

Thursday, 23rd August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA
SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly - Second Session

Thursday, 23rd August, 2018

The House met at the County Assembly Chamber at 2.30 p.m.

[The Temporary Speaker [(Hon. Madialo) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

KICOSCA GAMES

Hon. Temporary Speaker(Hon. Madialo): Hon. Members, for purposes of bringing us up to speed on the KICOSCA games, actually we will be going to Nairobi next week, so kindly remain when the House adjourns.

Hon. Otiato!

STATEMENT

STATE OF THE PMCS

Hon. Otiato: Mr. Temporary Speaker Sir, I don't have --- number and again my major concern is that we were supposed to be getting some responses. We asked a Statement and it was responded to even though not adequately by the Chair of finance on the state of PMCs.

The directive was that they report back within 14 days that is from May, 18th but up to date we have not received any communications.

Hon. Temporary Speaker (Hon. Madialo): The chair Committee on International Trade or any Member of that Committee?

Hon. Siguru: Yes, in the absence of the Chair I as the vice chair tend to think that I will respond to the fellow colleague on the respond that he is expecting. We did submit our response request to the Executive but to date we have not gotten the responses yet.

So as at now I do not really think whether we are ready to give a position as was directed because we are supposed to be getting the response from the Executive for us to report to this House. As it is we have not gotten the responses yet but we appreciate the concerns the Member

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has, we will make a follow up to expedite the exercise and see to it that we report probably soon. Thank you.

Hon. Temporary Speaker (Hon. Madialo): Hon. Otiato, are you satisfied?

Hon. Otiato: Mr. Temporary Speaker Sir, I don't think we in this particular House should be waiting for communications from the Executive. We have all the powers and the privileges just like any other court, unless the chair of Finance wants to tell us that he has tried even to sermon because we can give the sermon and this person be arrested and brought here if he cannot be able to come. How will be able to wait like this? Until next year, No!

Hon. Temporary Speaker (Hon. Madialo): Hon. Siguru, Hon. Otiato is right. How long do you want to enable you bring a comprehensive response?

Hon. Siguru: Mr. Temporary Speaker Sir, having given the Position a few minutes back that we have not gotten the response and I tend to think that I was elaborate that at least we are going to see into it within the shortest time possible.

I also agree with the Member that our two weeks' time already lapsed and it concerns us also as it does to you.

Hon. Temporary Speaker (Hon. Madialo): Order! Hon. Siguru. The Hon. Otiato, is asking how short is your shortest time possible?

Hon. Siguru: Another one week.

Hon. Temporary Speaker (Hon. Madialo): Another one week! Hon. Siguru, don't be cheeky. When do you want to bring the report? You know why you are telling us one week.

(Laughter)

Hon. Siguru: Mr. Temporary Speaker Sir, speaking of one week means that at least we are going through a process of getting this information up to and including the position that the Hon. Temporary Speaker said that we can even go to an extent of summoning these people to come to this House. So I tend to think that

Hon. Temporary Speaker (Hon. Madialo): Hon. Siguru, you are one of the sports men of this Assembly and if you tell us of one week we know for sure that you will not be here to follow the response because you will be away. Tell us something more realistic.

Hon. Siguru: I am well aware, Mr. Temporary Speaker, Sir that at least we are going for sports for one week and after the one week we are breaking for recess which also definitely comes from the days but since the report should be ready in one weeks' time means that the report should if the House is not in session then it means we will relay it the first time the House resumes.

Hon. Temporary Speaker (Hon. Madialo): So the chair directs that the report be available on the first week of our resuming afternoon session.

Hon. Siguru: Thank you, Mr. Temporary Speaker Sir.

Hon. Temporary Speaker (Hon. Madialo): Hon. Oor.

MOTION**ADJOURNMENT**

Hon. Oor: Thank you, Mr. Temporary Speaker Sir. I rise pursuant to Standing Order 25(3) which stipulates that;

On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the House Rules and Business Committee shall move a Motion of adjournment which shall be debated for not more than two hours after which the House shall adjourn without question put.

Therefore, in this regard and pursuant to Standing Order 25(3) I wish to Move that this Hon. House adjourn today for the long recess and resume its sitting on Tuesday, 25th September, 2018 at 2.30p.m. Thank you and I ask Linda Juma to second.

Hon. Juma: Thank you, Mr. Temporary Speaker Sir, just to correct my Hon. Member that he has to refer to me as Hon. Linda and on the same note I second.

(Question proposed)

Hon. Temporary Speaker (Hon. Madialo):Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Temporary Speaker Sir. One, as wittily Moved by the Leader of Majority and seconded by his deputy our duty of transacting within is heavily anchored on the space we have from without. Law is very clear that legislation without consultation is un-statutory and unconstitutional Mr. Temporary Speaker Sir.

Representation without consultation also falls on the same breath even oversight, at times we need to hear from public. So over sighting away from physical commune with the people we present holds no tangible grounds on matters morality even away from matters law really.

We really need space to go and have kamukunjis with the people we represent. Am sorry, in Alego where we are already locals have started saying that Alego is empty and even some Wards are being referred to as being empty. Meaning we have never had reasonable time to commune with people we represent.

This is the space that shall providespace for those who like to hold harmless kamukunjis/ bungenes with the people we represent. I was a former founder speaker of Bunge la Wanchi which is all about power to the people. This is the time I will have space to mingle freely with people I represent so that I get hold of Central Alego without every Tom, Dick and Harry loitering looking for space for 2022.

If you look at me and I want the House to look at me, Oriaro has got a big belly meaning that we have got a lot of energy reserves, and in the form of ATP (Adenosine Triphosphate) we

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must get rid of it. So we must burn it so that our mitochondria which is where our energy is stored, that is the granary of energy.

We want to clear it so that we are not vulnerable to opportunistic diseases. We really need to do a lot of physical exercises so that we are also fit. Unfortunately, in our Assembly we haven't engaged in physical fights but it is at times tempting because when you are pushed to the bitter end you must be left with no option.

You recall Kenny Rogers advised not to fight to be a man but in his conclusion in his famous *Country Coward of the Coward*, at times you have to fight to be a man. So we must be prepared for eventuality so that we are safe because primarily security starts with you.

So this is the space we are going to use now also to do jogging and I am saying that because our Assembly is yet to come up with a gym, elsewhere there is a gym, there is no difference between the National Assembly and Senate, all these are parliaments!

Above all we really need to redo reading, our contribution has been let down because of the mere fact of having no space for doing research. We will read a process of which we can get knowledge, we need quality time. I support.

Hon. Temporary Speaker: Hon. Opanga!

Hon. Opanga: Thank you, Mr. Temporary Speaker. I rise also to support the Motion and now that most of us will be attending ball games and thereafter this will be a noble time to be able to interact with the electorates and also be able to know most of the areas and have that ample time with the electorates and be able to touch or attend to their needs at personal level. I support.

Hon. Temporary Speaker: Member for East Yimbo!

Hon. Otiato: Thank you, Mr. Temporary Speaker. The Hon. Member has just reminded me about research. We need more time to go and do research and not only research. You realize that some of us have been so busy here that bonding with the family is not that easy.

Running up and down working on petitions and so on, so, if we can be able to go and bond with our families, having ample time to go out and exercise since we don't have a gym like Hon. Oriaro has said. I realized one problem, for 18 years I worked with the police I never developed a stomach, it is coming so fast. I support.

Hon. Temporary Speaker: Hon. Helen!

Hon. Winga: Thank you, Mr. Temporary Speaker. I stand to support the Motion. Actually it has been a long time for us to interact with our community and with the space given, the only thing I know is going to disturb our Member because when the Assembly was on ----but now we have a period of ----they are going to get us easily. They say that these people are never at home, we are going out to finish it, so I stand to support.

Hon. Temporary Speaker: Hon. Adala!

Hon. Adala: Thank you, Mr. Temporary Speaker. I rise to oppose the Motion of adjournment. My basic reason is that, the County Government of Siaya we represent, time and again we said that there are certain things that have not been put in place. Just a few days back

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we were seated in this House complaining about the bursaries and we want to go for recess when we are not very much aware the exact status of bursaries.

The fact that we know schools will be opening on Monday the 27th and now we want to go for a recess with basic reason that we want to meet the electorates. There are several avenues that we can employ to reach the people that we represent.

Hon. Temporary Speaker: Hon. Shirley!

Hon. Oyuago: Thank you, Mr. Temporary Speaker. I am also on my feet not to support the Motion. For those of us who are not staying at home and fear engaging the electorates based on our pockets....

Hon. Opanga: Mr. Temporary Speaker, is the Hon. Member in order to say that a Hon. Member fears the electorates because his pocket is not that well taken care of and this is a Hon. Member who has campaigned and was elected?

I kindly request that the Hon. Member should withdraw the statement bearing in mind that the recess of this House is supposed to start when we will be in sports, 30th, so I don't see the reason they should oppose the Motion.

Hon. Temporary Speaker: Hon. Shirley, please desist from referring to Members as fearful persons.

Hon. Oyuago: Thank you, Mr. Temporary Speaker. I didn't mention anybody's name and I don't know why this Hon. Member is always standing to guide me on what to say on the floor. I have a right to oppose any Motion in this floor and I will continue opposing this Motion that we are not suitable or ready to go to any recess as per now. Most of them here stay in Kisumu

(Applause)

Hon. Temporary Speaker: Hon. Felix Okumu!

Hon. Okumu: Mr. Temporary Speaker, Sir, as I stand here, I strongly support what Hon. Shirley is saying

Hon. Temporary Speaker: What is your point of order?

Hon. Okumu: I am seeing an act of hypocrites' in this Assembly

Hon. Temporary Speaker: What is your point of order?

Hon. Okumu: I support about the recess

Hon. Temporary Speaker: Hon. Okumu, resume your seat, that is not a point of order, if you want to contribute you shall contribute!

(Laughter)

Hon. Odongo!

Hon. Odongo: Thank you, Mr. Temporary Speaker. I think some Hon. Members of this House are now dragging us behind. As we are all aware, the recess that we are now discussing is

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in the Calendar of this House which was adopted by this House. The very Hon. Members that are now opposing are the same Members who adopted the Calendar.

Hon. Temporary Speaker: Hon. Shirley, proceed!

Hon. Oyuago: The Hon. Member who has just sat down is the Deputy Speaker of this House. I want him to substantiate his statement that we all supported that---

Hon. Temporary Speaker: Hon. Shirley, proceed with your presentation.

Hon. Oyuago: Thank you, Mr. Temporary Speaker, but I wanted to confirm with the Member

Hon. Temporary Speaker: Hon. Shirley, address the---

Hon. Oyuago: I am not supporting the Motion.

Hon. Temporary Speaker: Please, thank you, debate on that one!

Hon. Oyuago: I am not supporting the Motion based on my first statement that 80% of these Members stay in Kisumu and none of them is going to engage the electorates and that is why they are supporting.

The Temporary Speaker (Hon. Madialo): Hon. Linda?

Hon. Juma: Thank you, Mr. Speaker. I don't think it is in order for an Honorable Member to say that almost three quarter of Members in this House live in Kisumu, because I don't know how she even came to know of where each Member stays.

The Temporary Speaker (Hon. Madialo): Hon. Shirley? Please desist from that kind of language?

Hon. Oyuago: It's okay, but I am very sure that they don't stay in their home areas where they were elected from. I was just requesting that we can proceed or we can reschedule the calendar that was adopted by this Honorable House. Hon. Adala mentioned here that we are not through with a lot of Businesses in this Assembly.

The Temporary Speaker (Hon. Madialo): Order, Mheshimiwa. We all know how the calendar comes to the House. Now that the calendar is created and arrived at by the House Business Committee, The House Business Committee has not approached the floor with a proposal to vary the calendar dates.

We cannot debate the House calendar, unless the House Business Committee, under the Chairmanship of the Hon. Speaker approaches the House with a proposal to vary the dates. Hon Shirley?

Hon. Oyuago: Mr. Speaker, I am through with my submission but my point is simply put that I am not supporting this Motion, just because the fact that all of us are staying in Kisumu, is the reason why some are supporting the Motion of adjourning the House just because they know they are not going to engage the electorates. Thank you.

The Temporary Speaker (Hon. Madialo): Hon. Shirley, the last time I checked, I think I saw you in Yimbo?

Hon. Otiato: Mr. Speaker, I want it to go on record that I am staying in Nyamonye, I don't stay in Kisumu.

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The Temporary Speaker (Hon. Madialo): Yes, and Hon Adala does not stay in Segla, he stays in Ukwala.

(Laughter)

Hon Adala: Thank you Mr. Speaker. Those who see me at night know very well that I live in Segla. Back to the contribution I was making.

The Temporary Speaker (Hon. Madialo): Hon. Adala, resume your seat. You will contribute in the order of being allowed to contribute, when that time comes. At that time you were not properly dressed, whatever you stated was relative. Hon. Booker?

Hon. Auma: Thank you, Mr. Speaker; I rise to oppose the adjournment of this House. In the past I have been lying to my people that I am going to the Assembly. Now from next week, what will I tell them when we adjourn the sittings?

The Temporary Speaker (Hon. Madialo): Hon. Opanga.

Hon. Opanga: Mr. Speaker Sir, as from Sunday 26th of this month up to 3rd on Monday next week, we will be having the official CASA games that is anchored under the official devolution programme, and the Honorable Member if you want to inform your constituents tell them that you will be attending the official CASA games, then the other week, you will know how to handle them. Thank you, Hon. Speaker.

Hon. Odongo: Mr. Speaker, I wanted to remind the Hon. Member that has just spoken that all our debates should lie on our Standing Orders, which have been read that according to Standing Order number (25), so by opposing the Motion is contrary to the Standing Orders.

The Temporary Speaker (Hon. Madialo): Hon. Members, what you state here, first and foremost, you must remember it is going to the Hansard as our official Business. When it goes on record that we do not want to adjourn is because we have not made progress, is not very good.

So I am going to urge that even as we oppose and support, remember that all of our statements are those of Hon. Members of an institution that governs the Citizens, and we are not supposed to be hiding from them.

I am saying that so that we do not take into the Hansard, language that we could not wish to be repeated to us outside there, and remember that we have Standing Orders inclusive of the Standing Orders number (26) which states that, should there be burning issue that has to be addressed by the House, then there should be provision of recalling the House during the recess to come back and address that burning issue.

I do not want to direct what comes out of our mouth, but I am requesting that our statements be moderated. Hon Akuno Please?

Hon. Auma: Mr. Speaker, I did not mean that we are so broke as such, but next week schools are opening, after these games, and you know the issue of Bursaries is there. I wish you were staying in my home area whereby at five o'clock my home area is full. I don't know how I am going to address this. That is my concern.

Hon. Odhiambo: Thank you, Mr. Speaker, I think the recess has come at the right time, and Hon. Members need to meet the electorates back at home and it will be the right time for

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those who are staying away from their electorates, as some have confirmed, but I want to believe the recess is in the timetable and just as other Hon. Members have supported I also wish to support the Motion.

Even right now we want to move to Bondo for a friendly match so that we can be fit for the matches that we are going to have in Nairobi. I support that the recess is in order and I would wish for everybody to support.

The Temporary Speaker (Hon. Madialo): Hon. Adala?

Hon. Adala: Thank you Mr. Speaker. It should go on record and the Deputy Speaker should be very much aware that once a Motion has been laid in the floor of the House, then you cannot gag us from debating it.

The Temporary Speaker (Hon. Madialo): Hon. Adala, you should stick to the Motion.

Hon. Adala: Having said that Mr. Speaker, let me retaliate that I had earlier mentioned that when we need to have a recess, by way of asking that we also rest, the question is at what time?

The Temporary Speaker (Hon. Madialo): Hon. Omwende?

Hon. Omwende: Mr. Speaker, this is a House of Rules and Order. I am seeing a stranger in the House speaking and even giving directions. Is it in Order for a stranger to come here and lecture us over a matter that is just before us?

The Temporary Speaker (Hon. Madialo): Enlighten me on the stranger Hon. Omwende?

Hon. Omwende: The one that has just spoken

(Laughter)

The Temporary Speaker (Hon. Madialo): Hon. Adala, I don't have to read for you our dressing code. Kindly go out and put on a jacket or a coat. Withdraw yourself from the floor.

Hon. Adala: Mr. Speaker, Hon. Omwende doesn't have a tie, so as I go he should also go. We are told coat, and I am having a half coat. I think you are being unfair to me, but I will go.

The Temporary Speaker (Hon. Madialo): A half coat is not a coat. It is not in our Standing Orders. Hon. Shirley, if you wanted to look at what a coat looks like, look at what the Hon. Member for West Asembo is wearing.

Hon. Auma: Thank you Hon. Speaker that is it. I would like to comment on Hon. Omwende. Is it in order for Hon. Omwende to put on a T-shirt?

The Temporary Speaker (Hon. Madialo): Hon. Andrew Omwende, withdraw yourself. Yes, Hon. Odongo

Hon. Odongo: Mr. Speaker, I would like to defend Hon. Omwende. We know Hon. Omwende situation, and He is referred to as a special interest group. We don't need to disturb Hon. Omwende.

Hon. Auma: Which Standing Orders bar Hon. Omwende from wearing a tie?

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The Temporary Speaker: (Hon. Madialo) Yes, Hon. Audi, Member for South Gem?

Hon. Audi: I have stood to support the Motion; this is the time that I will be going through most of the schools that the bursary has been disbursed probably to meet some of the head teachers.

I have already received the disbursement plus the payment schedule. I already discovered in South Gem Ward the money disbursed is less with Kshs. 75,000. Members be vigilant just go to your list you submitted earlier plus the one you have acquired---

The Temporary Speaker: Hon. Linda.

Hon. Juma: Thank you, Mr. Temporary Speaker, Sir; I think the Hon. Member is deviating our attention from today's Motion over the adjournment not the bursaries.

The Temporary Speaker: Hon. Audi had completed his submissions. Hon. Adalla you are now in a coat though I'm unable to see what you are putting on down as a pajama but as you stand there now you are properly dressed.

Hon. Adalla: Thank you very much, Mr. Temporary Speaker, Sir; out of this you learn that when you want something you remain assisted you don't lose hope. I still want to oppose this adjournment Motion for short recess because the nature of work that we are having Sir. It is good that we go and have a rest; rest by a way of meeting the people and also to seek the issues of burn out that is so normal but the question is at what point in time.

I am perturbed seriously because then I expected I would have sanctioned recess if we had known the ultimate position because I remember last week we were so mad; everybody was asking the status of --- until when I am standing here we have not heard official communication and you want to tell us that we should go home and rest. I know that we could be having other engagements that we want to do in our Wards and homes wherever we come from but subject to...

Hon. Odongo: Point of Order!

The Temporary Speaker: What is your point of order?

Hon. Odongo: Mr. Temporary Speaker, Sir; Hon. Adalla is dragging us behind---

Hon. Adalla: You cannot tell me I am dragging you, which *drag*?

(Laughter)

The Temporary Speaker: Order! Order! Hon. Odongo just take your seat. My brothers and sisters your Standing Orders No. 112

Conduct is grossly disorderly if the Member concerned creates a
 ctual disorder; knowingly raises a false point of order;
 uses or threatens violence against a Member or other person;
 persists in making serious allegations without, in the Speaker's opinion,
 adequate substantiation;
 otherwise abuses his or her privileges;
 deliberately gives false information to the House;
 votes more than once in breach of these Standing Orders;

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commits any serious breach of these Standing Orders; or
acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

I have not gone to where the Chair can make a ruling of this Motion the debate notwithstanding but let us debate in accordance with our Standing Orders. I do know Hon. Adalla where Hon. Odongo is coming from.

The Hon. Odongo is saying and I had made a ruling on this that as we debate please remember that the calendar of the House cannot be varied without the House Business Committee and the House Business Committee doesn't come Here to tell us vary the calendar dates. Unless you are saying we are not going for sports that is the meaning of it because for you to go for sports we must adjourn. Hon. Odongo what is it?

Hon. Odongo: I wanted to remind Hon. Adalla that adopting the recess calendar doesn't mean that the Committees will not be operating.

Hon. Akuna: Just a minute Mr. Temporary Speaker, Sir; I don't understand why we are debating. I support it there is no reason of debating then.

The Temporary Speaker: Hon. Adalla.

Hon. Adalla: I just summarized my submission but I also want a clarification that if a Motion is laid Here and it does come from the House Business Committee then it should be that. If it's that one then there was no reason for debate. I think someone somewhere is misleading this House and I cannot allow that, thank you.

The Temporary Speaker: Hon. Adalla do you have the Standing Orders with you, I will ask you to Standing Orders no. 25 (3).

Hon. Adalla: I support now.

(Laughter)

The Temporary Speaker: The Hon. Member for West Asembo was asking a question; yes there are provisions in the Standing Order that are automatic. You must Move them as a Motion for example adopt a calendar. Once the House Business Committee has brought a calendar you must adopt it so that it becomes our property but you cannot debate it so that you throw it away because if you throw it away you don't have business. There are some provisions in the Standing Orders that are like conveyor belt; you have to adopt it because if you don't adopt it then a lacuna is created that we are unable to fill.

The Hon. Adalla has said he supports in fact I wanted to hear him conclude the way he has done.

Hon. Wandera: I support the Motion but I wanted to bring to the attention of this House that not everybody here stays in town in fact it was assumed so. A number of us led by me stay in the rural and we are always with our electorates. We need to support this Motion so that we go and rest.

The Temporary Speaker: Who else doesn't stay in town? Hon. Omwende.

Hon. Omwende: I think once we know the rules of this House we are going to debate very healthy and without disturbance. I agree with you Mr. Temporary Speaker.

The Temporary Speaker: Hon. Adalla, what is your Point of Order?

Hon. Adalla: Mr. Temporary Speaker, Sir; allow us not to be lectured by a stranger in this House. Hon Omwende is not well dressed.

The Temporary Speaker: Hon. Omwende might close his eyes to the fact that you are seated there but now don't contribute.

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Hon.Odongo: I would request Mr. Temporary Speaker, Sir; for the sake of Hansard for the Hon. Member to withdraw the comment that all Hon. Members stay in town. I do stay in Ugenya.

The Temporary Speaker: Hon. Odongo the numbers of people who have denied staying in Kisumu are so many that the Hansard knows.

(Question put and agreed to)

ADJOURNMENT

Hon. Members this House stands adjourned for the long recess and shall resume its seating's on Tuesday, 25th September, 2018 at 2.30 p.m.

The House rose at 3.05p.m.