



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY -SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
THURSDAY 12TH OCTOBER, 2023 AT 2:30 P.M
ORDER OF BUSINESS

PRAYERS

1. Administration of oath
2. Communication from the chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix*)
6. Notices of Motion
7. Questions and Statements (*As listed in the Appendix*)
8. **MOTION – REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON NINE MONTHS FINANCIAL STATEMENTS FOR THE PERIOD ENDED MARCH, 31ST 2023 WITH RESPECT TO THE DEPARTMENT OF FINANCE AND ECONOMIC PLANNING.** (*Chairperson, Finance and Economic Planning*)

THAT, this House adopts the report by the Sectoral Committee on Finance and Economic Planning on Nine Months Financial Statements for the period ended March, 31st 2023 with respect to the department of Finance and Economic Planning, *laid on the table of the House on 20th September, 2023.*

9. **BILLS-THE BUNGOMA COUNTY INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL, 2023.**

A Bill for an Act of the County Assembly of Bungoma to provide for the establishment of Bungoma County Enforcement Inspectorate unit and formatters connected thereto

(Chairperson, Sectoral Committee on Public Administration and ICT)

(Second Reading)

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL, 2023.**

(The Chairperson, Committee of the Whole House)

11. **PROCEDURAL MOTION PURSUANT TO STANDING ORDER NO. 64(b)**

AWARE THAT various businesses which were directed to various Committees for processing are still pending and that most business of the House emanates from Committee activities, **RECOGNIZING THAT**, Committees need more time to process and conclude before reporting to the House, **FURTHER AWARE**, that several statements were committed to relevant Committees on 12th September, 2023 for processing and reporting back within twenty one days, at the lapse of the said period, no response had been availed, **NOW THEREFORE**, pursuant to Standing Order 34 of the County Assembly of Bungoma, **THIS HOUSE RESOLVES to adjourn its sittings from today Thursday 12th October, 2023 to Tuesday 24th October, 2023 at 2:30p.m** to allow Committees process all the pending business before them.

APPENDIX

ORDER NO. 5 – PAPERS

The Public Finance Management (Bungoma County Trade Development Loans Fund) Regulations, 2023

(Chairperson, Sectoral Committee on Trade, Energy and Industrialization)

ORDER NO. 7 – QUESTIONS AND STATEMENTS

It is notified that, pursuant to S.O. 55, the following County Executive Committee Member will respond to a Question on Thursday (afternoon) 12th October, 2023.

County Executive Committee Member for Education and Vocational Training

Question No Question

Question No. **Member for Tuuti Marakaru Ward (Hon. Joseph Nyongesa –MCA) to seek a response from the CECM, Education and Vocational Training through the Sectoral Committee on Education and Vocational Training** in relation to the utilization of 3% of both the scholarship and bursary funds. The CECM to respond to the following:

1. Provide expenditure reports of 3% of the scholarship and bursary funds.
2. Provide bank statements indicating withdrawals of 3% of the scholarship and bursary funds.
3. List activities that are to be funded from the 3% of the scholarship and bursary funds
4. Provide request forms for the expenditures.
5. What was the total allocation for scholarship and bursary funds in the FY 2022/2023?
6. What was the total administrative cost of both the scholarship and bursary funds?

NOTICES

THE BUNGOMA COUNTY INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL, 2023

Notice is given that the Chairperson of the Sectoral Committee on Public Administration and ICT intends to move the following amendments to the Bungoma County Inspectorate, Compliance and Enforcement Bill, 2023 at the Committee Stage -

CLAUSE 5

THAT, Clause 5 of the Bill be amended by;

- i. substituting **sub-clause 4(1)** with **5(1)**
- ii. inserting the word “County” immediately before the words “Executive Member” in sub-clause (2)

So as to read:

“5(2) The inspectorate shall consist of such number of officers and be constituted in such a manner and such organization as the County Executive Member may, in consultation with the County Public Service Board, determine.”

CLAUSE 6

THAT, Clause 6 of the Bill be amended –

- i. In sub-clause (1) (b) by inserting the word “Policies” immediately after the word “Regulations”

So as to read:

“(1) (b) enforcing the compliance with the Bungoma County Laws, Regulations and Policies.”

- ii. In sub-clause (1) (f) by inserting the words, “liaising with other revenue collection agencies in enforcing” immediately before the words “service fee”.

So as to read:

“(1) (f) liaising with other revenue collection agencies in enforcing service fee and land rates collection;”

In sub-clause (1) (g) by deleting it in its entirety

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub-clause (1) by inserting the words “*and any other enacted regulations*” immediately after the words “this Act”

So as to read:

“8(1) The director shall be subject to consultation with the Executive Member exercise such powers and perform such duties as are or may be provided by or under this Act and any other enacted regulations.”

CLAUSE 9

THAT, Clause 9 of the Bill be amended by inserting the a new sub-clause 9 (2)

So as to read:

“9(2) The recruitment shall be based on the provisions of the Constitution and other supporting laws.”

CLAUSE 10

THAT, clause 10 of the Bill be amended in sub-clause 2 by deleting the words “any of its functions to the County Secretary” immediately after the words “in writing” and replacing it with the words “to the Chief Officer responsible for matters pertaining to the enforcement of County laws”

So as to read:

“10(2) Despite sub-section (1), the County Public Service Board may delegate any of its functions of deployment, promotion and discipline of officer, in writing, to the Chief Officer responsible for matters pertaining to the enforcement of County laws or the Director.”

CLAUSE 11

THAT, clause 11 of the Bill be amended-

- i. by deleting the word “*disciple*” immediately after the words “*a breach of*” and replacing with the word “*discipline*” in sub-clause (1)

So as to read:

“11(1) The grounds constitute a breach of discipline by officers of the inspectorate which includes”

- ii. by deleting the word “*remissness*” and replacing it with the word “*negligence*”; in paragraph (1) (e)
“e) negligence in discharge of any duty”

CLAUSE 12

THAT, clause 12 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (f) –

So as to read:

“(g) Nature and manner of recordings to be maintained by the inspectorate;”

“(h) Handling of all impounds.”

CLAUSE 14

THAT, clause 14 of the Bill be amended by inserting the words *“by surrender them to the police”* immediately after the words “in custody” in sub-clause (d),

So as to read:

“d) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody by surrender them to the police;”

CLAUSE 16:

THAT, clause 16 of the bill be amended in sub-clause (2) by inserting the words “or her” immediately after the word “him”

So as to read:

“(2) An officer may restrain or removed any person resisting or refusing or omitting to conform to any direction referred to in sub-section (1) and may either take such person to a police officer or, in trivial cases, release him or her when the occasion is past.”

CLAUSE 18

THAT, clause 18 of the Bill be amended by inserting the words “in conjunction with other law enforcement agencies” immediately after the words “county laws”

So as to read:

“18. An officer generally or specially authorized by the Executive Member may enter any shop or premises for the purpose ensuring compliance with County laws in conjunction with other law enforcement agencies.”

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the words *“for 14 days”* immediately after the words *“confinement therein”* and by inserting the words *“which shall attract penalties on a daily basis as shall be provided in supporting legislation and guidelines”* immediately after the words “public property”,

so as to read;

“An officer has a duty to seize and take to any public pound for confinement therein for 14 days any animals found straying in any street or trespassing upon any public property which shall attract penalties on a daily basis as shall be provided in supporting legislation and guidelines.”

CLAUSE 22

THAT clause 22 of the Bill be amended-

- a) by inserting the words “*in the regulation*” immediately after the words “*Executive Member*” in sub-clause (2)

So as to read:

“(2) An officer taking charge of any property under sub-section (1) shall hand over the property in a manner as may be prescribed by the Executive Member in the regulations”

- b) by substituting the words “*three months*” with the words “*fourteen days*” immediately after the words “*claim within*” in sub-clause (3)

So as to read:

“(3)The executive member shall issue proclamation notice specifying unclaimed property and requiring any person who may have a claim to appear before him/her or some other officer delegated to an act in this his/her behalf to establish his/her claim within fourteen days from the date of such proclamation.”

- c) by inserting the words “*upon the claimant’s payment of appropriate fees and charges*” immediately after the words “*release the property*” in sub-clause 5

So as to read:

“(5) The Executive Member shall on being satisfied of the title of the claimant to the property referred to in this section (4) release the property upon the claimant’s payment of appropriate fees and charges.”

- d) by inserting the word “*county*” immediately before the word “*government*” in sub-clause 22 (6)

So as to read:

“(6) *If no person establishes a claim to such property within the period prescribed in sub-section (4), it shall be at the disposal of the County Government.*”

CLAUSE 23:

THAT clause 23 of the Bill be amended-

- a) by substituting the word “*may*” with the word “*shall*” immediately after the word “Member” and deleting the words “*in the absence of any county laws*” in sub-clause 1

So as it reads:

“The Executive Member shall make regulations for-”

- b) by deleting sub-clauses 1) (a) ,(b), (e), (l), (m), (n) and (p) in entirety
- c) by substituting the word “ *newspaper*” immediately after the word “*local*” with the word “*media*” in sub-clause (2)

So as to read:

“(2) The regulations made under this section shall be published in the County gazette and in the locality affected thereby by affixing copies thereof in conspicuous places or by advertising the same in such local media.”

CLAUSES 24

THAT, clause 24 of the Bill be amended by inserting the words “*on*” between *the* words “*driven and county*” and deleting the word “*been*” between the words “*not*” and “*contravened*” and also deleting the phrase “*in respect of any such vehicle and in order to collect cess or royalties*” immediately after the words “*licensing laws*”

So as it reads:

“24. The Executive Member may authorize the inspectorate to erect barriers on any street for the purpose of stopping temporarily vehicles driven on the County roads in order to satisfy they have not contravened licensing laws.”

CLAUSE 27

THAT, clause 27 of the Bill be amended by substituting the word “*hundred* and the word “*ten*” and the words “*one year*” with “*three months*”

So as to read:

“27. A person who intentionally resists arrest, obstructs or interferes with the duties of an officer commits an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three months or both.”

CLAUSE 31

THAT, clause 31 of the Bill be amended by introducing sub-clause (b),

So as to read:

“(b) A complain Committee shall be formed in the regulations and will act upon the Complain.”

NEW CLAUSE

THAT, the Bill be amended by inserting a new clause immediately after clause 34 to read as;

“Transitional

35. Any officer currently serving in any rank that may be varied by this Act in terms of educational, qualifications, shall continue doing so until his/her retirement.”

CLAUSE 2:

THAT, Clause 2 of the Bill be amended by inserting the definition of “Director” immediately after the definition of ‘Relevant county organ’

So as to read;

“Director” to mean Director of inspectorate”