

Wednesday, 5<sup>th</sup> December, 2018 SIAYA COUNTY ASSEMBLY DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### Second County Assembly-Second session

**Wednesday, 5<sup>th</sup> December, 2018**

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

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

#### BILLS CONSIDERATION

**Hon. Speaker:** Hon. Members, tomorrow we shall be having a meeting in the Morning which will be communicated to you, for us to consider any bills that will be in the opinion of the Committees ready for consideration and as I directed, the health services, you have to meet with the legal team, together with Hon. Oriaro and decide the matter deferred to tomorrow morning then communicate to us.

The Finance Committee, you are to share with us tomorrow what your feelings are, in so far as proceeding with that Bill is concerned. I am still hoping that the Executive will see the sense and bring supplementary. If they do, we will sit as a House and see the way forward, if they don't, we will not be blamed as a House. Next Order!

#### BILL

THE SIAYA COUNTY HEALTH SERVICES BILL, 2018

(COUNTY ASSEMBLY BILL No.24 OF 2018)

#### SECOND READING

**Hon. Speaker:** Yes, Chairperson.

**Hon. Abigael:** Hon. Speaker, I wish to move:

THAT the Siaya County Health Services Bill 2018 be read a second time.

**Hon. Speaker:** Just proceed.

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**Hon. Abigael:** The Siaya County Health Services Bill is a Bill which has been with us for quite a while, and it actually impacts on the lives of the people of Siaya. There are key issues in the Bill that we looked at and came to a conclusion.

The establishment of the office of the County Director Public Health and Sanitation, and the Director Medical and Bio Medical engineering services,

Section seven of the Bill proposes the question of the aforementioned office for ease of specialization and giving of medical attention to public health and medical services for purposes of engaging specialized persons for each of the two directorates.

Initially, Siaya County did not have the Directorate of Public Health. There is also the establishment of Hospital Boards, Health Centers and Dispensaries Committees. That is Section 12 of the Bill. It proposes the establishment of Hospital Boards and Committees to govern the dispensaries as well as Health Facilities, for smooth operation and inclusion of the nearby Communities in running of the facilities.

When you look at section 33, we don't have within the County, research and development within the Referral Hospital or within the facilities. The Committee appreciates that prudent data collection and processing needs an efficient policy making and resource allocation, and thus proposes the establishment of a County Health Research Unit, to promote evidence based decisions in the department. This will ensure that the County conforms to the ethical code of conduct in accordance with the Science Technology and Innovation Act of 2013.

*(Question proposed)*

*(Question put and agreed to)*

The Siaya County Health Services Bill, 2018 a Bill for an Act of the County Assembly of Siaya to give effect to Article 43(1) (a) of the Constitution and provide for implementation of Section 2 of part II of the Fourth Schedule to the Constitution on County Health Services and for connected purposes

**BILL**

*Second Reading*

THE SIAYA COUNTY WATER AND SANITATION BILL 2018  
(COUNTY ASSEMBLY BILL No.21 OF 2018)

**Hon. Booker:** I wish to move that the Siaya County Water and Sanitation Bill 2018 County Assembly Bill No.21 of 2018 be read a second time

Thank you for giving me this opportunity this water and sanitation Bill is a Bill that has been clinically digested by the committee on Water and Hon. Members of this House and most of the annexes are with the Hon. Members of this House. However, allow me to pinpoint some critical areas.

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I can go straight to the strategies adopted: The Committee held meetings, consulted the relevant stakeholders and held Public Participation in 6 sub-counties within Siaya County on 28<sup>th</sup> November, 2018 thereafter the Committee proceeded for Report Writing in Kisumu from 29<sup>th</sup> November, 2018 to 2<sup>nd</sup> December 2018

**Specific objectives for public participation:**

To ensure accountability in the water sector for proper management in the public sector  
Committee Observation:

Having analyzed the Bill and Public Participation scrutiny and done comparative study with other legislations touching on water from other jurisdictions, the committee came up with the following observation:

The Bill was exclusive as it only dealt with matters water and not sewerage services as well as sanitation which is synonymous with water service provision

The Bill had not established a County Water Board to deal with matters of water under the mutation of the Bill

The Bill did not talk about community water provision providers who are very important people in the society that should not be ignored in such an Act

The Bill did not provide for pollution control

The Bill was equally silent on storm water

There are several amendments that have been proposed by the committee and I believe the annexures of the amendments are with the Hon. Members so I will not go into that.

With those few remarks, I call upon Hon. Eric Odawa, MCA for Sigomere Ward to Second

**Hon. E. Odawa:** I second

*(Question proposed)*

*(Question put and agreed to)*

The Siaya County Water and Sanitation Bill 2018 County Assembly Bill No.21 of 2018 a Bill for an Act of County Assembly of Siaya to make provisions for water and sanitation services, provision of the Siaya County Water Board and water service providers, water works management system, water conservation and for connected purposes

**BILL**

*Second Reading*

THE SIAYA COUNTY EDUCATION BURSARY FUND AMENDMENT BILL 2018  
(COUNTY ASSEMBLY BILL NO. 26 OF 2018)

**Hon. Mboha:** Thank you, Mr. Speaker, Sir, I rise to move the Motion:

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THAT the Siaya County Education Bursary Fund Amendment Bill 2018 (County Assembly Bill No. 26 of 2018) to be read a second time.

Aware that we have been revisiting this issue for some time now, I will just go to the summaries because all the Members have gone through the recommendations and the engagements that we have had with the members of the public

There are just few things that we were trying to address because already we were talking about the Siaya County Bursary Fund Act which was passed in January 2016 and we were looking at three things that I think all the members are aware of

It was about the MCAs who were at the heart of management of bursary funds and this was negating the principle of separation of powers and the Bill was trying to address that and I think we have addressed it.

Two, we were looking at the tenure of their office of the Ward Bursary Committee which had issues also, we have addressed that because there was conflict of clauses in the Bursary Fund Act whereby there was one which had life span of five years and the other one three years. The other thing was the creation of County Bursary Committee; this was to help with issues that were supposed to be raised from the Ward Bursary Committees. So, we have created this to create the County Bursary Committee to help with other issues that were there.

When coming up with this report, we did a meeting with the general public, various civil organizations; we also had a meeting with the CECM Education and the technical team. In the report, we have the views from the general public; we have submissions from the civil organization groups, submissions from the CECM Education and the technical team. I will probably brief you on the observations that the Committee made.

The Committee noted with concern that in some cases one student benefited from two or more sources, on the contrary some deserving students completely missed the much needed bursary. For this reason, Members proposed that the department should come up with information platform board or a tracking system that is capable of revealing students who receive financial support from two or more sources.

Members also observed that the move will control multiple financial gain by one student and the resources are evenly spread to the needy students. The Committee also observed that in Section 7(2g), the amendment Bill provides for the functions of the County Bursary Education Committee, key among them was to set criteria for allocation of funds to various categories of schools.

Members pointed out that setting criteria for educational funds may require much details which may not be addressed adequately in our legislation. Members observed that Section 7(4a) of the amended Bursary Fund Bill had given express powers to the Governor to appoint the chairperson of the County Bursary Committee from a shortlist of 3 candidates recommended by the CECM in charge of Education.

The Members pointed out that this was contrary to the principles of governance as exposed to Article 10(2) of the Constitution. They therefore proposed that the chairperson be elected democratically by the members of the County Bursary Committee.

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We also observed that Sub Section 7(4c) of the amended Bill provides that the County Education Bursary Committee shall comprise of 6 members not being public officers, appointed by the Executive Committee Member for each Sub County with emphasis of the 2/3 gender rule as contemplated in article 175c of the Constitution.

Finally, Members observed the amended bill has adequately addressed exit procedures of both the Chairperson and the members of bursary without emphasis on entry into office of the office holders. Members proposed that the Bill be amended by inserting a new sub section dealing with the qualifications of appointments for the members of the Bursary Committee. I think I will end by that because the recommendations of the Committee are attached as annexures in that report. I therefore ask Hon. Omwende to second.

*(Hon. Omwende seconds the report)*

*(Question proposed)*

*(Question put and agreed to)*

*(Bill read a second time)*

**MOTION**

**ADJOURNMENT**

**Hon. Speaker:** Hon. Members, there being no other Business will we be upstanding for adjournment!

*(Hon. Members rose on their feet)*

**Hon. Speaker:** There being no other Business, this House adjourns until tomorrow Thursday, December 5<sup>th</sup>, 2018 at 2.30 p.m. in the Chamber.

The House rose at 2.56 p.m.