

COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES

DAILY HANSARD

THURSDAY 14TH APRIL, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 14TH APRIL, 2022

The House met at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

PAPERS

1. THE BUNGOMA COUNTY ANNUAL BUDGET ESTIMATES FOR FY 2022/2023

Hon. Stephen Wamalwa (Deputy Speaker): Thank you Honourable Speaker. Allow me submit the Annual Budget Estimates for Financial Year 2022/2023.

Mr. Speaker: Honourable members, the Bungoma County Annual Budget estimates for the Financial Year 2022/2023 is hereby tabled. I commit the same to the Committee on Budget and Appropriation for processing and reporting back as soon as possible. The clerks are here; make sure that the Chairperson of the committee is aware of the tabling of the report so that they start working on it without any further delay.

2. REPORT BY COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE COMMITTEE ACTIVITIES FOR THE FIFTH SESSION OF THE SECOND COUNTY ASSEMBLY

Hon. Sophie Marumbu: Thank you Mr. Speaker. On behalf of the committee on Justice and Legal Affairs Chairperson, I table the report for the activities for the fifth session of the second County Assembly.

Mr. Speaker: Honourable members, a report by the committee on Justice and Legal Affairs on the committees activities for the fifth session of the second County Assembly having been tabled by the committee, it's now the property of the House accordingly.

STATEMENTS

STATEMENT PURSUANT TO PROVISIONS OF STANDING ORDER 41(2) (C) ON THE STATUS OF CONSTRUCTION OF BUSOLO-TUNYA- KISIOI WARD IN WEST BUKUSU WARD

Hon. Stephen Wamalwa: Thank you Honourable Speaker. On behalf of Hon. Sospeter Nyongesa of West Bukusu allow me make this statement that pursuant to the provision of

Standing Order 41(2) and (3) thereon, I hereby seek for a statement from the Chairperson, sectoral Committee on Roads, Transport, Infrastructure and Public Works.

This is in respect to the status of the construction of Busolo-Tunya Kisioi road. In the response, let the Chairperson enquire into and report on the following;

1. How much was budgeted for the construction of the road.
2. Who is the contractor of the Road?
3. How much has so far been paid
4. Status of construction of the road in percentage

Mr. Speaker: Thank you Hon. Stephen.

Hon. Isaiah Sudi: On behalf of Roads committee, I request for 14 days.

Mr. Speaker: Hon. Sudi you have made a request for 14 days, the committee will be given enough time. You will be given 14 days as sought, so we expect feedback from the sector committee on 28th April 2022 in our normal sitting at 2:30 p.m.

MOTIONS

THAT THIS HOUSE ADOPTS A REPORT BY LABOUR COMMITTEE ON THE AFFAIRS OF THE COMMITTEE DURING THE FOURTH SESSION OF THE SECOND COUNTY ASSEMBLY

Mr. Speaker: Any member of the said committee! Members I will take some drastic action over the said committee members. You cannot purport to have sat in this House the way I am seeing membership here and there is no single committee member of that committee to move this motion!

You cannot have both. I have the membership here! I have seen the members who are here. Hon. Aseneka is not a member!

Sorry they left you out. I think let's go back to number six; but if we adjourn in this state then I think any committee member of this committee to me will be deemed as absent. This Committee on Labour, anybody who has not logged in and cannot be here to move the motion to us will be absent. Let us have Hon. Sophie read the notice accordingly.

6. Notice of motion that this House adopts the report by Committee on Justice and Legal Affairs on the committee activities for the fifth session of the second County Assembly.

Hon. Sophie Marumbu: Thank you Mr. Speaker. I rise to give a notice of motion that this House adopts the report by the Committee of Justice and Legal affairs on the committee activities for the fifth session of the second County Assembly.

Thank you Hon. Sophie. Honourable members, the committee having duly issued a notice of motion that the House adopts the report by the Committee on Justice and Legal Affairs on the committee activities for the fourth session of the second County Assembly, I direct the committee clerks to send this report to Honourable members for their consumption; it will form business for our order paper when we resume after a short break.

MOTIONS

THAT THIS HOUSE ADOPTS A REPORT BY COMMITTEE ON LABOUR ON THE AFFAIRS OF THE COMMITTEE DURING THE FIFTH SESSION OF THE SECOND COUNTY ASSEMBLY

Hon. Everton Nganga: Honourable members, as we go forward, when we have a motion even if you are doing a local arrangement, make sure you are here to move a motion. If you do not and you have logged in, I will make sure that you are all marked as absent.

Hon. Everton Nganga: Thank you Mr. Speaker. I am on my feet to move a motion of the Committee on Labour and Social Welfare on the Annual affairs of the committee during the fifth session from 12th July 2021 - 17th February 2022.

The Committee on Labour and Social Welfare derives its mandate from the Standing Order 193 which stipulates that the committee shall deal with all matters relating to Labour Trade Unions manpower or Human Resource Planning and Social Welfare. I am skipping the membership of the committee.

The objective of the report.

Mr. Speaker Sir, this annual session report covers activities of the fifth session of the Second County Assembly of Bungoma from 12th January to 17th February 2022 and seeks to

- 1) Summarize for the House and the Public the activities undertaken by the Committee during the period under review
- 2) Assess the performance of the committee during the session under review
- 3) Input the best mechanisms for better performance in future

ACKNOWLEDGEMENT

Mr. Speaker Sir, The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and development of this report.

On behalf of the members of the Committee on Labour and Social Welfare, I now wish to present this report to this honorable House for debate and subsequent adoption.

Thank you.

It was signed

COMMITTEE’S UNDERTAKINGS IN THE PERIOD UNDER REVIEW

INTRODUCTION

Mr. Speaker Sir, the Sessional paper gives an account of the affairs of the Committee in the 5th Session.

In the session under review, the Committee continued to execute its mandate of legislation, oversight and representation of the people while working in collaboration with a wide group of stakeholders to ensure participation in County Assembly processes and affairs as is required by law.

The policy framework, committee reports, statements, interrogations among other issues of concern to the committee and the publics were handled by the committee.

This report is therefore a summary of the activities of the committee in the fifth Session, 2021/22. The contents of this report were drawn from County Assembly trackers, committee minutes and reports.

SESSIONAL PERIOD

Mr. Speaker Sir, a “Session”, according to the definition in the Standing Order means;

“the sittings of the County Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 24 (Regular Sessions of the County Assembly) and terminating when the County Assembly adjourns at the end of a calendar year or at the expiry of the term of County Assembly.

The Standing Order 24 on Regular Sessions of the County Assembly stipulates that;

(1) Except for the Session commencing immediately after a general election, the regular Sessions of the County Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December.

Mr. Speaker Sir, it should be noted that the 5th session of the second County Assembly however, resumed its sittings on 12th January, 2021 after the 2020 December recess and terminated its sittings on 17th February, 2022.

Allow me to skip 2.3 committee sittings I look at 2.5

COMMITTEE ACTIVITIES

Mr. Speaker Sir, during the session under review, the committee transacted the following activities:-

1. Successful internal committee meetings
2. Committee retreats.

Committee size and quorum

Mr. Speaker Sir, the current Committee membership as provided for in the Standing Order 11, this is similar to all standing Committees in the County Assembly of Bungoma.

The quorum for any standing Committee to hold its meeting therefore is a third of the members of the Committee, this includes the chairperson. This means that the committee requires a minimum of four (4) Honorable members to transact any business.

a) Committee Budget

Mr. Speaker Sir, the committee's budget for the year under review amounted to 5,295,941

b) Seminars and Training -Human Resource Audit

Mr. Speaker Sir, the Committee undertook training of Human Resource Audit between 28th to 31st January, 2021. The report on the training was tabled in the House and adopted with amendment.

c. Committee Retreats and Reports

During the year under review, the committee transacted the following businesses in line with its work plan and mandate.

i) NHIF, Gratuity and Ward operation

The Committee while carrying out its oversight role and following complaints by some Members of County Assembly retreated on 7th to 11th May, 2021 for the purpose of identifying the reasons behind the frequent suspension of NHIF and matters pertaining to gratuity and operations in the wards.

ii) Burial and Benevolent Status Report.

Mr. Speaker Sir, pursuant to the Constitution of the Burial and Benevolent Fund, the Committee of Welfare has the mandate of over sighting the Management Committee. The Committee retreated for the purpose of interrogating the financial report of the fund. The report prepared will be consumed during the Annual General Meeting of the Fund.

COMMITTEE'S OBSERVATION

1. That Committee meetings and activities as provided in the work plan were not achieved in totality due the Covid – 19 pandemic and the tight retreat schedule provided by the Liaison Committee.
2. That the Management Committee of the Burial and Benevolent Fund had not held the annual General Meetings for its members since inception.
3. That the attendance of members to Committee internal and external meetings was timely and up-to-date in the session under review.
4. That there were delays in the remission of statutory deductions and in particular NHIF as the deadline is 9th of every subsequent month due to exchequer release delays.

5. That following the death of, Hon. Sitati Makhandia Daniel, MCA representing Khasoko Ward in the month of December, 2021, it was observed that the contribution from the Burial and Benevolent fund had no impact in the funeral arrangement. In the same constitution, the employers grant was provided but not specific on where the funds would be sourced from.

COMMITTEE'S RECOMMENDATION

Mr. Speaker Sir, the Committee hereby makes the following recommendations

1. THAT the remaining Committee activities provided in the work plan that were not achieved will be given priority in the next parliament
2. THAT the Committee on Liaison should allocate adequate time and funds to Sectoral committees according to their mandate to enable them effectively execute their mandate.
3. THAT the Committee has directed the Management Committee for Burial and Benevolent to organize for member's Annual General meeting before the end of March, 2022.
4. THAT the County Assembly Service Board should prioritize payment of salaries on time in addressing the suspension of NHIF cover.
5. THAT the attendance of members to Committee internal and external meetings is recommendable.
6. THAT there is need to review the Bungoma Benevolent Funds' constitution to provide for direct contributions from the employer and increase the monthly contributions from members due to changes in economy.

We have the adoption schedule on page 10, the annexure on page 11 that is the approved schedule for internal committee meetings which is up to page 14.

I would like to request Hon. Wamusai who also appended his signature in this report to second.

Hon. Chrispinus Wamusai: Honourable Speaker. I am a devoted and committed member of Labour committee and allow me to appreciate my able Chair for moving the report so eloquently. I am on my feet to second the report and ask this House to approve the report with its recommendation.

Mr. Speaker: Thank you Honourable members. I will now propose a motion for the House to debate. Honourable members, a motion has been moved and seconded that this House adopts the report by the labour committee on the affairs of the committee during the fifth session of the second County Assembly. I propose.

Honourable members, thank you for your contribution. I will proceed and put a question to the said motion so that you are able to make a decision over the same.

Honourable members, a motion having been moved and seconded that the House adopts the report by the labour committee on the affairs of the committee during the fifth session of the second County Assembly

(Question put and agreed to)

The ayes have it. The report, its observations and recommendations are hereby adopted accordingly.

BILLS

THE BUNGOMA COUNTY APPROPRIATION BILL 2022

Mr. Speaker: Sorry Chair - Budget you were out but somebody stepped in for you so you proceed!

Hon. Jack Wambulwa: Thank you Honourable Speaker. I hereby request for the Bungoma County Appropriation Bill 2022 be read for the first time.

Mr. Speaker: Thank you Hon. Wambulwa, Chair - Budget and Appropriation.

Can the table clerks read the Bungoma County Appropriation Bill 2022 for the House?

The Bungoma County Appropriation Bill 2022. A bill by the County Assembly of Bungoma to authorize the issue of a sum of money out of the revenue fund and its application towards the service of the year ending 30th June, 2023 and to appropriate that sum and a sum voted on account by the County Assembly for certain public services and purposes - First reading.

Mr. Speaker: Honourable members, the Bungoma County Appropriation Bill 2020 having been read for the first time, it will be processed alongside the Bungoma County Annual Budget estimates for FY 2022/2023 accordingly.

Honourable members, looking at our Order Paper, that was the last item so we will adjourn our sitting today. We will be having a short recess commencing today and we shall resume our regular sittings on the 26th of April 2022 in our normal 2:30 p.m. session. In the meantime, the Speaker wishes all Honourable members going for nominations all the best at the same time wishes Christians a happy Easter Sunday and Monday accordingly.

We adjourn.

House adjourns