



**COUNTY ASSEMBLY OF BUNGOMA
THIRD COUNTY ASSEMBLY – SECOND SESSION
REGULAR HOUSE SITTING
VOTES AND PROCEEDINGS
THURSDAY 2ND MARCH, 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**

Hon. Speaker reminded members on dress cord while they are in the House which they should observe always.

6. **MESSAGES**

None

7. **PETITIONS**

None

8. **PAPERS**

The following Paper was laid by Hon Violet Makhanu:

Report of the sectoral committee of Youth and Sports on the status of Stadia in Bungoma County.

9. NOTICES OF MOTION

The following notice of motion was issued by Hon. Violet Makhanu

THAT, the House adopts the report by the Sectoral Committee on Youth Affairs and Sports on the status of Stadia in Bungoma County.

10. STATEMENTS

Pursuant to the provisions of Standing Order 47 (2)(a) the following statement was issued;

A Statement informing the County Assembly of the Weekly Business Coming before the House from Tuesday 7th-Thursday 9th March, 2023.

Statement issued by Hon. Stephen Wamalwa

11. MOTIONS

The following motions were moved that, the House adopts the report by Implementation Committee on the implementation status of the Bungoma County Industrialization and Bungoma County Drilling Rig Policies.

Moved by Hon. Jacob Psero

Seconded by Hon. Jacob Mukoyandali

Question proposed

Debate arose

Mover called to reply

Question put and **AGREED TO**

12. BILLS

THE BUNGOMA COUNTY CULTURAL HERITAGE BILL, 2022

A Bill of an Act of the County Assembly of Bungoma to promote and protect culture and cultural heritage in the County and for connected purposes.

Moved by Hon. Jack Kawa

Seconded by Hon. Ken Wanyama

Question proposed

Question put and **AGREED TO**

The Bill was read for the third time

Bill to be forwarded for assent by the GOVERNOR

ASSEMBLY ROSE_- at 4:35 P.M.

MEMORANDUM

The Speaker will take the Chair on

Tuesday 7th March, 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 1ST MARCH, 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. Emmanuel Situma)
4. **ADMINISTRATION OF OATH**

None

5. **COMMUNICATION FROM THE CHAIR**

None

6. **MESSAGES**

None

7. **PETITIONS**

None

8. **PAPERS**

The following papers were laid;

- I. Report by Implementation Committee on the implementation status of the Bungoma County Industrialization and Bungoma County Drilling Rig Policies Laid by Hon. Jacob Psero
- II. Memorandum submitted by Bungoma County child rights network to the County Assembly on Holistic Skills Development in Bungoma County
Laid Leader of Majority committed to Committee on Education for processing and reporting to the House.

9. NOTICES OF MOTIONS

The following notice of motion was issued by Hon. Jacob Psero;

That, the House adopts the report by Implementation Committee on the implementation status of the Bungoma County Industrialization and Bungoma County Drilling Rig Policies

Notice issued and it was directed report to be circulated to Hon. Members

10. STATEMENTS

None

11. MOTION

None

12. BILLS

The following Bill was read for the Second time;

The Bungoma County Cultural Heritage Bill, 2022

13. Committee of the Whole House;

The chairperson; Hon. Stephen Wamalwa

Clause without amendment

Clauses 10,12,13,15,16,18,19,20,21,24,26,28

Question Proposed

No debate

Question Put and **AGREED TO**

Clauses with amendments

Clause 3

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 3 be amended by deleting the words “regulate, protect and promote the following activities and services of county importance for the interest and enjoyment of the community and persons visiting the county” immediately after the words “Act are”.

And that paragraphs (a) and (b) be deleted and the words **cultural sites and cultural activities** be part of the paragraph so as to read:

3. (a)The objects of the Act are to Regulate, protect and promote the cultural sites and cultural activities for the interest and enjoyment of the community and persons visiting the county-

And that sub clauses from (c), (d), (e), (f), (g), (h), (i) be rearranged as (b), (c), (d), (e), (f), (g), respectively.

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 4

Question proposed

Amendment moved by Hon Jack Kawa

THAT, sub clause 4 (c) be **approved with amendments** by inserting the words “**or Acts of Parliament**” immediately after the word “**Constitution**”.So as to read: ***4.(c)vested under the national level of government by virtue of the Constitution or Acts of parliament***

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 5

Question proposed

Amendments moved by Hon. Jack Kawa

THAT, clause 5 be approved with amendments;

(a) by inserting the word **“in consultation with the County public Service Board”** after the word **“Member”** and

(b) and by deleting the word **“County”**. So as to read:

The Executive Committee Member in consultation with the County Public Service Board shall by notice in the Gazette, appoint such number of officers with knowledge and experience in culture to be authorized officers to oversee the activities taking place in cultural sites under this Act

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 6

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, sub clause 6(1)(a) be approved with amendments; by inserting the word “**thereto**” immediately after the word “**individual**” so as to read:

hold in trust for the communities in the county, any cultural articles and cultural sites not owned by an individual thereto or organization;

And that paragraph (n) be deleted and paragraphs (o) and (p) be re-numbered respectively

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 7

Question proposed

Amendments moved by Hon Jack Kawa

THAT, Clause 7 subclause (a) of the Bill be approved with amendments by deleting the words “**shall compel another**” after the words “**no person**” and substituting it therefore with the words “**is compelled**”; so as to read;

no person is compelled to perform, observe or undergo any cultural practice or rite

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TOO**

Clause 8

Question Proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 8(1) of the Bill be approved with amendments by deleting the words “**establish cultural infrastructure**” and “**after the word “shall”**” and by inserting the word “**establish**” after the word “**center**” so as to read;

The Department shall in consultation with the Kenya Cultural Centre, establish at least one cultural centre the objects of which are to provide-

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 9

Question proposed

Amendment Moved by Hon. Jack Kawa

THAT, Clause 9 subclause 2 of the Bill be approved with amendments by inserting the word “**cultural**” immediately after the word “**public**” so as to read;

The public cultural forum shall consist of-

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TOO**

Clause 11

Question Proposed

Amendments moved by Hon Jack Kawa

THAT, the headnotes in Clause 11 of the Bill be approved with amendments by inserting the word “**and activities**” immediately after the word “**articles**” so as to read;

Protection of cultural articles and activities

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 14

Question proposed

Amendments moved by Hon. Jack Kawa

THAT, Clause 14 subclause (1) of the Bill be approved with amendments by inserting the words “**and members of the community**” immediately after the word “**Government**” so as to read;

The Executive Committee Member responsible for cultural activities after consultation with the National Government and members of the community and after taking into consideration

the usage; historical significance and other relevant matters relating to a site, declare any site to be a cultural site protected under this Act.

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 17

Question proposed

Amendment moved by Hon Jack Kawa

THAT, Clause 17 subclause (1) of the Bill be approved with amendments by deleting the expression “**20**” and substituting therefore with the expression “**14**”; so as to read as; -

The Department shall determine the times, dates and conditions under which a cultural site declared under 14 is open to the public.

and subclause (5) by inserting the words “**the cultural site**” and “**a person ordered to leave**” immediately after the word “**leave**”.

so as to read; –

Where a person in a cultural site commits an offense relating to this part, an authorized officer may order that person to leave the cultural site and a person ordered to leave must leave the premises by the shortest route available to the public

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 22

Question Proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 22 of the Bill be approved with amendments by deleting the words “**commits an offense**” and replacing with “**who**” and introducing a new subclause (1) so as to read;

22(1) A person who-

And sub –clause (2) be amended by deleting the words “**or any other section under this part**” appearing after the words “**under subsection (1)**” so as to read;

22(2) A person who commits an offense under subsection (1 is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or both

And by deleting sub-clause (3) in its entirety

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 23

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 23 of the Bill be approved with amendments by inserting the words “**any relevant**” after the words “**this Act**” so as to read;

The Department may issue permits relating to the management of cultural centers, sites or institution and the use of protected flora or fauna of cultural importance in accordance with the provisions of this Act and any relevant national legislation

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 25

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 25 of the Bill be approved with amendments by deleting the words “**as long as the said Act is in line with the Constitution and the Public Officers Code of Conduct**” so as to read;

No action or omission by a public officer shall, if the Bill was done in good faith for the purpose of carrying out the provisions of this Bill or any other law, subject the person to any liability, action, claim or demand

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 27

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 27 subclause 2 of the Bill be approved with amendments by deleting the word “**the inspector**” after the article “**the**” and substituting therefore the words “**such an officer**” so as to read;

Despite subsection (1), such an officer shall produce a valid identification document before entering any premises.

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

No debate

Question put and **AGREED TO**

Clause 2

Question proposed

Amendment moved by Hon. Jack Kawa

THAT, Clause 2 of the Bill be amended by deleting the interpretation of the word “**vehicle**” in its entirety

Question proposed that the clause be amended as proposed

No debate

Question Put and **AGREED TO**

Question proposed that clause as amended be part of the Bill

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;

Clause 3. Objects and purpose	Approved with amendments
Clause 4. Application of the Act	Approved with amendments
Clause 5. Authorized officers	Approved with amendments
Clause 6. Responsibilities of the County Government	Approved with amendments
Clause 7. Protection of individuals	Approved with amendments
Clause 8. Establishment of cultural centres	Approved with amendments
Clause 9. Establishment of a cultural forum	Approved with amendments
Clause 10. Determination of article of a cultural nature	Approved without amendments
Clause 11. Protection of cultural articles	Approved with amendments
Clause 12. Registration of cultural articles	Approved without amendments
Clause 13. Establishment of cultural and creative industries	Approved without amendments
Clause 14. Declaration of Cultural Sites	Approved with amendments
Clause 15. Protection of cultural sites	Approved without amendments
Clause 16. Private cultural sites	Approved without amendments
Clause 17. Admission of cultural sites	Approved with amendments
Clause 18. Notice board at a site	Approved without amendments
Clause 19. Conditions of entry	Approved without amendments
Clause 20. Register of cultural articles and sites	Approved without amendments

Clause 21. Grant of short term custody	Approved without amendments
Clause 22. Offences	Approved with amendments
Clause 23. Power to issue permit	Approved with amendments
Clause 24. Declaration of National cultural article, activity or site	Approved without amendments
Clause 25. Protection from personal liability	Approved with amendments
Clause 26. Regulations	Approved without amendments
Clause 27. Powers of entry by police officer or authorized officer	Approved with amendments
Clause 28. General Penalty	Approved without amendments
Clause 2. Interpretations	Approved with amendments
Clause 1. Short title	Approved without amendments

Mover: Hon. Jack Kawa that the House does agree with the Committee in the said report

Question put. And **AGREED TO.**

ASSEMBLY ROSE_- at 3:26 P.M.

MEMORANDUM

*The Speaker will take the Chair on
Thursday 2nd March, 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 1ST MARCH, 2023 AT 9:30 A.M**

1. The County Assembly assembled at 9:30 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**

Adjustment of the order paper.

6. **PETITIONS**

None

7. **PAPERS**

The following papers were laid by Hon. Joseph Nyongesa (Leader of Majority)

I. Report from the County Executive on the Half year County Revenue Fund statements FY 2022/2023 for the period ended December 31, 2022.

Committed to the committee on Finance and Economic Planning.

II. Report from the County Executive on the Half year financial statements FY 2022/2023 for the period ended December 31, 2022.

Committed to all sector Committees for interrogation and report back to the House thereafter.

8. NOTICES OF MOTION

The following notice was issued by Hon. Joseph Nyongesa (Leader of majority;

THAT, Pursuant to the provisions of Standing Order No.73 (1) (c) (iii); Sections 8 (1) (d) of the County Government Act, 2012 and Section 140 and 142 of the Public Finance Management Act, 2012, that the House approves; that, the County Assembly Service Board enters an agreement with the Kenya Commercial Bank of Kenya, for purposes of overdraft facility (short term borrowing) to cater for the early processing of the net salary only, for its members and the staff in case of delays of the exchequer release from the National Treasury

9. STATEMENTS

None

10. MOTION

I. SPECIAL MOTION:

Pursuant to the provisions of Standing Order No.73 (1) (c) (iii); Sections 8 (1) (d) of the County Government Act, 2012 and Section 140 and 142 of the Public Finance Management Act, 2012, that the House approves; **THAT**, the County Assembly Service Board enters an agreement with the Kenya Commercial Bank of Kenya for the 2023, for purposes of overdraft facility (short term borrowing) to cater for the early processing of the net salary only, for its members and the staff in case of delays of the exchequer release from the National Treasury.

Motion moved by Hon. Joseph Nyongesa (Leader of Majority)

Seconder: Hon. Ali Machani (Member of the Board)

Question proposed

Debate arose...

Mover called to Reply

Question put and **AGREED TO**, Motion adopted.

- II. **THAT**, the House adopts the Report by the Liaison Committee on the committees' activities in the First session, Third County Assembly and Committees' retreat schedule for the period February-June, 2023.

Motion Moved by Hon. Stephen Wamalwa

Seconder: Hon. Christine Mukhongo

Question proposed

No debate arose

Question put and **AGREED TO**,

Motion adopted.

ASSEMBLY ROSE_ - at 11:05 A.M

MEMORANDUM

*The Speaker will take the Chair on
Wednesday 1st March, 2023 at 2:30 p.m.*

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**COUNTY ASSEMBLY OF BUNGOMA
THIRD COUNTY ASSEMBLY – SECOND SESSION
REGULAR HOUSE SITTING
VOTES AND PROCEEDINGS**

WEDNESDAY 28TH FEBRUARY, 2023 AT 2:30 P.M.

1. The County Assembly assembled at 2:31 P.M.
2. The proceedings were opened with prayer.
3. **Presiding: Speaker** (Emmanuel Situma)
4. **ADMINISTRATION OF OATH**

None

5. **COMMUNICATION FROM THE CHAIR**

Hon. Speaker informed members that they would use a supplementary order paper because of the documents received from the executive.

6. **MESSAGES**

None

7. **PETITIONS**

Petition on the new Organogram in the department of Health and the Bungoma Health Act 2019.

Committed to the joint committees on Health Services and Justice, Cohesion and Legal Affairs

8. **PAPERS**

a) The following papers were laid by Hon. Joseph Nyongesa

- I. The County Fiscal Strategy Paper 2023
- II. The County Medium Term Debt Management Strategy Paper for FY 2023/2024-FY 2025/26

III. The County Medium Term Expenditure Framework and County Fiscal Strategy Paper for FY 2023/24 Public participation report
They were committed to the committee on Budget and Appropriations. Sectoral Committees to extract relevant areas, conduct interrogations and report to Budget and Appropriations committee

b) Report by the Liason Committee on the committees' activities in the First Session, Third County Assembly and committees' retreat schedule for the period February-June,2023

Paper laid by Hon. James Mukhongo

9. NOTICES OF MOTIONS

The following notice of motion was issued by Hon James Mukhongo

THAT, the House adopts the report by Liason Committee on the committees activities in the First Session, Third County Assembly and committees' retreat schedule for the period February-June,2023

10. STATEMENTS

Hon. George Kwemoi gave a personal statement thanking all the members who supported him when he had an election petition to the time he won.

11. MOTION:

The following motion was moved that, the House adopts the report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the implementation status of Farm Input Support Programme.

Mover: Hon. Wafula Waiti

Seconder: Hon. Aggrey Mulongo

Question proposed

Debate Arising

Mover called to reply

Question put and **AGREED TO**

Report adopted

ASSEMBLY ROSE_- at 4:28P.M.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday 1st March, 2023 at 9:30A.M.*