



**COUNTY ASSEMBLY OF BUNGOMA  
THIRD COUNTY ASSEMBLY – SECOND SESSION  
REGULAR HOUSE SITTING  
VOTES AND PROCEEDINGS  
THURSDAY 16<sup>TH</sup> FEBRUARY, 2023 AT 2:30P.M.**

1. The County Assembly assembled at **2:34 P.M.**
2. The proceedings were opened with prayer.
3. Presiding: Speaker (**Hon. STEPHEN WAMALWA**)
4. **ADMINISTRATION OF OATH**  
None
5. **COMMUNICATION FROM THE CHAIR**  
**The presiding Speaker conveyed the following communication;**
  - Letter from the Governor, informing the House of his intention to address the County Assembly on 21<sup>st</sup> February 2023.
  - Letter from the Chairperson, Committee of Finance and Economic planning to withdraw the Bungoma County Equitable Development Bill.
6. **MESSAGES**  
None
7. **PETITIONS**  
None
8. **PAPERS**  
**The following paper was laid by Hon. Waiti Wafula**  
Report by the sectoral committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development on the implementation status of farm input support program.
9. **NOTICES OF MOTIONS**  
**The following notice of motion was issued by Hon. Waiti Wafula;**  
**That,** the House adopts the report by the Sectoral Committee on Agriculture, Livestock, Fisheries, irrigation and Cooperatives

Development on the implementation status of farm input support program.

**It was directed that the report be circulated to Hon. Members**

**10. STATEMENTS**

**The following statement was issued by Hon. Anthony Lusenaka, Leader of Minority**

Weekly Business coming before the House from Tuesday the 21<sup>st</sup> – Thursday the 23<sup>rd</sup> February, 2023.

**11. MOTION**

None

**12. BILLS**

**The following Bill was read for the second time;**

The Bungoma County State of the County Address Bill, 2022.

**13. Committee of the Whole House;**

**In the Committee**

The chairperson; Hon. Christine Mukhongo

Amendments proposed

Clause 4 (4)

**THAT Clause 4 sub clause (4) be amended;**

By inserting an apostrophe on the word Governors so as to read;

The ***Governor's*** address shall contain .....

**Mover: Hon. Tony Barasa**

**Question Proposed**

**No debate**

**Question put and Agreed to**

**Clause 10**

**THAT Clause 10 be amended by replacing the word *External Media* with Accredited Media.**

**Mover: Hon. Tony Barasa**

**Question Proposed**

**No debate**

## **Question put and Agreed to**

Clause 2;

**THAT Clause 2 be amended by having the following interpretation;**

- i) The “Governor”** means *the Governor of the County Government of Bungoma, while*
- ii) ‘Year’** means *the calendar year for the period beginning January and ending December*

**Mover: Hon. Tony Barasa**

**Question proposed**

**No debate**

**Question put and Agreed to**

## **Reporting Stage**

Under SO. 147; report of the Committee of the Whole House, the Chairperson Committee of the Whole House reported as follows;

1. Clause 3: Purpose of the Act. was approved without amendments
2. Clause 4: the Governor’s Address was approved with amendments
3. Clause 5. Notification of place, date and time was approved without amendments
4. Clause 6: Governor entering or leaving the Chamber was approved without amendments
5. Clause 7: Delivery of Governor’s Address was approved without amendments
6. Clause 8: Tabling and debate of Address was approved without amendments
7. Clause 9: Public Access was approved without amendments
8. Clause 10. External Media was approved with amendments
9. Clause 2: Interpretation was approved with amendments
10. Clause 1: Short title was approved without amendments

Mover: Hon. Tony Barasa that the House does agree with the Committee in the said report

Question put. And agreed to.

**14. The Bungoma County Government Finance Bill, 2022**

It was read for the third reading

**ASSEMBLY ROSE** - at 3:45 P.M.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday 21<sup>st</sup> February, 2023 at 2:30P.M.*

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**COUNTY ASSEMBLY OF BUNGOMA  
THIRD COUNTY ASSEMBLY – SECOND SESSION  
REGULAR HOUSE SITTING  
VOTES AND PROCEEDINGS  
WEDNESDAY 15<sup>TH</sup> FEBRUARY, 2023 AT 2:30P.M.**

1. The County Assembly assembled at **2:32 P.M.**
2. The proceedings were opened with prayer
3. Presiding: Speaker (**Hon. Emmanuel Situma**)
4. **ADMINISTRATION OF OATH**  
None
5. **COMMUNICATION FROM THE CHAIR**  
None
6. **MESSAGES**  
None
7. **PETITIONS**  
None
8. **PAPERS**  
**The following paper was laid by Hon. Jack Wambulwa**  
Report by the sectoral committee on Public Administration and ICT on the Bungoma County State of County Address BILL, 2022.
9. **NOTICES OF MOTION**  
**The following notice of motion was issued by Hon. Jack Wambulwa**  
THAT, the House adopts the report by the Sectoral Committee on Public Administration and ICT on the Bungoma County State of County Address Bill, 2022
10. **STATEMENTS**  
**None**
11. **MOTIONS**

THAT, the House adopts the report by House Business Committee on the affairs of the County Assembly during the 1<sup>st</sup> session of the Third County Assembly, 2022

***Moved by Hon. Joseph Nyongesa***

***Seconded by Hon. Metrine Nangalama***

***Motion proposed***

***Debate arose***

***Mover called to reply***

***Question proposed***

***Question put and AGREED TO***

## **12. BILLS**

None

**ASSEMBLY ROSE** - at 3:45 P.M.

### **MEMORANDUM**

*The Speaker will take the Chair on  
Thursday 16<sup>th</sup> February, 2023 at 2:30P.M.*

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**COUNTY ASSEMBLY OF BUNGOMA  
THIRD COUNTY ASSEMBLY – SECOND SESSION  
REGULAR HOUSE SITTING  
VOTES AND PROCEEDINGS  
WEDNESDAY 15<sup>TH</sup> FEBRUARY, 2023 AT 9:30A.M.**

1. The County Assembly assembled at **9:32 A.M.**
2. The proceedings were opened with prayer
3. Presiding: Speaker (**Hon. EMMANUEL SITUMA**)
4. **ADMINISTRATION OF OATH**

None

5. **COMMUNICATION FROM THE CHAIR**

None

6. **MESSAGES**

None

7. **PETITIONS**

Petition by Emony Yefwe International on denial of right to health services to Johnkin Wanjala and his subsequent death at Webuye County Hospital.

***The Chairperson, Committee on Justice, Cohesion and Legal Affairs inform the House the Committee's findings and recommendations on the petition under S.O 226.***

8. **PAPERS**

**The following Papers were laid by the Hon. Joseph Nyongesa;**

- I. Report by the House Business Committee on the Affairs of the County Assembly during the First Session of the Third County Assembly.
- II. The Policy Statement on enhancing Own Source Revenue (OSR) by the County Government of Bungoma.

***Committed to the Committee of Finance and Economic Planning for processing.***

**9. NOTICES OF MOTION**

**The following notice of motion was issued by Hon. Joseph Nyongesa;**

**THAT**, the House adopts the Report by the House Business Committee on the Affairs of the County Assembly during the First Session of the Third County Assembly, 2022.

**It was directed that report be circulated to Hon. Members**

**10. STATEMENTS**

**None**

**11. MOTIONS**

**The following motion was moved;**

**THAT**, the House approves the report by Budget and Appropriations Committee on the Bungoma County Budget Review and Outlook Paper FY 2022/2023

**Motion Moved by: Hon. Charles Nangulu**

**Seconded by: Hon. Jack Wambulwa**

**Motion debated**

**Mover Called upon to reply.**

**Question put and Agreed to**

**Motion Adopted**

**ASSEMBLY ROSE** - at 11:40 A.M.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday 15<sup>th</sup> February, 2023 at 2:30P.M.*

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**COUNTY GOVERNMENT OF BUNGOMA  
THIRD COUNTY ASSEMBLY – SECOND SESSION  
REGULAR HOUSE SITTING  
VOTES AND PROCEEDINGS  
TUESDAY 14<sup>TH</sup> FEBRUARY, 2023 AT 2.30 P.M.**

1. The County Assembly assembled at 2.33. P.M
2. *The proceedings were opened with prayer*
3. Presiding: Speaker (**Hon. Emmanuel Situma**)
4. **ADMINISTRATION OF OATH**

None

5. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communications:

**(i) Welcoming remarks & lapse of Businesses of the 1<sup>st</sup> session.**

**“Honourable Members,** I wish to welcome you back to the August House following the long recess and hope that you are sufficiently rested and rejuvenated in readiness for the commencement of the 2<sup>nd</sup> Session of the third County Assembly which will be a busy one.

**Honourable Members,** today marks the beginning of one of the busiest parts of the Session among them the Budget, various legislations in the County Assembly Calendar among other upcoming crucial business.

**Honourable Members,** as we commence the Session, I wish to bring to the attention of the House that, going by our practices and the Standing Orders, certain business that was not concluded at the

end of the last Session, such as Motions, as well as Questions and Statements which had not been responded to, has now lapsed.

To this end, every Chairperson of a Committee or individual Member who wishes to re-introduce such business is advised to do so by contacting the Office of the Clerk to revive the business. This, however, does not apply to Bills and petitions.

**Honourable Members**, with regard to questions and statements going forward, I wish to direct all Chairpersons of Sectoral Committees to provide progress reports to the House pursuant to the requirements of Standing Order 54. The respective reports should indicate the list of questions and statements referred to their Committees, those replied to, those awaiting further information or reply, and those still pending. The Chairpersons will be expected to avail this information in form of a brief Statement to be made in the House. These reports will enable Members to know the fate of their questions and statements which were still pending in Committees.

Thank you”

## **(ii) Guidelines on the management and operations of Committees**

**“Hon. Members**, in the recent past, there has been concern on the manner in which Committees are being managed and particularly by Chairpersons and Hon. Members. It is on the basis of these concerns that I am issuing this Communication to address critical issues that affect the management and operations of Committees. The importance of Committees cannot be gainsaid and, as alluded to during the Leadership and Liaison Committee Retreats in Kisumu; Committees serve as the reference point for legislation, oversight and involvement of the public in the affairs of the Legislature in the manner contemplated in the Constitution. It is the manner in which Committees conduct their business that builds up or destroys the image of the Legislature.

**First, Management of Committees**, as you are aware, is vested in the Office of the Speaker and Liaison Committee in terms of Standing Order No. 216(2), the chairpersons of Committees, Standing Order No.182 and the Office of the Clerk. The four offices, working in synergy, enable the operations of Committees to run efficiently and effectively thereby ensuring that the House executes its legislative and oversight mandate as provided for under the Constitution and the County Governments Act, 2012.

While the Speaker, Liaison Committee and the chairpersons of committees offer strategic leadership and direction, the Office of the Clerk is facilitative in nature and has, over the years, come to be regarded as the backbone of the Committee system in all Parliamentary democracies.

**Hon. Members**, in day-to-day operations, Committees are managed by Committee Clerks and other officers who give procedural advice to the Committee, take minutes of the Committee proceedings, receive and preserve documents on behalf of the Committees and carry out other important logistical and administrative duties. The secretariat also assists in official communication, arranging appearance of witnesses and advising chairpersons and members on procedures in Committees. In essence, the Committee secretariat is responsible for coordinating the affairs of the Committee and ensuring that the Committee gets the needed support to be effective in discharging its mandate.

The effectiveness of any oversight committee has, therefore, a bearing on the services provided by the Committee secretariat and the synergy between the secretariat and the chairperson of the Committee. I urge all chairpersons to accord the secretariat the necessary support in the discharge of their duties and, more importantly, in the application of the Standing Orders and the unwritten practices of the House.

**Second, on conduct of meetings, Hon. Members,** in the recent past, there has been a worrying trend in the frequency at which Committee members are holding meetings to the exclusion of the secretariat and, more so, the Committee Clerks. Clerks are “Officers of the House” and just as is the case with the House which cannot sit without the Clerks-at-the-Table, Committees should not meet or transact any business without the secretariat. A Committee meeting is, therefore, not complete in the absence of a committee clerk and secretariat and will, henceforth, be treated as an informal gathering or a Committee Kamukunji. Committees are within their powers to exclude, on the other hand, any person or even the public from its proceedings for justifiable reasons pursuant to Standing Order No.250. But such exclusion however, does not apply to Committee Clerks who are part and parcel of the Committee architecture.

**Third, on attendance of Committee meetings, Hon. Members,** the attendance of Committee sittings by members is important for an effective oversight Committee. It has been brought to my attention and witnessed as such, that some Committees are finding it extremely difficult to raise quorum within the required time as provided for in Standing Order No.187, which states as follows:-

***“Unless quorum is achieved within thirty minutes of the appointment time, a meeting of a committee of the House shall stand adjourned to such further time or day as the chairperson of the Committee may appoint.”***

Committees are also unable to sustain quorum during deliberations of businesses before them, Members just appear for the sake of recording attendance and disappear. This has brought embarrassment and loss of dignity to committees and the County Assembly as a whole, especially when witnesses have been invited and meetings do not take off or end up with one or two Members conducting the business of the Committee. This is a shame and must end.

Furthermore, there have been instances when Committees fail to raise the requisite numbers necessary for adoption of reports, thus draft reports remain pending before Committees for unnecessarily long periods. I exhort Members to fully participate in Committee sittings to enrich their deliberations and be seized of the matters under consideration to enable Committees to come up with impeccable findings and recommendations. Let us all ensure that retreats and field visits are properly utilized to conduct businesses and not picnics and holidays. There must be value for money on any Committee activities.

I therefore direct as follows;

- (a) *All chairpersons or persons designated to chair Committee meetings or Committee retreats pursuant to Standing Order No.190 shall close the attendance register upon the close of the business, and no member shall be allowed to sign register or Committees report whose contents they are not aware.*
- (b) *Adoption of the Committee Reports shall be done at the venue of the retreat upon conclusion and adoption of the Committee recommendations.*
- (c) *Members should and must attend Committee meetings without fail. If they fail, the provisions of Standing Order No.189 will apply where failure to attend four (4) consecutive meetings without the permission of the chairperson or the Speaker will lead to **automatic removal** of that member from that Committee. Any Member discharged from a Committee in a situation such as this for non-attendance will not be eligible for re-appointment to any other Committee.*

I urge chairpersons of Committees to co-operate with the clerks to provide lists of attendance on every Committee sitting for purposes of administering Standing Order No.189.

As agreed in the Leadership Retreat recently in Kisumu, I hereby direct that the provisions of these Standing Orders and recording of

sittings of committees and on quorum be implemented to the letter. I need to remind ourselves that those who desire not to attend or be members of committees can as well indicate such desires to their respective leadership of the political parties.

**Fourth, on Committee reports, Hon. Members,** Committees communicate to the House through their reports. It is, therefore, imperative that committees prioritize consideration of Bills, Sessional Papers, statutory instruments, audit reports and Petitions and submit reports within the statutory timelines. Some Committees have taken inordinately long to conclude inquiries, engaging in unending investigations while others re-open inquiries even after going for report writing. The delay in concluding inquiries and producing reports on time leads to unnecessary speculation and fuels rumours of rent-seeking, among others. This waste of public resources on unending “investigations” will not be acceptable.

**Finally, Hon. Members,** this being a House of procedure and rules, I, therefore, urge you Members to conduct your official business within the provisions of the Constitution, statutes and our own Standing Orders and, particularly, respect the rules against anticipating debates and commenting on reports which have not been tabled before the House, consideration of which is before Committees.

I urge committees to take legislation and other business before them more seriously and report within the stipulated time frames.

The House is accordingly guided for implementation.

I thank you”

## **6. MESSAGES**

None

## **7. PETITIONS**

None

## 8. PAPERS

### **The following paper was tabled:-**

Nomination list of Members to serve in the House Business Committee for the second session of the third County Assembly

***Tabled by the Leader of the Majority Party***

## 9. NOTICES OF MOTION

### **The following notices of motion were issued:-**

- i. **THAT**, pursuant to the provisions of Standing Order 173 (1) (g) the House approves the nomination of Members to serve in the House Business Committee.

**Issued by Hon. Joseph Nyongesa, Leader of Majority Party**

- ii. **THAT**, this House approves the Report by Budget and Appropriations Committee on Bungoma County Budget Review and Outlook Paper FY 2022/2023.

**Issued by Hon. Charles Nangulu, Vice Chairperson, Budget and Appropriations Committee.**

## 10. STATEMENTS

**None**

## 11. MOTION: PROCEDURAL MOTION FOR THE NOMINATION OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

**THAT**, pursuant to the provisions of Standing Order 173 (g) the House approves the nomination of the following Members to serve in the House Business Committee

1. Hon. Emmanuel Situma	Speaker	Chairperson
2. Hon. Stephen Wamalwa	FK	Member
3. Hon. Joseph Nyongesa	FK	Member
4. Hon. Meshack Simiyu	FK	Member
5. Hon. Christine Mukhongo	FK	Member
6. Hon. Mildred Barasa	FK	Member
7. Hon. Violet Makhanu	FK	Member

8. Hon. Jack Wambulwa	FK	Member
9. Hon. Hentry Nyongesa	UDA	Member
10. Hon. Anthony Lusenaka	DAP	Member
11. Hon. Miliar Masungu	DAP	Member
12. Hon. Cornelius Makhanu	DAP	Member
13. Hon. Metrine Nangalama	DAP	Member
14. Hon. Johnston Ipara	MCC	Member
15. Hon. Jacob Psero	IND	Member

**Mover:** Hon. Joseph Nyongesa

**Second:** Hon. Anthony Lusenaka

**Question proposed**

**Debate arising**

**Mover called to reply**

**Question put and motion adopted**

**ASSEMBLY INTERRUPTED** - 15.04 P.M. to allow the House Business Committee to sit and prioritize Business of the week

*The House resumed at 3.22 pm with the supplementary order paper*

## **12. PAPERS**

**The following paper was laid by Hon. Joseph Nyongesa, Leader of Majority**

The County Assembly Legislative Calendar for the second Session of the third County Assembly, 2023 (Regular sessions of the County Assembly) for the year 2023 (February – December 2023)

## **13. NOTICES OF MOTION**

**The following notice of motion was issued by Hon. Joseph Nyongesa, Leader of Majority**

That pursuant to the provisions of Standing Order 31 (1), the House approves the County Assembly Legislative Calendar for the second



Session of the Third County Assembly, 2023 (Regular sessions of the County Assembly) for the year 2023 (February – December 2023)

**14.STATEMENTS**

**Pursuant to the provisions of Standing Order 47 (2) (a)**

A statement informing the County Assembly of the Weekly Business coming before the House from Wednesday the 15<sup>th</sup> to Thursday the 16<sup>th</sup> February, 2023.

***Issued by Hon. Violet Makhanu, Member of the House Business Committee***

**15.PROCEDURAL MOTION: APPROVAL OF THE LEGISLATIVE CALENDAR FOR THE SECOND SESSION OF THE THIRD COUNTY ASSEMBLY, 2023**

THAT, pursuant to the provisions of Standing Order 31 (1), the House approves the County Assembly Legislative Calendar for the second Session of the Third County Assembly, 2023 (Regular sessions of the County Assembly) for the year 2023 (February – December 2023)

**Mover:** Hon. Joseph Nyongesa

**Seconder:** Hon. Anthony Lusenaka

**Question proposed**

**Debate arising**

**Mover called to reply**

**Question put and motion adopted**

**ASSEMBLY ROSE** - 3:50 P.M.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday 15<sup>th</sup> February, 2023 at 9:30 a.m.*

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