

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Wednesday 22nd May, 2024

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

(The Temporary Speaker (Hon. Carren Ajwang) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Clerk, please take us through the Order Paper of today.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Next order!!

PAPERS LAID

PIC/PAC COMMITTEE REPORT ON THE EXAMINATION OF THE AUDITOR
GENERAL'S REPORT ON THE FINANCIAL STATEMENT OF MUHORONI SUB
COUNTY HOSPITAL FY ENDED 30TH JUNE, 2022

AND

CHULAIMBO COUNTY LEVEL IV HOSPITAL FY ENDED 30TH JUNE, 2022

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU

(CHAIRPERSON, PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE)

(Reports tabled by Hon. Warindu on behalf of Hon. Ken Ouko)

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Warindu Geoffrey.

Hon. Warindu (MCA, Miwani): Thank you Madam Speaker. May I lay this Paper on behalf of Hon. Kennedy Ouko.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Proceed.

Hon. Warindu (MCA, Miwani): Madam Speaker. Pursuant to the provision of Standing Order No. 182 (6), I wish to lay today Wednesday 22nd May, 2024, a report of PIC/PAC Committee on the examination of the Auditor General's report on the Financial Statement of Muhoroni Sub County Hospital FY ended 30th June, 2022 and Chulaimbo County Level IV Hospital FY ended 30th June, 2022.

(Hon. Warindu lays the reports before the House on behalf of Hon. Ouko)

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Honourable Members, I acknowledge the receipt of two reports of PIC/PAC Committee on the examination of the Auditor General's report on the Financial Statement of Muhoroni Sub County Hospital FY ended 30th June, 2022 and Chulaimbo County Level IV Hospital FY ended 30th June, 2022. I commit these reports to the House Business Committee for scheduling them for debate.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Next order!!

NOTICES OF MOTION

PIC/PAC COMMITTEE REPORT ON THE EXAMINATION OF THE AUDITOR
GENERAL'S REPORT ON THE FINANCIAL STATEMENT OF MUHORONI SUB
COUNTY HOSPITAL FY ENDED 30TH JUNE, 2022

AND

CHULAIMBO COUNTY LEVEL IV HOSPITAL FY ENDED 30TH JUNE, 2022

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU

(CHAIRPERSON, PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE)

The Temporary Speaker (Hon. Carren): Warindu Geoffrey.

Hon. Warindu (MCA, Miwani): Thank you Madam Speaker. May I give a Notice of Motion on behalf of the Chairperson?

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Proceed.

Hon. Warindu (MCA, Miwani): Madam Speaker, pursuant to the provision of Standing Order No. 45 (1), I wish to give a Notice of Motion on a report of PIC/PAC Committee on the Examination of the Auditor General's report on the Financial Statement of Muhoroni Sub County Hospital FY ended 30th June, 2022 and Chulaimbo County Level IV Hospital FY ended 30th June, 2022. Thank you.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Next order!!

STATEMENT HOUR

The Temporary Speaker (Hon. Carren): Hon. Odari.

Hon. Odari (MCA, Chemelil/Tamu): Thank you Madam Speaker. I rise on Standing Order No. 32. I wanted to know the status of statement that I raised last year in November. To date, I haven't received any response regarding the statement...

Hon. Okumu (MCA, East Seme): On Point of Order.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Hon. Odari, I thought that you rose on a Personal Statement and it was committed to Finance and ICT Committee. They are working on your Statement and very soon you will get a response.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Any other Member of the said committee who would wish to respond to that issue?

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Hon. Adega.

Hon. Adega (MCA, Kajulu): Thank you Madam Speaker. I want to ensure the Member of Chemelil Tamu that we are working on a response and very soon he will get a response.

Hon. Odari (MCA, Chemelil Tamu): Thank you Madam Speaker.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Next order!!

MOTION

ADOPTION OF A REPORT BY DELEGATED LEGISLATION COMMITTEE ON KISUMU
COUNTY EDUCATION FUND REGULATION, 2023

BY

HON. MIRIAM ABEID, NOMINATED MEMBER.

(CHAIRPERSON, COUNTY DELEGATED LEGISLATION COMMITTEE)

Hon. Abeid (Nominated): Madam Speaker and Honourable Members, pursuant to Standing orders 192(2) and section 11 (1) of Statutory Instrument Act,

Statutory Instruments Act Section 11 (1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament,

The County Executive Committee Member for Education, Training Innovation and Social Services submitted a copy of Kisumu County Education Fund Regulation, 2023 on Friday, 12th April 2024.

This Regulation was laid before the Assembly by Majority leader on Wednesday 24th April 2024 at 9.00am pursuant to Standing Orders no 192 (2) which states

“whenever a statutory instrument is submitted to the county Assembly pursuant to the Constitution, any law or these Standing Orders, the Statutory Instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the County Assembly by the Chairperson of the relevant sectoral committee, or any other member and shall thereafter stand referred to the committee on Delegated County Legislation”

The Kisumu County Education Fund Regulation, 2023 was committed to this Committee pursuant to the Section 12(1) of the Statutory Instrument Act.

12. Referral to the Committee

(1) Every statutory instrument issued, made or established after the commencement of this Act shall upon tabling before the respective House of Parliament stand referred to the Committee or any other committee that may be established for the purpose of reviewing and scrutinizing statutory instruments.

The Select committee on Delegated County Legislation in its first sitting on Thursday, 25th April, 2024 and the second sitting on 2nd May, 2024 scrutinized the Regulation, made observations and findings and outlined recommendations on the same for adoption by this House a report of the committee on Kisumu County Education Fund Regulations, 2023 for determination and approval.

Committee Mandate

Madam Speaker and Honourable Members, the Delegated County Legislation committee is established pursuant to the County Assembly of Kisumu Standing Order no. 192 (3) and is mandated to consider in respect of any Statutory instrument whether it

- a) Is in accord with the provisions of the constitution, the Act pursuant to which it is made or other relevant written law
- b) Infringes on fundamental rights and freedoms of the public
- c) Contains a matter which in the opinion of the committee be dealt with in an Act of the County Assembly
- d) Contains imposition of taxation
- e) Directly or indirectly bars the jurisdiction of the courts
- f) Gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power
- g) Involves expenditure from the County Revenue Fund or other public revenues
- h) Is defective in its drafting or for any reason the form or purport of the Statutory Instrument calls for any elucidation
- i) Appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- j) Appears to have had unjustifiable delay in its publication or laying before County Assembly
- k) Makes rights, liberties or obligations unduly depend upon non-reviewable decisions
- l) Makes rights, liberties, or obligations unduly dependent upon insufficiently defined administrative powers.
- m) Inappropriately delegates legislative powers
- n) Imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation
- o) Appears for any reason to infringe on the rule of law
- p) Inadequately subjects the exercise of legislative power to County Assembly scrutiny, and
- q) Accords to any other reasons that the committee considers fit to examine.

Committee Membership

Madam Speaker and Honourable Members, as currently constituted, the select committee on Delegated County Legislation is composed as follows;

Committee Members

1. Hon. Mariam Abeid - Chairperson
2. Hon. Peter Obaso - Vice chairperson
3. Hon. Moses Ochele - Member
4. Hon. Mickey Ochieng - Member

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5. Hon. James Omollo - Member
 6. Hon. Henrietta Bodo - Member
 7. Hon. Samuel Dede -Member
 8. Hon. Kennedy Ajwang -Member
 9. Hon. Carolyne Opar - Member

Secretariat

1. Pst David Ochieng - Senior Clerk Assistant
2. Ms Brenda Chasi - Committee clerk assistant
3. Ms Jacklyn Otieno - Hansard Reporter
4. Mrs. Baraza Rose - Sergeant At Arm

Committee Sitting

Madam Speaker and Honourable Members, the committee held two (2) sittings and scrutinized the regulation. It then extended an invitation to the CEC Member for Education, Training, Innovation and Social services vide letter reference no. CAK/CGK/ADM/VOL 01/24 dated 25th April 2024 to appear before the committee on Thursday 2nd May 2024, who came with his team to elaborate on the concerns of the committee concerning the Regulation.

Acknowledgement

Madam Speaker and Honourable Members, the Committee wishes to acknowledge and appreciate the Office of the Speaker and the Office of the Clerk for the support accorded to them to ensure success of the exercise for the committee to deliver its mandate.

The committee also recognizes the effort, commitment and passion the members demonstrated in the exercise as well as the secretariat.

Therefore, on behalf of the Committee, Mr Speaker, I now have the honour and pleasure to present the Report of the Committee on Delegated County Legislation on the Kisumu County education Fund Regulation, 2023.

Scrutiny, Findings, Observation

Scrutiny and Legal Framework

Madam Speaker and Honourable Members, the committee has the jurisdictional powers conferred to it as that of Court of Law. In analyzing any Regulation referred to it by the House,

First of all, in accordance with Statutory Instruments Act, the committee has to establish whether due process was followed in the establishment as outlined in the Statutory Instruments Act.

Secondly, the committee has to establish any other consideration as outlined in section 13 of Statutory Instruments Act.

Thirdly, the committee was guided by the principles of good governance and the rule of Law.

Madam Speaker and Honourable Members, the committee examined the extent to which the Kisumu County Education Fund Regulations, 2023 complied with the following section

1) *Object of the Statutory Instrument Act*

That provide a comprehensive regime for the making, scrutiny, publication and operation of statutory instruments by—

- (a) requiring regulation-making authorities to undertake appropriate consultation before making statutory instruments;*
- (b) requiring high standards in the drafting of statutory instruments to promote their legal effectiveness, clarity and intelligibility to anticipated users;*
- (c) improving public access to statutory instruments;*
- (d) establishing improved mechanisms for parliamentary scrutiny of statutory instruments; and*
- (e) establishing mechanisms to ensure that statutory instruments are periodically reviewed and, if they no longer have a continuing purpose, repealed.*

2) Relevant considerations

The Committee shall, in carrying out its scrutiny of any statutory instrument or published Bill be guided by the principles of good governance, rule of law and shall in particular consider whether the statutory instrument—

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other written law;
- (b) infringes on fundamental rights and freedoms of the public;
- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (d) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the Courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the Consolidated Fund or other public revenues;
- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
- (k) makes rights, liberties or obligations unduly dependent upon nonreviewable decisions;

- (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- (m) inappropriately delegates legislative powers;
- (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation; (o) appears for any reason to infringe on the rule of law;
- (p) *inadequately subjects the exercise of legislative power to parliamentary scrutiny; and*
- (q) *accords to any other reason that the Committee considers fit to examine.*

Observations

Madam Speaker and Honourable Members, the Committee after scrutiny of the Kisumu County Education Fund Regulations, 2023 observed the following:

1. Late submission of the Regulation.

The Regulation was published on 30th June 2023 and submitted to the Assembly on 12th April 2024. This is ten (10) months after publication, contrary to section 11(1) of the Statutory Instruments Act, which states *“Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament”*.

2. Missing explanatory memorandum contrary to section 11(2) of Statutory Instrument Act 2013

An explanatory memorandum in the manner prescribed in the schedule shall be attached to any statutory instrument laid or tabled under subsection (1)

And Statuary Instruments Act 2023 section5A

5A. Explanatory memorandum

(1) Every statutory instrument shall be accompanied by an explanatory memorandum which shall contain—

- (a) a statement on the proof and demonstration that sufficient public consultation was conducted as required under Articles 10 and 118 of the Constitution;*
- (b) a brief statement of all the consultations undertaken before the statutory instrument was made;*
- (c) a brief statement of the way the consultation was carried;*
- (d) an outline of the results of the consultation;*
- (e) a brief explanation of any changes made to the legislation as a result of the consultation.*

(2) *Where no such consultations are undertaken as contemplated in subsection (1), the regulation-making authority shall explain why no such consultation was undertaken.*

(3) *The explanatory memorandum shall contain such other information in the manner specified in the Schedule and may be accompanied by the regulatory impact statement prepared for the statutory instrument.*

3. Missing Regulatory Impact assessment contrary to section 6 of the statutory Instrument Act 2013 and section 6 of the amended Statutory Instruments Act 2023.

“Regulatory impact statements If a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument”

4. Missing consultation contrary to section 5 of Statutory Instruments Act 2023

5. *Consultation before making statutory instruments*

(1) *Before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—*

(a) *have a direct, or a substantial indirect effect on business; or*

(b) *restrict competition; the regulation-making authority shall make appropriate consultations with persons who are likely to be affected by the proposed instrument.*

(2) *In determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—*

(a) *drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and*

(b) *ensured that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content.*

(3) *Without limiting by implication the form that consultation referred to in subsection (1) might take, the consultation shall—*

(a) *involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument; or*

(b) *invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.*

Madam Speaker and Honourable Members, the CEC Member for Education, Training, Innovation and Social services was given an opportunity to explain and avail the relevant

documents for scrutiny. In his appearance to the committee, the following documents were availed

- a) A written response
- b) Separate Explanatory Memorandum
- c) Cabinet memorandum on proposed Kisumu County education Fund regulation
- d) Regulatory Impact Analysis Statement(RIAS)
- e) Minutes of Kisumu County Bursary and Scholarship committee meeting held on 19th May 2023.

Madam Speaker and Honourable Members, the committee examined the documents but were not satisfied by the evidence provided to warrant the accenting of the regulation.

Findings

Madam Speaker and Honourable Members, the committee had the following findings to bring to the attention of the members:

- I. The Regulation has been operationalized illegally.
Statutory Instruments Act 2023 section 11(4) If a copy of a statutory instrument that is required to be laid before the relevant House of Parliament is not so laid in accordance with this section, the statutory instrument shall cease to have effect immediately after the last day for it to be so laid but without prejudice to any act done under the statutory instrument before it became void.
- II. There was an ignorance of the law but ignorance has got no defense in the court of law.
Statutory Instruments Act 2023 section 11(1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament)
- III. There were no consultations done since no evidence of the same could be provided subject to the Requirement of the amended Statutory Instruments Act, 2023

SECTION 5. Consultation before making statutory instruments

- (1) Before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—*
- (a) have a direct, or a substantial indirect effect on business; or*
 - (b) restrict competition;*

the regulation-making authority shall make appropriate consultations with persons who are likely to be affected by the proposed instrument.

(2) In determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—

(a) drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and

(b) ensured that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content.

(3) Without limiting by implication the form that consultation referred to in subsection (1) might take, the consultation shall—

(a) involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument; or

(b) invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.

General Recommendations and Conclusion

Recommendation

Madam Speaker and Honourable Members, the committee therefore in exercise of Section 15 of Statutory Instrument Act, 2013.

15 Report to Parliament

(1) The Committee shall make a report to Parliament containing only a resolution that the statutory instruments that stands permanently referred to the Committee be revoked”)

Reports to this House and make the following recommendations that

- i. The Kisumu County Education Fund Regulations, 2023 be revoked subject to Section 15, section 11(1) and 11(2), section 5, and section 5A of the Statutory Instruments Act, 2023.
- ii. The Kisumu County Education Fund Regulations, 2023 be re-published within six months pursuant to Standing Orders 47(1) and to be transmitted to the Assembly within seven (7) days after publication pursuant to section 11(1) of Statutory Instruments Act.
- iii. The Relevant stakeholders be involved in a proper manner pursuant to section 5 of the Statutory Instruments Act, 2023.

- (1) Before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—
- (a) have a direct, or a substantial indirect effect on business; or
 - (b) restrict competition; the regulation-making authority shall make appropriate consultations with persons who are likely to be affected by the proposed instrument.
- (2) In determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—
- (a) drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and
 - (b) ensured that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content.
- (3) Without limiting by implication the form that consultation referred to in subsection (1) might take, the consultation shall—
- (a) involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument; or
 - (b) invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.

Conclusion

Madam Speaker and Honourable Members, it is therefore my pleasure on behalf of the Delegated County Legislation Committee present this report and hereby urge the Hon members of this House to adopt this report with the recommendations contained herein. May I call upon Hon. Lewina Opar to second?

Hon. Opar (Nominated Member): Thank you Madam Speaker. I rise to second the report. First, I want to thank this House Committee for the work well done and bold step they took to scrutinize this report and rejecting it. It is our responsibility to ensure that the laws are adhered to. There was a delay in the submission of this document; it was published in June, 2023 and submitted to the House on 12th April, 2024. That implies that there is a gap of 10 months. Hon. Okumu is campaigning for the rejection of this report because that is what the Member....

(Hon. Kennedy Ajwang rises on a Point of Order)

Hon. Kennedy Ajwang (Nominated Member): *(On a Point of Order)*. Thank you Madam Speaker. I just want to inform this House that Hon. Seth Okumu is going round lying to the Members that the passage of this report will ensure that the students will not get the bursaries.

Madam Speaker, can you please guide this House and ensure that the Hon. Okumu occupies his seat. Thank you.

(Hon. K'Omudho rises on a Point of Order)

Hon. K'Omudho (MCA, Muhoroni Koru): *(On a Point of Order)*. Thank you Madam Speaker. I believe that it would be erroneous for my fellow Honourable Members and the elected Members of this August House does not want to allow the Chairperson as you may see not to consult with other fellow colleagues accordingly. Mr. Speaker, I am the Vice-chairperson and we have critical issues we are encountering in the Education sector and we have to consult and put our heads together because, he (Hon. Seth Okumu) is the Chairperson am I am the Vice-chairperson. Thank you.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, I direct that you accord Hon. Opar time to second the motion and then, we proceed.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Yes Hon. Opar.

Hon. Opar (Nominated Member): Thank you Madam Speaker. I believe that what my fellow colleague Hon. Kennedy Ajwang' has stated is accurate and this is because when we were having our meetings, some of the Honourable Members came and tried to interfere with our proceedings and I believe that is what the Member is doing today.

Madam Speaker, we stand by our decision this is because, this Act is going to affect many departments and it is equally going to serve as a lesson to other departments so that they are able to do the right things and follow the right channels and act within the timelines provided. Madam Speaker, this is because we see that this document was submitted 10 (ten) months after it was published. We are all aware that it is supposed to take 7 (seven) days after it has been submitted. So, what I can say is that it appears to have been deliberately delayed in the publication or there was a delay in tabling of the document in the County Assembly.

Madam Speaker, number two, as I have said, it should serve as a lesson to other departments so that they endeavours to do the right thing. Madam Speaker, when we were in the House Committee interrogating and scrutinizing the documents that were presented, we found out that there was no public participation conducted on this document. This is to say that, the relevant documents were not attached and there was a verbal communication to that effect that public participation was done. So, we are all aware the public participation is a fundamental exercise and right for it to prove that it was indeed conducted, there must have been attached the list of participants and the venues where these exercises were conducted. Madam Speaker, this was missing in the document. The County Executive Committee Member for Education equally admitted that this was an oversight. So, we want to stop these mischiefs and make the right call and decisions.

Madam Speaker, apologies, please let me make reference. There is misappropriation of powers these departments are having. So, as a House, we should endeavour to do the right thing and we should not allow them to have excess powers to do whatever they want at the time that they want it done. Therefore, I second this report that was prepared by the Select Committee on County Delegated Legislation. Thank you.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, now that a Motion on the Adoption of report of the Select Committee on County Delegated Legislation on the Kisumu County Education Fund Regulation, 2023 has been presented by Hon. Miriam Abeid and seconded by Hon. Caroline Opar.

Honourable Members, I want to propose a question and I propose that, the motion on adoption of the report of the Select Committee on County Delegated Legislation on the Kisumu County Education Fund Regulation, 2023 is now open for debate.

(Hon. Adega rises on a Point of Order)

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Hon. Adega, what is your Point of Order yet no Member is on their feet.

Hon. Adega (MCA, Kajulu): Madam Speaker, I want to inform the House.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Please proceed.

Hon. Adega (MCA, Kajulu): Thank you Madam Speaker. The motion that has just been moved by Hon. Miriam Abeid has not been seconded. We have to adhere to the laws of this House. Madam Speaker, the Hon. Opar has just given a statement and did not second the motion.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Hon. Opar, please conclude.

Hon. Opar (Nominated Member): Thank you Madam Speaker. Please allow me to just say one word. I second.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, as I have just stated this motion is now open for debate.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, I can see Hon. Henrietta up on her feet; do you want to give your contributions on this motion?

Hon. Henrietta (Nominated Member): Yes. The floor is mine. Thank you Madam Speaker. The motion that has just been moved by the Chairperson, Select Committee on County Delegated Legislation, Hon. Miriam Abeid is very important to this House and for the entire county. Madam Speaker, there are many mistakes which were committed by departments concerned. It is

not only the Department of Education because we discovered that there are quite a number of them. Madam Speaker, at the moment, we are dealing with the Department of Education and we in this House make laws and ensure that these laws are implemented. In this case the laws are there and it is not that we are deficient of laws, we have these laws but, this department made a decision to deliberately not adhere to these legislations. So, the Education Fund has been operationalized without the requisite regulation which is not right. So, even though Hon. Seth Okumu is trying to whip Members not to support this motion but, we will be doing a great disservice to the people of this county.

Madam Speaker, even if the law was not adhere to as required and it has come to our attention, that the law was not followed and therefore, whatever that has been happening in that department that concerns this fund, is an illegality. Madam Speaker, we are requesting this House that we are here to make laws and to ensure that these laws are adhered to and anybody who is trying to be punitive about this matter, we are not going to allow this. This document was brought to this House late. Secondly, the law was not adhered to when this was being done. Madam Speaker, the County Executive Committee Member for Education accepted that the laws were flouted and if it is the County Executive Committee Member for Education who acknowledge this then, who are we to say otherwise yet they are the implementers.

Madam Speaker, if we all want to move this County to the right direction, we are kindly imploring this House to please adopt this report and we request the line department to implement what the laws states about this Fund.

Madam Speaker, during our interrogations, we again found out that, it is not actually six months, it can be done in less than six months this is because most of the work that we have done as a House Committee. So, we would like to beseech Members of this House that if we want to move this County in the right direction, then, let us not be punitive about any of the issues that are brought before the Honourable Members. Thank you.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Yes Hon. Kelvin Oraro.

Hon. Kelvin Oraro (MCA, Central Kolwa): Thank you Madam Speaker. I want to say that I have seen the immediate contributor contributing to this very motion...

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Serjeant-at-Arms, I believe that there is a microphone that is still on. Could you please switch it off.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Please proceed Hon. Oraro.

Hon. Kelvin Oraro (MCA, Central Kolwa): Madam Speaker, I was talking about the immediate Member who has just contributed with a lot of emotions and I don't know what the matter is and

I don't know if this Regulation on the Education Fund on the report that has been presented before this House is really affecting the Member so much.

Madam Speaker, I was very keen following the report when it was being moved by the Chairperson, Hon. Miriam Abeid, is a very serious Member because this is a Member who understands her roles and her duty in that very House Committee. One thing that I want to say without fear of contradiction is that the way the report came; I was just seeing emotions rather than the real thing. I want to put it clear that regulations are not things that are put into consideration or severe attention the same way with a Bill. A Bill will pass through the Assembly, it will be taken to public participation but regulations now is the final detail of how this Bill be operationalized. In that case, major stakeholders may be that House Committee on Education and the respective County Executive Committee Member of Education and the team that will fine tunes the details of the Regulation.

Finally, the issue that they were talking about is the publication and the period it took them to bring the Regulations to the Assembly. If you look at these two issues, I see a House Committee trying to get space and exercise their power by trying to be felt. We cannot risk trial and errors on something important as Education Fund. Somebody cannot just wake up from somewhere and feel like her House Committee was not consulted and wants to bring sanctions a House Committee through this House, in the belief that we will just fall into their trap and say we revoke. If you look at the procedure they are citing, I wish the Chairperson of this House Committee would come up and say that we want to revoke this Regulations because it offends or does not adhere to this Law, then that it is fine. Without content or anything, you cannot just inform us to revoke a regulation that is not even following procedure in the House. In the Delegated Legislation Committee when I was a member, one of the things that we are informed is that as a House Committee is that, we are supposed to discuss regulations and in fact there is no report on Regulations that should reach the House. The relevant House Committee on Education are the major stakeholders in this matter of the Education Fund. So, I feel that we should stop being emotional. Sometimes when we want to whip the House to reject things, we must consider what the interest is, how can that decision affect the operation of the County? Is it about the bursary that is going to be given? Is it the complication that those students that are given bursary fail so that after failing somebody people sit? We just need to go straight to the point and say that we the Committee on Delegated Legislation feel that this Regulation is offending this part of the Law, and if we pass it, we believe that it will not be working well.

Madam Speaker, in a scenario whereby, we are being whipped to reject a regulation, I do not believe that is working. Furthermore, as an Assembly we are not an enforcement institution. If a Member wants to do away with a Bill, or how a Bill operates, then the Member needs to use the Courts, if the Member has interest as a stakeholder. However, when it comes to the Assembly, we need to be sober and look at things from different optics, the effects of anything that we are

trying to bring, any decision that we are going to make, and the impact of that decision to the County and the people we represent.

So, as a representative of Kolwa Central Ward, I am seeing a group of malicious people, who want to ensure that they bring the system down by not caring about the impact of their decision. So, I reject this report by my friend Hon. Mariam Abeid. I trust that I will ask her to withdraw and make some changes before it comes back to the House. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Carren Ajwang’): Yes, Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Thank you, Madam Speaker; I rise to reject the adoption of this report. I want it to be known by the people of Kisumu, that the Members of the Committee on Delegated Legislation are not interested in our children, the paying of bursaries, our children joining universities and those we are taking to universities.

Madam Speaker, Laws are made for man and not man for the Laws. If you look at the considerations of this House Committee, there were 15 points that they were considering, 14 of which were not mentioned. It means that the regulation met the threshold of 14 out of 15 which translates to 93%. Why would somebody reject a regulation that is helping us pay Bursaries and Scholarships just because of one point that they were considering. Madam Speaker, there is the letter and the spirit of the Law, there is what is written and the intention of what that Law wants to cure or achieve. What the Law wants to cure in Regulations and why they have to be brought is to ensure that an Act is operationalized in a way that provides services to the people that it is meant to serve. If a Regulation is 93% fit to help us pay bursary, why do you want us to reject it?

Madam Speaker, as a House Committee, you are allowed that after looking at the Regulation, to just inform the Department that your Regulation is 93% good, please before you proceed with it, correct the 7% that was left and then proceed. We cannot allow this House Committee to stop the payment of Bursaries and Scholarships just because of their interests. I do not agree with that. Honourable Member, you heard my sister saying that in her opinion, this Regulation makes the decisions that have been made on bursaries illegal. And yet they want us to approve this report because the report is saying that we throw away this Regulation that is serving us now.

Madam Speaker, we only have one month to the end of Financial Year, and I do not believe that it will take us one month to have regulations so that the bursaries can be made, we form new ward committees and all those committees that we are using to pay bursaries. I do not believe that, this one month is enough. So, by agreeing to adopt this report in this House, we shall be telling the children no and showing them our middle finger.

Honourable Members, it is time for us to stand up and we cannot allow this House Committee to show our children whom we support by paying bursaries the middle finger and we keep quiet about it. We must reject this report for our bursaries to be paid, kids to go to school, the ones we

have in scholarship to keep learning, because if we do not do that, then we are sending a group of vulnerable children home for lack of school fees. Thank you, Madam Speaker, I reject the adoption of this report.

The Temporary Speaker (Hon. Carren Ajwang’): Okay, I want to consider gender and give chance to Hon. Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you, Madam Speaker, for the opportunity. I stand here to represent the people of Central Seme Ward. Madam Speaker, every time we speak in the Assembly, we need to know that people down there are watching what we say and what Laws we pass in the Assembly that affect them.

Madam Speaker, I stand here to reject this report, not because Hon. Seth Okumu comes from Seme, or went round the committee or Chairperson of the Committee on Education, but on behalf of people of Central Seme Ward. This report will not auger well with them at this time. We are in the month of May, and we only have one month so that we come to the closure of the Financial Year. As we come to the closure of the Financial Year, Kisumu County has not disbursed bursaries, and we keep promising our people that the year is ending and we are going to ensure they get the bursaries by at least latest June or July. Madam Speaker, if we accept this report, it means that it will take back the gains that we have made through as the Committee of Education, which is the disbursement of bursaries. Madam Speaker, it is not out of emotions, but as we debate, we need to take into account that this is not only the matter that touches on the Select Committee on Delegated Legislation but it is touches on the lives of the children that are out because of lack of school fees. So many children are not able to go to universities or colleges just because bursaries. If we pass this report the way it is, I do not want to go through it, but the measures that have been taken by the Select Committee on Delegated Legislation that this regulation be republished. What they are saying is that; Kisumu County Education Fund Regulations, 2023, be republished within 6 months. Madam Speaker, I stand to reject, thank you.

The Temporary Speaker (Hon. Ajwang MCA, Kaloleni/Shaurimoyo): Yes Hon. K’Omudho.

Hon. K’Omudho (MCA, Muhoroni/Koru Ward): Many thanks Hon. Madam Speaker, many thanks to fellow Honourable Members including my third follower brother Hon. Onditi. Madam Speaker, I rise here on this very beautiful morning to reject this report in totality. I reject this this tangible report brought by some committee members of the delegated Legislation. Indeed, you people have done some work but, you were not being practical. Why are we talking about this? It is because any time we come here, we are supposed to play the major role of representation, legislation and even the oversight. When you consider as we are and many of the Honourable Members here are aware that few of us are missing sleep because of the queries from morning to evening concerning issues to do bursary and scholarships. Even during the night, your constituents will not hesitate to call you. Madam Speaker, we are throwing the whole situation if

we were to adopt this report and make the recommendations that have been said so that we throw the whole situation of the bursary which is long overdue into a situation that we do not know.

Madam Speaker, six months may not be practically as recommended in the report. It may go way beyond the expected period of time and as a result, Hon. Speaker together with my fellow Members just like they have said, we will be killing our children. We have to be realistic.

Finally, as I conclude, in the last couple of weeks or a couple of days, we were duped into a situation here whereby a report comes into this House and the Honourable Members as expected to support the same, only to realize that some of these issues are based on selfish ambitions. We really need to verify some of these recommendations and get to know the real source. Just in case there could be shortcomings from the staff side who is not making the regulation to work properly then it will be appropriate for the relevant House Committee to deal with the shortfalls of that particular department and get to the root cause of the problems. For instance, somebody said, you cannot ban something which is 95% correct because of the three or the four per cent which is inaccurate. For this, I beg to disagree with my colleagues in the good committee and I reject this report in totality. Once again, many thank you Hon. Speaker.

The Temporary Speaker (Hon. Ajwang MCA, Kaloleni/Shaurimoyo): Yes Hon. Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you Madam Speaker, I also rise to reject this motion. If the decision of men would be informed by emotion, then I would have been tempted to support this motion given the motions that were attached to the moving notes and the subsequent secondment of the motion.

However, if there are two things in this County or the County Governments are known for, other than the roads, it is the education. There is also a chorus all over that two things that take the MCAs back home are the department of roads and the department of education. Bursaries as little as it may be, it is so important to the common voter down in the village there that anything that attempting to disrupt the process of payment or procuring of that thing, would be met by a total rejection up to the lowest level of the village.

Madam Speaker, I agree that certain things may have been erroneously done, this House is established to correct certain things and we cannot throw away the baby with the bathwater. Due to the importance of this bursary and today, I believe that every Member will agree with me that no Honourable Member has received less than twenty phone calls inquiring when the bursaries are being paid. Any move that will attempt to further disrupt or delay the process of payment of that particular bursary will be a very big disservice to the children of Kisumu County and even to the service of this House. Therefore, Madam Speaker, I beg to disagree and reject this motion in totality. Otherwise, thank you very much.

The Temporary Speaker (Hon. Ajwang MCA, Kaloleni/Shaurimoyo): Yes Hon. Millicent Omuya.

Hon. Omuya (MCA, Central Seme): Thank you Madam Speaker, I am also rising to put my voice in rejecting in totality the report of this committee. I can say that just before I slept, my last three phone calls that I received, parents were calling to make inquiry. They want to know by asking; “Mama, when are you paying the bursary?” and the first phone calls in the morning had the same question. Normally there is a say in English which states that necessity obeys no law. Look at the economic situations we have here in Kenya. People including the MCAs are broke. At this juncture in life if you want to go to the village and inform the parents that we are no longer going to pay school fees. What will a voter tell you? In Dholuo language they will tell you that *‘isechamo pesawa mar bursary’*. They will not understand that there is a certain House Committee of this Assembly which has come with some regulations and are now denying you people bursary.

Madam Speaker, I believe that even if there was a mistake done because I have heard Hon. Henrietta confirming that the Minister’s admission that they had done a wrong thing. Yes, it could be wrong, but, where are we today? When you look at some counties had paid their bursaries in March and now we are in May. Kisumu County has not paid their bursary. I believe that we are doing a disservice to our people and I am just requesting that Honourable Members let us not start gambling with education of our children. I stand to reject, thank you

(Applause)

The Temporary Speaker (Hon. Ajwang MCA, Kaloleni/Shaurimoyo Ward): Yes, Hon. Bill.

Hon. Bill (MCA, Kobura): thank you Madam Speaker, I also stand to reject the report. When you are riding a bicycle and then you realize that in one of your tyres, there is a spoke that is not connecting well. You cannot stop and then you puncture the tyre.

(Applause)

Madam Speaker, you proceed and then when you get the next *fundu*, it will be repaired. I therefore believe that this is what is supposed to be done to the Regulations because it is good, we have said at least 95% or maybe 97% of the whole document concerning the regulations is good. So, we cannot destroy the whole Bill which the regulation is controlling. We cannot do away with it. The best thing that this House Committee should have done is to at least consult with the department and help to at least make the document better. But, not to make the people who benefit from the bursaries suffer because there was one thing which was wrong. We should look at the good that the document is giving us. At least our people get bursaries. But, when you want to stop the bursaries especially at a time like this where the Government of President William Ruto is frustrating everybody then you want to add more frustrations to our people, then

I do not believe that is right. So, Madam Speaker I urge the Members to reject this document in totality. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Ajwang, MCA, Kaloleni/Shaurimoyo): Yes Hon. Benson Adega.

Hon. Adega (MCA, Kajulu): Thank you, Madam Speaker. I totally reject this motion. One, in our wards, we have Bursary Committees. They took their time to sit, scrutinize, came out with a list of beneficiaries who were ready to ready to benefit from their bursary allocations. If we allow this motion, it will take the student's time to get their bursaries.

Secondly, we as elected Members of this Assembly, we have a problem on the ground. I join my colleague Hon. Millicent, because at times I go out of way to pay school fees from out of my pocket and in this House when I go round, the Members who are supporting this Motion are nominated Members who do not have wards were they represent people. When we allow this Motion, we are now ruining the future of our students. I totally reject this motion Madam Speaker.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Yes Hon. Warindu.

Hon. Warindu (MCA, Miwani): Thank you Madam Speaker. Let me also add my voice to this motion. Actually, if the public is really following the proceedings that we are having here, then we are going to be seen like mocking those who are there. Since the expectations of the people that are out there, is when are they going to receive the bursaries? I want to believe that if there is a service that has been consumed directly from the county government from the devolution, then it's this issue of Bursaries and Scholarships. Apparently, this is one way of changing the lives directly of the people that we are representing. I don't want to be part of the group that is agitating for the bursaries to be disbanded Madam Speaker, and with that in mind, I want to follow the queue to be among those who are rejecting the report. Thank you.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Yes I can see the Deputy Whip standing, Hon. Obonyo.

The Deputy Whip (Hon. Obonyo, MCA, South West): Asante sana Madam Spika, nimesimama kukataa hi ripoti ya kamati ya wajumbe. Madam Spika, ukiona wajumbe waliochaguliwa wamekataa hii ripoti, inamaana kuwa kule tunatoka hukuna amani, watoto wengi wanaitaji ufadhili.

Madam Spika, ni kweli Mheshimiw Adega amesema wale ambao wanaunga mkono hii ripoti ni wale waliyeteuliwa kwa sababu hawasumbuliwi na maswada ya ufadhili. Leo asubuhi ungekuja kwangu, ungejawa na huruma.

(Hon. Wajewa rises on a Point of Order)

Hon. Wajewa (Nominated MCA): Madam Speaker, Point of Order!!

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Hon. Wajewa, which point of Order are you citing?

The Deputy Whip (Hon. Obonyo, MCA, South West): Naomba waheshimiwa wenzangu wakatae hii ripoti kwa sababu wanafunzi wanaitaji ufadhili iende kwa shule na tukiunga mkono hii ripoti inamaana kuwa watoto watakosa kuenda shule. Madam Spika, nimekataa hii ripoti kabisa

Hon. Wajewa (Nominated MCA): Madam Speaker, Point of Order!!

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Yes Hon. Alice Wajewa.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Hon. Adega I can see you standing, you will get your time to reply.

Hon. Wajewa (Nominated Member): Madam Speaker, I've not risen on my feet to contribute on the Motion but I have stood on a point of information. I just want to inform my fellow Honourable Members that in this House we have Member of Parliament, there is no elected Member of Parliament or nominated Member of Parliament. So indicating that only the nominated members are against the Report is wrong because even me, I did not stand to contribute on the report and she did not know whether I was going to support it or reject it. So I would ask the Member to apologies and withdraw. Thank you. We are all Members of this Honourable House and you are trying to mislead the House and the public. Thank you so much.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Yes Hon. Obonyo, the whip.

The Deputy Whip (Hon. Obonyo, MCA, South West): Thank you Madam Speaker. I don't want to be informed because I have been informed enough.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Honourable Members let us proceed with the debate.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Yes Hon. Kennedy Ajwang.

Hon. Kennedy Ajwang (Nominated MCA): Thank you Madam Speaker, I rise to support the Motion. First, let me start with the first word that has just be uttered by my fellow colleague on elected Members and Nominated Members. Madam Speaker, I'm also in this Assembly in the capacity of a special elected Member. That means that I was nominated. Madam Speaker, at a time of elections, we have two types of elections, there are those ones who got direct elected through the electorates and also the ones who are special elect through nominations. When we get to this House, we are one team, we are all Honourable Members. I want to state it very clearly so that we do away with the issue of dividing Honourable Members in this House that these ones are elected and the other ones are nominated, we are all Honourable Members.

Madam Speaker, I had stated earlier that I stand to support. Madam Speaker and Honourable Members, the main bone of contention here, as I have been listening very keenly to the Honourable Members who have just contributed is about the bursary. I will request our Honourable Members to have a look at the resolution made by this House Committee, if there is any clause or any dot indicating that this House Committee recommended that bursary should be scrapped or stopped or done away with.

Madam Speaker, I want to state that Members who have just contributed are misleading the other Honourable Members and the House, stating that this House Committee recommended that we should do away with bursary. Madam Speaker, it has been stated very clearly that Department of Education has been operating since the Act came into place without this regulations and they've been awarding the Bursaries and Scholarships

Madam Speaker, in my opinion, I see it very clearly that there is no clause where this House Committee has recommended that the bursary should be stopped. Although, the elephant in the room is that as this House Committee was sitting it realized late submissions of the regulations.

This House Committee also recommended a period of six months to the County Executive Committee to ensure that they come up with a new regulation. Madam Speaker, this does not imply that when they're recommended that the period should be six months. It doesn't just go for six months. It either can be in between but not exceeding six months. Therefore, Madam Speaker, I do request that this House adopt this report.

There is no any single clause that this House Committee has instigated that the bursaries should be stop and I would like to urge Honourable Members to support this report so that we avoid getting into illegalities. Let us do the right things at the right time and that we should advice the County Executive where they have erred. In our advice as Legislatures, refer to the Constitution of Kenya, the Standing Orders and other statutory provisions to advice the Executive. Thank you.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Hon. Odari.

Hon. Odari (MCA, Chemelil/Tamu): Thank you Madam Speaker, I wish to call the mover to reply.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Yes Hon. Abeid.

Hon. Abeid (Nominated Member): Thank you Madam Speaker. I want to start by condemning Hon. Okumu. There is no single page in this report that affects the distribution of bursaries even as I stand here right now. Let us learn to read reports first before arriving at conclusions on an issue which are not provided or mentioned in the report. There is no single letter or word in this report that stops the distribution of bursaries. The last time we met, we unanimously agreed that the disbursement of bursaries should continue but we must emphasis on the need to follow the law. In summary, what this report was recommending was to follow the law. We are under Devolution where in Kiswahili it is referred to '*Sirikali Mashinani*'. It cannot be Devolution when we are making laws when the County Executive is making Regulations without conducting public participation. Public participation remains the core of Devolution.

Madam Speaker, I also want to enlighten Hon. Adegwa who I really respect and admire so much as a senior Member. Hon. Ken, indeed we were elected by our Party that is ODM but I can assure you that the same way elected leaders struggle to get elected is the same way we struggle to convince our Party that has millions of people that deserve to be nominated.

(Loud applause)

We faced significant challenges, and you might not be aware of our struggles. The ODM Party has a vast pool of qualified supporters who deserve nomination. By the time you get nominated, you'll realize it is indeed not an easy journey. I want to emphasize to this House that nominated leaders have specific responsibilities. We are not here just to sit and look pretty. As Hon. Abeid, I take pride in my educational background, which I've spoken about in this House. Without the support that allowed me to return to school as a young mother, I wouldn't be standing here today. I am not ashamed of my past because education has brought me to where I am, enabling you to call me Dr. Mariam or Hon. Mariam. I hold education in high regard.

As a specially elected leader, my role is to represent the marginalized groups of this County, including the Muslim community. We face issues such as bursaries, and I know you, as my area MCA, will agree that the challenges you encounter daily are the same ones I and other nominated members face. We are not here to antagonize anyone. What would we, as nominated leaders, gain from destabilizing the bursary system?

Our committee's decision was informed by the fact that these regulations were not initially brought by the County Executive Committee Member. We have been writing letters since last August, requesting regulations to be presented to the Assembly. These regulations were only brought forward after we wrote four letters, and my clerk can confirm this. Two months ago, we

had a similar issue with then Department of Water on the Climate Change Regulations, and the entire Water and Delegated Committee unanimously agreed that the County Executive Committee Member must respect the law. We cannot pass a law without public participation, as devolution requires.

So, I still insist that we support this report because there is no single recommendation in this report that stops the Disbursement of Bursaries and Scholarships. Madam Speaker, I just wanted to emphasis on this because Hon. Seth Okumu decided to deliberately mislead the House and play politics with this matter, we have to follow the law. Even in future if documents are brought to this House Committee if they did not go for public participation and if they do not have the supporting documents, I want to inform this House without any fear of contradiction that we will reject that report as Delegated Legislation Committee. It is our role that we ensure that the Governor's Manifesto is followed. We cannot make laws illegally. Thank you.

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Honourable Members, now that the motion on Adoption of the report of the Select Committee on Delegated County Legislation on the Kisumu County Education Fund Regulations, 2023 has been moved, seconded and debated upon, I therefore want to put a question on the adoption of the same?

(Question put and negatived)

The Temporary Speaker (Hon. Carren, MCA, Kaloleni/Shaurimoyo): Honourable Members, the report by the Select Committee on Delegated County Legislation on the Kisumu County Education Fund Regulations, 2023 is hereby rejected today Wednesday, 22nd May, 2024 at 10:28 hours. I therefore direct that the recommendations of this report and the House debate be forwarded to the relevant offices for the purposes of implementation. Additionally, I direct that the select Committee on Implementation follows up on the implementation of the same.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Next Order!!

ADJOURNMENT

The Temporary Speaker (Hon. Carren (MCA, Kaloleni/Shaurimoyo): Honourable Members, there being no any other business to transact, this House stands adjourned today Wednesday, 22nd May, 2024 at 2.30 p.m.

(House rose at 10.29 a.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (Acting Editor)</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>Jacklyne Otieno</i>	-	<i>Hansard Reporter</i>
<i>Valery Achieng'</i>	-	<i>Hansard Reporter</i>