

Wednesday 18th February, 2015

Morning Session

Time: 9.00 am

(Prayers from Speaker Hon. Gabriel Ochieng)

Mr. Speaker (Hon. Gabriel Ochieng): Order Hon. Members, you may now get seated. Morning Hon. Members.

Hon. Members: Morning to you.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you, I do welcome you to this session that we are sitting again this year of 2015. I do request the Clerk to the Assembly to take us through the order paper.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): First Assembly third Session no. 3, Wednesday 18th February 2015 at 9.00a.m. Order no. 1 administration of oaths

Mr. Speaker (Hon. Gabriel Ochieng): There are no Oaths to be administered, next order.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order no. 2 communication from the Chair.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you Hon. Members hope you had a good day, today we want to debate the Speech of H.E the Governor of Kisumu County, and otherwise I seek your cooperation in today's session thank you.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order no. 3 messages.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order no.4 petition.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order no. 5 papers.

Mr. Speaker (Hon. Gabriel Ochieng): Yes Leader of Majority.

Leader of Majority (Hon. Samuel Ong'ow'): Thank you Mr. Speaker sir. I rise to lay the following papers.

1. The list of the nominees for the Kisumu county land management Board.
2. The Kisumu County integrated strategic Urban Development plan.
3. The Financial and planning 2nd quarter 2014/2015 report from the Executive

(The three papers are handed over to the Clerk to the Assembly).

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order no. 6 Notices of Motion.

Mr. Speaker (Hon. Gabriel Ochieng): Yes Leader of Majority.

Leader of Majority (Hon. Samuel Ong'ow'): Before we move to the notices of motion I thought you were to commit the papers that I have laid to the relevant committee for further action.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you Very Much Leader of Majority for that remainder. The Financial and planning 2nd quarter 201/2015 report from the Executive I want to commit it to the committee of Finance for them to scrutinize it further, what it is Hon. Oraro?

Hon. Kelvin Oraro: I think the paper that you have just committed to the Finance committee should be committee to the PIC and Pac committee because it is under the Public investment committee.

Mr. Speaker (Hon. Gabriel Ochieng): It is upon the Finance committee to look upon the report and if it has any errors then it is taken up by the PIC and PAC committee.

Hon. Kelvin Oraro: Mr. Speaker I think those are finances that have already been used and it is supposed to go to an oversight committee which in this case is the PIC and PAC committee.

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Oraro so tell me, how is the Finance committee supposed to know that there is a report on finance tabled in the House.

Leader of Majority (Hon. Samuel Ong'ow'): Point of information.

Mr. Speaker (Hon. Gabriel Ochieng): Granted.

Leader of Majority (Hon. Samuel Ong'ow'): I think the Hon. Member is confusing the financial report and the Auditor general report, finance report should go to the finance committee but the Auditor report is the one that should go to the PIC and PAC committee so that they can make their recommendation to the auditor general.

Mr. Speaker (Hon. Gabriel Ochieng): Much understood, that is the procedure Hon. Oraro, so I want to commit this report to the finance committee for further deliberation.

On the second paper, the Kisumu County integrated strategic Urban Development plan, I want to committee this to the committee of planning and the last paper which is the list of the nominees for the Kisumu County Land Management Board, I want to committee this to the committee of planning again. It seems the committee of planning will have much work to do so that they can bring back the report to this Hon. House, I understand that this nominee need to come for vetting on Monday. I want the Chair of planning to see on a way that he can arrange so that the exercise begins on Monday without any hitches thank you. Yes Majority Leader.

Leader of Majority (Hon. Samuel Ong'ow'): Thank you Mr. Speaker sir, I want to give a notice of motion on the adoption of the House Business calendar.

Mr. Owen Ojuok (Ag. Clerk to the Assembly): Order No. 7 Statement.

Mr. Speaker (Hon. Gabriel Ochieng): yes Hon. Ogosi.

Hon. Aggrey Ogosi: I rise to give a personal statement on my security and the security of the Hon. Members, Mr. Speaker my life is under threat, Mr. Speaker on Monday night I was attached at the gate of my compound by unknown people, Mr. Speaker yesterday after the Assembly session ended I was also attached as I was leaving the precinct of the Assembly. Mr. Speaker just to give a little detail on this attaches, on Monday night I want hosted by a local radio station and that is Nam Lolwe station at around 11.15p.m and thereafter I went to my home straight and when I reached my gate as I was hooting for the gate to be opened four people attached me, My. Speaker I was Lucy that my Neighbor responded quickly and come to my rescue, the police come later to the scene and I told them what transpired.

Mr. Speaker the People who attached me yesterday were demanding to know why I was opposing H.E the governor of Kisumu County. Mr. Speaker at first I thought that they were a normal criminal, but when they decided to attached me I realized that it was a serious matter and they were giving me warning that if I don't change my way I was in for it, Mr. Speaker if it was not for the member of the Public who saved me I don't know what would have done.

Mr. Speaker as a member of this Assembly I need to be secured mostly in the prescient of the Assembly. Mr. Speaker the two incidences I was trying to divorce them from politics but it is difficult to divorce them after what happened yesterday. Mr. Speaker through your Chair I want to request that the matter be investigated so that the truth be established because today it would be me tomorrow someone else. Mr. Speaker from what happened on Monday night and yesterday, I think it is by the grace of the Lord that I was able to get away without any arm.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you, you know very well about what our Standing Order says about Personal Statement, I want the committee of Administration and security to convene a meeting and discuss the matter and invite Hon. Ogosi to give his side of the story. I hope you have reported the matter to the police.

Hon. Aggrey Ogosi: Mr. Speaker I said that the police came to the scene, I have not reported the matter.

Mr. Speaker (Hon. Gabriel Ochieng): Order Hon. Members, this is a serious matter. As Hon. Ogosi has said, you know there has been security threat all over the County and when a Hon. Member brings such concerns we should agree and put ourselves in his position. So the Chair of Security and Administration, kindly see Hon. Ogosi so that you can know how to go about this thing and kindly submit a report to this house. Next, Hon. Ogunyio.

Hon. Willis Ogunyio: Thank you Mr. Speaker Sir, I rise to give a statement..

Mr. Speaker (Hon. Gabriel Ochieng): Order Hon. Member! today is not a statement day.

Hon. Willis Ogunyio: Personal statement sir!

Mr. Speaker (Hon. Gabriel Ochieng): You are out of order Hon. Member. Next Order!

Ag. Clerk to the County Assembly (Mr. Owen Ojuok): Next Order: Commencement of Business: Adoption of the House Business Calendar.

Leader of Majority: Thank you Mr. Speaker Sir. I want to move a motion which is the House Business Calendar. You are aware we have been in a long recess and now that Hon. Members have resumed business of this House, this is going to be the first business calendar, today Thursday 18th February 2015, and I hope with the few errors we have Mr. Speaker Sir, Members will bear with the Business Committee. It is prepared as follows:

Tuesday	<u>Morning</u>	<u>Afternoon</u>
17/02/2015	Free	Governor's Speech
Wednesday		
18/02/2015	Plenary 1. Adoption of House	Plenary Governor's Speech

20/02/2015	FREE	FREE
Monday 23/02/2015 9:00 – 10:30 9.00 – 4.30 p.m	<ol style="list-style-type: none"> 1. Committee on Implementation 2. Welfare and Equal Opportunities 3. Administration and Security Committee 4. House and Rules Committee <ol style="list-style-type: none"> 1. Vetting of Kisumu County Land Management Board members by Committee of Planning, Housing, Industrialization and Development. 	2:00-3.30 P.M <ol style="list-style-type: none"> 1. Selection Committee 2. House Privileges Committee 3. County Budget Committee 4. ECD, Vocational Training and Adult Education
10:30 – 12:00	<ol style="list-style-type: none"> 1. Tourism, Wildlife and Heritage Committee 2. Information Communication Technology 3. Justice and Legal Affairs 4. Fisheries, Livestock and Natural Resources 	<ol style="list-style-type: none"> 1. Selection Committee 2. House Privileges Committee 3. County Budget Committee 4. ECD, Vocational Training and Adult Education
Tuesday 24/02/2015 9:00 – 10.30	<ol style="list-style-type: none"> 1. Children, Gender, Culture and Community Services 2. Public Works, Roads and Transport Committee 3. Water, Energy and 	Plenary

<p>10.30-12.00</p>	<p>Sanitation Committee</p> <p>4. Agriculture and Environment Management Committee.</p> <p>1. Planning, Housing and Industrialization Dev. Committee</p> <p>2. Health Services Committee</p> <p>3. Committee on Delegated County Legislation</p> <p>4. Labour and Social Welfare Committee</p>	
<p>Wednesday 25/02/2015</p> <p>Thursday 26/02/2015 9:00 – 10:30</p> <p>10:30 – 12.00</p> <p>12:00 – 1.00</p>	<p>Plenary</p> <p>1. Trade, Co-operative and Enterprise Development Committee</p> <p>2. Committee on Appointment</p> <p>3. Finance Committee</p> <p>4. PIC and Pac Committee</p> <p>1. House Business Committee</p> <p>1. Liaison Committee</p>	<p>Plenary</p> <p>Plenary</p>
<p>Friday 27/02/2015</p>	<p>FREE</p>	<p>FREE</p>

As you can see we do not have what to present for the plenary, I request the Committee Members to take their mandate very seriously to avail reports so that they are forward to the House Business Committee. The House Business Committee depends on the report given to them by relevant committees and that is why I want Hon. Petronila Achieng to second this.

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Petronilla.

Hon. Petronilla Achieng: Thank you Mr. Speaker, I rise to second the house business calendar that has been laid by the Majority Leader.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you very much. Hon. Members, the Majority Leader has tabled a house business calendar from 17th February 2015 to 27th February 2015 and I now want to pose the question that the house business calendar be discussed.

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Elijah, what is the problem, you have been displaced?

Hon. Elijah Omondi: Thank you Mr. Speaker, yes I have been pushed and since yesterday nobody has asked me why I am not in my seat and I thank you Mr. Speaker for your concern. Neighbours are really on me. I want to say I am a changed man (Prolonged laughter). I want to support this calendar but with very minor amendment. We had a very wonderful speech yesterday and I don't expect the Governor to come here again to add another speech. If you check on Wednesday 18th/02/2015, I would recommend it reads debate on Governor's Speech because if we leave it like that it won't make sense.

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Petronilla

Hon. Petronilla Achieng: Thank you Mr. Speaker, First I rise to second the amendment of Wednesday to read debate on Governor's Speech.

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Members, there is an amendment proposed and seconded on Wednesday 18th February 2015 during plenary to read debate on Governor's Speech and I ask the question, will as many are of the opinion say aye!

Hon. Members: Aye

Mr. Speaker (Hon. Gabriel Ochieng): Will as many are of the contrary opinion say nay

Hon. Members: Silence

Mr. Speaker (Hon. Gabriel Ochieng): The ayes have it. It should clearly go into record of Hansard - Debate on Governor's Speech. There was also a proposal by the Majority Leader on 23rd Monday 2015, that the Committee of Planning, Housing, Industrialization and Development be captured at 9.00- 4.30 pm because of the vetting. I want a seconder of this so that I put a question. Yes, Hon. Caroline Agwanda

Hon. Caroline Agwanda: Thank you Mr. Speaker, I second that the Committee of Planning, Housing, Industrialization and Development be moved to morning hours from 9.00 -4.30 p.m because of vetting.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you Hon. Members. It has been Proposed by the Majority Leader seconded by Hon. Caroline Agwanda that the Committee of Planning, Housing, Industrialization and Development be moved to 9.00 – 4.30 p.m because of the vetting, I will now put a question, will as many are of the opinion say aye!

Hon. Members: Aye

Mr. Speaker (Hon. Gabriel Ochieng): Will as many are of the contrary opinion say nay!

Hon. Members: Silence

Mr. Speaker (Hon. Gabriel Ochieng): The ayes have it.

Hon. Marlin Akinyi: Thank you Mr. Speaker, I also want to support this calendar, but I also want to request that the Implementation committee be slotted a chance tomorrow morning so that we debate on this report before we table it in the afternoon.

Mr. Speaker (Hon. Gabriel Ochieng): Tomorrow which is Thursday?

Hon. Marlin Akinyi: Yes, Mr. Speaker.

Mr. Speaker (Hon. Gabriel Ochieng): Who is seconding that amendment? Yes Hon. Aslam

Hon. Aslam Khan: Mr. Speaker sir, first I want to thank you the chair and all Hon. Members and I want to request you to work in unison for the betterment for Kisumu County, it was very long Holy day, Mr. Speaker, I want to second the proposal made by Chair of implementation Hon. Marlin.

Mr. Speaker (Hon. Gabriel Ochieng): Ok, I want to put a question on this amendment; the chair of Implementation Hon. Marlin wants her committee be put in the morning on Thursday so that they can go through their report before tabling it in the afternoon, and

I now want to put a question that, are as many of the opinion that the committee of the Implementation be slotted a chance in the morning on Thursday say “Aye?”

Hon. Members: “Aye!”

Mr. Speaker (Hon. Gabriel Ochieng): As are many of the contrary say “Nay?”

Hon. Members: Silence...

Mr. Speaker (Hon. Gabriel Ochieng): The “Ayes” have it. Yes Hon. Agwanda.

Hon. Caroline Agwanda: Thank you Mr. Speaker, you directed the Chair of legal and justice to take the disability bill to public participation and I want them to tell us when are they doing so?

Mr. Speaker (Hon. Gabriel Ochieng): Yes chair for legal and justice.

Hon. Nereah Okombo: Thank you Mr. Speaker, My committee has liaised with the office of the clerk to gazette the same for the public participation but they reported back to me that they (office of the clerk) didn’t have the money yet to published it and they were waiting for the assembly to resume from recess. I will liaise with the office of the clerk again to know if they have gotten the money for gazettelement otherwise the copies of the bill are ready for Hon. Members to pick.

Mr. Speaker (Hon. Gabriel Ochieng): Yes .Hon. Pamela.

Hon. Pamela Awuor: Thank you Mr. Speaker, I have submitted the bill of market and trade to the clerk, I wish to report to your office to facilitate it, so that it can be brought to the House for discussion.

Mr. Speaker (Hon. Gabriel Ochieng): That is noted. Yes Hon .Ogonyo.

Hon. Willis Ogonyo: Thank you Mr. Speaker, I discovered it that we are having budget and appropriation committee meeting on Thursday afternoon and I wish, it be slotted in the morning because in the afternoon we are having plenary. I now propose that we be slotted a chance on morning at 11:00 a.m. to noon.

Mr. Speaker (Hon. Gabriel Ochieng): So any seconder to this proposal? Yes Hon. Caroline Agwanda.

Hon. Caroline Agwanda: Thank you Mr. Speaker, I second the proposal that the committee of the budget and appropriation be slotted for chance to 11.00 a.m. to noon.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you very much Hon. Member, the chair of the budget and appropriation has mentioned that they are likely to table the supplementary budget tomorrow in the afternoon and due to this he is requesting the House if they can be slotted a chance in the morning tomorrow at 11:00 am to noon and I want to put a question. As are as many of the opinion that the committee of the budget and appropriation be slotted a chance on 11:00 a.m. to noon, say “Aye?”

Hon. Members: “Aye”

Mr. Speaker (Hon. Gabriel Ochieng): As many as are to the contrary opinion say “Nay?”

Hon. Members: Silence.

Mr. Speaker (Hon. Gabriel Ochieng): The “ Ayes” have it. The budget and appropriation chair you have been given that slot. Yes Hon. Lydia Odhiambo.

Hon. Lydia Odhiambo: Thank you Mr. Speaker, I equally presented my bill of the reproductive health to the clerk of the County Assembly, I don’t know when it will come in this House?

Mr. Speaker (Hon. Gabriel Ochieng): Thank you Hon. Member, you will liaise with office of the clerk, Hon. Members on page one of the House Business Calendar, the leader of Majority have indicated that the H.E. The Governors speech should be given the first priority in the order paper and then the tabling of the supplementary budget on Thursday afternoon in the plenary. Any Hon. Member seconding this? Yes, Hon. Aslam Khan

Hon. Aslam Khan: Mr. Speaker sir, I stand to second the same so that it can be slotted in the House Business Calendar.

Mr. Speaker (Hon. Gabriel Ochieng): There is a proposal that on Thursday 17th afternoon in the plenary the H.E. The Governor’s speech be put first in the order paper and then followed by the tabling of the supplementary budget , and I now want to put a question, as are many of the opinion that the H.E. the Governor Speech comes first in the order paper say , “Aye?”.

Hon. Members: “Aye!”

Mr. Speaker (Hon. Gabriel Ochieng): As many as are to the contrary opinion say, “Nay?”

Hon. Members: Silence.

Mr. Speaker (Hon. Gabriel Ochieng): The “Ayes” have it. Yes Hon. Faridah.

Hon. Faridah Ahmed: Thank you Mr. Speaker, mine is just a general observation on the way our documents are written, I wish to remind the clerks that we do not want to see the documents with typographical errors again, it is important to edit this documents before presenting them to avoid this type of errors, for example if you look at the ward plenary spelling at one point it being spelled with one “L” at another point it is being spelled with double “l” this are kind of errors that we don’t want honestly . Again look at the way H.E The Governor’s speech, it has been written as “Governor speech” so I am asking the Clerks to check on this kind of small errors .

Mr. Speaker (Hon. Gabriel Ochieng): Hon. Caroline Agwanda.

Hon. Caroline Agwanda: I just want to advice the House business committee that in the next business calendar they can change the committees like in the other session we used to have Selection committee, Priviledges, County budget and ECD committee. Can they be interchanged where we have committees that were in the last session labeled like that, you take these two put in another schedule and bring it like that. That is my suggestion.

Mr. Speaker (Hon. Gabriel Ochieng): I hope the clerk of the House business committee will at it. I think the concern of Hon. Farida is also taken and also hope the Members are going to liaise with the Clerk of the House business committee. I know we have a lot; we have Members with Motions and Bills. Since the Members have exhausted the amendments on this House business calendar I know call upon the chair of budget committee to talk before I call upon the mover to reply.

Hon. Willis Ogonyo: Thank Mr. Speaker, I just want to put some highlights that as at now there are so many issues to be discussed on the budget. Members had requested that we have more time to discuss the budget. We have so many issues to discuss and I request that we can meet tomorrow to discuss. Otherwise thank you very much.

Leader of Majority: Thank you Mr. Speaker. I want to thank the Members for their contributions to the House business calendar and I want to affirm that the advice or the amendments that have been given will be taken seriously. Members of my committee have noted that the way we used to prepare our calendar should remain like this since this is our first business and we have quite a number of activities. I want to promise that we will consider all these in the next calendar whereby we will have committees sitting probably from 8:30am to 10am, then followed by maybe from 10am to 11am or 11:30am; then from 12 noon as others follow till evening. I think we need to consider all that including as suggested by hon. Caroline Agwanda. However I want to say that action cannot be taken when this committee has already reported back to the House. Some Committees have been given time but they have not been able to report to the House and therefore when giving feedback on certain things to discuss they have to be

given in good time. Finally, I want to thank the Hon. Members, the members of the committee and the Hon. Speaker for this time.

Mr. Speaker (Hon. Gabriel Ochieng): Thank you members for the amendments on this first calendar for 2015 third session. I want to say that it is in the committees that you can make this Assembly to move. It is your participation in the committees, it is your participation by bringing Bills and Motions that we can fast track implementation. Many Motions have been passed here but they have not gone to create the Bills. I think we want to follow those areas so that those Motions can be implemented by the executive as we do our oversight role. I want to ask the committees to keep good records so that through those records we can be able to steer the Assembly. Otherwise, I want to put a question for the adoption of this. That the House Business calendar from 17th February 2015 as tabled by the Leader of Majority and as discussed and amendments given be adopted by the House. As many as are of the opinion say “Aye”

Hon. Members: “Aye!!”

Mr. Speaker (Hon. Gabriel Ochieng): As many as are of the contrary opinion say “Nay”

Hon. Members: *(Silence!)*

Adjournment

Mr. Speaker (Hon. Gabriel Ochieng): The “Ayes” have it and the calendar has now been adopted. Hon. Members I heard that the Governor’s speech had some hitch as it is a big document and they are still producing enough copies for the Members. I therefore request that this be put in the afternoon business. I think that by afternoon they will be ready and Members will be supplied with the copies so that it can be discussed. For now I want to say that the House stands adjourned until 2:30 pm.

(All Arise)

(Speakers’ Procession)

(House adjourns at 06:25 p.m.)