

THE REPUBLIC OF KENYA
COUNTY ASSEMBLY OF TURKANA

HANSARD

Thursday, 19th October 2023.

The County Assembly Met at the County Assembly of Turkana Chamber at 9:00 a.m.

Deputy Speaker (Hon. Philip Ekuwam) in the Chair.

PRAYERS

STATEMENTS

Deputy Speaker: We have a member who has a response. Yes, Honourable Patrick Esekoni you have a response?

Hon. Patrick Esekoni: Thank you Mr. Speaker. I rise to respond to a statement that was raised by the Honourable Member representing people of Lokichar, I request your guidance as the Honourable is not around.

Deputy Speaker: I do not see him as well and he has not notified me of his unavailability or availability. Therefore, we cannot let you respond to this statement, it has been postponed till a later date. Next order!

BILL

The Turkana County Education Fund Bill 2023

Third Reading

Deputy Speaker: The Chairperson?

Hon. Aemun: Thank you Honourable Speaker.

Deputy Speaker: Order! It's supposed to be the Chairperson of the Committee of the Whole House, the Honourable Member representing Lobokar or Honourable Mary. Clerk, can you give us guidance on how to report?

Hon. Lomodo: Honourable Speaker, there are some small hitches here and there. This is because my counterpart the Chairperson for the Committee of the Whole did not bring us all up to speed on the progress of the Bill and in his absence, we seem to be in limbo. I beg to report that the Committee of the Whole has considered the Public Finance Management, Turkana Education Fund Bill 2023 and its approval thereof with amendments I beg to report.

Deputy Speaker: That's in order motion mover, the Chairperson of the Committee on Education, Honourable Michael Aemun.

Hon. Aemun: Honourable Speaker, I beg to move the Third Reading on Public Finance Management, Turkana County Education Fund Bill 2023. Mr. Speaker I beg to move that the Public Finance Management Turkana County Education Fund Bill 2023 be now read a third time thank you.

Deputy Speaker: Okay. Honourable Members, I apologize for the hitch. I thought our Clerk had given us the right information to enable us move in the right direction. Chairperson, you have done well, but you are supposed to read exactly what's there. "I beg to move that the House do agree with the Committee on the said report".

Honourable Members, I now propose the question.

(Question Proposed)

I will give Honourable Members some time to contribute before we conclude on the Bill. What is it Honourable Member for Kanamkemer?

Hon. Ikeny: Mr. Speaker I was not present during the last sitting; I thought I would be guided on what was agreed so that I can contribute.

Deputy Speaker: Honourable Member in as much as you are right, we cannot wait for or give you an update of the last sitting. When we conduct the business of the House as per the laid procedure and we cannot wait for you or tell you what we did. Honourable Members, those of you who are there you can give your comments on the Bill before I put the question.

Honourable Members reading your mood I will now put the question.

(Question Put and Agreed To)

Deputy Speaker: Honourable Members, we have approved the Turkana County Education Fund Bill 2023 it will proceed to the next stage where the Speaker will look at the Bill and then sign and send it to His excellency the Governor for assent to law. Next order.

COMMITTEE OF THE WHOLE HOUSE

Turkana County Animal Health Bill, 2023

Hon. Aliwo: I move that the Speaker do now leave the Chair.

The Chairman (Hon. Samuel Aliwo) in the Chair.

Chairperson: Honourable Members, as we are all aware yesterday, we had this Bill, which we thought we would execute at the same time as the Turkana Education Fund Bill, 2023 in the afternoon session; unfortunately, the bill took longer. Honourable Members, I call upon the Chairperson Committee on Agriculture, Pastoral Economy and Fisheries to move the amendments to the Turkana County Animal Health Bill, 2023. Honourable Members, we will start with clause 3 and come back to clause 1 and 2 at the end of our discussions. Clerk clause 3.

Clause 3: The Bill be amended in Clause 3(j) by inserting the phrase in “identification prevention” between the words “collaboration and control”.

Chairperson: Chairperson.

Hon. Loteder: Thank you, Chair. I rise move the amendment on clause 3 the objectives of this AC|T that the Bill be amended in clause 3 (j) by inserting the phrase in “identification prevention” between the word “collaboration and control”. The original phrase reads “improved the country's regional intra-County and intra-country that is between the counties and inter County collaboration in the control and management of boundary animal disease”.

Chairperson: Proceed

Hon. Loteder: Therefore, it fits that to insert the phrase identification prevention between the words collaboration and control.

Chairperson: Chair you need to convince the Members on why you feel it's so important and then ask one of the Members to support the amendment.

Hon. Loteder: Mr. Chair, I don't see any member of the Agriculture Committee in the House, even the Chairman. That's why I am in this position. I will call upon Hon. Mary Nakapwan to second this.

Chairperson: Proceed Honourable Member Nakapwan.

Hon. Nakapwan: Thank you Mr. Chair. I rise to second, thank you.

Chairperson: Thank you. I now propose the question.

(Question Proposed)

Honourable Members I then put the question.

(Question Put and Agreed To)

Clause 4

Chair: Chairperson.

Hon. Loteder: Thank you Mr. Chair. I stand to move the amendment on clause 4. That, the Bill be amended by inserting the phrase transparency as one of the guiding principles. Mr. Chair the guiding values and principles, highlighted a number of them if you can read from the original Bill, we have around 10 of them; but it was realized that the principle of transparency was key in actually ensuring that the Committee member...

Chairperson: Order! Honourable Chair for the sake of the Hansard, confirm how many there are.

Hon. Loteder: They are 10 in number the guiding values and principles.

Chairperson: Confirm, Honourable Member.

Hon. Loteder: We have public participation...

Chairperson: How many guiding values and principles to adhere to A-H...

Hon. Loteder: Okay, they are eight I am sorry.

Chairperson: Proceed.

Hon. Loteder: It was realized by the Committee that transparency is one of the key principles that Members should adhere to while undertaking their roles. I request my able colleague the Honourable Member for Kaptir to second.

Chairperson: Honourable Member representing the people of Kaptir proceed.

Hon. Michael Aemun: I second.

Chairperson: Thank you. I now put the question.

(Question Put and Agreed To)

Clause 5 and 6

Chairperson: Honourable Members, clause 5, 6 as read by the Clerk be part of the Bill.

(Question Proposed)

(Question Put and Agreed To)

Clause 7

Chair: Chair.

Hon. Loteder: Thank you Mr. Chair, I rise to move amendment on Clause 7 that reads “establishment and composition of the County Animal Health Committee” the amendment is proposed that clause 7 (H) be amended by inserting the words “who are conversant with matters Animal Health” after the word County which in the original Bill here reads “two Members of the public who are residents of the County”, should actually joined with “who are conversant with matters Animal Health”.

Mr. Chair, this is a composition of people who will be undertaking serious issues concerning the health of animals and of course, anything to do with Animal Health needs technical knowhow. Therefore, there is need to identify knowledgeable persons who are conversant with diseases and how to go about treating those diseases. I call Hon. Patrick Esekun to second.

Chairperson: Proceed.

Hon. Esekun: I second.

Chairperson: Thank you. I now propose the question.

(Question Proposed)

(Question Put and Agreed To)

Next still on clause 7. Next part Chair.

Hon. Lotoder: Thank you Mr. Chair. On the same clause that is clause 7 (8) that the Bill be amended by deleting sub-clause 7 (B) and 7 (E) in the original proposed Bill clause 7 (B) Mr. Chair, we are talking about the composition of the County Animal Health Committee and the County Animal Health Committee that is comprised of the Chief Officer in charge of Livestock who shall be the chairperson and the Chief Officer in charge of Finance, the Director in charge of Veterinary Services who shall be the secretary, one representative of national government in the County, one representative of the Community Animal Disease Reporters across the County, one representative of non-governmental organization dealing in Animal Health matters within the County and one representative representing private Animal Health practitioners in the County, two Members of the public who are residents of the County that we've just amended.

The Committee Members shall elect among themselves, the Vice Chairperson among them and so, it was a prudent that from the discussion of the Committee, when they were making their reports. They sorted out that if there is existence of the Chief Officer in charge of Livestock, who shall be the chairperson, there was no essence of the Chief Officer in charge of Finance being in the Committee and the same to the representative of the Community Animal Disease Reporters across the County. It was actually concluded that there was no need to have this person in the

County Committee because literally their roles are already more effective at the community level. Mr. Chair, allow me to call Honourable representing Lobei/Kotaruk to second.

Chairperson: Proceed Honourable Member representing Lobei/Kotaruk.

(Bows to second)

(Question Put and Agreed To)

Chairperson: Clause 7 (9).

Hon. Loteder: Mr. Chair, I rise to move amendment on the same clause sub-clause 9, that the Bill be amended in sub clause 7 (a) by deleting the words “who shall be the chairperson” in the original Bill, 7 (a) reads that the Chief Officer in charge of Livestock matters who shall be the Chairperson. The use of the word “shall” is actually translated to mean according to the law to mean must and therefore, here in clause 7 (3), it reads that the Committee Members shall elect among themselves the Vice Chairperson in their first sitting and that contradicts clause 7 (A), that outstandingly already gives authenticity that the Chief Officer in charge of Livestock matters shall be the chairperson, actually, it contradicts clause 7, sub-clause 3. That is the concluding statement on the matters on the composition of the County Animal Health Committee. I therefore, call upon my colleague, a member of County Assembly Lokori/Kochodin Ward, to second.

Chairperson: Honourable Member representing the good people of Lokori/Kochodin. You did it before the instruction of the chair, proceed.

(Bows to second)

Honourable Members, maybe if we have the Bill with us, let's critically look at clause 7 (A), then this other part clause 7, part 3. In (a) it says the Chief Officer in charge of Livestock matters who shall be the chairperson, then part 3 says the Committee Members shall elect among themselves the Vice Chairperson in the first sitting and therefore it is not the same thing. I don't know if the Chairperson is able to see the difference between (a) and part 3, which he has read. Then the Chief Officer is deemed chairperson, then in the first sitting, Members of the Committee elect the vice chairperson. By deleting (a), we will now say the Committee will be led by the Vice Chairperson, because that is what it is in 3. Chair, proceed.

Hon. Loteder: Mr. Chair, that is true I thought sub-clause 3 means that it is after constitution of the whole Committee, that they will later on choose their leadership that includes the chair. Unfortunately, I've just confirmed that the Vice Chair who will be later on chosen by the Members. Chair, they have not actually guided us way earlier in the amendment, because they have just said that the Bill be amended in sub-clause 7, by deleting the words who shall be the chairperson, but not actually given the option that is the word that should be inserted.

Chairperson: Noted Chair. As we proceed downwards, I have realized that number 10 brings the changes we are looking for. I think because also you were not prepared to present these amendments, you are not conversant with the amendments by yourself. It seems the Chief Officer remains as a Chief Officer and not the chairperson that is why clause 7 number 10 is brought to make those changes realize that. I propose the question.

(Question Proposed)

Hon. Lemuya: Thank you Honourable Chair. I have to admit that I haven't gone through this Bill. I'm not even a member of that Committee, in any case. Looking at that clause Honourable Chair, I don't think those amendments are necessary. I tend to believe the drafter of this Bill was very deliberate on making the Chief Officer the Chairperson of this County Animal Health Committee. Honourable Chair, the Chief Officer in charge of Livestock is a professional in matters Animal Health. Therefore, putting somebody there, take for example; the Committee meets and it becomes now they are owners to identify who is going to be the chair and who is going to be the vice, they might choose or elect a person who does not understand or who has no Animal Health background. In my opinion, the amendment is unnecessary. The amendment that has been moved by the Honourable Member for Katilia and even the amendment on clause 9. The Bill be amended in sub-clause 7 (a) by deleting the words who shall be the chairperson, that in my opinion is not necessary and even 10 for me is not necessary. Sorry for going ahead, but I oppose the amendments Honourable Chair.

Chairperson: Noted Honourable Member representing Lobei/Kotaruk. Any other contributions to the amendment before I put the question? I apologise, the chairperson is supposed to reply, before that. Chairperson.

Hon. Loteder: Thank you Chair. I acknowledge that I was not ready, actually to present the amendments. But I'm trying in place of my chair who is coming along. As suggested by member for Lobei/Kotaruk the Chief Officer in charge of livestock matters is a professional person who by virtue of his office, should be the chairperson of the said Committee, and therefore the drafter of the Bill, therefore should be the one chairing the Committee.

(Question Put and Negated)

Chairperson: Honourable Members, the nays have carried the day with the clause 9, which means clause 10 will also be dropped because it was amending the other clause. Clerk clause 8.

Clause 8 - Appointment To The County Animal Health Committee

Chairperson: Chair.

Hon. Loteder: Thank you Chair. I rise to move amendment on clause 8, that sub-clause 8 (2) of the Bill be amended by deleting the word shall appearing after the words “three years” and replacing therefore with the word “may”. In the original proposed Bill here, clause 8 sub-clause (2) reads “on appointment and term of the County Animal Health Committee”. Sub-clause (2) states that “Members of the County Animal Health Committee appointed under subsection one, shall serve for a term of three years and shall be eligible for reappointment for a further term of three years.” Therefore, the word “shall” we are actually advised to replace with “may”, to give that opportunity for any necessary adjustment as far as the Committee is concerned, to give that room maybe there is actually indiscipline cases, then a certain penalty shall be taken against that particular member of the Committee at any given time. With the few remarks I ask my colleague member for Kangatotha to second.

(Hon. Alany Bows to Second)

(Question Proposed)

Chairperson: The floor is now open for contributions. Honourable Member representing Lobe/Kotaruk.

Hon. Lemuya: Honourable Chair, I rise to support the amendment from the sentiments of the mover of the amendment. It's indeed true that this sub-clause as it is, grants automatic extension of the contract of the Committee. Which should not be the case. Honourable Chair because, in the course of three years, many things can happen including manifesting in incompetencies of the Members of the Committee. Which of course will warrant termination of their contracts. If we allow this sub-clause to remain as it is, we'll have to bear with their incompetence among other things. Therefore, I support the amendment to allow the contracts to die naturally, and then the appointing authority can either extend or terminate their contracts. Thank you, Honourable Chair.

Chairperson: Thank you, any member interested in making more contributions on the same clause? Honourable Mary.

Hon. Nakapwan: Thank you Chair. I rise to support the amendments. When you look at the word “shall” it is mandatory and when somebody knows that they are covered it leaves room for incompetence. The appointee will be powerless to appraise the Committee, so Mr. Chair, I support that the amendment be done. Thank you, Mr. Chair. I sit as I support.

Chairperson: Very well. Chair, can you reply?

Hon. Loteder: Thank you, Mr. Chair. I actually agree with both Members of County Assembly, on the issues they have raised. We need to amend this so that it prevents any laxity. Mr. Chair, from the constitution of the Committee to the end of its three-year term, there needs to be a modality for checks and balances and one of them is keeping the terms clear.

I thank them for their positive contribution. Thank you Chair, I wish to reply.

(Question Put and Agreed To)

Chairperson: Clerk next.

Clause 9: Functions of the County Animal Health Committee

Chairperson: Chair.

Hon. Loteder: Chair, I rise to move amendment on clause 9 (c) of the Bill be amended by deleting the words “development partners” and substituting therefore, with the words “other stakeholders responsible”. Mr. Chair, in the proposed Bill clause 9 (c) on functions of the County Animal Health Committee reads that, “promote cooperation and coordination between the County Department, Directorate or entity responsible for veterinary services and development partners, in implementation of the measures in respect of preventing and controlling the spread of notifiable disease or other disease using the sectoral skills and resources of respective government organs.” Mr. Chair, this actually talks on the elements of cooperation and coordination of the department itself and other key players on the issues of Animal Health within the County. We felt that the word “development partners” could be restricting on issues of coordination and cooperation of partners. With this it will be opening up for everybody else within the community who is interested with the issues of Animal Health. I take this opportunity to invite Special Elect Honourable Lynnet Abok to second.

Chairperson: Honourable Member, Honourable Lynnet proceed.

(Bows To Second)

Very well after the amendment being moved as well as being seconded. I now propose the question.

(Question Proposed)

(Question Put and Agreed To)

Chairperson: Next, clerk.

Clause 10: Removal of a Member of the County Animal Health Committee

Chairperson: Chair.

Hon. Loteder: Thank you Chair. I rise to move an amendment clause 10 sub-clause 13, that the marginal note be amended by deleting the word “removal” and substituting therefore with the word “vacancy in the office”. Mr. Chair, clause 10 talks on removal of a member of the County Animal Health Committee and therefore...I need some guidance here?

Chairperson: What is it Chair? You are looking at the amendment, what part of the amendment are you looking for? Removal of a member of the County Animal Health Committee?

Hon. Loteder: Yeah, which sub clause? It has not been indicated here.

Chairperson: Its talks of the marginal note being amended by deleting the words “to remove”, I think the title removal, that is where the word removal is.

Hon. Loteder: Thank you, Mr. Chair. I have been guided, that in the title instead of “removal of a member of the County Animal Health Committee” be replaced by “the vacancy in the office...” Actually, the word “removal” means use of application of force by the authority or the person in authority. I think it's actually decent somehow that the words “vacancy in the office” is a bit fair to replace a member in the Committee. I ask Honourable Amojong to second.

Chairperson: Proceed Honourable Member representing the people of Loima.

Hon. Akeru: Thank you, Honourable Chair. The law we are making here today will affect our people. Looking at the quorum in the House, it seems Honourable Members are distracted by the presence of the man who will be coming tomorrow. This a law that is going to govern the community we represent in this County Assembly. I sit as a support? Thank you, Chair.

Chairperson: Honourable Member representing the people of Loima, you are seconding the amendment. Proceed and second.

Hon. Akeru: Honourable Chair, I second.

Chairperson: Well said. Before I propose the question, I want to put this to our notice that there is no issue of quorum. In the Committee of the Whole, we started with a full quorum, maybe some Members are attending to other important activities and they will still join us as we proceed. Maybe if we didn't have quorum at the start, then we would postpone the business on the floor of the Committee. I appeal to the Honourable Members in the House, to kindly be patient so that we can finish this business. Thank you.

I therefore propose the question.

(Question Proposed)

Honourable Members, you are now free to contribute. Honourable Member representing the people of Lobei/Kotaruk.

Hon. Lemuya: Thank you, Honourable Chair. I rise to oppose the amendment; it is common practice in law to apply the word “removal”. If we use what is recommended or proposed here, vacancy in the office, we will have look at of all the bills. Let's have a look at all the bills. There is no single bill that uses the words we are proposing. In all bills it's common practice that we use the word removal. Using other words apart from removal, we will be deviating from common practice of law. I oppose Honourable Chair.

Chairperson: Noted, Honourable Member representing the people of Lobei/Kotaruk. Honorable Patrick, proceed.

Hon. Esekoni: Thank you very much. I support what the Honourable Member has stated. I support the amendment of the Honourable Member and I oppose the removal of the word. Thank you.

Chairperson: Noted. Though you have left Honourable Members confused as to whether you are supporting or opposing the amendment as the Honourable Member representing Lobei/Kotaruk.

Hon. Esekoni: Sorry chair, I support and I oppose the removal of the word “removal on”. Thank you.

Chairperson: You are leaving me more confused. I am asking a simple question. Are you supporting the motion mover or you are supporting the member representing the people of Lobei/Kotaruk?

Hon. Esekoni: I support the member for Lobei/Kotaruk. By opposing.

Chairperson: Yeah, you are opposing? The deletion of the word removal.

Hon. Esekoni: Yes.

Chairperson: I understand you now. Thank you. Proceed Honourable Abenyo.

Hon. Abenyo: Asante sana Mwenyekiti kwa kunipa nafasi hii. Neno hili linatumika wakati wa usajili, kwa hivyo tutafute neno lingine tuweke hapo. Kuliko kuwa ‘*removal*’.

Pili Mheshimiwa Mwenyekiti, unajua wakati mtu ametoka kwa ofisi pengine alikuwa mwenye kiti ama mwanakamati, kuna jambo limemfanya akatoka. Ndio mimi naungana na Mheshimiwa Anarclet kwa kutotoa neno hilo. Ni hayo ndio nilikuwa nayo ya kusema.

Chairperson: Any other member? Any other member or can I ask the Chairperson to reply?

Hon. Loteder: Thank you, Mr. Chair. I beg to reply. The issue on marginal note removed here should actually be amended as opposed to the deliberation by the Member for Lobei/Kotaruk. This Committee is not paid a salary, it is constituted to actually facilitate the implementation of this particular Bill and the terms of service here should not be as strict as salaried staff on permanent and pensionable. I think the word removal is actually geared towards disciplinary actions or measures over someone who has actually defined terms of service, but for the case of a Committee Member, I mean, the word ‘vacancy’ should fit. I stand to reply.

Chairperson: Thank you. Honourable Chair, after the amendment being proposed, seconded and ventilated on by Members. I now put the question.

(Question Put and Negated)

Clause 10 (14)

Chairperson: Chairperson.

Hon. Loteder: Chair I rise to move an amendment that this clause be amended by substituting the number sub clause eight one with the number sub clause seven two whenever appearing. This actually on appointment on top of the County Animal Health Committee which clause sub clause eight one reads, Members of County Animal Health Committee who are Members other than by virtue they always shall be appointed by the County Executive Committee Member and therefore advise that...it's like I'm reading a different thing.

Chairperson: Clause eight one, Members of County Animal Health Committee.

Hon. Loteder: Yes, replaced with a seven two as a County Animal Health Committee shall comprise.

Chairperson: Yes.

Hon. Loteder: Thank you, Chair. This Bill is bound to be approved to law, and the terms of reference should be the same all through. The preceding connotation of this Membership is Animal Health Committee are not just Members of the County Animal Health. I am now advised that we should actually replace sub clause one that reads “Members of the County Animal Health Committee” with “the County Animal Health Committee.” Therefore, I take this opportunity to ask a member of County Assembly representing Kerio Delta Ward to second.

Chairperson: Honourable Member representing the people, Kerio Delta proceed.

Hon. Ekod: Honourable Chair, I second.

Chairperson: Honourable Members after the amendment has been moved and seconded, I now propose the question.

(Question Proposed)

It's now up for debate, Honourable Member representing the people of Lobei/Kotaruk.

Hon. Lemuya: Thank you, Honourable Chair. I am getting a bit worried. I know, this particular Committee was constituted by or composed of serious people. But I really doubt if the Committee got sufficient legal guidance. Because some of these amendments that have been proposed, neither here nor there. Honourable Chair, I oppose this amendment. I don't see anything wrong; I mean, I find everything wrong. The amendment says that this clause be amended by substituting the number 8, 1, that says Members of the County Animal Health Committee who are Members other than by virtue of their office shall be appointed by the Executive Committee Member. We have Members of this Committee who are here in this Committee by virtue of their office, like the Chief Officer in charge of Livestock, the Chief Officer in charge of Finance, the Director, they are there by virtue of their offices, we have Members of this Committee who are there not by virtue of their offices, but because they have been selected by certain interest groups that they belong to.

Suggesting that we replace 8 (1) with the 7 (2) which says “the County Animal Health Committee shall comprise of...” Honourable Chair, I don't know what's going on but 7 (2) says the County Animal Health Committee shall comprise of, that is seven two. How do you replace something that makes sense with something that doesn't make sense? like if you go to 10 (4) says a person who is a Member of the County Animal Health Committee, appointed under Section eight, one, just see, how it doesn't make sense. A person who is a member of the County Animal Health Committee, appointed under Section eight, one, shall cease...

Hon. Edukon: Point of order chairman!

Chairperson: Leader of Majority, what is your point of order?

Hon. Edukon: Chairman, you know, we are making amendments on a very serious Bill, yet I don't see the substantive Chairman of this Committee. It's very critical that we have the chairman so that he leads in these amendments. It will be very erroneous if we proceed with these amendments, when the chairman of the Committee is not there, and even most Members of this Committee are not there. Outside there, people are very enthusiastic to see to it that we have a very clean Bill. Now that we are only a few Members around, we cannot be able to proceed with this Bill. Especially with these amendments, the chairman will be available, next week, we can proceed very well with this Bill. That is my opinion. Chairman.

Chairperson: Noted the Leader of Majority. When we began, we had a request by the Chairperson for the Committee on Agriculture and he requested that Honourable Alphonse represent him, being a member of the Committee. He also said in the absence of Honourable Alphonse, Honourable Gilbert would stand in for him. The assumption by the Chair was that the two proposed Members who were to step in for him were already briefed. They are Members of the Committee, where the amendments originated. We are making proper consultation on the same, to see the way forward. Given the fact that we are interrogating a very serious Bill for this County, the Membership of the House may be wanting but it is clear that we started with a good number. That is noted.

Hon. Lemuya: Can I proceed Honourable Chair?

Chairperson: Proceed.

Hon. Lemuya: The point of order has disoriented me. Mr. Chair, I said I don't support this amendment, because it doesn't make sense. I was referring to 8 (1), the amendment says that this clause be amended by substituting 8 (1) with 7 (2). I was reading to this House what 8 (1) says and what 7 (2) say. 8 (1) says Members of the County Animal Health Committee who are Members other than by virtue of their office shall be appointed by the Executive Committee Member. When you refer to 8 (1) sub-clause 4 of clause 10 says a person who is a member of the County Animal Health Committee appointed under Section eight, one. And I have read to this House what section eight, one says it says that, if there is a member who has been appointed to this Committee, not by virtue of his/her office, then it's the Executive Committee Member who will do that appointment.

8 (1) says sub-clause 4 of clause 10 says a person who is a Member of the Committee of the County Animal Health Committee appointed under Section 8 (1) shall cease to be a member of the County Animal Health Committee, upon ceasing to be a member of the interest group or upon being recalled by the interest group for a good cause. And through a written communication from an authorized official of the interest group, to the Executive Committee Member. 7 (2), the County Animal Health Committee shall comprise of...that is what 7 (2) says. If you look at that, at least 8 (1) makes sense, but 7 (2) does not make sense. How do you replace something that makes sense with something that doesn't make sense?

Honourable Chair, with those few remarks I object to the amendments, thank you.

Chairperson: Any other member interested in making contributions to that amendment. Honourable Member who presenting the people of Kerio Delta?

Hon. Ekod: I am of the opinion that 8 (1) as indicated by the Honourable for Lobei/Kotaruk 7 is what should be replaced with 8 that's what should be appearing there. Members...

Hon. Edukon: Point of order Chair!

Chairperson: What is the point of order Leader?

Hon. Edukon: Thank you, Chair.

Chairperson: Resume your seat Honourable Member representing the people of Kerio Delta.

Hon. Edukon: Chairman, I rise on standing order number 40 on the quorum during the proceedings of the County Assembly. I am of the opinion that we shelve the proceeding, so that we can pick up from there when we have a good number of Members. We ventilate on this Bill properly, because as it stands right now, most Members of this Assembly are not here and we are discussing very serious business. It is my appeal that we shelve these amendments to the next session. We pick up from there when all Members are present. Thank you, Chairman.

Chairperson: Thank you, the Leader of Majority, I now ask the clerk to confirm the quorum.

Hon. Lomodo: Same order.

Chairperson: Proceed, Leader of Minority.

Hon. Lomodo: Thank you, Mr. Chair. Standing Order number 40 of the Standing Orders are very clear; it speaks about the quorum during the proceedings of the County Assembly. Already the chair of the Committee of the Whole House is on seat and the proceeding is on and Section One of this standing order says if at any time after the chair is taken or when the County Assembly is in session, and a member objects that there is not enough quorum, the Speaker or the Chairperson shall count the County Assembly or the Committee as may cease be. Honourable Chair, if you count the Members in this House, they are 8; the quorum at any time Mr. Chair should be 16 it should be 1/3 of the Whole House and 1/3 of this House is 16. Mr. Chair, part 2 of this Standing Order says if on the count under paragraph 1, a quorum does not appear to be present. The Speaker or the Chairperson shall cause the division bell to be rung on division. And if quorum present at the expiration of the 8 minutes (a) if the speaker is in the chair, the Speaker shall have joined the County Assembly until the next sitting without question put, and (b).

This is where we are now, we are in a Committee of the Whole House. The chairperson shall leave the Chair and report the fact to the Speaker who shall adjourn the County Assembly until the next sitting without question put. Mr. Chair, we are discussing a matter of great importance in this County. We are discussing the amendments and issues that have to be

addressed on the Animal Health Bill. Remember the livelihood of the people, Mr. Chair is on pastoralism and 75% of the residents of Turkana are pastoralist and if this House doesn't have quorum, Mr. Chair, we are of the opinion that we adjourn until when Members get to this House. Thank you.

Chairperson: Honourable Member representing the people of Kerio Delta.

Hon. Ekod: Thank you, Honourable Chair. I am just following up on what the Honourable Member for Lokichar ward has said; that this House is a House of rules. When discussing a matter that touches a Turkana person, it should be taken seriously. It has been noted that the present quorum will not allow us to continue. Mr. Chair please read the paragraph 2 of that Standing Order and allow us to move forward.

Chairperson: Honourable Members, considering our Standing Orders number 40 on quorum during the proceedings of the County Assembly, I asked the clerk to confirm if indeed the quorum is not enough and it is not enough. I asked the Sergeant at Arms through Standing Order number 40, part 2 to ring the bell for eight minutes. Honourable Members, as we are waiting for quorum kindly, I ask those who are inside to not leave again.

House Resumes

Temporary Speaker (Hon. Mary Nakapwan) in the Chair

Hon. Aliwo (Chairperson Committee of the Whole): Honourable Speaker, during our proceedings in the Committee of Whole House, we realized that we did not meet quorum and pursuant to Standing Order 40 which speaks on quorum. As the chairperson of the whole House, I invoke our standing order number 40 part 2 (b) that says if the County Assembly is in Committee, the Chairperson shall leave the chair and report the facts to the Speaker, who shall adjourn the County Assembly until the next sitting without question put, I submit, Honourable Speaker.

Temporary Speaker: Honourable Members, I can confirm that we do not have quorum, so, we will adjourn the House. Next order.

ADJOURNMENT

Temporary Speaker: Honourable Members, there being no other business, I adjourn the House until Tuesday, next week 9:00 a.m.

House Rose at 11:45 a.m.