dede, as propose by the vice chair. I now open it for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members there being no debate, I now put a question that clause 31 has amended become part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, that, Clause 31 has been amended and now become part of the Bill. Hon. Members, I read for you Standing Order No. 126 and now we are moving to new clauses. Please stand guided.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Vice Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Mr. Chair, I move that new clause 13 be read for the second time.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Madam Clerk.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, I propose that the New Clause 13 be read for the second time and I want to propose that we open it up for debate?

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate, I put a question that Clause 13 be read for the second time.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, that, the New Clause 13 become part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Vice Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. I move that New Clause 25 be now read for the second time.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes madam clerk. Thank you Hon. Members, New Clause 25 having been read for the second time, I propose that we open it for a debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate, I put a question and I propose that the new clause 25 be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): The new clause 25 now becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Vice Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you, I move that the new clause 2 be read for a second time.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Chair can you please approach the table.

(The Vice-chair consults with the Chair, Committee of Whole House)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Vice Chair.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Chair that Clause 2 be amended in;

- a) *In the definition of department by inserting the words livestock development immediately after the word 'fisheries' and before the word 'irrigation'*
- b) *In the definition of the fund; by deleting No. 26 that is appearing immediately after the word 'section' and replacing therefore with No. 29.*

I therefore want to call upon Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Hon. Dede.

Hon. Dede (MCA, Kisumu North): Thank you Mr. Speaker. I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Thank you. Honourable Members, we have a proposed amendment in clause 2 on the interpretations. I therefore want to propose a question that we open it for debate.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): There being no debate, I now want to put a question that clause 2 as amended be part of the Bill.

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Members of the Agriculture and Fisheries Committee, it seems like you are not in agreement with your own amendments but I will put a question again.

(Hon. Dede rises on his feet)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): What is it Hon. Dede?

(Member inaudible)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Member, as you were submitting, you have just refused to agree denying the Clause but I will still put a question. I now want to put a question that Clause 2 as amended be part of the Bill?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, now clause 2 as amended forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, we are in arrangement of clauses. Yes Hon. Bill.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. On Arrangement of Clauses, there was a proposed amendment that arrangement of clauses be amended in Clause 15 by inserting the word “*sector*” appearing immediately after the word “*agricultural*”. I therefore call upon Hon. Dede to second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Hon. Dede.

Hon. Dede (MCA, Kisumu North): Thank you Mr. Chair, I second.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members there is a proposed amendment on Arrangement of Clauses as moved by the Vice Chairperson and seconded by Hon. Dede, I therefore want to propose that the amendment is opened for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no debate, I want to put a question that the Arrangement of Clauses as amended be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, the Arrangement of Clauses as amended now forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable members, we are in the title of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Hon. Bill.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Mr. Chair. We did not have any proposed amendment in the title of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no any proposed amendments on the title, I now put a question that the title becomes part of the Bill?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, the title now forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, we are now moving to Clause 1 of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, Yes Hon. Bill.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Thank you Chair. We did not have any proposed amendment in Clause 1 of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, there being no proposed amendment on Clause 1 which is citation, I now put a question that clause 1 be part of the Bill?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, now clause 1 becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Yes Hon. Bill.

Hon. Bill (Vice Chair, Agriculture and Fisheries Committee): Mr. Chair, I now request that the House revert to plenary.

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, now that it has been moved that the Committee of the Whole House reports back to the House, I now put a question that the Committee of the Whole House do report to the House on its consideration of the Agricultural Sector Co-ordination Bill, 2023 (County Assembly Bill No. 7 of 2023) and its approval thereof with amendments?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Okumu, MCA, East Seme Ward): Honourable Members, the House now reverts to plenary.

(House reverting to plenary)

(The Speaker resumes the Chair)

The Speaker (Hon. Oraro): Yes Chairperson, Committee of the Whole House.

Hon. Okumu (MCA, East Seme Ward): Honourable Speaker, I beg to give a report on the deliberations of the Committee of the Whole House on what the committee considered on the Kisumu County Agricultural Sector Co-ordination Bill, 2023 (Kisumu County Bill No. 7) and approved the same with amendments and I want to ask the mover, Hon. Bill to move those amendments. Thank you.

Hon. Bill (MCA, Kobura Ward): Thank you Honourable Speaker, I beg to move that the House agrees with the report on the deliberations of the Committee of the Whole House and its resolutions. I also request Hon. Dede to second the motion for agreement with the report of the Committee of the Whole House.

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

Hon. Dede (MCA, Kisumu North Ward): Thank you Mr. Speaker, having gone through the report with the amendments, I do second.

The Speaker (Hon. Oraro): Honourable Members, the Chairperson of the Committee of the Whole House has reported back to the plenary, a motion that has been moved by the Vice Chairperson of the Standing Committee of Agriculture, Livestock Development and Fisheries,

seconded by Hon. Dede. I therefore want to put a question on the adoption of the report from the committee of the whole House?

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Member, the report of the Committee of the Whole House forms part of the Bill. Thank you. Next Order!!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, the House stands adjourned today Wednesday, 06th March, 2024 at 2.30 p.m.

(House rose at 10.52 a.m.)

Addendum

Hansard Team

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