

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 31ST OCTOBER, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD- OFFICIAL REPORT
TUESDAY, 31ST OCTOBER, 2023

The House met at the County Assembly Chamber at 2:30 p.m.

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

PRAYER

MESSAGES

Mr. Speaker: Honourable Members, I do have a message from His Excellency the Governor of Bungoma County, Hon. Kenneth Makelo Lusaka. The message concerns nomination of a person for appointment as a Board member for Kimilili Municipality.

Pursuant to the provisions of Standing Order No. 45, I wish to convey a message from His Excellency the Governor regarding nomination of a person for appointment as a Board Member for Kimilili Municipality.

In the message, His Excellency the Governor conveys that in exercise of the powers conferred on him by Section 14 and section 9(c) and (d) of the Urban Areas and Cities Amendment Act, 2019, he nominates Mr. Peter Wanyonyi Buteyo as a Board Member for Kimilili Municipality. The Governor seeks the approval of the nominee by this House.

Standing Order No. 45(3) (c) provides that upon receipt of the notification of a nomination for appointment, such a nomination shall stand committed to the relevant committee for consideration. In this regard, I hereby refer the message from His Excellency the Governor together with the curriculum vitae and other testimonials of the nominee to the sectoral committee on Lands, Urban, Physical Planning and Housing for consideration.

In this regard, the Committee should undertake approval hearing and submit its report within the timelines provided for in the Public Appointments (County Assemblies Approval) Act, No. (5) Of 2017. The Committee is therefore expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings and upon conclusion of the hearing, table its report within the set timelines.

Honourable members you can take your seats, please.

PAPERS

1. REPORT BY THE SECTORAL COMMITTEE ON HEALTH SERVICES

Mr. Speaker: Under papers, we have the first report from the Committee on Health services.

Hon. Jacob Psero: Thank you Mr. Speaker, I stand to table a report by Committee on Health on allegations of management, inadequate supply of drugs, corruption and under staffing at Bumula County Hospital and Ndaalu Health Centre.

(Paper laid on the Table by Hon. Jacob Psero)

Mr. Speaker: The beauty of tabling you must bring it forward; there is no agent for that purpose. Honourable Members, the report by the committee on Health services is hereby tabled and formally becomes the property of the House.

2. REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING

Mr. Speaker: Honourable Members, the said report by the Committee on Finance and Economic Planning will be taken out of today's list for one simple reason. The chairperson of the Committee and its membership are winding up their retreat; so it will be taken back to HBC for subsequent allocation on the Order Paper. That means that equally Order number 6(2) is taken out of the Order Paper.

NOTICES OF MOTION

1. BY THE SECTORAL COMMITTEE ON HEALTH SERVICES

Hon. Jacob Psero: Thank you Mr. Speaker, I stand to issue a notice that this House adopts the report by the sectoral Committee on Health on the allegations of negligence, inadequate supply of drugs, corruption and under staffing at Bumula Sub County Hospital and Ndalal Health center

Mr. Speaker: Honourable members, a notice of motion having been dully issued by the sector committee on Health services, the said report shall be shared with Honourable Members and the same formally becomes part of our Order Paper in the course of the week or once the HBC slots it.

QUESTIONS AND STATEMENTS

1. MEMBER FOR MISIKHU WARD

Mr. Speaker: Honourable Members, equally, I have just been cross checking with my Deputy Clerk; this statement owner is Hon. Milliah Masungu, Honourable MCA for Misikhu Ward. She is a Member of the Budget Committee and I am very sure the Committee is winding up their retreat. It is taken back to the HBC for fresh balloting on the Order Paper.

2. RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION

Mr. Speaker: Chairperson of the Committee or any Member? We need to know who the owner of the statement is. From what we are seeing, that means we will not be having retreats running up to Tuesday; because that is the net effect. Equally, the owner of the statement is Hon. George Makari, a member of Finance Committee. That means it cannot take off. It is taken back to HBC for fresh allocation.

MOTIONS

1. REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENTS OF BUNGOMA COUNTY ON BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE PERIOD ENDED 30TH JUNE, 2019

(Resumption of interrupted Business)

Mr. Speaker: For guidance purposes, we will go back to Standing Order No. 35; Resumption of interrupted Business. The practice is very simple, whoever was moving the motion must continue from where he stopped at the time of adjournment; and from the Hansard and guidance from Clerks- at- the- Table, the mover was Hon. Everton Nganga at the time the House adjourned its sitting and he is a member of the Committee on Finance. That means it won't proceed today, it will be taken to tomorrow morning at 9:30 a.m. because it was adjourned in the middle of debate. It will be the first motion on our Order Paper. You see the effects of having retreats up to Monday or Tuesday; we won't move far.

2. REPORT ON THE BUNGOMA COUNTY CLIMATE CHANGE ACTION PLAN 2023/27; AND THE BUNGOMA COUNTY PARTICIPATORY CLIMATE CHANGE RISK ASSESSMENT

Mr. Speaker: Hon. Otsiula I am told you have the honour of moving the report on behalf of the committee, but as you are all aware, you equally prepare for the Whole House because Deputy Speaker and panelist number one Hon. Christine are in Finance; so you will take up all of them. Proceed, if you require assistance, we will provide enough water.

Hon. Benjamin Otsiula: Thank you Hon. Speaker. I think I consume around four to five bottles of water

Mr. Speaker: I am wondering which body consumes that, proceed.

Hon. Benjamin Otsiula: Thank you Hon. Speaker. I wish to move a motion on a report of the Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023/27; and the Bungoma County participatory Climate change risk assessment in respect to the department of Tourism, Environment, Water and Natural Resources and Climate Change.

I beg you to allow me skip the table of contents and chapter one on the mandate of the Committee as far as the provisions of Standing Order No. 217(5).

Committee Membership

Mr. Speaker Sir, the Committee on Tourism, water and Natural Resources comprises of the following Members:-

1. Hon. Edwin Opwora.....Chairperson
2. Hon. Martin Chemorion.....Vice Chairperson
3. Hon. Joseph Juma.....Member
4. Hon. Anthony Luseneka.....Member
5. Hon. Meshack Simiyu.....Member
6. Hon. Miliyah Masungu.....Member
7. Hon. Sudi Busolo.....Member
8. Hon. Vitalis Wangila.....Member
9. Hon. James Mukhongo.....Member
10. Hon. Aggrey Mulongo.....Member
11. Hon. Benjamin Otsiulah.....Member
12. Hon. Benard Kikechi.....Member
13. Hon. George Kwemoi.....Member
14. Hon. Orize Kundu.....Member
15. Hon. Ndasaba Dorcus.....Member

Terms of reference

Mr. Speaker Sir, during the Committee sitting, it was unanimously resolved that the Committee will embark on the interrogation of the policies on climate change for consideration. The following were the guiding principles in deliberation of climate change policies.

1. To interrogate the Bungoma county climate change Action Plan 2023-2027
2. To interrogate the Bungoma county Participatory Climate Risk Assessment

Background Information

Bungoma County is heavily dependent on agriculture and natural resources such as Mt. Elgon Forest, rivers, hills for growing the County economy and uplifting the standards of living of communities.

However, in pursuit of development fueled by urbanization and high population growth rate, the County environment and natural resources have come under intense pressure from human-induced activities that are contributing to climate change.

The impacts of Climate Change have been manifested in various sectors such as low yields and production in agriculture; water scarcity; climate related hazards such as floods which are threats to the sustainable development of Bungoma County and achievement of the Nation's vision 2030.

The Climate Change Action Plan 2023-2027 will guide in ensuring all sectors of the County economy mainstream climate change in their programmes which is line with the National Climate Change Act, 2016 and the County Climate Change Fund Act, 2022 that put in place the necessary structures and financial mechanism of implementing climate change actions. The Bungoma County Climate Change Action Plan 2023 - 2027 is a product of Community engagements conducted across the 45 Wards during the Participatory Climate Change Risk Assessment. The County Climate Change Action Plan has been developed to give a roadmap to the implementation of climate actions especially at the community level to build resilience.

The implementation of this County Climate Change Action Plan shall require partnerships, stakeholder collaborations and contributions from the National Government, Private sector, development partners, the civil society organizations, faith-based organizations, other non- state actors, other well-wishers and individual citizens which will ensure it delivers the expected transformational outcomes for the benefit of the present and future generations.

Legal parameters for the County climate change action plan and the Bungoma county participatory climate risk assessment

The 13th goal of the United Nation Sustainable Development Goals is to take urgent action to combat climate change and its impacts.

The Constitution of Kenya (2010) chapter five, part 2 elaborates on matters Environment and Natural resources highlighting on the obligations in respect of environment and environmental rights amongst other provisions, which majorly is to make Kenyans live in a clean and healthy environment and to have the environment protected for the present and future generations.

The National Climate Change Act, 2016 under section 19(1) elaborates on the need for the County Governments to integrate and mainstream climate change actions interventions and duties set out in the Act and the National Climate Change Action plan into various sectors. Sec 19(2) elaborates on the county government to development, update and approval of the county integrated development plan, and the county sectoral plans by mainstreaming the implementation of the National Climate Change Action plan taking into account national and county priorities.

This provision in the National Climate Change Act, 2016 gives the County Governments the nod to have plans and policies towards Climate Change

The Bungoma County climate fund Act, 2022 under section 29 on community consultation forums establishes community consultation forums in each ward while section 30 of the same Act establishes

the development projects from the Ward Planning Committee which are forwarded to the County Planning Committee

The County Government Act, 2012 provides for County Governments' power, functions and responsibility to deliver services and for connected purposes

The Environmental Management and co-ordination Act (1999) cap 387 amended in 2015 is the foundation of the environmental legislations in Kenya and it encourages sustainable development to safeguard generations. The Acts has several regulations among them the Environmental Impact Assessment and Audit regulations, 2003, The wetlands, riverbanks, lakeshores and sea management regulations,2009 that regulates the wetlands amongst other regulations,

The Forest Conservation and Management Act provides for the establishment development and sustainable management, including conservation and rationale utilization of forests resources for the social economic development.

Other important legislation that the two policy documents are anchored are the;

- Public Health Act cap 242 that provides for securing and maintaining public health
- Land Act (2012) that provides for the sustainable administration and management of land and land based resources and for connected purposes.
- Water Act (2002) that provides the conservation apportionment and use of water resources
- Physical planning Act (1996) that provides for physical planning and development control

The major policy in application is The Bungoma County Climate Finance policy whose key objective is to majorly mobilize additional domestic and international climate resources so as to address the county's climate change and development agenda and access climate finances that can help advance the County development goals by increasing its adaptability to climate Change.

Another key Policy is the Bungoma county environmental and social safeguard policy, 2019 whose main aim is to maximize positive and minimize negative environmental social impacts during implementation of county projects and encourage public participation and integration in environmental and social protection activities to enhance environmental conservation for posterity

Acknowledgment

Mr. Speaker Sir, I would like to thank the Members of Tourism, Environment, Water and Natural Resources Committee together with its Secretariat for their dedication, commitment, integrity and valuable contributions in carrying out the scrutiny of both the Bungoma County Climate Action Plan 2023-2027 and the Bungoma County Participatory Climate Risk Assessment. The Committee is grateful to the Office of the Speaker and that of the Clerk of County Assembly for the support received in ensuring that the Committee carries out its mandate smoothly. The report is signed by the chairperson of the Committee Hon. Edwin Opwora.

CHAPTER TWO

KEY HIGHLIGHTS ON THE BUNGOMA COUNTY CLIMATE ACTION PLAN 2023-2027 DRAFT

The proposed Bungoma County Climate Action Plan 2023-2027 is divided into four chapters as follows:

Bungoma County`s Vulnerability to Climate Change

The chapter presents the context within which the county records two main rainy seasons; the long rainy season, which runs between March and June, which is wetter than the second rainy season, experienced between late July and December. A dry season is experienced from December to mid-March. It further outlines that most of Bungoma County receives an annual average precipitation of more than 1400 mm.

The Climate action plan further outlines how women are affected highly by prolonged drought due to water scarcity and scarcity of food commodities for their households. Farmers are most affected by the hazards as they interfere with their agricultural activities in terms of delay in planting, pre- and post-harvest losses, crop failure due to unpredictable rainfall whose outcome is food insecurity and poverty.

Objectives of the Bungoma County Climate change Action Plan 2023-2027.

The general objective will be to enhance the County's capacity to mitigate and adapt to the impacts of climate change and build community resilience using a participatory approach.

The proposed specific objectives of Bungoma County Climate Action Plan 2023-2027 include the following;

- To increase food and nutrition security by enhancing productivity and resilience of the agricultural systems in as much of a low-carbon manner as possible.
- To increase overall County forest cover to over 20 per cent of total land area through afforestation and reforestation of degraded catchment areas to increase the resilience of wildlife and tourism sector
- To mainstream climate change adaptation into the health sector; increase the resilience of human settlements, including sustainable waste management.
- To ensure an electricity supply mix that is renewable energy, resilient to climate change and promotes energy efficiency; encourage the transition to clean cooking that reduces the demand for biomass as well as enhance energy and efficiency in the manufacturing industries
- To build capacity development in the water sector; application of solar energy in water supply and mobilizing resources to enhance access to clean water as well as conservation of water catchment areas
- To ensure the infrastructure resources are protected from the climate change hazards.

Sector strategic priorities areas

Mr. Speaker sir, the action plan outlines to concentrate on a total of six strategic priority areas in which each has its own strategic objective(s) as follows;

1. Food and Nutrition Security

Strategic objective

- To increase food and nutrition security by enhancing productivity and resilience of the agricultural systems in as much of a low-carbon manner as possible.

2. Environment and Natural resource

Strategic objectives

- To increase overall County forest cover to over 20 per cent of total land area through afforestation and reforestation of degraded catchment areas to increase the resilience of wildlife and tourism sector.
- To enhance sustainable waste management in the County.
- To increase the resilience of the wildlife and tourism sector

3. Health, Sanitation and Human Settlement

Strategic objective

To mainstream climate change adaptation into the health sector; increase the resilience of human settlements, including improved waste management in urban areas.

4. Sustainable Energy

Strategic Objectives

- To promote energy and resource efficiency in the manufacturing sector-
- To ensure an electricity supply mix that is renewable energy, resilient to climate change and promotes energy efficiency; encourage the transition to clean cooking that reduces the demand for biomass.

5. Water

Strategic objectives;

- To enhance water harvesting and storage in public institutions, households and farms
- To promote rehabilitation, protection and conservation of water catchment areas and water sources

- To build Capacity development in water sector; application of solar energy in water supply and mobilizing resources
6. Transport and Infrastructure

Strategic objective

- To ensure the infrastructure resources are protected from the climate change hazards.

Enablers of the action plan

Mr. Speaker sir, the climate action plan wraps up by providing the enablers of the action plan, where there will be achievement of an effective and efficient delivery of adaptation and mitigation strategies in the priority climate change areas that will require a range of crosscutting enabling actions.

These cross cutting actions will equip stakeholders and government with knowledge, skills, technology and finance to deliver on the resilient adaptation and mitigation strategies. The enabling actions areas will include the following:

- Institutional, Policy and Regulatory Framework
- Capacity Development and Knowledge Management
- Climate Finance
- Technology and Innovation

CHAPTER THREE

KEY HIGHLIGHT ON THE BUNGOMA PARTICIPATORY CLIMATE RISK ASSESSEMENT

The draft Bungoma Participatory climate risk assessment was outline as below.

Context of the Participatory Climate Risk Assessment

Bungoma the County covers an area of 3032.4 Km². The County is divided into nine Sub counties, 45 Wards and 236 village units. The Sub Counties are: Kanduyi, Webuye West, Webuye East, Kimilili, Tongaren, Mt. Elgon, Kabuchai, Sirisia and Bumula.

The monetary poverty rate for Bungoma is 35.5 per cent which is nearly the same as the national rate of 35.7 per cent with approximately 525,509 people in Bungoma being monetarily poor.

The main economic activities are agriculture, transport and storage which contribute the most to the Gross County Product (GDP) at 44.2 per cent and 11.6 per cent respectively...

According to Kenya National Bureau of Statistics population analytical report of 2019, the estimated population of Bungoma County is 1,670,570 (Male; 812,146, Female; 858,389, Intersex; 35) with population density of 595 persons per Km² and 172,005 households.

On Agriculture, the major food crops grown in the County include maize, beans, finger millet, sweet potatoes, bananas, sorghum, Irish potatoes and assorted vegetables. Cash crops include; - sugarcane, coffee and tea though significant production of cotton, palm oil, tobacco and sunflower are present.

On health services, the County has a total number of 197 health facilities which include: one County referral hospital, one county hospital, eight sub county hospitals, 19 health centers, 89 dispensaries, 60 private clinics and 19 faith-based facilities.

On Transport and infrastructure, the County is rated motorable with rural access index of 94 per cent and 5231 Km of road classified under the Kenya Roads Board Classification criteria. The county paved road network consists of bitumen surface of 246.15 Km, gravel surface of 2444.20 Km and earth surface of 2540.97 Km.

Further, the County Government has moved to modernize road transport infrastructure by expanding and upgrading urban roads, opening new feeder roads, maintenance of existing roads and construction of bridges and box culverts to improve connectivity.

3.2 Differentiated Impacts of Climate Trends and Risks

Climate change has affected a wide range of sectors in Bungoma County; these include crops, livestock, forestry, energy, water, health and livelihoods. These hazards are impacting negatively and differently on various members of the Community especially elderly and people living with disability are disadvantaged to compete for scarce water in springs and other available sources of water due to drought.

Women are also vulnerable to drought as they walk long distances in search of water for domestic use as expectant mothers, children and aged people have low immune systems thus making them more vulnerable to vector borne diseases such as malaria due to increased disease vector organisms such as mosquitoes.

3.3 Future Climate Scenarios for the County

The County has experienced monthly temperatures of between 15-29°C. The long rainy season, which runs between February and June, is wetter than the second rainy season, experienced between late July and December.

A dry season is experienced from December to February. April and May receive the highest rainfall. The annual average precipitation in the county is 1100-1700 mm.

3.4 Existing Resilience Strategies to Current and Future Climate Risks

The adverse effects of climate change have been felt in various sectors across the County including; Agriculture, Health, Water, Environment, Energy, Transport and Infrastructure.

The County Government of Bungoma has enacted various legislations including Climate Change Policy, Climate Change Fund Act, Climate Change Finance Policy, Climate Change Environment and Social Safeguards Policy to ensure the community is cushioned from the adverse effect of climate change.

The County Government of Bungoma is working with other stakeholders to come up with resilience actions to mitigate the climatic hazards.

Some of the adaptation strategies developed are effective while others require support and innovation to make them more effective in order to impact the livelihoods of the people.

CHAPTER FOUR

COMMITTEE OBSERVATIONS, RECOMMENDATIONS AND CONCLUSIONS

Committee Observations

The Committee made the following observations

- The Bungoma Climate Change Action Plan 2023-2027 will guide in ensuring all sectors of the County mainstream climate change in their programmes which is line with the National Climate Change Act, 2016 and the Bungoma County Climate Change Fund Act, 2022 that put in place the necessary structures and financial mechanism of implementing climate change actions.
- The Bungoma County Climate Change Action Plan 2023 - 2027 is a product of Community engagements conducted across the 45 Wards during the Participatory Climate Change Risk Assessment.
- The County Climate Change Action Plan has been developed to give a roadmap to the implementation of climate actions especially at the community level to build resilience.
- The implementation of this County Climate Change Action Plan shall require partnerships, stakeholder collaborations and contributions from the National Government, Private sector, development partners, the civil society organizations, faith-based organizations, other non- state actors, other well-wishers and individual citizens which will ensure it delivers the expected transformational outcomes for the benefit of the present and future generations.
- The Participatory Climate Change Risk Assessment is a community centered approach that enables them to identify key climate change hazards affecting their resources, livelihoods, their impacts and propose appropriate adaptation strategies for evidence-based County Climate Change Action Planning and implementation.
- Bungoma County Participatory Climate Risk Assessment has highlighted key hazards and priority investment areas to build resilience that shall endeavor to mainstream climate change across all the sectors from the ward level to the County level in addition to strengthening climate change governance by enhancing the capacity to monitor and report climate actions across all the sectors

Committee's Recommendation

The Committee made the following recommendation

1. THAT the Committee recommends for the approval of the Bungoma County Climate Change Action Plan 2023-2027.
2. THAT the Committee recommends for the approval of the Bungoma County Participatory climate risk Assessment.

Adoption schedule

Mr. Speaker sir,

We the undersigned members of the Tourism, Environment, Water and Natural Resources Committee append our signatures adopting this report with the contents therein.

LIST OF ANNEXURES

Annex 1. Draft -The Bungoma County Climate change action Plan 2023-2027

Annex 2. Draft- the Bungoma County Preparatory climate risk Assessment

Annex 3. Adoption Minutes

Hon. Speaker, allow me to call upon my chairperson Hon. Edwin Opwora to second the motion.

(Applause)

Hon. Edwin Opwora: Thank you Mr. Speaker. First of all allow me to congratulate Hon. Otsiula for taking us through the report. I second the motion with the following key highlights from the report; first we have the Climate Change Action Plan 2023-2027. This plan was developed after a comprehensive participatory climate change risk assessment exercise that was carried across all the 45 wards in the county where locals were given an opportunity to share their experiences on the effects of climate change and suggest the home made interventions they use to mitigate the impact. These interventions are what helped the action plan.

The main objectives of this action plan is to enhance the county's capacity to mitigate and adapt to impacts of climate change and build resilience using local identified approach during the risk assessment exercise that was carried out. On specific objectives of this action plan; it addresses the following; to increase food and nutrition security in Bungoma County, to increase the county forest cover to at least 20 per cent through afforestation and re-afforestation, mainstream climate change adaptation in the health sector particularly ensuring sustainable waste management in the county, ensure electricity supply of a mix of renewable energy which is cheaper and friendly to the environment, to build capacity development in water sector by application of solar energy in the water supply, to ensure the infrastructure resources are protected from the climate change hazards.

On the climate change participatory risk assessment, this report highlights the exercise that was carried out by the climate change unit technical working group which is usually called the CCU which moved around all the 45 wards and engaged the locals and came up with mitigation to remedy the impact of the climate change. This enabled the development of the climate change action plan 2023-2023. This report highlights the context of the participatory climate change risk assessment where the acreage area of Bungoma County was captured and the poverty index estimated at 35.5 per cent almost equivalent to the National Poverty Index of 35.7 per cent. The report estimates a population of 525, 509 out of the 1,670, 570 people in Bungoma County as being monetary poor justifying the need for this House to adopt this report without amendments to enable the Department execute the action plan to address the looming climate change catastrophe. The report identifies the economic activities of Bungoma County being agriculture which entirely depends on the climate conditions to thrive.

Mr. Speaker, on differentiated impact of the climate trends and risk, it explains how the climate change has affected a wide range of sectors in Bungoma County. On future climate change scenarios for the county, any analysis of the county temperature was noted to be between 15 to 29 degrees. It also classified rain seasons into long rainfall that is between February and June and short rainfall between July and December.

On existing resilience strategies to current and future climate risks, the report acknowledges the adverse effects of climate change across various sectors in the county. It also states the intervention of the county through legislation and partnership with strategic stakeholders to come with resilience action to mitigate the climate change hazards. With these many remarks Hon. Speaker, I second the motion.

(Question proposed)

Mr. Speaker. Hon. Bernard Kikechi, what I am saying is that if you are away; keep away from the County Assembly because on line I am seeing Bernard Kikechi Wekesa. It is okay but who has pressed it? If you want to speak and you don't have a card, you will speak from the dispatch box. If you press at another person's sitting area, it will inform me that he is the one who wants to speak and not you. Proceed using the dispatch box.

Hon. Hentry Nyongesa: Thank you Hon. Speaker. I want to apologize for requesting to speak through my neighbour...

Mr. Speaker: That was a wrong way of seeking for my attention.

Hon. Hentry Nyongesa: First I want to support the report that has been read to the House under the chairmanship of Hon. Opwora. I want to say that all of us are part and parcel of this "animal" called climate change and we cannot run away from it because it is natural. Last year we went round after the

approval of the budget and told the citizens of this county that each ward is going to receive some good amount of money in terms of climate change. The House equally approved the regulations for this program and we went ahead to form the committees which were going to discharge the mandate under climate change. Down the line we are almost mid-year because we are in November and in December we will be done with the half-year of this financial calendar. I am not seeing anything on the ground in terms of implementation under climate change.

My concern is, are we serious that we have money that is going to implement these projects? I am not seeing any assurance that we have money under the climate change program. Therefore, the chairperson should come up clearly and tell us whether it is a theory...

Mr. Speaker: Hon. Hentry, it is the mover of the motion and not the chairperson of the Committee. The moment he gave the motion to Hon. Otsiula, he can't respond. It is the mover of the motion to respond. Proceed with that guidance please.

Hon. Hentry Nyongesa: Thank you Mr. Speaker. The mover of the motion my neighbour Hon. Otsiula should come up clearly that are we talking about theory of climate change or we are talking about the practical in respect to climate change. As we are speaking, there were pronouncements that we are likely to experience heavy rains, but we can also have drought which I am experiencing...

Mr. Speaker: Are you experiencing drought in your pocket or in your area?

Hon. Hentry Nyongesa: Mr. Speaker, I say this because where I come from, it is one of the areas that as we are talking today it could be muddy but which is not the case. My worry is that we need to have serious attention to climate change. The mover of the motion should assure us on the Floor of the House that we have the money that we budgeted for about KShs250 million for the entire county. I want to be assured that the climate change that we are talking about is practicable. Because of climate change, we even had appropriations in the budget in terms of emergency funds because of the anticipated rains. Hence the mover should tell us clearly that this county is prepared in terms of climate change in a particular manner and the Kshs30 million that we promised our people in the wards is available and that it is going to be given to them. We already have committees in place waiting to receive the money in order to benefit the residents in my ward.

(Applause)

Hon. George Psero: Thank you Mr. Speaker Sir for this opportunity to allow me say something about climate change. Indeed, I want to thank the mover of the motion Hon. Otsiula for being audible; equally, the seconder Hon. Opwora for doing it in a good way. However, the idea of climate change is a big monster in the village particularly in the ward that I come from. Most of the residents do not understand what we mean by climate change. This shows that enough public participation was not done by the concerned parties when they visited these areas.

I agree with the recommendations of the Committee that we need to review the Action Plan for the year 2023-2024 so that at least we have humble time to educate the community on what we mean by this climate change. Otherwise, there is a lot of expectations; Hon. Nyongesa is talking about Kshs30 million but I am aware of Kshs50 million and people are prepared for that; particularly the youth groups and the women groups. Most of these fellows were told to prepare themselves to receive funding and a number of them were told to prepare the seedlings for planting. They were told that they will sell them to various organizations to do the planting particularly in the areas where trees have been cut. So far, I have not seen any effort. The last time the Members of the County Assembly came to my ward, I was hearing of Kshs2 million; now from Kshs50 million; you wonder what the Kshs2 million can do in the whole ward. It is good that the mover of the motion and the Committee at large reviews the activities to ensure that something is done particularly in the Action Plan, including the participation of the public, because they are not well informed and they expect a lot from you.

We have talked about El Nino rains and we are told to prepare; I am wondering what the committee has done as far as that area including the Office of the Governor in terms of getting prepared for the said rains. I remember in the areas that I come from, it is closer to the forest and occasionally we have a lot of soil erosion. A few months ago, the rivers were full and they carried away most of the crops that we planted along the rivers and animals. I made a report to the county office and so far I have not seen any assistance to those people; the residents are still asking me what assistance that they were going get, especially those who lost their crops and the fertilizer that they used to plant. It would be good for the Committee to review the activities again and ensure that something is done as far as this level is concerned.

(Applause)

Hon. Johnston Ipara: Thank you Hon. Speaker for seeing me. This is an important report that will assist in coming up with solutions that will also assist us. Climate change is real and its outcome has exposed society to more risks and among the risks one of them is hotter temperatures. Today as you walk across you find it very hot. Two, in recent times, we have also seen severe storms where previously we did not use to see; and currently all over our county and country drought has increased; not forgetting that also the ocean levels and lake has risen and the living example is what is happening in Baringo. We saw most of the people the business community and those who were the neighbours of the lake had their homes were submerged and they were moved to other areas. Not forgetting the loss of animals which is the wealth of our people.

Therefore, I also wish to demand from the Chair that if we really can implement what was recommended in the climate change package, because it is now one year after we approved a motion. We said that we must approve so that we comply with the demands of the donors, which we did. The committees were appointed, but up to today, those committees are there, they are asking what were they

appointed to do? Why can't we disband those committees and when money is available then we can now appoint committees that will take effect.

The time where we used to tell stories must come to an end because when we come up with a program, create an awareness with the people and it takes years to implement, we erode the trust the people have on the leadership and the Government; and Chair you must address this and tell these Honourable House what is the balance...

Mr. Speaker: Honourable Members, direct all questions to the mover of the motion, you may want to accuse the Chair who is the seconder of the motion. He won't have a chance to speak.

Hon. Johnston Ipara: The mover of the report, make sure that at least you tell us the mitigation measures that are in place to address this particular animal that is now one and a half year old and the promises were so sweet; and when those committees were appointed when the expectations were so high. If you today walked in Luuya/ Bwake, the rivers where we used to see water flowing have dried up and if you walked to...

Mr. Speaker: Don't say that way. Last week it swept one person to death in Luuya/ Bwake and he knows it.

Hon. Johnston Ipara: You know he has two advantages.

One, it swept one person and we lost a precious life.

Second, the other rivers are drying up because of the same consequences. Climate change has two consequences; the positive and negative consequences and we want to mitigate and make sure that at least we have a neutral ground that all of us can play and ensure that such risks and our people will not be exposed to non - anticipated dangers.

With that, I want to say this; our people today are more exposed to more health risks and the only thing is to make sure we come up with practicable actions to change the climate change.

Mr. Speaker: Thank you Hon. Joseph Nyongesa, Leader of Majority!

Hon. Joseph Nyongesa: Thank you Mr. Speaker. In support of the report on the Table though I am also a member of that Committee so you allow me not to respond but I will be contributing. The issue of climate change is a critical issue in our lives and as you are aware, we normally have some engagements with the facilitators who are well versed with this issue.

Practically, there are simple things that we were taught that these could help to mitigate the issue of climate change so it starts with us. The issue of ensuring that our environment is clean and favourable, is not the issue of saying the Government should now be in charge of ensuring that your environment is well.

When we engaged the stakeholders in Kisumu, they told us that if it could be better, instead of driving like six vehicles when you are only six members, you better use one; that is also taking care of the climate issue because the carbon monoxide will be coming from six vehicles compared to one; then at least we shall be protecting the environment.

Our committees that were drawn from our wards have had some engagements and trainings on how to mitigate the issue of climate change. The issue that was so much challenging was that we had donors who were very much willing to support these issue of climate change and that is why we had an approximate sum of Kshs50,000,000 per ward; but more so, most of the donors pulled out and ..

Mr. Speaker: Hon. Leader of Majority!

Hon. Joseph Nyongesa: I said I am also a Committee Member because I know some of the issues.

Mr. Speaker: Even if you are aware, you carry all your responses.

Hon. Joseph Nyongesa: I am not responding but at least...

Mr. Speaker: From what I am hearing, it looks like responses. Proceed!

Hon. Joseph Nyongesa: Mr. Speaker, what is important is that the information is clear because when donors pull out, whom should we blame? It is we now to ensure that we plan from the little that we have to ensure that we are taking care of our environment. Otherwise, let us use our committees; they have knowledge. Use our members to ensure that the issue of climate change is an issue that we can take care of.

You know like in our normal lives, some of us who come from the villages, the issue of these wells drying up because people are cutting trees anyhow. It is we as leaders also to ensure that we take care of our environment, educate our people and ensure that we are safe. Otherwise, I support the report.

Mr. Speaker: Thank you Hon. Otsiula, now you have the honour!

Hon. Benjamin Otsiula (Mover to Reply): Thank you Hon. Speaker. First of all let me appreciate the Honourable Members for their positive contributions to this motion. Indeed it is a very important motion on the Floor of the House today.

First of all, I wish to respond to the concerns raised by Hon. Psero and partly by Hon. Hentry Nyongesa who is my senior and neighbour.

How I wish that the Honourable Members and the House understand that this was a conditional grant, it is not true, rather, it is misleading to say the County Government may have dragged its feet in ensuring that this concept is well actualized.

This House approved the Bungoma County Climate Change Fund Act, 2022 that set in motion the subsequent procedures. This led to the formation of the Bungoma County Climate change Action plan

2023/2027 which was laid on the table of this House in June, 2023. To comply with the conditions set by the donor, the County Government of Bungoma introduced the County Climate Change Action plan 2023/2027 and also the Bungoma County participatory climate risk assessment. These tools are geared towards the realization and the actualization of the concept of climate change.

In further response to the question posed by Hon. Hentry Nyongesa asking whether climate change phenomenon is practical or theoretical, this is a practical phenomenon.

One, ward committees have already been formed. These ward committees have specific mandates and they have already been trained on their mandate.

All the 45 wards have committees in place and because this is a conditional grant, my senior brother expects to see practical aspects. The committees have been tasked because five wards are unique in their own ways. They have to come up with proposals. These proposals will then be forwarded to the Committee on Climate change at the County level and that is what will inform your ward whether the donor will fund you to the tune of Kshs3, 000,000 or Kshs2, 000,000.

Once your committee at the ward level has complied with the laid down procedures as per their proposal, they receive the funding. This does not mean that automatically your ward will be funded, unless the committee at the ward level is presenting a reasonable proposal as per their mandate and approved by the County Committee on Climate change, then the donor may not fund you unless you meet the conditions set by the donor. So the question raised by Hon. Psero that they were expecting Kshs50,000 ,000 but now they have been promised Kshs2,000,000, I believe has well been captured.

The practical aspect of it is that for climate change, we must plant trees, people must improve wells within their regions and these are peculiar or very different depending on the location of your ward.

Ward committees have been given very wide mandate to come up with proposal whether you are planting bananas in one acre, avocados, improving wells, planting trees; it is upon the ward committees.

Therefore, I wish and call upon Honourable Members in this House to pass this motion.

(Applause)

Mr. Speaker: Thank you Hon. Otsiula for your reply to the motion. Honourable members, allow me move to the next stage of this motion .I will be putting up a question to the said motion for the House to make its decision.

(Question put and agreed to)

The ayes have it.

The report is hereby adopted by the House.

(Applause)

Next item!

BILL

1. THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023

Mr. Speaker: Yes Chair, Honourable Okasida!

Hon. Johnston Okasida (*Chairperson, Committee on Trade*): Hon. Speaker, pursuant to Standing Order No. 141(1), I move a motion that Bungoma County Weights and Measures Bill, 2023 now be read a second time. I call upon Hon. Brigid Katasi to second.

Mr. Speaker: Yes Hon. Brigid, proceed and second the motion accordingly.

Hon. Brigid Katasi: Thank you Hon. Speaker. I rise to second the Bungoma County Weights and Measures Bill, 2023 be read for the second time.

Mr. Speaker: Honourable Members, a motion has been moved and seconded under Standing Order No. 141(2); that the Bungoma County Weights and Measures Bill be read for the second time.

(Question put and agreed to)

The ayes have it.

The same be read for the second time

A Bill for the County Assembly of Bungoma to establish a legal framework to develop structures of operations to provide a mechanism for the imposition of certain fees and charges for weights and measures related activities and for related purposes; second reading

Mr. Speaker: Honourable Members, the Bungoma County Weights and Measures Bill, 2023 having been read for the second time, we will now comply with Standing Order No. 142(1) that the House collapses into the Committee of the whole House

(House collapsed into Committee of the Whole House)

COMMITTEE OF THE WHOLE HOUSE

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

IN THE COMMITTEE

(The Chairperson (Hon. Benjamin Otsiula) in the Chair)

Temporary Chair (Hon. Benjamin Otsiula): Honourable Members, welcome to the Committee of the Whole House for consideration of the Bungoma County Weights and Measures Bill, 2023.

I now call upon the Clerk to read out the parts of the Bill in the sequence specified in Standing Order No. 144.

Clause 3- Objects and purpose of the Act

Temporary Speaker: I now propose that Clause number 3 be part of the Bill. The Chairperson, Committee on Trade, Energy and Industrialization Hon. Okasida Ipara!

Hon. John Ipara: Hon. Chair, I move that Clause 3 of the Bill be amended by;

i) Inserting the word 'the' immediately after the word 'of' on the subheading so as to read objects and purpose of the Act.

ii) Inserting the letter small "i" immediately after the letter "H" so as to read 'the objects and purpose of this act is to ' and I call upon Hon. Wanyama to second!

Temporary Chair: Thank you Hon. Okasida, Hon. Wanyama!

Hon. Kennedy Wanyama: Thank you Chairman, I rise to second.

Temporary Speaker: Thank you Honourable Kennedy Wanyama. Honourable members, I now propose the question that Clause 3 be amended as proposed.

(Question of the amendment proposed)

I now put the question that Clause 3 be amended as proposed

(Question on amendment put and agreed to)

The ayes have it.

Honourable members, I now propose the question that Clause 3 as amended be part of the Bill.

(Question that Clause 3 as amended be part of the Bill proposed)

I now put the question that Clause 3 as amended be part of the Bill.

(Question that Clause 3 as amended be part of the Bill put and agreed to)

The ayes have it

Clause 4- Appointment of Deputy Director on weights and Measures

Temporary Speaker: I now propose the question that Clause 4 be part of the Bill. Chairperson, Committee on Trade, Energy and Industrialization!

Hon. Johnston Ipara: Honourable Chair, I move that Clause 4 of the Bill be amended by deleting the word deputy appearing before the word ‘director’ in the subheading and sub clause 1(a) so as to read appointment of director weights and measures 41(a). There shall be in the public service of the County an office designated as the office of the director weights and measures. I call upon Hon. Kikechi to second.

Temporary Speaker: Thank you Hon. Ipara. Hon. Bernard Kikechi!

Hon. Bernard Kikechi: Honourable Chair, I rise to second.

Temporary Speaker: Honourable Members, I now propose the question that Clause 4 be amended as proposed. I now put the question that Clause 4 be amended as proposed.

(Question on the amendment on Clause 4 proposed)

The ayes have it.

Honourable Members, I now propose the question that Clause 4 as amended be part of the Bill.

I now put the question that Clause 4 as amended be part of the bill.

(Question on amendment on Clause 4 put and agreed to)

The ayes have it!

Clause 5 - Functions of the Deputy Director Weights and Measures.

Temporary Speaker: Honourable Members, I now propose the question that Clause 5 be part of the Bill. Chairperson, Committee on Trade, Energy and Industrialization Hon Okasida!

Hon. Johnston Ipara: Honourable Chair, I move that Clause 5 of the Bill be amended by

i) Deleting the word ‘deputy’ appearing before the word ‘director’ in the entire Clause and deleting the word many appearing before the word assistance in sub clause 1 so as to read 5(i), there shall be the director weights and measures inspectors and assistants of weights and measures as may be necessary for the purpose of this act.

3. Deleting sub Clause 5 paragraph c in its entirety and I call upon Hon. Metrine Nangalama to second.

Temporary Chair: Hon. Metrine Nangalama!

Hon. Metrine Nangalama: Thank you Chair. I stand to second!

Temporary Chair: Thank you Hon. Metrine Nangalama. Honourable members, I now propose the question that clause 5 be amended as proposed.

(Question on amendment of Clause 5 proposed)

I now put the question that Clause 5 be amended as proposed

(Question on amendment of Clause 5 put and agreed to)

The ayes have it!

I now propose the question that Clause 5 as amended be part of the Bill. I now put the question that Clause 5 as amended be part of the Bill

(Question that Clause 5 as amended be part of the Bill put and agreed to)

The ayes have it

Clause 6- Requirement for inspection process

Clause 7 - False or misleading statements

Clause 8- Authorized officers

Clause 9 - Units of measurement

Clause 10 - Measurement of weight

Clause 11 - Measurement of length

Clause 12- Measurement of time

Clause 13 - Measurement of electric current

Clause 14 -Offense to use unauthorized units of measurement

Clause 15 - Working standards and testing equipment

Clause 16 - Testing of standards and equipment of other institutions

Clause 17 - Units of measurements, weights and measures lawful for use for Trade

Clause 18 - --- *(Inaudible)*... -- for use or possession of certain weighing or measuring instruments

Clause 19 - Offenses relating to false or *(Inaudible)*..... or weighing or measuring instruments

Clause 20- Mode of use of measure of capacity

Temporary Chair: Honourable members, I now propose the question that Clause 6 to 20 be part of the Bill.

I now put the question that Clause 6 to 20 be part of the bill.

(Question that Clause 6 to 20 be part of the Bill put and agreed to)

The ayes have it. We proceed!

Clause 21- Offenses relating to fraud in the use of weights measures or weighing or measuring instruments.

Temporary Chair: Honourable members, I now propose the question that Clause 21 be part of the Bill. Chairperson!

Hon. Johnston Ipara: Honourable Chair, I move that Clause 21 of the Bill be amended by deleting the words except where the court is satisfied that the weight measure or weighing or measuring instrument is the property of a person other than the person committing or a person being a party to the commission of the fraud, the court may wave the forfeiture after the word forfeit so as to read 21 'where a fraud is committed in the use of any weight, measure weighing or measuring, the person committing the fraud shall be guilty of an offence and the weight measuring instrument shall forfeit.

I call upon Hon. Alice Kibaba to second.

Temporary Chair: Hon. Alice Kibaba !

Hon. Alice Kibaba: Thank you Chair. I rise to second that Clause 21 be amended as proposed.

Temporary Chair: Thank you Hon. Alice Kibaba. Now Honourable members, I now propose the question that Clause 21 be amended as proposed.

(Question on the amendment of Clause 21 proposed)

I now put the question that Clause 21 be ammended as proposed

(Question on the amendment of Clause 21 put and agreed to)

The ayes have it!

I now propose the question that Clause 21 as amended be part of the bill.

(Question that Clause 21 as amended be part of the Bill proposed)

I now put the question that Clause 21 as amended be part of the Bill

((Question that Clause 21 as amended be part of the Bill put and agreed to)

The ayes have it!

Clause 22- What weight, measure, weighing or measuring instrument is unjust

Clause 23 - Offenses for sale of incorrect weights, measures, weighing or measuring instruments.

Clause 24- Offences in connection with stamping of the weights, measures, weighing or measuring instruments,

Clause 25 -Verification of weights, measures, weighing of measuring instruments

Clause 26- Offences in connection with abstraction of inspector

Clause 27- Short weight

Clause 28 - Misinterpretation

Clause 29 - Quantity less than stated.

Clause 30 - Incorrect statements

Clause 31 - Offences due to default of 3rd person

Clause 32 - Quantity known to a person

Clause 33- Weighing in the presence of a person

Temporary Speaker: Honourable members, I now propose the question that Clause 22 to 33 be part of the Bill.

(Question that Clause 22 to 33 be part of the Bill put and proposed)

I now put the question that Clause 22 to 33 be part of the Bill

(Question that Clause 22 to 33 be part of the Bill put and agreed to)

Clause 34: Revenue

Hon. Johnston Ipara: Hon. Chair, I move that clause at four of the Bill, be amended by deleting the clothes in it is entirety and I call upon Hon. Chikati to second.

Hon. Timothy Chikati: Thank you Chair, I rise to second.

(Question proposed)

(Question that Clause 22 to 34 be part of the Bill put and agreed to)

Clause 36: Powers of entry and seizure

Clause 37: An inspector authorised under this section

Clause 38: Power to make taste purchase

Clause 39: powers of arrest

Clause 40: employer answerable for acts of servant

Clause 41: Liability of partners in a firm

Clause 42: offences by corporations

Temporary Chairperson: Yes Hon. Okasida!

Hon. Johstone Ipara; the Clerk has skipped Clause 35

Temporary Chairperson: Clause 35? Thank you Hon. Okasida for that observation... Clerk, kindly read out clause 35 before we move on to Clause 36

Clause 35: approved forms

Hon. Johston Ipara: Hon. Chair, I move that clause 35 of the Bill be amended by deleting the clause in its entirety and I call upon Hon. Mukhanya to second

Hon. Alfred Mukhanya: Chair I rise to second motion

(Question proposed)

(Question put and agreed to)

(Question that Clause 36 be part of the Bill put and agreed to)

Clause 36: powers of entry and seizure

Clause 37: an inspector authorised under this section

Clause 38: Power to make purchase

Clause 39: powers of arrest

Clause 40: employer answerable for acts of servant

Clause 41: Liability of partners in a firm

Clause 42: offences by corporations

(Question proposed)

(Question that Clause 36, 37, 38, 39, 40, 41 and 42 be part of the Bill agreed to)

Clause 43: Disposal of seized goods

Hon. Johstone Ipara: Hon. Chair, I move that clause 43 of the Bill be amended in sub clause three, by substituting the word act, appearing before the words of seizure with the word act, so as to read "43 (3), where any perishable goods have been seized under any provision of this act. The inspector who has seized the goods shall forthwith report to a magistrate the act of decision and if the magistrate is satisfied, that the goods are perishable, he may authorize the inspector to dispose of the goods, as the magistrate may think fit. I call upon Hon. Bosire to second

Hon. Aggrey Bosire: Thank you, Hon. Chairman, I rise to second.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 43 agreed to)

Clause 44: general penalties

Clause 45: prosecution of offences

(Clause 44 and 45 agreed to)

Clause 46: regulations

Hon. Joshtone Ipara: Hon. Chair, I move that Clause 46 of the Bill be amended in sub clause two paragraph F, by deleting the word "deputy" immediately before the word "Director", so as to read "F,

the performance of the functions, the exercise of powers, and discharge of the duties of the director and other weights and measures officers under this Act".

I call upon Hon. Angeline Rugut to second

Hon. Angeline Rugut: Thank you Hon. Chair, I rise to second

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 46 agreed to)

The schedule:

Hon. Johtsone Ipara: Hon. Chair, I move that the schedule on the Bill be amended by deleting the entire second last column, with the subheading "approve the charges 2021/2022 and the column on the proposed charges 2022/ 23 by deleting the words "proposed" and "2022/ 20223" so as to read "Charge" I call up Hon. Katasi to second.

Hon. Brigit Katasi: Thank you Chair. I rise to say thank you

(Question of the amendment proposed)

(Question put and agreed to)

(The Schedule agreed to)

Clause 2: interpretation

Hon. Johnstone Ipara: Hon. Chair, I move that clause two of the Bill be amended by;

- i. Deleting the word "deputy" appearing before the word "Director" on the interpretation of the word approved. So as to read, "Approved means approved by the Director, or by any other person, deputed by the director, to carry out examinations, Grant approvals, and issue certificate.

- ii. Deleting the word "deputy" appearing before the word " Director "on the interpretation of the word Deputy Director. So as to read "Director means, the Director of weights and measures appointed under section four".

I call upon Hon. John Kennedy Wanyama to second.

Hon. John Kennedy: Thank you, Chairman, I rise to second

(Question proposed)

(Question put and agreed to)

(Clause 2 agreed to)

Long title:

(Question proposed)

(Question put and agreed to)

Clause 1: short title and commencement

(Question proposed)

(Question put and agreed to)

(Clause 1 agreed to)

Temporary Chairperson: Thank you, I now call upon the mover of the Bill Hon. Okasida Ipara to move on reporting

Hon. Joshtone Ipara: Hon. Chairperson, pursuant to Standing Order No. 145, subsection 16, I beg to move that the Committee does report to the House its consideration of the Bungoma County Weights and Measures Bill, 2023 and I call upon Hon. John Kennedy Wanyama to second.

Temporary Chairperson: Thank you Hon. Okasida, Hon. Ken Wanyama!

Hon. John Kennedy: Thank you, Chairman, I rise to second.

Temporary Chairperson: Thank you Hon. Kennedy Wanyama, Honourable Members, I now put the question that the Committee does report to the House its consideration of the Bungoma County Weights and Measures Bill, 2023

(Question put and agreed to)

(Applause)

House resumed

Mr. Speaker [Hon. Emmanuel Situma] in Chair

CONSIDERATION/REPORTING OF THE BILL

Mr. Speaker: Honourable Members allow me invite the Chair of the Committee of the Whole House to report back to me before we proceed as per Standing Order No. 147.

Hon. Benjamin Otsiulah: Thank you Hon. Speaker. Under Standing Order No. 147; Report of the Committee of the Whole House, the Committee of the Whole House considered the Bungoma County Weights and Measures Bill 2023 as follows:

Clause 3: objects and purpose of the Act, was approved with amendments,

Clause 4: appointment of the Deputy Director Weights and Measures was approved with amendments,

Clause 5: functions of the Deputy Director Weights and Measures, was approved with amendments,

Clause 6: requirements for inspection process, was approved without amendments.

Clause 7: false or misleading statements, was approved without amendments,

Clause 8: Authorized Officers, was approved without amendments,

Clause 9: units of measurement, was approved without amendments,

Clause 10: measurement of weight, was approved without amendments,

Clause 11: measurement of length, was approved without amendments,

Clause 12: measurement of time, was approved without amendments,

Clause 13: Measurement of electric current, was approved without amendments,

Clause 14 Offence to use an authorized unit of measurement, was approved without amendments

Clause 15: Working standards and testing equipment, was approved without amendments

Clause 16: testing of standards and equipment of other institutions, was approved without amendments,

Clause 17: units of measurement, Weights and Measures lawful for use for trade, was approved without amendments

Clause 18: offences for use or possession of certain weighing or measuring instruments, was approved without amendments

Clause 19: offences relating to false or unjust weights measures or weighing or measuring instruments, was approved without amendments.

Clause 20: model views of measure of capacity, was approved without amendments,

Clause 21: Offences relating to fraud in the use of weight measures or measuring instruments, was approved with amendments,

Clause 22: What if weight measure weighing or measuring instrument is unjust, was approved without amendments,

Clause 23: offences for sale of incorrect Weights Measures, Weighing or measuring is instrument, was approved without amendments

Clause 24; offences in connection with stamping of Weights Measures, weighing or measuring instruments, was approved without amendments

Clause 25: Verification of Weights, Measures, weighing of measuring instruments, was approved without amendments

Clause 26: offences in connection with obstruction of inspector, was approved without amendments

Clause 27: Short weight, was approved without amendments

Clause 28: misrepresentation, was approved without amendments

Clause 29: quantities less than stated, was approved without amendments

Clause 30: incorrect statements, was approved without amendments

Clause 31: offences due to default of third person, was approved without amendments

Clause 32: Making quantity known to a person, was approved without amendments

Clause 33: Weighing in present of a person was approved without amendments.

Clause 34: revenue Register, was approved with amendments,

Clause 35: approved forms, was approved with amendments,

Clause 36: Powers of entry and seizure, was approved without amendments,

Clause 37: an inspector authorised under this section, was approved without amendments,

Clause 38: power to make test purchase, was approved without amendments,

Clause 39: powers of arrest, was approved without amendments

Clause 40: Employer answerable for act of servant etc., was approved without amendments,

Clause 4; Liability of partners in our firm, was approved without amendments,

Clause 42: offences by corporations, was approved without amendments,

Clause 43: Disposal of seized goods, was approved with amendments,

Clause 44: general Penalties, was approved without amendments,

Clause 45: prosecution of offences, was approved without amendments,

Clause 46: regulations, was approved with amendments.

Schedule was approved with amendments,

Clause 2: On interpretation was approved with amendments, Long title an act of the County Assembly of Bungoma to establish a legal framework to develop structures of operation to provide a mechanism for imposition of certain fees and charges for Weights and Measures, related activities and related purposes, was approved without amendments,

Clause 1: on short title and commencement, was approved without amendments.

Thank you Hon. Speaker. That is the report from the Committee of the Whole House.

Mr. Speaker: Thank you, Hon. Otsiulah. That is the report emanating from the Committee of the Whole House. Honourable members now allow at this juncture invite the Chair of the Committee to move accordingly so that we agree with the report arising from the Committee of the Whole House. Hon. Ipara Okasida, proceed.

Hon. Johnston Ipara: Hon. Speaker, pursuant to Standing Order No. 148 (1), I beg to move that the House does agree with the Committee in the said report and I request Hon. Wafula Waiti to second.

Mr. Speaker: Hon. Wafula Waiti by moving to the dispatch is telling me something, proceed.

Hon. Wafula Waiti: Thank you, Mr. Speaker. I rise to second.

Mr. Speaker: Honourable Members... Order Hon. Mukoyandali

Honourable Members allow me proceed and propose the question that the House does agree with the Committee in the said report.

(Question put an agreed to)

(Applause)

The House does agree with the Committee of the Whole House. I think the next stage will be the third reading.

ADJOURNMENT

Mr. Speaker: Honourable Members, I am duly informed that that was our last item on the Order Paper. We will adjourn our sitting for today, resume on Wednesday, the 1st day of November, 2023 at 9:30 a.m. Thank you for your patience.

(House adjourns)