

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 8TH MARCH, 2023

Afternoon Sitting

3rd County Assembly

2nd Session

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COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY MARCH 8TH, 2023

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

PAPERS

REPORT BY THE SECTORAL COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

Hon. Benjamin Otsiulah (*Chairperson, Committee on Education*): Thank you Hon. Speaker. I wish to lay on the table of the this Honourable House a report of the Education and Vocational Training Committee on the fact finding visits of the status of ECDE centres for the FY 2017/2018 and 2018/2019.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Thank you the Hon. Otsiulah. Now Honourable Members, a report by the Committee on Education Vocational Training having been procedurally laid before this House is now property of this Assembly

NOTICE OF MOTION

Hon. Benjamin Otsiula: Thank you. Mr. Speaker, I hereby issue a notice of motion that this House adopts the report made by the Sectoral Committee on Education and Vocational Training on the Fact Finding Visit on the Status of ECDE Centres for the FY 2017/2018 and 2018/2019.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Honourable Members, a notice of motion having been issued in a proper manner, I thus direct that it be circulated to all Honourable Members for their perusal. It forms part of business to be considered by this Honourable House.

STATEMENTS

STATEMENT SOUGHT BY HON. ANTHONY LUSENAKA

Hon. Anthony Luseneke (*Leader of Minority*): Thank you Hon. Speaker; pursuant to the provisions of Standing Order No. 47 (2) (c) of the Bungoma County Assembly Standing Orders, I hereby seek for a statement from the Chairperson, sectoral Committee on Public

Administration and ICT. In the response, let the Chair inquire into and report on the following;

- a) What was the contract sum for construction of Ward office in Bukembe West Ward?
- b) What is the name of the contractor?
- c) They should attach the signed contract, how much has been paid so far for the contract and the contractor of the above mentioned project?
- d) What were the recommendations of inspection and acceptance committee if the project was completed?
- e) If the project was completed was it handed over the government of Bungoma?
- f) If the said project was not handed over to the county government, what measures has the department under taken to take over the project?

Thank you, Speaker

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Thank you the Hon. Leader of Minority. Now the Chair, Public Administration?

Hon. Jack Wambulwa: Thank you Hon. Speaker. I request to be given 21 days so that we can respond to the same.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): 21 days I hope is sufficient and the owner of the statement is comfortable with that. So 21 days brings us to the 29th of March, 2023 and we expect a comprehensive response to be brought before this House

STATEMENT SOUGHT BY HON. JACK WAMBULWA

Hon. Jack Wambulwa: Yes Hon. Speaker.

This is subject to remittance of CESS to this County Government of Bungoma. Pursuant to the provisions of standing order Number 47 (2) (C) of the Bungoma County Assembly Standing Orders, I hereby seek for a statement from the Chairperson Sectoral Committee on Finance and Economic Planning. This is in relation to the remittance of CESS ...Honourable Speaker protect me

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): The Hon. Jackson you are protected.

Hon. Jack Wambulwa: Remittance of CESS from various companies to the County Treasury. Aware of that the County Assembly enacted the Bungoma County Agricultural CESS Act of 2017, let the Chair inquire into and report on the following:

- 1) How much has been received as CESS to the County Treasury from the financial year 2017/ 2018 to date.
- 2) The companies that have remitted indicate the amount and the year of remittance.
- 3) The companies that have not remitted anything and the efforts made by the Treasury to enforce the same

4) Aware of section four of the County Government County Agricultural Service Act, state the comparison of this committee and attach the appointment letters.

5) Pursuant to Section 12 of the Bungoma County Agricultural Service CESS of 2017, explain how the funds realised from CESS have been utilised.

Why I am raising this is because I have been in Budget for the last two terms now and nothing has ever been declared coming from CESS; whereas we have companies that are actually remitting CESS to this County. Most of these Members have been affected; their roads are inaccessible including my roads in Kimaeti and yet this money comes to this County. I am interested in knowing where this money goes to Hon. Speaker.

Hon. James Mukhongo (*Chairperson, Finance*): Hon. Speaker, looking at the weight of this statement and now that we are going for a short recess, I seek for 30 days to give a comprehensive response. I am pleading with this Honourable House for 30 days for the statement is so much elaborate and I need to also to give an elaborate answer

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Hon. Jackson Ouma, I want to agree with the Chair

(Loud consultations)

Hon. Ouma, resume your seat. What this House requires is a very wonderful statement and it is not only for your consumption; it is actually for the consumption of all the Honourable Members of this Assembly because it is a very important statement and we don't want half cooked responses here. So I want to direct that indeed, let the request of the Chair be granted, 30 days; which means that we expect the response to be brought before the Assembly on 5th of April this year. The Chairperson, we don't expect any piecemeal information, but a comprehensive response that will satisfy the owner of the statement and these Honourable Members. Hon. Namunyu, which information do you have?

Hon. Anthony Lusenaka: Hon. Speaker you are stressing so much on that statement yet we have so many statements that have been requested by this House. So does it mean that some are more important than others? I wish to know.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): I think you got it all wrong and you are out of order because every statement is very important. But that was in reference to the request of the timeframe given and I wanted to make sure that the owner of the statement is actually satisfied and indeed you can see he is smiling, very satisfied.

MOTIONS

REPORT BY THE POWERS AND PRIVILEGES COMMITTEE ON THE CONDUCT THAT CONSTITUTES BREACH OF COUNTY ASSEMBLY PRIVILEGES

Hon. Vitalis Wangila: Thank you Mr Speaker. I am on the floor to move report of the Committee of Powers and Privileges on the conduct that constitutes a breach of County Assembly privileges. I am moving this motion on behalf of my able Chair who is on another important duty of this County.

Chapter One

Preferences

The Committee of Powers and Privileges is established in accordance with Section 15 of the current Assemblies Powers and Privileges Act, 2017 Herein after referred to as the Act. The committee membership section 15 (1) of the County Assembly Powers and Privileges Act, 2017 provides that:

There is established for each County Assembly, a committee known as Committee of Powers and Privileges consisting of;

- a) The speaker we shall be the chairperson of the committee; and
- b) Such other members of the County Assembly as maybe provided in the Standing Orders of the County Assembly.

The Committee of power and privileges are currently comprises of the following members

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|--------------------------------|------------------|
| Hon. Emmanuel Situma (Speaker) | Chairperson |
| Hon. Bridgit Katasi | Vice Chairperson |
| Hon. Joseph Juma | Member |
| Hon. Millie Masungu | Member |
| Hon. Vitalis Wangila | Member |
| Hon. Tony Barasa | Member |
| Hon. Eunice Kirui | Member |
| Hon. Jack Kawa | Member |
| Hon. Maureen Wafula | Member |
| Hon. Orize Kundu | Member |
| Hon. Everton Nganga | Member |

Mr. Speaker, I don't know if you will allow me skip the mandate of the committee because it is well stipulated in the Standing Orders

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): You're allowed.

ACKNOWLEDGMENT

The chairperson of the committee takes this opportunity to thank all the Members of the committee for their invaluable contribution towards the production of this report. The committee wishes to also thank the offices of the Hon. Speaker and the Clerk of the County Assembly for the necessary support extended on it and the execution of its mandate. On behalf of the Committee of Powers and Privileges, I have the honour and pleasure to table this report and recommend it to the House for adoption pursuant to the provision of Standing Order 202 (7).

Signed by the Chair Hon. Emmanuel Situma Speaker of the County Assembly and the Chair of the Committee

There are Acts which impend the County Assembly in the execution of its function; the actions may also obstruct any Member or Officer of the County Assembly in the discharge of his or her duty or may have a tendency directly or indirectly to produce such results and any disorderly contemptuous disruptive conduct in the presence of the House or Committee constitutes a breach of privilege, which may be committed by members of the public, witnesses or by members of the County Assembly.

Determination of what constitutes conduct is as set out in the Section 16 of the Act. Section 16 of the Act states actions that constitute a breach of privilege, while Section 15 of the Act gives the committee the mandate to inquire into conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of Section 16. The Act under Section 17 provides for determination of privilege, while Section 26 provides for the prohibited...

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): The Hon. Namunyu, what is it that you want to raise and under which Standing Order?

Hon. Anthony Lusenaka: Hon. Speaker, this report is very important and it affects all the Members of this County Assembly; the 62 of us. Looking at the House, the committee has 11 members and only three are present, which means they can even not own up the document themselves. So my proposal is, since this document is very important, we suspend it, it goes back to HBC allocation so that we debate when the House is complete and I want to take this opportunity to ask Hon. Meshack Museveni to second

Hon. Meshack Museveni: Asante sana Mheshimiwa Spika ninamuunga mkono

(Applause)

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Now Hon. Members, a motion to suspend and reallocate this report having been moved by the Hon. Namunyu and seconded by the Hon. Museveni. I now put the question that we reschedule the report that has been on the

floor having; been moved and seconded for rescheduling, be considered by the House Business Committee.

(Question put and agreed to)

(Loud consultations)

Order members! The Speaker holds a view to that effect and I overrule everything. We proceed to the next item.

BILLS

BUNGOMA COUNTY GOVERNMENT FINANCE BILL, 2022

Hon. Jack Kawa: Thank you Hon. Speaker. On behalf of the Committee on Finance, I am here to move that the Bill be read for the third time. You can allow me call upon Hon. Kuloba to second the Bill

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Hon. Kuloba is not on Finance.

Hon. Jack Kawa: Sorry Hon. Speaker, Hon. Vitalis to second the Bill.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Well I was worried that your eyes are seeing Kuloba as Sifuna but I thank God you see it well now. The Hon. Sifuna Wangila Vitalis.

Hon. Vitalis Wangila: Thank you Mr. Speaker, I second that the Bill be read the third time.

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Very well Honourable Members; I now put the proposal that the Bill be read at that time

(Question put and agreed to)

The Clerk will read it

The Bungoma County Government Finance Bill - 2022

A Bill of an Act of the County Assembly of Bungoma to Provide for Revision of the Various Taxes Fees and Charges for the Services and for Other Revenue Raising Measures by the County Government and Matters Incidental Thereto; Third Reading

Mr. Deputy Speaker (*Hon. Stephen Wamalwa*): Thank you so much Honourable Members. The bill is hereby considered passed by this Assembly and now an Act of the County Assembly of Bungoma and it shall be forwarded to the Governor for assent after the vellum is signed by the Speaker and the Clerk of this Assembly. Honourable Members, there being no other business in our Order Paper, this House adjourns to convene tomorrow at 2:30 p.m.

(House adjourns)

