

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly- Second Session

Tuesday, 26th August, 2014

The House met at the County Assembly Chambers at 2.30 pm

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have a Communication to make. I earmarked this day to be the day I was supposed to give a ruling on the position of Minority Leadership in the Assembly. This afternoon, at around 2p.m, I was called by one of the interested parties who told me that there is new information that will be coming to my attention today or tomorrow and I thought it could have a bearing on the ruling which is already written, the decision already taken. So, I hope that I'll get that letter tomorrow, so that on Thursday, we will be done with this matter once and for all. Otherwise the decision is ready.

Secondly, may I Communicate to this Assembly that yesterday, it came to the attention of the Board that the medical cover--- This is administrative, but let me just use this opportunity to Communicate. Medical cover had expired for Members of the Assembly and the Board made a decision and asked the procurement team to extend the tenure of the current providers of the medical scheme by one month. I believe that by the end of 30 days, we will have been able to bring on board a provider for that service.

Next Order!

PAPERS

Hon. Onduru: Mr. Speaker, Sir, I am a bit amazed that we are not presenting our Paper. You know, when my committee was responding to hon. Andiego's Statement, I was in the Ad-Hoc committee and my Chairman has been handling this since that time and I thought he was going to be here to present the Paper.

We were with him in the morning, but now, I cannot see him here! I don't know what the problem is. I knew he was going to lay it, so, I'm not ready. I don't know what you will say about it Mr. Speaker. If he is not there, I will handle this effectively Mr. Chair. So, give me 3 days and I will present it because I am not seeing him here now.

Hon. Speaker: Is the report ready? Is it signed?

(Loud consultations)

Hon. Onduru: Mr. Speaker, I can see that the report has not been signed.

An. Hon. Member: Sign it!

(Laughter)

Hon. Onduru: If you give me direction, I will do as you say, Mr. Speaker, Sir.

Hon. Speaker: It is the understanding of the Chair that this subject was given to the Committee on Health which you Chair. It is also the understanding of the Chair that a report was brought to the office of the Clerk and it is coming to my notice now that it is not even signed! So, I will be hesitant to allow you to Table that which is not signed because who will own it now? For your information, hon. Chairman, the Assembly is going on recess on 28th, which is on Thursday. Three days, it means we will have gone on recess.

Hon. Onduru: Mr. Speaker, since the report is ready, then I will present it on Thursday afternoon.

Hon. Speaker: Hon. Andiego, this was your question. Are you comfortable with tomorrow?

Hon. Andiego: Thank you, Mr. Speaker. As much as I will not be comfortable, it is now forcing me to accept because there is nothing we can do. But, Mr. Speaker, I really need this report to be done because my people are suffering day and night. Thank you, Mr. Speaker.

Hon. Speaker: And I see there is, Nicholas Were as Members of that committee. I want believe that's a sub-committee. There is, Maurey Asewe, Anastasia Augo and Margaret Olongo. Other than the Chair, are the three Members here?

(Loud consultations)

They're not here.

Well, Hon. Members, Thursday is too far and we have a lot in our tray. I think the Chair can only extend up to tomorrow afternoon, because when Members ask questions here, they don't ask for themselves, but on behalf of the people they represent. And when a report has been made, I want to believe the committee did its investigations, sat and it would be very absurd if just presentation is the problem.

Last time we were here when we were addressing the rioters. They told me, 'Mr. Speaker, you've now taken your allowance; we have not gotten ours'. They might be tempted to ask us the same hard the same questions. So, therefore I direct that this report be presented on Wednesday, tomorrow afternoon and not Thursday as requested.

Is there any other Paper?

Next Order!

NOTICES OF MOTION

Hon. Madialo: Mr. Speaker, Sir, it is listed under Order No. 6 that I will move a Motion on the Public Appointments Bill. As much as we have completed the public participation aspect of the legislation process, the secretary that was dealing with the Ad-hoc committee was also dealing jointly with the Ad-hoc committee on Finance and Trade, but unfortunately, that secretary has not appeared today. So, I believe all those reports are not

ready. Mr. Speaker, I undertake to ensure that I follow him up so that the report is ready by tomorrow morning. I therefore pray that this item be legislated tomorrow morning at 9am.

Hon. Speaker: So, Hon. Madialo is giving notice of moving that Motion tomorrow in the morning? That's my understanding.

Hon. Madialo: Yes. And Mr. Speaker, the challenge is that Members do not have copies of that report.

Hon. Speaker: Hon. Members, a copy should be presented when we have the report. Then we lay it and circulate the copies. Then Members go with the copies and have a look at them. Then on a given appointed day we debate. I know because we've not always had very busy schedule, we lay the same day and debate it the same day. Which one day, somebody could say that they have not had enough time to go through the report. But on this one, I think the Chair will permit that it be ready and Members to have a look at the report which will entail the position of the committee and the views collected from the public circulated in good time. And I want to ask Members to have a copy of that Bill with them because it had been given to them. And not only that Public Appointments Bill, but also the other three Bills on which we conducted public participation on Friday last week.

So, granted tomorrow at 9am. And then the other thing I may ask Members is; before we come to the Assembly, always liaise with the necessary people to be informed on whether or not you will move your Motions, give your notices and lay your Papers. So that you are not all ambushed.

Next Order

STATEMENTS

Hon. Speaker: Yes, Hon. Deputy Speaker. I'm sorry you do not have copies of that Statement. I'm told power went out before it could be printed. But I approved it yesterday morning.

Hon. Adera: Thank you, Mr. Speaker. I wish to seek a Statement from either the Chairman of Delegated Legislation or Chairman of Public Administration and Governance Committee on the issue of police officers from Ukwala police station and also Rwambwa, I believe, who are masquerading as traffic police officers and collecting monies in the name of bribes from motorcyclists and motor vehicle operators along the Ukwala and Rwambwa routes.

Mr. Speaker, in this County, we are aware that the rate of thuggery has gone up, yet we have police officers who should be taking care of the common man. Instead, they are going on the roads to collect monies. So, I wish to seek Statement from either of the Committees that I have stated.

Hon. Speaker: Allow the Chair to direct that the matter be referred to the committee on Public Administration and Governance. I know they'll tell you that security is not devolved, but we also have a duty to find out why our people are suffering. If indeed bribes are being solicited from them. The Chair of Public Administration and Governance, is he here?

I am aware that part of the committee is doing a report in Kisumu. Any Member of that committee? Yes, Hon. Munda, please take note and inform the Chair.

Hon. Munda: Taken Mr. Speaker.

Hon. Speaker: Next Order!

MOTION

Hon. Speaker: Yes, Hon. Majority Leader. Order No. 9. You have it?

Hon. Otieno: Is it not No.8?

Hon. Speaker: No. 8 is skipped because they have given notice for tomorrow morning.

Hon. Otieno: Thank you, Mr. Speaker. As you are aware, this report had been brought before this House and it did not meet the threshold of debate. And because of that, it was referred. So, again Mr. Speaker, we did not want this Motion not to see the light of the day or to be thrashed like that one of Hon. K'awuor which was thrashed last week. So, a comprehensive one is on Mr. Speaker and at the time of coming to the Floor, I went to inquire about it and found that the CEC concerned has been out of the office on other engagements in Mombasa. So, he requested and we agreed that he'll bring it before the House by first month after recess Mr. Speaker. So, I was kindly requesting you Mr. Speaker, to make a considerate ruling on it. Thank you.

Hon. Speaker: Yes, Hon. Elisha, are you comfortable with that request?

Hon. Okuku: Thank you, Mr. Speaker, for giving me this opportunity to say whether I am satisfied or not. Mr. Speaker, I stand to oppose what the Leader of Majority has requested. Mr. Speaker, this thing has delayed, and in this House, one can wait until Jesus comes for a Statement to be addressed. I don't want this one to follow suit. If you visit the County Governments Act, it is very much clear what the Governor should do when he wants to swap or reshuffle the two CECs. I therefore, indulge you, Mr. Speaker, to give a direction which can be satisfactory to my electorate at Yimbo East. Thank you, Mr. Speaker.

Hon. Speaker: Let's have Hon. Onduru

Hon. Onduru: Mr. Speaker, Sir, I also rise to oppose whatever the Leader Majority has requested. Seemingly, somebody is sleeping on the job. The CEC must be sleeping. This issue came to this House very long time ago and Mr. Speaker; you gave a directive that all the Statements and reports that were to be brought to this House should be brought before we go for recess. So, my take is that, I wouldn't like any other extension for this particular issue and if the CEC is not capable of doing what he is supposed to be doing, then appropriate action should be taken. Thank you.

Hon. Speaker: Yes, Hon. Gare

Hon. Gare: Thank you, Mr. Speaker, Sir. I stand to concur with the two fellow colleagues who have---

(Hon. Madialo stood up in his place)

Hon. Madialo: Point of order, Mr. Speaker, Sir.

Hon. Speaker: Yes, Hon. Madialo. Hon. Gare, do take your seat.

(Laughter)

Hon. Madialo: Mr. Speaker, the Hon. Majority Leader of this Assembly has risen and said he has a report that is not complete. Mr. Speaker, is it in order for anybody to suggest that he is opposing what has not been proposed?

Hon. Speaker: What the Chair understands from those Statements is they are contesting the request for additional time. If it is grammar, it is out of order

(Laughter)

Yes, Hon. Ben.

Hon. Omondi: Thank you, Mr. Speaker, Sir, for the good wisdom you have just displayed.

(Laughter)

Surely, the report that was requested in this House has taken too long. Going by the County Government Act, it is very clear that the two CECs are in office illegally. The Act states clearly that once the shuffling or swapping is done, the names must be submitted to the Appointments Committee for fresh vetting. So, Mr. Speaker, kindly look in to that issue.

(Applause)

Hon. Speaker: Ok, Hon. Members, I concur with you that the matter has been before this Assembly for so long. It stopped being a matter of Hon. Elisha Okuku and it became a matter for this House. The Chair takes responsibility and I'll give direction on this matter on Thursday afternoon on the way forward. So, Hon. Majority Leader, you can take your cool, don't bother the CEC, I will do his job.

(Applause)

Next Order!

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, this County Assembly adjourns until tomorrow, Wednesday, at 9.00a.m.

The House rose at 3.00 p.m.