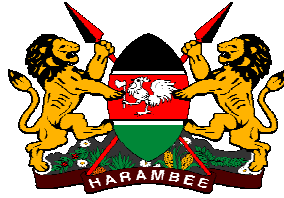


REPUBLIC OF KENYA



**THE COUNTY ASSEMBLY OF SIIYA
SECOND ASSEMBLY - (THIRD SESSION)**

MESSAGES

MESSAGE FROM THE GOVERNOR

**REFERRAL BY H.E THE GOVERNOR OF THE VILLAGE ADMINISTRATIVE
UNITS BILL, 2018**

Honorable Members,

You will recall that on Wednesday, 13th November, 2019, this House during its Afternoon Sitting passed the Siaya County Village Administrative Units Bill, (Bill No. 9 of 2018). Thereafter, the Bill was presented to H.E. the Governor for Assent in accordance with the provisions of Section 24 of County Governments Act, 2012 and the County Assembly of Siaya Standing Order No. 143 (1)

However, H.E. the Governor, by way of a memorandum dated 3rd December, 2019, and in accordance with Standing Order No. 143(2) has referred the Bill back to the House for reconsideration, pursuant to the provisions of Section 24(2b) of the County Government Act, 2012. The Governor has expressed reservation to Section 3 of the Bill which relates to the number of village units established, the Second Schedule of the Bill which highlights the villages as established and Section 8 (1) of the Bill, which sets the minimum age for the appointment of members of the Village Council and captured in the Bill.

In his Memorandum, the Governor highlights factors that have necessitated the reconsideration of the sections as follows;

1. The operationalization of the one hundred and eighty-eight villages, as envisaged in Section 3 of the Bill, will cause a heavy burden to the already bloated wage bill, as there shall be need to employ the same number of village administrators
2. Furthermore, that if the Bill is operationalized as it is, the percentage of the wage bill will be at 46% which is way above the recommended percentage of 35% and to which the County Government has already exceeded.

3. With regard to Section 8 (1), the Governor is of the opinion that setting the minimum age limit of 18yrs for a person to be appointed as a village elder, makes it possible for 18 year olds to be appointed to this position which in his opinion is not feasible because by all standards, a person below the age of 35 years still lacks the requisite experience and authority to be a village elder.

Consequently, the Governor, recommends that the said sections of the Bill be amended as follows;

1. That the House considers establishing a number of village units that would not suffocate the wage bill. As a way of recommendation, the Governor advances that the proposed number of 188 be reduced by half, in order for it to be sustainable.
2. That the minimum age for appointment of person as a village elder should be set at 35 years and not 18years as provided by the Bill

Honorable Members,

The reservations of the Governor, as contained in his memorandum, now stand committed to the Committee on Governance and Administration for consideration, and reporting to the House tomorrow Thursday, 5th December, 2019 at 2:30pm.

Honorable Members, I wish to draw your attention Standing Order No. 143 which states as follows;

143. (1) The Speaker shall, within fourteen (14) days, forward a Bill passed by the Assembly to the Governor.

(2) The Governor shall, within fourteen (14) days after receipt of a Bill—

(a) assent to the Bill; or

(b) refer the Bill back to the Assembly with a memorandum outlining reasons for the referral.

(3) If the Governor refers a Bill back to the Assembly, the Assembly may, following the appropriate procedures under this section—

(a) amend the Bill taking into account the issues raised by the Governor; or

(b) pass the Bill without amendment.

(4) If the Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen (14) days submit the Bill to the Governor for assent.

(5) If the Assembly passes the Bill a second time without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of Members of the House, the Speaker shall, within seven days, re-submit the Bill to the Governor and the Governor shall, within seven (7) days, assent to the Bill.

(6) If the Governor does not assent to a Bill or refer it back within the period referred to under paragraph (2) and (5), the Bill shall be taken to have been assented to on the expiry of that period.

In addition, **Honorable Members**, I wish to draw your attention to fact that Section 24 (5) of the County Governments Act, 2012 provides that members have the effect of fully accommodating the Governor's reservations by simple majority, and on the other hand, an amendment that does not fully accommodate the Governor reservations including negating his proposed texts requires a two third voting threshold to be passed, keeping with the provisions of the aforementioned Section.

I wish to further reiterate that only the specific sections of the Bill that has reservations, namely Sections 3 and 8, ought to be considered. I now direct the Clerk to circulate the Memorandum from the Governor to all Members so as to familiarize themselves with its contents

I thank you!

**THE HON. GEORGE OKODE, MBS
SPEAKER
THE COUNTY ASSEMBLY OF SIAYA
Tuesday, 3rd December, 2019**