

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**DAILY HANSARD**

**THURSDAY 17<sup>TH</sup> NOVEMBER, 2022**

**Afternoon Sitting**

# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

THURSDAY 17<sup>TH</sup> NOVEMBER, 2022

The House met at 2:30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

Honourable members, I have two communications to make; the first is from the Office of the Governor to the County Assembly through the Clerk, County Assembly of Bungoma. It's an invitation for the swearing in ceremony. The above subject matter refers; following the successful vetting of the County Executive Committee Members CECM, I wish to notify you that their swearing in ceremony will be conducted on 18<sup>th</sup> of November 2022 at the County Executive grounds beginning from 2.30 p.m. I take this pleasure to invite you and all the members of the County Assembly to attend this ceremony on the formation of my Cabinet. It is signed by His Excellency the Governor, Honorable Kennedy Makelo Lusaka.

Secondly, in our public gallery today, we have Form 3 History and Government class of Kimalewa Secondary School who have come to this place to visit and learn on how we conduct our affairs as a County. They are accompanied by their teachers. We have 46 students; kindly stand up. I will call out the names of the teachers;

1. Mr. Jeremiah Wakoli Bwome
2. Mr. Murachi Solomon
3. Ms. Juma Valentine
4. Mr. Situma Brian.

Kindly be sited. Honourable members, at an appropriate time we will allow at most 6 members to make few remarks in view of the workload ahead of us in the Committee of the Whole House.

### STATEMENTS

#### STATUS OF CEF ROADS PROJECTS IN KIMAETI WARD

**Hon. Jack Wambulwa:** Thank you, Honorable Speaker. I have a statement to make to the Chairperson, Committee on Roads, Infrastructure and Public on the subject Community Empowerment Fund roads projects (CEF) in Kimaeti Ward for the financial year 2019/2020, 2020/2021 and 2021/2022.

Pursuant to the provisions of Standing Order No. 47 (2) (c) of Bungoma County Standing Orders, I hereby seek for statement from the Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works. This is in relation to the implementation of CEF road projects in Kimaeti Ward in the financial years 2019/2020, 2020/2021 and 2021/2022.

In response, let the Chairperson inquire into and report on the following;

1. The names of the roads and its contractors
2. The BQS and contract sum of the said roads
3. The payment status of these roads
4. The completion certificates and payment certificates of the same roads
5. The measures put in place by the department to have all the roads under the CEF program in the said ward be completed within the time frame as provided for in the contract agreement.

**Hon. Ali Machani (Member, Roads Committee):** Thank you, Honorable Speaker. I know our Chairperson is engaged on official duties. On the statement raised by the member, I request for 2 weeks to enable us navigate and get the necessary response to the House.

**Mr. Speaker:** The two weeks are given, and it will run from today up to 1<sup>st</sup> of December. Otherwise, there is no other official duty that is going on at the moment apart from this one. If any, then I am not aware as the Speaker.

**Hon. Joseph Nyongesa: (with a concern)** that seeing the trend of statements; suppose we re-frame the statement so that every ward gets the status of the CEF projects. Could it be better because what Hon. Milliah asked yesterday, as the same that has been asked by Hon. Wambulwa? I see the same trend, suppose you give a directive so that all the wards get status reports.

**Mr. Speaker:** Hon. Milliah's statement was directed to the department of Health; today we have another one being directed to the Roads departments. I think it should be directed to all departments, so that we can have a response touching on all CEF projects in respective sector departments for all the 45 wards.

*(Applause)*

Since Hon. Alfred Mukhanya has a statement already on the Order Paper, we will allow him to ask, but with my secretariat and the Clerk, we will prepare a common statement for all the departments, so that we have a feedback for the entire 45 wards.

**Hon. Jack Wambulwa:** Thank you, Honorable Speaker. I want to agree with what the Leader of Majority has proposed. Just to inform this House that under Budget Committee, we summoned the CEF Director and the Chief Officer - Finance and Economic Planning; they appeared before us and were able to submit the list of pending bills within our wards. I think it will come and appear under the same and if there is any doubt, we will be able to share with respective ward members of the County Assembly.

**Hon. James Mukhongo:** Mr. Speaker, I differ with the opinion of the last speaker and even the suggestion from the Leader of Majority. Each and every department has a task to answer. When we rely on Director of CEF projects, we will not be able to move because the list he

gave has many anomalies. We rather deal with specific departments; we should have a response from roads as you have put it. Water should do so; Education etc. which I think will be good for us as members. Otherwise, if we rely on the information of the CEF Director, I don't know what he is doing in that department.

**Mr. Speaker:** Let us agree that we frame our statement in a way that it touches on all the 45 wards, so that we have feedback from all the departments to have them discussed here. Where we have issues as per our new Standing Orders, they will come before us here and answer the queries. Since Hon. Mukhanya's statement is on the Order Paper, he will proceed and ask just like any other statement.

**Hon. Alfred Wekesa:** Honorable Speaker Sir, under provisions of Standing Order 47 (2) (2) I hereby seek a statement from the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development, in respect of environmental health menace being experienced by the residents of Ndivisi Ward leaving closer to Magemo Dam.

In the response, let the chairperson inquire and report on the following;

1. Why the department has neglected the said dam posing a risk to human life and other environmental health risks to the residents of Ndivisi Ward,
2. The reasons as to why there has been little effort to rehabilitate the dam
3. The steps the executive is taking to implement the recommendations of the Public Investments and Accounts Committee's report in respect to the rehabilitation of the said dam done in the financial year 2014/2015
4. What the department is doing to have the dam repaired in a better manner.

**Mr. Speaker:** I have a challenge for the statement being sought from the Committee on Agriculture. When you are talking of environmental pollution and degradation of Magemo; it can't be directed to Agriculture Committee alone; it should also be directed to the Committee on Tourism, Water, Environment and Natural Resources. Although the Legal department is advising that it should go to that department, I think it is being directed to a wrong... It ought to be taken to the Committee on Tourism, Water, Environment and Natural Resources for the response. Hon. Opwora, I will give you 14 days and therefore you will respond on 1<sup>st</sup> December, 2022. You are off HANSARD record.

**Hon. Edwin Opwora:** Honorable Speaker, I accept the 14 days.

**Mr. Speaker:** Okay. You have the 14 days to respond to the House. Hon. Ali Machani, let us hear your views.

**Hon. Ali Machani:** In view of what the leaders were rising, I think it has been overtaken by time.

**Mr. Speaker:** I think from what the members have heard the Deputy Clerk and the PCA should prepare specific departmental questions for our members in line with what Hon. Wambulwa, Milliah and Mukhanya are seeking in order to have responses of all the 45 wards for every department.

**Hon. Jack Wambulwa:** Honorable Speaker, I request that my statement remains the way it is, because reframing will be different from what members will require. If you have looked at the statement, my framing is totally different from what members might require...

**Mr. Speaker:** I looked at that before it was brought on the floor of the House. It's okay, it will be answered the way it is. Subsequently, they will respond per department for all the 45 Wards.

On our visitors in the public gallery, Hon. Meshack will be the first one to go.

**Hon. Meshack Wekesa:** Ahsante Mheshimiwa Spika kwa kunipa nafasi hii. Hii shule ya Sekondari ya Kimalewa inatoka katika Wadi ya Mukuyuni ambapo mimi nawakilisha. Pia Shule hii ya Kimalewa mimi nilisoma mwaka wa...

*(Applause)*

**Mr. Speaker:** Hon. Mukhongo, do you know why they are laughing? Hon. Barasa you're your brother time to finish.

**Hon. Meshack Wekesa:** Mheshimiwa Spika, shule hii ya Kimalewa ilianzishwa mwaka 1978 wakati huo tulianza kama Harambee School. Tuko hapa na Mwalimu Mkuu wa shule ya Kimalewa. Pia hii shule mwaka 2020 ilipeleka zaidi ya wanafunzi 30 Chuo Kikuu. Mheshimiwa Spika, nataka kuwashukuru wazazi wa Mukuyuni Ward kwa kunipigia kura kuwakilisha katika Bunge hili. Ninasihi wanafunzi wasome kwa bidii kwa sababu hili Bunge jinsi wameona tuko na wasomi. Nawaomba pia mkirudi nyumbani, walimu wakiwafunza msikize kwa makini na mfaulu ili miaka ijao mje kwa hili jumba kama sisi tulipo kwa sasa. Kwa hayo machache nakushukuru Mheshimiwa Spika.

*(Applause)*

**Hon. James Mukhongo:** Thank you, Honorable Speaker for this opportunity. First, let me take this opportunity to welcome Kimalewa Secondary School to this House. I came to know Kimalewa Secondary School in the year 2002 when I was first nominated as a Councilor to this House. By then it was under Sirisia Constituency. By then, the infrastructure of the school was wanting. During the tenure of Hon. Meshack Wekesa in conjunction with the current Speaker of the National Assembly, Hon. Moses Masika Wetangula when he was MP for Sirisia is when we started improving the infrastructure of Kimalewa Secondary School. In between it is now almost 20 years; that is the time the school started improving academically. I can remember when *Mheshimiwa* Moses Wetangula went for the Senate seat, Hon. Lusweti took over as MP for Kabuchai, and we have been visiting the same school with Hon. Meshack Simiyu together with the late Hon. Lusweti. There is a principal who I can't remember the name well; during one of the meetings she amused us. However, as we speak now Kimalewa Secondary School is on a map like any other secondary schools. Even though it has some few challenges just like other schools. During the tenure of Honorable Governor Wangamati when he took over as the second Governor and before that when Hon. Ken Makelo was Governor, he introduced bursaries to assist the needy students and a few of them by then benefited from the kitty.

When Hon. Wangamati took over too, we continued with the program until somewhere when he introduced something called Wangamati Scholarship which was not seen..., I don't know what is amusing Hon. Nganga; because I am building my case. At the moment we were saying that it is a support program for education, it was not an individual's program. That is what I am building on. I can assure you that with the coming in of the new Governor, we know there are some challenges with the scholarships. After the report of the Taskforce will be out, I think all will be okay. In this House, we have an able chairperson sitting on my left. I think he is making arrangements so that we fast tract this issue of bursaries.

I will advise the students that while at school, you need to be disciplined and take your studies seriously, because your teachers are ready to assist you in any area that you can't comprehend. We love our teachers and I know with the new Member of Parliament, that is, Hon. Majimbo Kalasinga, he is giving bursaries to the needy students. Colleagues in the House, I can tell that the Hon. Majimbo is doing wonders; the education sector is at his heart. If CDF will be re-introduced, I think most of our students are going to benefit from the bursary kitty.

Most of these students are day scholars and I want to take this humble time to congratulate the teachers and even the parents from Kabuchai Sub-County. We are just from elections, we have 4 wards in Kabuchai; Mukuyuni, Kabuchai/Chwele, Luuya/Bwake and West Nalondo and the 4 members are from one party-Ford Kenya.

*(Applause)*

It is the super party as we talk now. You said it is a history class and I think it is doing the correct thing, Honourable members.

**Mr. Speaker:** Order Honourable members. I spoke earlier that we have a Committee of the Whole House ahead of us...

**Hon. James Mukhongo:** Having reached there, I rest my case.

**Mr. Speaker:** Thank you, Hon. Barasa. I will have Hon. Masungu, just be brief.

**Hon. Milliah Masungo:** I am not going to answer him on some other parts. Do not worry!

**Mr. Speaker:** You can answer him out there!

**Hon. Milliah Masungo:** Thank you, Mr. Speaker. I just want to inform the former Speaker briefly that we are representatives of the people and apart from your party being big or small, at the end of the day you are answerable to the voters on the work you have done to them.

*(Applause)*

Let us leave party issues here. Let's do our representation, legislation and oversight to our people because at the end of the day, you will be answerable to the voters.

To the students, I want to...

**Mr. Speaker:** Hon. Milliah! You said that you do not want to respond to what he is saying, just stick to the issue so that we go ahead.

**Hon. Milliah Masungo:** It just came by itself; I do not know where it came from...

*(Laughter)*

Thank you Mr. Speaker for giving me this chance also to appreciate the students of Kimalewa Secondary School, plus their teachers who have taken time to extend their lessons into this Honourable House. I am very sure they are history students and they have come to learn. I want to thank them so much and also thank their parents though the Honourable member of Mukuyuni is not listening.

I am thanking the parents of these students who voted you in to be their representative. I want to assure them because I know some of the teachers here voted for him. This is a man who is down to earth and on the task to represent you as your area MCA.

I will be brief just to say as a parent that to my boys and girls seated in the gallery, Education is the only equalizer between a child of a poor farmer and a child of an MP and an MCA in this country, so the sky should be your limit.

In this Honorable House, these are learned colleagues so you can only achieve through education to enter in this Honorable House.

To the girls who are here, feel motivated. To the Honorable ladies seated here, this is how we legislate and we don't fear these men seated here because we are equal. We feel we are equal, we can oversight and do representation because we are equipped with education. I want to urge you that as you prepare for your examination...

**Mr. Speaker:** Hon. Milliah, I am worried that people are saying you are inciting your colleagues to...

**Hon. Milliah Masungo:** This is a very serious motivation Speaker.

**Mr. Speaker:** I have seen an Honourable MCA Aggrey sitting behind you is feeling like you are inciting people against him.

**Hon. Milliah Masungo:** He is a parent and he has boys and girls in his House, so he should not be worried. As I finish, the students who are here I know maybe you are form fours and you are going to sit for the examinations, I want to wish you well and face those papers with courage. We expect you to come out with flying colors to universities and to wherever you will go in Education.

**Hon. Isaiah Sudi:** Thank you Honourable Speaker for giving me this chance also to add my voice.

**Mr. Speaker:** Kindly use your microphone well. I know you have the problem of being shorter and the microphone is...

**Hon. Isaiah Sudi:** Mr. Speaker, I am using it very well. I am an alumnus of the school in quotes. My wife was a student in that school....

*(Applause)*

And she is very good in her profession. She passed well, we met in college and I am proud of the school because my wife comes from Kimalewa. They are my in laws. The Honorable member for Mukuyuni ward is my brother in law. We relate well and I want to tell the students and teachers that they have a very able representative who is none other than Meshack Museveni and when they go home, they should tell their parents our in-law requested that we return Museveni. They have seen how he represents them. Politics is about interest; if you bring in somebody who doesn't know how to navigate then the five years will go without the area benefitting very well. My in-laws...

**Mr. Speaker:** Honorable, just stick to the issues. I do not want to interfere with the Deputy whip but...

**Hon. Isaiah Sudi:** Mr. Speaker, you know when you see your in-laws you are always excited...

**Mr. Speaker:** But not in the Assembly

**Hon. Isaiah Sudi:** It is just because of the excitement. Otherwise, I would say for history students that they need to know that this side that is facing them that is the Government of Bungoma...

*(Applause)*

...and the one that is giving them their back like where I am sitting, it is just unfortunate that I am facing them but the last person in the Government.

*(Applause)*

As you go on your left like this then my colleagues this side are the ones to oversight us. That is the opposition.

*(Applause)*

You know it is history and they need to know. You know a question can come, some of them are candidates, maybe so they should go with that and know that we have opposition and the Government and the Government as member for Chwele/Kabuchai said, it is predominantly Ford Kenya.

*(Applause)*

**Mr. Speaker:** Honourable! I am seeing Hon. Cornelius, under which Standing Order?

(Laughter)

**Hon. Cornelius Makhanu:** Mr. Speaker!

**Mr. Speaker:** Hon. Makhanu, you know when you want to move me; you must come under which order specifically. Wind up Hon. Sudi!

**Hon. Isaiah Sudi:** Because of time, let me leave it there. I would just wish the students well. When they go back home, I hope they have learnt something here and when they go back home, I wish them journey mercies.

**Hon. Violet Makhanu:** Thank you Honorable Speaker for giving me the opportunity to say a word or two to the students. I want to applaud the teachers of Kimalewa school for making an effort to bring the students to this Assembly and I am sure from this session, they will be able to learn something and if they are candidates then they will get one or two answers for their forthcoming exams.

I want to first of all congratulate the teachers and the students and the community of Kimalewa for voting in my neighbor here Hon. Meshack Simiyu alias Museveni.

**Mr. Speaker:** Hon. Violet! He is no longer alias Museveni; Museveni is part of his name.

**Hon. Violet Nyongesa:** Okay thank you Mr. Speaker for that correction. Hon. Meshack Simiyu Museveni as the MCA for Mukuyuni. I want to let them know that Hon. Museveni is one of the senior most members in this County Assembly, the member who has been elected many times and I am sure he has been elected because you like him right from home.

Hon. Museveni is also our Chief Whip and he is the one who tells us what to do, all the communications are done by Hon. Museveni, so you will realize he is one of the senior leaders in this County Assembly. I want to urge students that as you go back home, work very hard, get committed to your books, so that in future you will come and sit where *Mheshimiwa* Museveni is seated this afternoon.

I want you as you sit there admire Hon. Museveni's seat because I am sure wherever Museveni will be when he retires from politics, he will be one of the happiest retiree when he sees one of you taking over after him. I just want to urge that you go work hard and come to be the future leader.

In this Assembly, we are in parties and like most of my colleagues said, the Majority Party in this Assembly is Ford Kenya and that is a fact. We have other parties, we have the minority and the majority, so we are the majority and it is through those political parties that we are here. I want to urge you that as you go home maybe someone asked you about the parties in the Assembly, tell them we have the majority which is Ford Kenya and the minority that is led by my good friend and sister Hon. Milliah Masungu.

I want to lastly urge the students and the teachers that as you go home, we want to appreciate the fact that you elected all of us, we are here and are working for the good people of Bungoma. Pray that Bungoma County does very well, pray for the leaders of Bungoma so

that we are able to deliver on the mandates that we were telling you during the times of campaigns.

Lastly we have campaigns that are going on. I am not campaigning for anybody but I want to request you students that when you go home, tell them that Hon. Violet, the MCA for Mihuu requested you parents of Mukuyuni that in the coming elections of Senate vote for Wafula Wakoli.

*(Applause)*

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir for giving me this chance to contribute towards this wonderful school of Kimalewa. This is a neighboring school and in our area called Chebukwabi, we used not to have a school so this was the nearest Secondary school that my two brothers went through and all of them have Masters.

When I was in Chesamisi *Mheshimiwa* Museveni was in Kimalewa, so we used to meet and chat some issues. So when you mention something to do with Kimalewa Secondary school, he learnt in Kimalewa and I was in Chesamisi because my parents were able and his parents were not able...

*(Laughter)*

**Mr. Speaker:** Hon. Aggrey, you know to my understanding, that time Museveni was already an orphan.

**Hon. Aggrey Mulongo:** That is why I am saying his parents.

**Mr. Speaker:** His parents!

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir for correcting me.

**Mr. Speaker:** Because he was orphaned by that time, so he was just having one parent.

**Hon. Aggrey Mulongo:** Marita Yeng'ene.

**Mr. Speaker:** You are out of order!

**Hon. Aggrey Mulongo:** Thank you Sir, I have withdrawn that.

This is a school that is now number 3 that I always issue bursaries to because three quarters of all the students, when I say who my school are from Kibingei, so many will stand here so this is. I always give them bursaries. *Mheshimiwa* Museveni also gives them bursaries, so this is a school that I know and it has tried to come up and therefore I must praise the teachers who have accompanied these students; continue with the Education.

As old as I am, I graduated last Friday with a Masters in Leadership, Administration and Management so...

*(Applause)*

Don't give up, academics is a continuous process, continue learning.

Anybody who says education is useless let him try ignorance, you will not go anywhere. The Principal was in my school in Chebukwabi and I promoted to when he crossed over to Kimalewa which is a big school than Chebukwabi.

**Mr. Speaker:** Through your effort!

**Hon. Aggrey Mulongo:** Through my effort because ... Thank you for giving me this chance.

**Mr. Speaker:** Members who walked in late I said that I will have only 6 Speakers because of the Committee of the Whole House on the Climate Change Bill which from what I have seen, you are basically going to do it 90% overhaul.

**Hon. Benjamin Otsiula:** Thank you, Honourable Speaker for giving me this opportunity. First of all, I want to take this moment in time to congratulate the teachers and students of Kimalewa for getting an opportunity to visit the precincts and the County Assembly of Bungoma and because of time I will be very brief.

The students visiting us today have a right to Education, we as members of this House are concerned and we shall always foster their rights, the Basic Education Act 2013 provides for compulsory free Primary Education and Secondary Education. They are also protected under article 53(1) and (2) of the Constitution.

This House apart from its legislation role ensures that the rights of our students and pupils in school are taken well care off. In this House we have a Committee on Education keeping a keen eye on matters Education in the County.

I want to appreciate the efforts of Honourable Meshack Simiyu who has already confirmed as echoed by Honourable Mulongo that he has been disbursing bursaries to the needy students in his ward. That is one way of fostering the spirit of Article 53 of the Constitution.

I want to encourage the young ones who have visited this place today that they must work hard, because unless they work hard we are going to breed or have a breed of incompetent people who may not be in a position to replace us when we retire.

I want to encourage the teachers that the task at hand is a noble one; they should not tire to produce more members because looking around in this House. We appreciate the work of our teachers. To sum up, I wish our teachers and students all the best as they prepare to sit for their National Examinations.

**Mr. Speaker:** Thank you, Hon. Otsiula our Chair of the Committee on Education and Vocational Training. On behalf of the County Assembly of Bungoma and the Office of the Speaker, I just wish all the form three history students the best of luck in their end year examination as they prepare to close the school by next week Friday.

## MOTIONS

### REPORT BY SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE BUNGOMA COUNTY CLIMATE BILL 2021

**Mr. Speaker:** Hon. Opwora, you will come to the dispatch please!

**Hon. Edwin Opwora (Chair, Tourism):** Thank you, Mr. Speaker Sir. On behalf of members of the Tourism, Water, Environment and Natural Resources Committee, it is my pleasure and duty to present to this House the report of the committee on Bungoma County Climate Change Bill 2021.

#### THE MANDATE OF THE COMMITTEE

The Sectoral Committee on Tourism, Water, Environment and Natural Resources is constituted pursuant to the provisions of Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing Order 217(5) which provides as follows:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any law requires the House to approve, except those under Standing Order 209 (Committee on Appointments); and

h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

## **COMMITTEE MEMBERSHIP**

The Committee on Tourism, Water, Environment and Natural Resources as currently constituted comprises the following Members:-

- |     |                       |                  |
|-----|-----------------------|------------------|
| 1.  | Hon. Edwin Opwora     | Chairperson      |
| 2.  | Hon. Martin Chemorion | Vice Chairperson |
| 3.  | Hon. Joseph Nyongesa  | Member           |
| 4.  | Hon. James Mukhongo   | Member           |
| 5.  | Hon. Meshack Simiyu   | Member           |
| 6.  | Hon. Antony Lusenaka  | Member           |
| 7.  | Hon. Isaiah Busolo    | Member           |
| 8.  | Hon. Dorcas Ndasaba   | Member           |
| 9.  | Hon. Benard Kikechi   | Member           |
| 10. | Hon. Orinze Kundu     | Member           |
| 11. | Hon. George Tendet    | Member           |
| 12. | Hon. Benjamin Otsiula | Member           |
| 13. | Hon. Allan Nyongesa   | Member           |
| 14. | Hon. Florence Juma    | Member           |
| 15. | Hon. Alice Kibaba     | Member           |

## **ACKNOWLEDGEMENT**

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during the report writing as it executed its mandate.

I wish to express my appreciation to the Honorable Members of the Committee for their resourceful input that informed the content of this report despite majority of them being new Members in the Assembly and in the committee. My sincere gratitude also goes to the members of the Secretariat for their technical advice and dedication towards compiling this report.

It is therefore my pleasant duty and privilege, and on behalf of the Committee on Tourism, Water, Environment and Natural Resources to table this report on the Bungoma County Climate Change Bill, 2021 and its recommendations to this Assembly for deliberation and adoption.

Signed by Hon. Edwin Opwora. Chairperson - Committee on Tourism, Water, Environment and Natural Resources

## **INTRODUCTION**

The Bungoma County Climate Change Bill, 2021

### **Purpose of the Bill**

The objective of the Bill is to ensure Bungoma County takes effective and timely action to contribute towards meeting the National obligations on Climate Change through facilitating the establishment of structures and systems for climate change adaption, mitigation and financing of programs and projects in the County.

- a) Mainstreaming of climate change in different sectors
- b) Initiating and co-coordinating financing of climate change adaption and mitigation projects at the community level
- c) Facilitating community-initiated climate change adaptation and mitigation projects
- d) Coordinating collection and dissemination of climate change information to the public to create awareness and preparedness
- e) Seeking and receiving grants from the National government and relevant implementing partners
- f) Developing and reviewing County Climate Change policy and legislative framework
- g) Implementing any relevant obligations of the state under international agreements related to climate change
- h) Regulate and manage all activities related to climate change
- i) Requiring lead agencies including government departments, private sector and individual citizens to undertake their own respective roles in climate change response measures
- j) Providing for procedural and administrative matters

### **Legislative framework**

The legislative authority of the County

Article 185 of the Constitution of Kenya 2021 makes provision for legislative authority of county Assemblies thus;

1. The legislative authority of a County is vested in, and exercised by, its county assembly.
2. A County Assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the fourth schedule.

Further, section 21 of the County Governments Act makes provision for procedure for the exercise of legislative powers as follows:

- 1) A County Assembly shall exercise its legislative power through Bills passed by the county assembly and assented to by the governor.
- 2) A Bill may be introduced by any member or committee of the County assembly but a money Bill may be introduced only in accordance with subsection (4).
- 3) In the case of a money Bill, the County Assembly may proceed only in accordance with the recommendation of the relevant county assembly after taking into account the views of the county executive committee member responsible for finance.

The provisions of section 21 of the County Governments Act on procedure for the exercise of legislative powers are replicated in Part XVIII of the County Assembly of Bungoma Standing Orders.

### **Bungoma County Climate Change Legal Framework**

**Mr. Speaker Sir**, the Bungoma County Climate Change Bill 2021 is a product of the Bungoma County Climate Change Policy 2021 approved by this House. The Policy was anchored on;

- i. Sustainable development goal no. 3 which is to ensure healthy lives and promote wellbeing for all ages.
- ii. The Green Economy Strategy and Implementation Plan (GESIP) of 2016 -2030 which is the country's blueprint in advancing towards a low-carbon, resource efficient, equitable and inclusive Socio-economic transformation.
- iii. National Climate Change Act 2016-which stipulates that a County Government shall, in performance of its functions, integrate and mainstream climate change actions, interventions and duties set out in this Act, and the National Climate Change Action Plan into various sectors.
- iv. The Constitution of Kenya 2010 which makes it a right for every Kenyan to reside in a clean and healthy environment.
- v. A Climate Change Unit formed domiciled in the Department of Environment, Tourism Water and Natural Resources and Unit is anchored under (section 9 of the climate change Act, 2016)

### **The Climate Change**

Climate change is the significant, long-term shifts in temperatures and weather patterns. This could be natural, but since the 1800's, human activities have been the main driver of Climate change. Climate change presents the biggest threat to development and its widespread, unprecedented impacts disproportionately burden the poorest and most vulnerable communities.

This is a phenomenon that has greatly affected countries across the world and countries in East Africa have borne the greatest burden of global warming. The increase of floods, prolonged droughts is a clear indication that indeed the Climatic bug is here with us. The

County hasn't been spared as this increased occurrence of climate associated disasters has been quite frequent.

In response to the challenges posed by climate change, Kenya has developed a National Climate Change Response Strategy (NCCRS 2010), National Climate Change Action Plan (NCCAP 2013- 2017 and 2018-2022), and Climate Change Act of 2016 which is the key legislation that governs matters of climate change governance, adaptation and mitigation. These are key legal frameworks that seek to give a legal backing to the Bill.

### **General Overview of the Bill**

The Bungoma County Climate Change Bill, 2021 is divided into eight parts and has a total of forty four (44) clauses. These clauses deal with various issues touching on management and mitigation of climate change in the County as follows;

**Part one (I) contains the preliminary with three clauses. Clause 1** is on the short-title which cites the bill as the Bungoma County Climate Change Bill, 2021 and that it shall come into force on the date of assent by the Governor. **The second clause**, is on the interpretations which deals with definition of terms in the context of the Bill unless the context otherwise requires.

**Clause 3** is on the object and purpose of the bill-Which entails amongst others-Mainstreaming of climate change in different sectors; initiating and coordinating financing of climate change, adaption and mitigation projects at the community level, facilitating community-initiated climate change adaptation and mitigation projects amongst others.

**Clause 4** is on the guiding values and principles.

**Part II is on Co-ordination and oversight** and contains **Clause 5** which is on the establishment of the County Climate Change Steering Committee, **Clause 6** on the Composition of the Steering Committee, **Clause 7** is on the Steering Committee Tenure, **Clause 8** is on the functions of the Steering Committee while **Clause 9** is on the meeting of the County Climate Change steering Committee. The following clause, **Clause 10** is on the remuneration of the County Climate Change Steering and planning committees while **Clause 11** is on the delegation of powers by the County steering Committee.

**Part III** deals with the **Institutional Framework for Planning and Implementation** and has clauses comprising **Clause 12** which establishes the County Climate Change Planning Committee, **Clause 13** which is on the composition of the County Climate Change Planning Committee, **Clause 14** is on the tenure of the County Climate Change Planning Committee, **Clause 15** dealing with the functions of the Planning Committee, **Clause 16** establishes the Secretariat of the County Steering and Planning Committee and **Clause 17** is on the meeting of the County Climate Change Planning Committee. Further, **Clause 18** establishes the Ward Climate Change planning committee, whereas **Clause 19** is on the Composition of the Ward Climate Change planning Committee. **Clause 20** is on the tenure of the Ward Climate Change Planning Committee, **Clause 21** captures the functions of the Ward Climate Change Planning Committee. **Clause 22** is on the qualifications for appointment to the Ward Climate Change Planning Committee. **Clause 23** is on the remuneration of the Ward Planning Committees and **Clause 24** is on the meetings of the Ward Climate Change Planning Committee.

**Part IV** is on the **Measures and Actions** for responding to Climate Change and its Clauses explain several climate change areas including **Clause 25** which is on the County Climate Change Action plan and **Clause 26** is on Contents of the County Climate Change Action

Plan. **Clause 27** is on the approval of the County Climate Change Action Plan whereas **Clause 28** deals with the biennial review of the County Climate Change Action Plan. **Clause 29** entails Climate Change Duties of Public Entities.

**Clause 30** touches on the Climate Change duties of Private entities while **Clause 31** is on the Monitoring and reporting on compliance. **Clause 32** is on the potential private entity roles in reporting performances and **Clause 33** is on annual county climate change response report. **Clause 34** talks about the Values and principles to apply to planning and implementation and **Clause 35** is on the County Strategy for climate change education and public awareness. **Clause 36** is on the public sensitization to precede formulation of climate change response plans while **Clause 37** is on the Capacity building for effective public participation and **Clause 38** is on access to information.

**PART VII** is on the **County Climate Change Fund** and has several clauses including; **Clause 39** that is on the establishment of the County Climate Change Fund, **Clause 40** on the Sources of the Funds and **Clause 41** which talks about the county climate change fund regulations.

**PART VIII** is on the **Financial Provisions** having **Clause 42** on Fund operations of the County Climate Change Steering and Planning Committees, **Clause 43** on the Annual Estimates for the County Climate Change Steering and Planning Committees, **Clause 44** on the financial year of the County Climate Change Steering and Planning Committees and **Clause 45** which deals with accounts and audits of the County Climate Change Steering and Planning Committees.

**PART IX** is on the **Miscellaneous Provisions** with **Clause 46** on the Protection from Personal Liability, **Clause 47** on the Offenses and Penalties, **Clause 48** on the transitional provisions and **Clause 48** capturing the regulations. The last part is on the Memorandum of objects and reasons which is well elaborated and appears at the tail end of the Bill.

## **COMMITTEE OBSERVATIONS AND RECCOMANDATIONS**

### **Committee Observations**

The committee on its scrutiny of the Bill made the following observations:

1. The Bill contains numerous typographical errors such as reference to “Bill” that are already Acts of Parliament that the Committee dully corrected as captured in the recommendations.
2. The Bill has several omissions in the composition of the various committees and provisions of how members of the various committees vacate office.
3. The committee carried out public participation and the views of the public have been in-cooperated in the amendments recommended by the committee.
4. The Bill needs to be re-arranged to accommodate the donor, political and community interests. Consequently, the committee, together with the stakeholders (during public participation and stakeholders meetings) and the Climate Change unit at the County Executive scrutinized the Bill and have come up with several recommendations for amendment of this Bill.
5. There is need to change this Bill into Fund to serve the special purpose account and requirements of the Climate Change fund donors country-wide and on how money will be accessed for climate change mitigation activities.

Changing this bill into a fund as directed by donors will be used in mitigations of the climate change. So I ask this Honorable House to really scrutinize that part.

6. The various parts of the Bill together with the Clause numbering will change significantly due to several amendment proposals made and effected accordingly.

7. The Bill is long overdue as many County Assemblies have already enacted the Climate Change Bill.

Bungoma is one of the counties that is still lagging behind and am sure we have already missed on some of the fruits of this climate change bill we have some counties which are participating in the coopt 27 in Egypt now.

8. The Bungoma Climate change regulations ought to be formulated as soon as this Climate Change Bill becomes law.

9. Other guidelines ought to be formulated to address the non-substantive issues not captured in the Bill.

### **Committee recommendations**

The Committee has come up with several key additional proposals and amendments to the Bill in consideration of the donor, political and community interests. The additional proposals and amendments are herein attached and urge this honorable House to deliberate and adopt them together with this report during the Committee of the Whole House. I beg to move.

**Mr. Speaker:** You call the seconder of this motion accordingly and in view of the committee recommendations which we ought to take on board during the Committee of the Whole House, I won't be putting a question to the said motion. I will just refer the same to the Committee of the Whole House for the input of what you are proposing to amend during that time of the whole House. You call your seconder of the motion.

**Hon. Edwin Opwora;** Mr. Speaker, I call upon my Vice Chair to second the motion

**Hon. Martin Chemorion:** Thank you, Mr. Speaker. I want to appreciate the team lead by the able Chairman, Hon. Opwora for the job well done. I also want to thank the people who developed this bill before us. They did a very wonderful job. Ours was just to look at it and make some proposals and recommendations. We know that climate is the talking point in town. The world leaders have been meeting in Egypt discussing on how to mitigate the climate change. So we in Kenya through the financing of donors, we were requested to come up with a climate change law so that the money that is brought to Kenya can be used well.

If you look at the bill, it's talking about the financial sustainability. There is a budget of 2% whereby the County government is called upon to raise at least 2% to do some climate change issues beside the donor funding. It is a very good thing. It will ensure that there is sustainability of this climate change mitigation measures that are going to put in place for

some time. Inside the bill the issue of community participation of each and every member in every sector in addressing climate change issues so that is captured in the Bill.

As I make the remarks, the County Executive has been doing very good work in developing policies and the anticipated regulations that operationalize that Bill. So whenever the regulations are brought in this House, we as Honorable Members we should dispense it with the urgency it deserves.

Inside, there is also this institutionalize capacity; strengthening of institutions that can coordinate and implement these issues. We have the steering group and the ward planning committees at the grass root level.

At the top, we have also the planning group that it does the planning at the County Level and it's castigated down to the ward level. So the community is going to participate in leading that exercise of coming up with proposals activities that can address the climate change issues on the ground.

Again on the budget, we are calling upon all these sector departments to have a component of climate change. This is a wonderful recommendation that if well implemented, this climate change issues are going to work well at this County.

Finally, we know the hotspots. We have Mt. Elgon as the main Water tower in this County. That is where the hotspot of environment is. We have cut down the tress and we need to address it. So this Bill is going to address the water tower issue of Mt. Elgon we know that whenever rains come during the long rains season, the lower escarpments around Cheptais, Kapkateny, Chepyuk, Kaptama and the whole of it we experience a lot of landslide and farmers loose crops, livestock and sometimes also those landslides can be deadly. I am happy that this climate fund is hoping to address those challenges that are faced by the community.

At the lower region, we do have frequent flooding which comes with other consequences or other effects; outbreak of waterborne diseases that affect our people, sweeping away of the Houses, drowning of the people because of this climate change.

There is an issue of the vulnerable and marginalized groups. Some donors do warn that the issues of vulnerable people are well captured in any project that is financed by these donors. If we don't capture the vulnerable and the marginalized, this case I am talking about the Sabaot or the Ogieks in Chepkitale region, if they are captured in this Bill or the regulation that will come later, I am very sure that this program is going to run very well and we are going to realize the benefits. So I beg to second.

*(Applause)*

**Mr. Speaker:** Thank you, Honorable Members. I had earlier on given my direction that the way of proceeding in this sitting for today, what you have proposed to amend in the recommendations will be captured during the Committee of the Whole House. So I won't be putting a question at this moment because if it's approved the way it is, it will not be having the proposed amendments that we will be putting in at the Committee of the Whole House. So we go to the next item.

## BILLS

### THE BUNGOMA COUNTY CLIMATE BILL 2021-SECOND READING

**Mr. Speaker:** Chair of the committee, you are invited again to speak about the bill in summary

**Hon. Edwin Opwora:** Honorable Speaker, under Standing Order No. 141(1) I move that the bill be now read a second time.

**Mr. Speaker:** Honorable Members, having been moved that the bill be read for the second time, I now put a question that the Bungoma County Climate Bill 2021 be read for the second time.

*(Question put and agreed to)*

It can now be read for the second time.

The Bungoma County Climate Change Bill 2021, an Act of the County Assembly of Bungoma to provide for a legal framework for enhanced County climate change mitigation and depression programs for connected purposes - *second reading*

**Mr. Speaker:** Honorable members, the bill having been read for the second time, I will invite the majority to be able to move a procedural motion to allow it be done in a single sitting

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. Under Standing Order 64 (f), I move a motion that notwithstanding Standing Order No.137 (1) that with the intent of the Climate Change Bill; this House considers all the stages in the conversation of Bill. Allow me call upon Hon. Otsiulah to second.

**Hon. Benjamin Otsiulah:** I second, Mr. Speaker

**Mr. Speaker:** Honorable Members a motion has been moved and seconded that this House do consider the entire stages of this bill in a single sitting in view of Standing Order No.64 and 137 accordingly that now we will proceed and I will be able to have them done in a single sitting now I will be able to put a question so that we are able to approve the same

*(Question put and agreed to)*

It is going to be taken through the entire stages of the Bill in a single sitting. I will go ahead and have the next stage.

**Mr. Speaker:** Honorable member, looking at our Standing Orders that is specifically 142, we will proceed to collapse the sitting of the House in to a Committee of the Whole House and

accordingly the mace is lowered as per the law and the Chair of the Committee of the Whole House takes over accordingly.

We all arise please.

## COMMITTEE OF THE WHOLE HOUSE

### Order for Committee read

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

### IN THE COMMITTEE

(Mr. Chairperson [Hon. Stephen Wamalwa] took the Chair)

## THE BUNGOMA COUNTY CLIMATE CHANGE BILL 2021

**Chairperson:** Thank you, Honorable members. This is the Committee of the Whole House and we are going to be guided by the Standing Order No. 144, where our clerks will be reading starting with the clauses that are new if any, new schedules if any and if we have any interpretations, preambles, long title, short title in that sequence. So I will now call on our clerks to proceed.

### Clause 3; Object and Purposes

**Mr. Chairperson:** Honorable Members, I propose the question that clause 3 on objects and purposes be part of the Bill.

**Hon. Edwin Opwora (Chair, Tourism):** I wish to move the amendments to replace 3 as it appears in the appendix of the Order Paper.

**Mr. Chairperson:** I now propose to the question that clause 3 that is objects and purposes be as amended.

*(Question put and agreed to)*

Now the amendment has been carried, I now put a question that clause 3 be part of the Bill as amended.

*(Question put and agreed to)*

### Clause 4; Guiding Values and Principles

**Mr. Chairperson:** I now put the question that clause 4 that is guiding values and Principles be part of the Bill

**Hon. Edwin Opwora:** I wish to move the amendments to clause 4 deletion of the entire clause as appears in the appendix of the Order Paper.

**Mr. Chairperson:** Thank you, Chair. Honorable Members, I now propose a question that the entire clause 4 that is guiding values and principles be entirely deleted from the Bill.

*(Question put and agreed to)*

#### **Clause 5; the Establishment of the County Climate Change Steering Committee**

**Mr. Chairperson:** I now propose a question that clause 5 which is establishment of the County climate change steering Committee be part of the Bill.

**Hon. Edwin Opwora:** I wish to move the amendment to clause 5 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now propose the question that clause 5 as amended be part of the Bill.

*(Question put and agreed to)*

#### **Clause 6; the Composition of the County Steering Committee**

**Hon. Edwin Opwora:** I wish to move the amendments to clause 6 as appears in the appendix of the Bill.

**Mr. Chairperson:** Order Hon. Mukhongo. I propose the question that clause 6 as read be deleted entirely from the Bill.

*(Question put and agreed to)*

#### **Clause 7; Tenure of the County Steering Committee**

**Mr. Chairperson:** Honorable Members, I want to propose that clause 7 about tenure of the County Steering Committee to be part of the Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause as appears to the appendix on the Order Paper.

**Mr. Chairperson:** Well Honorable Members. I now put a question that clause 7 as amended be part of the Bill.

*(Question put and agreed to)*

#### **Clause 8; Functions of the County Steering Committee**

**Mr. Chairperson:** I propose the question on clause 8 which is the functions of the County steering Committee that it be part of the Bill.

**Hon. Edwin Opwora:** Honorable Chairperson, I wish to move the amendments to clause 8 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** I now put the question that clause 8 which is functions of County Steering Committee be part of the Bill as amended.

*(Question put and agreed to)*

**Clause 9; Meetings of the County Steering Committee**

**Mr. Chairperson:** I now propose the question, clause 9 on Meetings of the County Steering Committee that it be part of the Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 9 as it appears in the appendix to the Order Paper.

**Mr. Chairperson:** I wish to put the question that clause 9 as indicated be entirely deleted from the Bill.

*(Question put and agreed to)*

**Clause 10; Deliberation of Committees under this Bill**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 10 which is Remunerations of Committees under this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments under clause 10 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clause 10 as approved in the amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 11; the Delegation of Powers by the County Steering Committee**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 11 which is delegation of powers by County steering Committee.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 11 as appears to the appendix to the Order Paper.

**Mr. Chairperson:** I now put a question that clause 11 as approved with amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 12; Establishment of Planning Committee**

**Mr. Chairperson:** Honorable Members, I propose this question on clause 12 which is establishment of planning Committee.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 12 as appears to the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clause 12 as amended by deletion of the entire clause and placing thereof be part of this Bill.

*(Question put and agreed to)*

**Clause 13; the composition of the planning Committee**

**Mr. Chairperson:** Honorable Members, I propose the question that clause 13 on Composition of Planning Committee

**Hon. Edwin Opwora:** I wish to move the amendments to clause 13 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clause 13 on Composition of Planning Committees as approved with amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 14; the Tenure of the planning Committee**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 14 tenure of the planning Committee.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 14 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put a question that clause 14 as approved with amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 15; the Functions of the Planning Committee**

**Mr. Chairperson:** Honorable Members, I now propose the question on Clause 15 that is functions of the planning Committee.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 15 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clause 15 on functions of the planning Committee as approved with amendments be part of this Bill.

*(Question put and agreed to)*

Clause 16; the Secretariat of the Planning Committee

Clause 17; the Meetings of the Planning Committee

Clause 18; the Establishment of the Ward planning Committees

**Mr. Chairperson:** Hon. Chemion, you are not on HANSARD and I'm going to guide you a little. Kindly take your seat. Our senior Honorable Member, you have not proposed that question, so I don't know what you are going to put across? At this level, you must have proposed.

**Hon. Francis Chemion:** From our gadgets, I have seen tenure of the Ward Climate Change Committees.

**Mr. Chairperson:** It has been rearranged so go through the report very well. You have just come late. It is there. Maybe your gadget was receiving it in another way, so others were coming faster than the others. It has been rearranged.

**Hon. Francis Chemion:** Most obliged.

**Mr. Chairperson:** Thank you, Hon. Masai. Your concern is valid. You are a senior Member. Are you comfortable Hon. Masai?

**Hon. Francis Chemion:** Yes, I am.

**Mr. Chairperson:** Honorable Masai is comfortable in his seat. Honorable Members, I propose the question on clause 16, 17 and 18 which is Secretariat of the Planning Committees, 17, Meetings of the Planning Committees and 18, Establishment of Ward Planning Committees.

**Hon. Edwin Opwora:** I wish to move amendments to clause 16, 17 and 16 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clauses 16, 17 and 18 as read by the Chair is entirely deleted from the Bill.

*(Question put and agreed to)*

#### **Clause 19; the Composition of the Ward planning Committees**

**Mr. Chairperson:** Honorable Members, I now propose the question on clause 19 that is Composition of Ward Planning Committees.

**Hon. Edwin Opwora:** Honorable Members, I wish to move the amendments to clause 19 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Thank you, Hon. Opwora. Honorable Members, I now put the question that the clause 19 as read by the chair approved with the amendments be part of this Bill.

*(Question put and agreed to)*

#### **Clause 20; the Tenure of the Planning Committees**

**Mr. Chairperson:** Honorable Members propose the question of clause 20 which is tenure of the Ward fund Committees be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 20 as it appears to the appendix to the Order Paper.

**Mr. Chairperson:** Thank you. Honorable Members, I now put the question that clause 20 which is tenure of the Ward Planning Committees as approved with amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 21; Functions of the Ward Planning Committees**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 21, on Functions of Ward Planning Committees to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 21 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** I now put the question on clause 21 that is functions of the Ward Planning Committees as approved with amendments be part of this Bill.

*(Question put and agreed to)*

**Clause 22; The Qualifications for the Appointment to the Ward Planning Committees**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 22 on Qualifications for Appointment to the Ward Planning Committees to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 22 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question on clause 22, Qualifications for Appointments to the Ward Planning Committees as approved with amendments be part of this Bill.

*(Question put and agreed to)*

Clause 23; Remuneration of County and Ward Planning Committees,

Clause 24; Meetings of the Planning Committees,

Clause 25; County Climate Change Action Plan,

Clause 26; Context of the County Climate Change Action Plan,

Clause 27; Approval of County Climate change Action Plan,

Clause 28; Annual Review of County Change Climate Plan

Clause 29; Climate Change Duties of Public Entities

**Chairperson:** Honorable Members, I do want to propose clauses 23, 24, 25, 26, 27, 28 and 29 to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 23 to 29 as appears in the appendix to the Order paper.

**Chairperson:** Honorable members, I now put a question on clauses 23, 24, 25,26,27,28 and 29 as amended by entire deletion to be part of the Bill.

*(Question put and agreed to)*

### **Clause 30; Climate Change duties of private entities**

**Mr. Chairperson:** Honorable Members, I propose the question on clause 30 Climate Change Duties of Private Entities to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 30 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question on clause 30, Climate Change Duties of Private Entities as approved with amendments be part of this Bill.

*(Question put and agreed to)*

### **Clause 31; Monitoring and Reporting on Compliance**

**Mr. Chairperson:** I put a question on clause 31 on Monitoring and Compliance to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move amendments to clause 31 on Monitoring and Reporting on Compliance as appears on the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put a question that clause 31 of the Bill as approved with amendments be part of this Bill.

*(Question put and agreed to)*

### **Clause 32; the Potential of Private Entity in Reporting of Performance**

**Mr. Chairperson:** Honorable Members, I propose a question on clause 32 to be part of this Bill

**Hon. Edwin Opwora:** I wish to move the amendments to clause 32 as appears in the appendix to the Order Paper.

**Mr. Chairperson:** Honorable Members, I now put the question that clause 32 as approved with amendments be part of this Bill.

*(Question put and agreed to)*

### **Clause 33; the Annual Climate Change Response Report**

**Mr. Chairperson:** Honorable Members, I propose a question on clause 33 on Annual Climate Change Response report to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 33 as appears to clause 33 as appears in the appendix to the Order paper.

**Mr. Chairperson:** I now put a question that clause 33 as approved with amendments be part of this Bill.

*(Question put and agreed to)*

#### **Clause 34; the Values and Principles to Apply to Planning and Implementation**

**Mr. Chairperson:** Honorable Members, I want to propose this on clause 34 on values and principles to apply to Planning and Implementation to be part of this Bill.

**Hon. Edwin Opwora:** I wish to move the amendments to clause 34 as appears to in the appendix to the Order Paper.

**Mr. Chairperson:** Thank you, Hon. Opwora. Honorable Members, I now put the question that clause 34 which is values and principles to apply to Planning and Implementation as approved with amendments to be part of this Bill.

*(Question put and agreed to)*

#### **Clause 35; County Strategy for Climate Change Education and Public Awareness**

**Mr. Chairperson:** Honourable members, I propose the question on clause 35, chairperson

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move the amendment to clause 35 as it appears in the Order Paper.

**Mr. Chairperson:** Thank you, Hon. Opwora. Honourable members, I now put the question on clause 35 that is County Strategy for Climate Change, Education and Public Awareness as approved in the amendments to be part of this Bill.

*(Question put and agreed to)*

#### **Clause 36; Public Sensitization to Precede the Formulation of Climate Change Response Plans**

**Mr. Chairperson:** Honourable members, I propose the question on clause 36 on Public Sensitization to Precede the Formulation of Climate Change Response Plans to be part of this Bill.

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move the amendments to clause 36 as it appears in the appendix to the Order Paper.

**Mr. Chairperson:** Thank you, Hon. Opwora. Honourable members, I now put the question on clause 36 that the Public Sensitization to Precede the Formulation of Climate Change Response Plans as approved with amendments to be part of this Bill

*(Question put and agreed to)*

Now clerk you can read from clause 37 to clause 48 at once so that we can move with speed.

Clause 37; Capacity Building for Effective Public Participation

Clause 38; Access to Information

Clause 39; Establishment of County Climate Change Fund

Clause 40; Sources of Funds

Clause 41; County Climate Change Fund Regulations

Clause 42; Funding Operations of Steering and Planning Committees

Clause 43; Annual Estimates for Steering and planning Committees

Clause 44; financial Year of Steering and Planning Committees

Clause 45; Accounts and Audits of the Steering and Planning Committees

Clause 46; Protections from Personal Liability

Clause 47; Offences and Penalties

Clause 48; Transitional Provisions

**Mr. Chairperson:** Thank you Clerk. I now propose the question on clauses 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 to be part of this Bill.

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move the amendments to clause 37 to 48 as it appears to the appendix to the Order Paper.

**Mr. Chairperson:** Thank you, Honourable members. I now put the question that clauses 37 to 48 be deleted having been rearranged

*(Question put and agreed to)*

#### **Clause 49; Regulations**

**Mr. Chairperson:** Honourable members, I propose the question on clause 39 which is regulations to be part of this Bill, Chairperson

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move the amendments to clause 49 as it appears in the appendix to the Order Paper.

**Mr. Chairperson:** Thank you, Honourable members. I now put the question that clause 49 as read by the chairperson be amended by deletion of the entire clause.

*(Question put and agreed to)*

Honourable members, we move to the next level that is new clauses. The clerk will read and the chair will now move that they be read a second time so the chair will be keen.

## New Clauses

- The Establishment of the Fund
- The County Climate Change Financing Framework
- The Conduct of the County Planning Committee
- The Removal of a Member of County Climate Planning Committee
- The Composition of the Ward Climate Change Planning Committee
- Conduct of the Affairs of the Ward Climate Change Committee
- Removal of the Ward Planning Committee
- Secretariat of the Fund
- Establishment of the County Climate Change Steering Committee
- Removal of a Member of the County Climate Change Steering Committee
- The Conduct of the Affairs of the County Climate Change Steering Committee
- Allocation of Funds to the Wards
- Eligibility Criteria
- Community Consultation Forums
- Development of Project Proposal
- Procurement and Complaints Mechanism

**Hon. Edwin Opwora:** Honourable Chair, under Standing Order No.135, I move that the Bungoma Climate Change Bill as amended be reported to the House

**Mr. Chairperson:** We are under New Clauses.

**Hon. Edwin Opwora:** I now propose the question

**Mr. Chairperson:** You move Honourable chair, you can just start afresh kindly, take your time.

**Hon. Edwin Opwora:** Thank you Honourable Chairperson. I beg to move that the new clause be now read a second time.

**Mr. Chairperson:** Honourable members, I now propose the question that the new clauses be read a second time

*(Question put and agreed to)*

Let the new clauses be read;

- The Establishment of the Fund
- The County Climate Change Financing Framework
- The Conduct of the County Planning Committee
- The Removal of a Member of County Climate Planning Committee
- The Composition of the Ward Climate Change Planning Committee
- Conduct of the Affairs of the Ward Climate Change Committee
- Removal of the Ward Planning Committee

- Secretariat of the Fund
- Establishment of the County Climate Change Steering Committee
- Removal of a Member of the County Climate Change Steering Committee
- The Conduct of the Affairs of the County Climate Change Steering Committee
- Allocation of Funds to the Wards
- Eligibility Criteria
- Community Consultation Forums
- Development of Project Proposal
- Procurement and Complaints Mechanism

**Mr. Chairperson:** Thank you Honourable members, I now put the question that the new clauses as read be part of the Bill

*(Question put and agreed to)*

We now move to the new schedules;

- The First Schedule will be under the Conduct of Affairs of the County Planning Committee
- Second Schedule will be under the Conduct of Affairs of the Ward Climate Change Planning Committee
- Third Schedule will be under the Conduct and Affairs of the County Climate Change Steering Committee

**Mr. Chairperson:** Honourable members, I now propose the question that the schedules as read be part of the bill.

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move that the new schedules be read a second time.

**Mr. Chairperson:** Very well Hon. Opwora, you are doing very well. Can we applause him?

*(Applause)*

Now I propose the question that the new schedule as proposed be part of the Bill. I put a question now. Honourable members, that the new schedules as read by the Chairperson be part of this Bill.

*(Question put and agreed to)*

Now we move to the next one which is interpretation

### **Clause Two on Interpretation**

**Mr. Chairperson:** Honourable members, I now propose the question that the interpretation be part of this Bill.

**Hon. Edwin Opwora:** Honourable Chairperson, I wish to move that the new interpretation be part of the Bill.

### **The Title of the Bill**

**Mr. Chairperson: The Honourable chair**

**Hon. Edwin Opwora:** Thank you, chairperson. Apologies for the delays in the paper; there was quite a number of things which were rearranged

**Mr. Chairperson:** Hon. Opwora, you are doing very well; you need another round of applause, Honourable members.

*(Applause)*

**Hon. Edwin Opwora:** I agree chairperson that this being the first time, it is always a learning process. On the new title, I am just trying to check where it is put before I beg to move. I believe the title has been approved as amended on the Order Paper.

**Mr. Chairperson:** Honourable members, I now put the question that the title as amended be part of the Bill.

*(Question put and agreed to)*

### **Long Title and Citation**

**Chairperson:** Honourable members, I propose the question on long title and citation be part of this Bill, the chairperson.

**Hon. Edwin Opwora:** Honourable Chairperson, this was approved to the amendments

**Mr. Chairperson:** Thank you so much Hon. Opwora. Honourable members, I now put the question that the long title and citation be part of the Bill as amended.

*(Question put and agreed to)*

Now Honourable members, let's allow the chair.

**Hon. Edwin Opwora:** Honourable Chairperson, under Standing Order No. 145(16) I move that the Bungoma County Climate change Bill as amended be reported to the House. I call Leader of Majority, Hon. Nyongesa to second.

**Hon. Joseph Nyongesa:** Chair, I second.

**Mr. Chairperson:** Thank you, Honourable members. I now put the question that the Chairperson reports to the House the considerations of the Climate Change Bill 2021.

*(Question put and agreed to)*

*(Normal Sitting resumes)*

**Mr. Speaker:** Honourable members, in compliance with Standing Order No. 147; matters arising from the Committee of the Whole House, I will call upon the chair of the Committee of the Whole House to report back to full House.

Sorry Hon. Stephen, I thought you could report well from the dispatch.

**Mr. Chairperson:** Thank you, Honourable Speaker. Under Standing Order No.147, I report that the Committee of the Whole House has considered the Bill with amendments as follows;

Clause 3: Approved with amendments

Clause 4: Deletion of the entire clause

Clause 5: Approved with amendments

Clause 6: Deletion of entire clause

Clause 7: Approved with amendments

Clause 8: Approved with amendments

Clause 9: Deletion of the entire clause

Clause 10: Approved with amendments

Clause 11: Approved with amendments

Clause 12: Approved with amendments

Clause 13: Approved with amendments

Clause 14: Approved with amendments

Clause 15: Approved with amendments

Clause 16: Is entirely deleted

Clause 17: Is entirely deleted

Clause 18: Deletion of the entire clause

Clause 19: Approved with amendments

Clause 20: Approved with amendments

Clause 21: Approved with amendments

Clause 22: Approved with amendments,

Clause 23: Entire deletion of the clause

Clause 24: Entire deletion of the clause

Clause 25: Entire deletion of the clause

Clause 26: Entire deletion,

Clause 27: Entire deletion,

Clause 28: Entire deletion

Clause 29: Entire deletion,

Clause 30: Approved with amendments,

Clause 31: Approved with amendments,

Clause 32: Approved with amendments,

Clause 33: Approved with amendments

Clause 34: Approved with amendments

Clause 35: Approved with amendments

Clause 36: Approved with amendments

Clause 37: Approved with amendments,

Clause 49: Entire deletion.

Honourable Speaker, further to the clauses as printed, this House also approved new clauses as follows;

### **New Clauses**

Clause 4: Establishment of the fund

Clause 6: County climate change finance committee

Clause 12: Conduct of the county planning committee

Clause 13: Removal of member of the county planning climate

Clause 17: Conduct of the affairs of the ward climate change planning committee, removal of ward planning committee

Clause 18: Secretariat of the fund

Clause 19: Establishment of the county climate change steering committee

Clause 21: Removal of a member of the county climate change steering committee

Clause 22: Conduct of the affairs of the county climate change steering committee

Clause 23: Allocation of funds to the wards

Clause 24: Eligibility criteria

Clause 25: Community consultation forums

Clause 26: Development of project proposals

Clause 27: Procurement

Clause 28: Complains mechanism

The following schedules were introduced.

1<sup>st</sup> Schedule: Conduct of the affairs of the county planning committee approved with amendments.

2<sup>nd</sup> Schedule: Conduct of the affairs of the ward climate change planning committee

3<sup>rd</sup> Schedule: Approved with amendments, conduct and affairs of the county climate change steering committee.

4<sup>th</sup> Schedule: Approved with amendments, interpretation

5<sup>th</sup> Schedule: Approved with amendments, long title and citation

**Mr. Speaker:** Thank you, Honourable chair of the Committee of the Whole House. Honourable members, allow me now invite the Chair of the committee to be able to move the Bill according to Standing Order No. 148.

**Hon. Edwin Opwora (Chair, Tourism):** Honourable Speaker, under Standing Order No. 148 (1) I move a motion that the House does agree with the committee in the said report.

**Mr. Speaker:** Thank you, Honorable members. I put the question that the entire House now does agree with the committee in the said report.

*(Question put and agreed to)*

The House does agree with the report as passed in the Committee of the Whole House accordingly. We go to the next item on the Order Paper

## BILLS

### THE BUNGOMA COUNTY CLIMATE CHANGE BILL 2021

**Mr. Speaker:** Honourable chair of the Committee, you proceed.

**Hon. Edwin Opwora:** Honourable Speaker Sir, under Standing Order 152, I move a motion that the Bungoma County Climate Change Bill 2021 be read a third time. I call upon one of my members

**Mr. Speaker:** No you must specify not just any member.

**Hon. Edwin Opwora:** Hon. Benjamin Otsiula,

**Mr. Speaker:** Hon. Otsiula, you second the reading of the Bill for the second time.

**Hon. Benjamin Otsiula:** Honourable Speaker, I beg to second.

**Mr. Speaker:** Honourable members, a motion has been moved and seconded that the Bungoma County Climate Change Bill 2021 be read for the third time.

*(Question put and agreed to)*

Now the Bill be read for the third time officially.

The Bungoma County Climate Change Bill 2021 an Act of the County Assembly of Bungoma to provide for a legal framework for enhanced climate change mitigation and adaptation programmes and for connected purposes - *third reading*

**Mr. Speaker:** Honourable members, the Bungoma County Climate Bill 2021 is now considered as passed. We will now be able to make the follow up as per the Provisions of Section 24 of the County Government Act on the procedure of assenting for formal gazettelement and assenting by His Excellency, the Governor accordingly.

*(Applause)*

Honourable members, you can now start to reap in your respective 45 Wards from implementation of the County Climate Change Act 2021. It now ceases from being a Bill to an Act of the County Assembly of Bungoma. We have passed today this afternoon.

Honourable members, that was the last item on our Order Paper; we adjourn and resume next week on Tuesday at 2:30 p.m.

*(House adjourns)*