

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY 11<sup>TH</sup> OCTOBER, 2023**

**Morning Sitting**

**Third County Assembly**

**Second Session**

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# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

**WEDNESDAY, 11<sup>TH</sup> OCTOBER, 2023**

The House met at 9:30 a.m.

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

### **PRAYER**

### **COMMUNICATION FROM THE CHAIR**

#### **ESTABLISHMENT OF WARD COMMITTEES**

Honourable members, I have a communication from Bungoma County Government - Ministry of Trade, Energy and Industrialization, Office of the CECM to all Hon. Members of the County Assembly through the Clerk to County Assembly, County Assembly of Bungoma.

Establishment of Ward Committee

The above subject matter refers to;

Following H.E. Governor's manifesto and re-introduction of the County Trade Loans and subsequent gazettement of the County Trade Loan Revolving Fund Regulations, I hereby wish to notice the Hon. Members of the County Assembly that we are in the process of setting up Ward committees. We have send notices to the public through Ward Administrators for applicants to apply for the said positions and submit to my office for appointment on or before 18<sup>th</sup> of October 2023.

The qualifications, functions and terms of the persons to be nominated as committee members is stipulated in the County Trade Loans Regulations.

Thank you for your continued support. It is signed by Caroline Makali, CECM Trade, Energy and Industrialization.

This communication is for notification to Hon. Members from the 45 wards.

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker for communication. On my side, I see that the communication is hanging because if applicants have send applications to the department for appointment, would they have been interviewed or not? Because they have indicated that they should send applications for appointment, which criteria will they use to appoint these committee members?

**Mr. Speaker:** I note your reservations. It is only talking about qualifications. I am imagining for a Ward like Township, you have 100 applicants and you only require 5 members on that

committee, how do you reach at 5 to constitute the committee? We need to find out from the regulations. We will make a follow up for clarification purposes.

**Hon. Jack Wambulwa:** Thank you, Hon. Speaker For the communication. The communication is okay but I wonder why are the people applying to the executive. Is it a permanent and pensionable job or what is it?

Secondly, when we constitute ward committees, they are done at ward level. It is upon the Ward Administrator to co-ordinate and make sure that we get right people in these positions. Why should the executive try to take us round over this when these people are there on committee basis and there is nothing else that they are going to do? It can only happen if it is permanent and pensionable then we shall agree that they apply to executive. For now, it should be allowed to be done at Ward level.

**Hon. Stephen Wamalwa:** Thank you, Hon. Speaker. I feel that an urgent communication should be made from our end so that this thing cannot spiral into something that will be out of control, because it will cause a lot of acrimony. If communication for correction or harmonization is promptly made from our end, so that the situation can be corrected before it gets out of hand.

**Hon. Alfred Mukhanya:** Thank you, Mr. Speaker. The way you have put the information, if we say that we do it at ward level it will be better because in Kenya the rate of unemployment is high. For instance in a Ward, if 200 people apply, how will you do it? People are looking for employment and they will think that it is a permanent engagement. We therefore streamline in a way that we do it at ward level. For instance in my ward, I have 5 sub-locations, I can get one from every sub-location. Otherwise, it is going to be chaotic.

**Hon. Isaiah Sudi:** I'm of the feeling Hon. Speaker that may be the CECM is invited before this House, so that we know exactly what she meant and put the record right. Even if we communicate, it is important that she comes here to tell us what she meant. Somebody on a committee that doesn't earn salary if you tell that person to apply it means a lot. I request that through your direction that we have the CECM before this House to answer our concerns.

**Mr. Speaker:** I would want to see the best way forward. It is interesting where they are saying that you apply to the Office of the CECM as per the communication that I have made. The same is copied to the County Secretary and Head of Public Service. Who is to carry out this selection? Is it the board or the CECM herself? Or we have a body to carry out this.

I concur with your sentiments that the best person to understand his/her ward is the area MCA, because you go to some ward like where Tony has 7 locations and if you want to balance you must pick a representative from each location so that the area is fully represented on the

committee. Because the dead line is on 18<sup>th</sup>, I will reach her and be able to give feedback at 2.30 p.m. today.

*(Applause)*

**Hon. Anthony Luseneka:** Thank you, Mr. Speaker. I managed to get a communication from the CECM to the Ward Administrators where she instructed them to advertise for those positions. I don't know if the Chairperson of Trade Committee is aware because that letter was supposed to be shared with us which is not the case. The information is already in the public, may be you can just ask her to give us a similar letter to be able to make a follow up and clarify a few issues. Because those people are supposed to apply directly to her office and I think the Office of the Ward Administrator is supposed to shortlist and arrangement for interviews minus our knowledge. If you intervene at this time, you will be helping to manage our wards.

**Mr. Speaker:** I will talk to the concerned CECM. Let us hear from the Chairperson of Trade Committee, he might have something new to inform Members.

**Hon. Johnston Ipara (Chairperson, Trade):** Thank you, Hon. Speaker. First of all, I have also been got by surprise. This is a matter that we have not discussed with the CECM or before the committee. We are also strangers to this particular item and our concern is also like the concerns of most of the Hon. Members.

**Mr. Speaker:** I will talk to her and give feedback at 2.30 p.m. because it is going to bring confusion and chaos in the wards especially those wards with more locations where balancing will not be easy.

## PAPERS

### REPORT BY THE SECTORAL COMMITTEE ON TOURISM, WATER AND NATURAL RESOURCES ON THE BUNGOMA COUNTY CLIMATE CHANGE ACTION PLAN 2023-2027 AND THE BUNGOMA COUNTY PARTICIPATORY CLIMATE CHANGE RISK ASSESSMENT

**Hon. Edwin Opwora (Chairperson, Tourism):** Thank you, Mr. Speaker. I rise to table a report by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment. I table.

**Mr. Speaker:** Honourable members, a report by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment is hereby tabled on the floor and becomes a property of the House.

2. A report of the Auditor General...

**Mr. Speaker:** Hon. Members, please consult in low tones.

**REPORT FROM THE AUDITOR GENERAL ON THE BUNGOMA COUNTY ASSEMBLY  
MEMBERS CAR AND MORTGAGE SCHEME FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2022**

**Mr. Speaker:** Members, I think we will not adjourn this matter. When we sat here as HBC there was that report, therefore, the table Clerks you must produce that report on the floor of the House right away. Go are bring it; we are skipping it but we will come to it. You cannot tell me that 4 copies of a report in this Assembly have all gone missing. Let's go to the next item, we will come back on item 5 (2).

**NOTICES OF MOTION**

**REPORT BY THE SECTORAL COMMITTEE ON TOURISM, WATER AND NATURAL  
RESOURCES ON THE BUNGOMA COUNTY CLIMATE CHANGE ACTION PLAN 2023-2027  
AND THE BUNGOMA COUNTY PARTICIPATORY CLIMATE CHANGE RISK  
ASSESSMENT**

**Mr. Speaker:** I can see the Leader of Majority wants to speak. Hold on Hon. Opwora.

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. My concern is about the issue of the Committee on PAC, now that you have ordered that the Table Clerks to ensure that the report is brought to this House; the challenge is that if it has not been send to our gadgets what is going to be done because we are supposed to have it.

**Mr. Speaker:** Hon. Members, this item is listed under papers and they are saying the Leader of Majority to table. Are we together? It is coming as a paper on the Order Paper. For us to schedule it on the Order Paper then we should have a physical document from the Auditor General's Office. We are not even supposed to ask PAC, it has yet to reach them. It is supposed to come to me before I commit to PAC. It is a document from the Auditor General's office not a report from the Committee on PAC.

Hon. Opwora, you can carry on.

**Hon. Edwin Opwora (Chairperson, Tourism):** Thank you, Mr. Speaker. I rise to give a notice of motion that this House adopts a report by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment.

**Mr. Speaker:** Honourable members, a notice of motion has been duly issued by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment. I hereby direct the Table Clerks to share this report to the Hon. Members and the same will come up as a motion on the Order Paper.

## **MOTION**

### **A REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE PENDING BILLS OF THE COUNTY GOVERNMENT, COUNTY ASSEMBLY OF BUNGOMA FOR THE FINANCIAL YEAR 2018-2019, 2019-2020.**

**Hon. Everton Nganga (Chairperson, PAC):** Thank you, Mr. Speaker. This is a report of the Public Accounts and Investments Committee on the special audit of the report of the Auditor General on pending bills of the County Government, County Assembly of Bungoma for financial year 2018-2019 and 2019-2020.

Mr. Speaker, with your guidance chapter one is on the mandate of the committee which is found in our Standing Orders, if you can allow me to begin on committee membership.

**Mr. Speaker:** Proceed from the membership of the committee.

**Hon. Everton Nganga:** Thank you, Mr. Speaker.

### **Committee Membership**

The Public Accounts and Investments Committee as currently constituted comprises of the following Members;

1. Hon Everton Nganga	Chairperson
2. Hon. Timothy Chikati	Vice Chairperson
3. Hon. Everlyne Mutiembu	Member
4. Hon. Metrine Nangalama	Member
5. Hon. Stephen Kaiser	Member
6. Hon. Jerusa Aleu	Member
7. Hon. Anthony Lusenaka	Member
8. Hon. Violet Makhanu	Member
9. Hon. Bernard Kikechi	Member
10. Hon. Alfred Mukhanya	Member
11. Hon. John K. Wanyama	Member

### **Acknowledgment**

The Committee wishes to express its gratitude to the Offices of the Speaker and the Clerk for the support rendered to it during the consideration of the report of the Auditor General on the special audit on pending bills of the (County Governments), County Assembly of Bungoma for the financial years 2018/19- 2019/2020. The Committee further wishes to thank the Clerk and his officers who appeared before it for their cooperation.

Finally, the Committee acknowledges the valuable input and services rendered by the Office of the Auditor-General and members of the secretariat of the Committee in considering submissions from the Management of the County Assembly.

On behalf of the Public Accounts and Investment Committee, I now wish to table this report and urge the House to adopt it and the recommendations therein.

## **Introduction**

This special audit report covers the financial years 2018/19-2019/2020 and is issued in accordance with the requirements of Article 229 of the Constitution of Kenya, 2010.

## **Completeness, Presentation and Disclosures of Pending Bills**

The special audit noted that there were pending bills amounting to Kshs 60,778,905 as disclosed by the County Assembly of Bungoma. The disclosed pending bills were classified into three categories in line with the Public Sector Accounting Standards

Board (PSASB) prescribed format.

The special audit also compared individual pending bills in each category with the balances from various financial records and reports. This analysis revealed a variance of Kshs 1,878,000 as highlighted in the detailed section of this report. Based on the aforementioned, the special audit could not confirm the completeness, presentation and disclosure of the pending bills amounting to Kshs 60,778,905 for the County Assembly of Bungoma as at 30<sup>th</sup> June, 2020 and subsequent settlement including the unsettled balance as at 30<sup>th</sup> April, 2021.

## **Management Response**

The actual pending bills as presented in the financial statements were Kshs. 58,000,905 and not Kshs. 60,778,905. Attached; find a schedule of the pending bills.

## **Oral submissions**

In his oral submissions, the Accounting Officer stated that the bills for the period under review have since been cleared save for the current financial year 2022/2023 which is still underway.

## **Committee's Observation**

As submitted by the Management both orally and in writing, it was observed that the correct figure of the pending bills of Ksh.58,000,905 for the period under review as supported by the schedules presented to the Committee has since been cleared.

### **Committee's Recommendation**

The Accounting Officer should disclose and avail all necessary documentation in time to the office of the Auditor General to forestall such unnecessary audit queries.

### **Budgeting and Procurement Planning**

The special audit was provided with schedules of pending bills transactions valued at Kshs 60,778,905. However, supporting documents for transactions valued at Kshs 54,925,649 were availed for the special audit review. The balance of Kshs 5,853,256 was not supported with any form of documentation from either the County Assembly of Bungoma or the suppliers. The special audit confirmed that transactions amounting to Kshs 54,299,350 were done within the budgetary provisions and the procurement plan.

Transactions amounting to Kshs 626,299 were neither budgeted for nor in the procurement plan.

### **Management response**

The management agrees with the Audit findings of the pending bills of Kshs. 626,299 that were neither budgeted for nor in the procurement plan due to the amounts relating to tax amounts not transposed to the internet banking platform from IFMIS. Additionally documentation of Kshs. 5,853,256 has been availed for Audit as attached.

### **Oral Submissions**

The Accounting Officer agreed with the audit findings and submitted that the matter was beyond the control of the Management since these were taxes arising from internet banking. As for the transactions amounting to Ksh.626, 299 that were neither budgeted for nor in the procurement plan, the Management submitted that the said anomaly was corrected in the subsequent supplementary budget.

### **Committee's Observations**

1. It was observed that the failure to budget and to factor the amounts flagged out by the Auditor General of the sum of Kshs. 626,299 in the procurement plan was attributed to tax amounts not transposed to the internet banking platform from IFMIS.
2. Documentation relating to Kshs.5, 853,256 that had not been supported and availed to the Auditor General during the audit exercise was availed to the Committee for verification hence the matter stands resolved.

### **Committee's Recommendation**

The Accounting Officer should adhere to the provisions of Section 53(2) of the Public Procurement and Assets Disposal Act, 2015 which states as follows- "An Accounting Officer shall prepare an annual procurement plan which is realistic in a format set out in the Regulations within the approved budget prior to commencement of each financial year as part of the annual budget preparation process."

### **Irregularities in the procurement processes**

The special audit noted that while the County Assembly of Bungoma owed various stakeholders an amount of Kshs. 60,778,905, the special audit verified that amounts totaling to Kshs. 41,473,883 were ineligible pending bills. These ineligible pending bills were attributed to lack of supporting documentation, undelivered goods or services and works not done.

### **Management Response**

The Management agrees with the audit findings as payments were captured when committed in the budget, but actual services had not been delivered. The Assembly will follow the Auditor's recommendations that all the pending bills captured should have all supporting documents required to qualify as payment.

### **Oral submissions**

In his oral submissions, the Accounting Officer concurred with the audit findings and further stated that what the Auditor General had raised in the audit report was basically commitments but not pending bills. He further cited a case involving the supply of Hansard equipment and other services where contracts had been awarded pending delivery by the contractors. These bills were not eligible for payment then.

### **Committee's Observation**

It was noted that documentation relating to the query were not availed to the Auditor-General at the time of the audit to demonstrate that what had been reported in the audit report and classified as pending bills were indeed commitments. Had they been availed, this particular query could not have arisen.

However, the same were availed to the Committee for verification as proof that at the time the audit, the said bills were basically commitments.

The query stands resolved.

### **Committee's Recommendations**

The Accounting Officer should avail all necessary documentation in time to the Office of the Auditor General to forestall such unnecessary audit queries.

The committee further recommends that the Accounting Officer should ensure that all eligible and approved bills are paid for, more so, in circumstances where funds are provided for.

### **Pending bills not paid as first charge**

Pending bills amounting to Kshs. 1,401,000 which should have been a first charge in the financial year 2018/2019 and 2019/2020 budgets were still outstanding as at 30<sup>th</sup> June, 2020. This was contrary to Regulation 41(2) of the Public Finance Management (county Government) Regulations, 2015.

### **Management Response**

The Management provided figures reflected in the table relating to cumulative figures to the respective suppliers comprising of several invoices/payment vouchers in order to ascertain if they were actually paid or they were still pending.

The table also indicated the analysis done so far. Payment vouchers/invoices/LPOs, including financial statement extracts of pending bills were also attached and availed for Committee's verification.

### **Oral submissions**

The Accounting Officer agreed with the audit findings and he further stated that following the release of the exchequer requisitions, all bills that were pending during the period under review had since been cleared. Schedules of the pending bills and the attendant payment vouchers were availed for the Committee's verification.

### **Committee Observation**

The Management tabled figures as tabulated showing the respective suppliers and a comprehensive analysis relating to financial statements and extracts of pending bills as at the time of the audit. Payment vouchers/invoices/LPOs in support of the payments were availed and verified by the Committee.

### **Committee's Recommendations**

Part (V), and more specifically, Section 41(2) of the Public Finance Management (County Governments), Regulations, 2015 on budget execution obligates Accounting Officers designated to County Government entities to ensure that, debt service payments are a first charge on the County Revenue Fund and shall ensure this is done to the extent possible that the County Government does not default on debt obligations; and that failure to comply constitutes an offence of fiscal indiscipline.

The committee recommends that going forward; the Accounting Officer should ensure that there is strict adherence to the above cited provisions of the law in relation to all eligible bills when they become due.

### **Irregularities due to institutional weaknesses**

The special audit noted the following institutional control weakness during the reviews;

- i. That commitments were being disclosed as pending bills contrary to IPSAS 16, paragraph 80 on presentation of financial statements and disclosures;

- ii. That there were instances of non-payment for approved pending bills, which are supposed to be a first charge to the budget in the County Assembly of Bungoma, contrary to Regulation 41(2) of the public Finance Management (County Governments) Regulations, 2015.
- iii. The root causes for some of these irregularities in the County Assembly of Bungoma were attributed to;
  - a. Late disbursement by the national treasury causing late remittance of statutory deductions and penalties,
  - b. Poor record keeping, for example, pending bills at the closure of the financial year 2018 were erroneously omitted in the financial year 2019 but reappeared in the financial year,2020.
  - c. Starting a new project without clearing old projects
  - d. Starting new projects without appropriations and budget provisions
  - e. Weak budgeting system whereby pending bills are not included in the subsequent years' budgets; and
  - f. Failure to take responsibility and honor pending bills where county leadership changes ,especially during transitions

### **Management Response**

The Management agrees with the audit findings and expressed confidence that the National Treasury will improve on timely disbursements to counties

### **Oral Submissions**

The Accounting Officer while concurring with the audit findings attributed the institutional weaknesses on the following-

(I)Untimely exchequer disbursements from the National Treasury

(II) Staffing challenges in the County Assembly Finance department which have since been addressed

### **Committee's Observation**

The committee noted the management concurrence with the audit findings attributed the institutional weaknesses on the untimely exchequer disbursements from the National Treasury and Staffing challenges in the County Assembly Finance department which have since been addressed.

### **Conclusion**

Upon verification of all requisite documents, the actual pending bills as submitted by the Management in their response amounting to Kshs. 58,000,905 for the period under review have since been cleared.

## **General Recommendation**

1. The Committee hereby recommends that going forward; the Management should ensure prudent liquidity management especially on funds that are a first charge as provided for under Circular 7/2019 from the National Treasury read together with Section 41(2) of the Public Finance Management (County Governments') Regulations, 2015.
2. Management should make expenditure commitments strictly against approved procurement plans based on allocations and allotments from approved budget in accordance with the provisions of Section 53(2) of the Public Procurement and Asset Disposal Act, 2015.
3. Management should consider putting in place adequate measures so that funds meant for settling of pending bills are ring fenced to avoid and to control discretionary payment to suppliers as one way of ensuring openness, fairness, transparency and accountability in the payment process.

The next page is the adoption schedule then the other page; we have the certificate from the office of the Auditor General. In the certificate we have the special audit that was carried out. It's an annexure, we also have the pending bills, and these are the submissions from the Management that is the County Assembly.

Thank you. I would like to request Hon. CPA Kennedy Wanyama to second the report.

**Mr. Speaker:** He can't, you know why! The challenge I am having is that the report you are having and the one I am having are very different. The report I am having is only signed by five members out of 11.

Two, the report you are having has annexures, this one has nothing when they are meant to be the same. When you submit to the Office of the Clerk, if you lose that one, what we will be having here is something else, so secretariat, tell your colleagues, reports must be similar in everything. To me, you only had five members present in that meeting but I duly paid all of you for that retreat.

**Hon. Everton Nganga:** Mr. Speaker, from this....

**Mr. Speaker:** No, I am being very honest and blank the way things are. Whoever can salvage your problem here is only Tim Chikati. If he is not here you also have Kikechi. If he is not here then if you have Nangalama she will aid or the last recourse is Hon. Alfred Mukhanya. The rest were not present.

**Hon. Everton Nganga:** Thank you, Mr. Speaker. Protect me from Hon. Jack...

**Mr. Speaker:** I have given you the only available door. It is Chikati or Alfred. Proceed and call one of them.

**Hon. Everton Nganga:** Thank you, Hon. Speaker.

**Hon. Jack Wambulwa:** Hon. Speaker, as much as you propose that Hon. Nganga calls in one of the committee members to second, what has also shocked me as a member of this House is that we are having two different reports. Now, that you have a different one from Nganga, which one should be seconded and which one should be left out.

**Mr. Speaker:** Yes, Hon. Mukhongo!

**Hon. James Mukhongo:** You know Hon. Speaker this House is for records and if we are not handling this matter in a way that is conducive to each and every member, it will bring so many issues because the report that Hon. Nganga has presented to the House the membership of 11 members, that anomaly was done by the secretariat but we should note that other members were not present because if that is the case then the report you are holding is having the minority and it's on HANSARD. I do not want to Labour into it. You know what it means; we are requesting that we go by the report of the Chair of the committee as we rectify the anomalies.

**Mr. Speaker:** We will do so but this one goes back to the issue of the adoption of the report. I insist and beseech Hon. Members that adopt the report at the meeting venue because if you are having the meeting and I had my HBC over the weekend, we all appended our signatures to the report at the venue of the meeting. If you are doing individual reports for adopting here, you will have these problems. So I think Hon. Nganga call the seconder but we are not blaming any of the Hon. Members here because you are not part of the secretariat. I think the table clerks here, tell your colleagues that going forward, a mistake in your committee if it's Oscar we will deal with him not anybody else because we cannot have these mistakes going on day and night.

Hon. Chair, invite a member of the committee. I will go back, allow you to do what you have done, allow Kennedy to second the report and as we go ahead...

**Hon. Kennedy Wanyama:** Thank you, Mr. Speaker. I rise to second the motion on pending bills of the County Government, County Assembly of Bungoma for the Financial Year 2018/2019, 2019/2020.

First and foremost, I want to elaborate that it is clearly captured in our report that all the verified pending bills totals to Kshs.58, 000, 905 that were cleared in the subsequent year.

Secondly, going forward the accounting Officer must ensure that all pending bills are treated as first charge during budget preparation, this is per section 41 (2) of the PFM Act County Governments regulations 2015 and a circular from the National Treasury Circular number 7 of 2019. I second.

*(Applause)*

**Mr. Speaker:** Thank you. I will proceed and now be able to propose a question for debate. Honourable members, a motion has been moved and seconded that the House adopts the report by the Public Accounts and Investment Committee on the pending bills of the Bungoma County Government, County Assembly of Bungoma for the Financial Year 2018/2019, 2019/2020 laid on the table of the House on 13<sup>th</sup> September 2023. I propose.

There are no contributions, we will proceed.

Honourable members, a motion has been moved and seconded that the House adopts the report by the Public Accounts and Investment Committee on the pending bills of the Bungoma County Government, County Assembly of Bungoma for the FY 2018/2019, 2019/2020 laid on the table of the House on 13<sup>th</sup> September 2023.

*(Question put and agreed to)*

Ayes have it.

Before we proceed to the next item, allow me Honourable members go back to item number 5 (2). Read it again

## PAPERS

### REPORT OF THE AUDITOR GENERAL ON BUNGOMA COUNTY ASSEMBLY MEMBERS CAR LOAN AND MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2022

**Mr. Speaker:** Yes, Hon. Majority Leader, proceed!

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. Before I proceed to table but that anomaly has not been corrected. I think our colleagues may be in trouble in future. We better put it aside. Let them sign fully so that our records will be better. Otherwise, allow me to table.

We had an audit also over the same so when the recommendations will come, the members of PAC will be in problems, so as we may take it easy but they may be surcharged. Allow me table. That is the truth and the plain truth.

**Mr. Speaker:** Honourable members, now you have tabled. Proceed and table the same.

**Hon. Joseph Nyongesa:** Mr. Speaker, allow me table the report of the Auditor General on Bungoma County Assembly Members Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.

**Mr. Speaker:** Honourable members, the report of the Auditor General on Bungoma County Assembly Members Car Loan and Mortgage Fund for the year ending 30<sup>th</sup> of June 2022 is

hereby tabled and I proceed and commit the same to the Committee on Public Accounts and Investment for processing and reporting back to the House.

Members, I think take this thing seriously, it's not a joke because when those auditors come around, they will take the available report for use in auditing. Whichever they will be given, they will use that one so if you do not do that way then I think you know what happens. But the cure is one which I insist kindly sign the adoption Schedule at the venue of the meeting because Chair, you cannot tell me that you were in the same meeting and only five people signed my report and refused to sign the other ones. It's not possible!

It's not possible and the members who have not signed; this is the work of Hon. Museveni and Sudi. Members of your coalition none signed! Let's proceed! You can take it and look at it. None of your members signed this report. You have work as a whip. Let's proceed, other noise we will discuss out there.

## BILLS

### THE BUNGOMA COUNTY CO-OPERATIVE SOCIETIES BILL, 2023

**Mr. Speaker:** Honourable members, next item has been called out. Honourable members where is the Chair of Agriculture? Proceed!

**Hon. Wafula Waiti:** Hon. Speaker, pursuant to Standing Order 141(1) I move a motion that the Bungoma County Co-operatives Societies Bill 2023 be now read a second time and I now call upon Hon. Tendet to second.

**Hon. George Tendet:** Thank you, Hon. Speaker. I stand to second.

**Mr. Speaker:** Honourable members, the Bungoma County Co-operative Society Bill having been moved and seconded to be read for the second time, I now proceed that the Bill be read of the second time.

*(Question put and agreed to)*

The ayes have it.

Now the Bill be read for the second time in compliance with Standing Order 142 to allow the same go to the Committee of the Whole House accordingly.

A Bill for an act of the County Assembly of Bungoma to give effect to paragraph 7(e) of part two of the schedule of the Constitution to make provisions relating to formation, registration and regulation of Co-operative Societies and for connected purposes-**Second reading.**

**Mr. Speaker:** Honourable members, in compliance with Standing Order 142(1) a Bill having been read the second time shall stand committed to the Committee of the Whole House. We

collapse this sitting into the Committee of the Whole House and the Committee Chair takes over accordingly. All be upstanding for that purpose!

## COMMITTEE OF THE WHOLE HOUSE

Order for Committee read

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

## IN THE COMMITTEE

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

### THE BUNGOMA COUNTY CO-OPERATIVE SOCIETIES BILL, 2023

*(Loud Consultation)*

**Mr. Chairperson:** Order members! Members let us be orderly. Honourable members, I call you to order Honourable Leader of Minority and the senior member Hon. Mukhongo! Well Honourable members, I welcome you to the Committee of the Whole House for consideration of the Bungoma County Co-operative Societies Bill 2023 and I now call upon the table clerk to read out the parts of the Bill in the sequences specified in Standing Order 144.

Clause 3; Objective and purpose of the Bill

**Mr. Chairperson:** May be before we proceed, I request the orderlies of the House to bring a mobile mic so that our table clerk can be comfortable as we proceed. The HANSARD department!

Well Hon. Members, I now propose the question that clause 3 be part of the Bill.

*(Question proposed)*

I now put the question that clause 3 be part of the bill

*(Clause 3 agreed to)*

Clause 4; Role of the County Executive Committee Member

**Mr. Chairperson:** Point of information from Hon. Machani Mutoka,

**Hon. Ali Machani:** (*On a point of information*) Hon. Chair, I am worried with how the Minority Leader is lobbying the other side of the Government and he is doing it with a lot of...I think he needs to occupy his position because he is interfering with what you are doing.

**Mr. Chairperson:** Hon. Machani, your concern is valid although I have not seen him, I think he is just trying to cheer with the other side because he used to be on that side. So he is quite in order. He is expressing his freedom of association as the Leader of Minority. Well, you have taken back your position but its okay because you are used to that other side.

Honourable members, I now propose the question that Clause 4 be part of the Bill

*(Question proposed)*

Chair Agriculture, Livestock, Fisheries and Co-operative Development.

**Hon. Wafula Waiti:** Thank you Chair. I stand to move that clause 4 of the Bill be amended in paragraph by deleting the words issue guidelines and regulations appearing before the facilitation and further delete the words ‘and regulations’ appearing after the word ‘growth’ substituting therefore with the words ‘sustainable development’ so as to read g -to facilitate growth and sustainable development of co-operative societies.

**Mr. Chairperson:** Well, Honourable members, I now propose the question that clause 4 as amended be part of the bill

*(Question proposed)*

*(Question put and agreed)*

Clause 5- Director, Deputy Director and other officer

*(Question proposed)*

**Hon. Waiti Wafula:** Thank you Chair I stand to move that Clause 5 of the Bill be amended in Sub Clause (1) by Inserting the words “and such number of officers, as may be necessary to assist the director in the administration of this Act”. Immediately after the word “Service” so as to read 5(1) there shall be a County Director for cooperatives whose office shall be an office within the county public service and such number of officers, as may be necessary to assist the director in the administration of this Act”

- 2) By deleting the entire sub-clause
- 3) By inserting paragraph (f), (g) and (h) and renumber paragraph 5(f) as 5(i) so as to read: (f) Provisions of incentives to enhance sustainable production and marketing; (g) Improve access to credit facilities by members of cooperatives societies; (h) Spearhead formulation and implementation of strategies and measures in line with international and national standards for sustainable cooperatives sector in the County;

5 (4) by deleting the entire Sub-Clause

*(Question proposed)*

*(Question put and agreed to)*

Clause 6- Structure of cooperative Societies

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you Chair. I stand to move that Clause 6 of the Bill be amended by deleting the words “structure of co-primary” appearing before the word “cooperative” and therefore substituting word “primary” and further delete the word “cooperative” appearing immediately after the word “Level and insert the words “cooperative unions” before the abbreviation “NACOs” “so as to read “The structure of cooperative is made up of primary cooperative societies formed at the county level and inter county level cooperatives unions, NACOs and Apex societies” thank you chair

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Chairperson:** Yes Hon. Ali Machani Mutoka

**Hon. Ali Machani:** Are we moving together or not? Because I can see other Members making phone calls and others consulting in a low tone but are we concentrating on what is being approved. I can see some serious Honourable Members making calls, sending some assignments to the wards, the one who is coming up after Hon. Wambulwa has been making calls and that is why...

*(Laughter)*

**Mr. Chairperson:** Yes, Hon. Wambulwa.

**Hon. Jack Wambulwa:** Hon. Speaker, with due respect Senior Hon. Machani is trying to move us away from the motion at hand because we are following up on our phone calls, so there is no way, you can avoid holding the phone to follow up the report. So it is very unfortunate that senior member is talking...

**Mr. Chairperson:** Well the point is noted. The concerns of Hon. Mutoka are very valid and the response from the Hon. Wambulwa is also valid. What are we having from the Hon. Ipara Okasida Johnston?

**Hon. Johnston Ipara:** Hon. Speaker, actually I am also surprised to hear from Hon. Machani that his all attention was watching on the movements of what the Honourable members were doing. Was he concentrating Hon. Speaker?

*(Laughter)*

*(Applause)*

**Mr. Chairperson:** Very exciting and humorous responses here, but we have to proceed. Hon. Members, I want to repeat myself so that we move together to capture the concerns of the Hon. Mutoka

Honourable Members, I now propose the Question that Clause 6 as amended be part of the Bill.

*(Question proposed)*

I now put the question that Clause 6 as amended be part of the Bill

*(Question put and agreed to)*

Members you have to be keen because I am observing the Honourable Whip Sudi and the Hon. Jeremiah and the Hon. Wambulwa. Even they are not hearing me. Order Members Hon. Wambulwa yes let us move together. The Honourable Whip should take back his designated position. Very well, we proceed.

Clause 7- Formation of cooperative societies

Clause 8- Qualification for membership

Clause 9- Affiliation

Clause 10- Types of cooperative

Clause 11- Registration of cooperative societies

Clause 12 – Eligibility for registration of cooperative societies

Clause 13- Procedure for registration

Clause 14- provisional registration

Clause 15- Appeal against refusal to register

Clause 16- Society not be registered under the name of existing society

Clause 17- Evidence of registration

*(Question proposed)*

*(Question put and agreed to)*

Clause 18 Cooperative society to be a body corporate

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you Chair, I stand to move that clause 18 of the Bill be amended in Sub Clause (2) by deleting the word "their" and substituting therefore the word "There" so as to read "there shall be a county register of cooperative societies into which shall be entered particulars of all registered cooperatives societies including " Thank you chair

*(Question proposed)*

*(Question put and agreed to)*

Clause 19-Membership to apex society and annual subscription

Clause 20- By-laws to bind society and subscriptions

Clause 21- Amendments of by-laws

Clause 22- Limitation of holding shares Capital

Clause 23- Membership subject to authorization by annual general meeting

Clause 24- Membership of cooperative Societies

Clause 25 Limitation of membership to one society

Clause 26- Voting Rights of members

Clause 27- Transfer of Shares

Clause 28- Rights of members

Clause 29- Member's Obligation

Clause 30- Registered office and address of cooperative societies

Clause 31- Society to keep certain documents at registered office

Clause 32- Estimates of income and expenditure

Clause 33- Accounts and audit

Clause 34 –Production of books and other documents

Clause 35 General Meetings

*(Question proposed)*

*(Question put and agreed to)*

Clause 36- Membership and powers of the a Committee

**Mr. Chairperson:** Hold on a little Hon. Member. I have to propose first.

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you Chair. I stand to move that clause 36 of the Bill be amended in Sub Clause (1) by deleting the following words “may establish membership and committees “appearing immediately before the word “society” and therefore substituting the words “shall have a management committee” so as to read 36(1) "Cooperative society shall have a management committee consisting of not less than five and not more than nine members " thank you chair.

*(Question proposed)*

*(Question put and agreed to)*

Clause 37 Term of the committee

Clause 38- Amalgamation of cooperative societies

Clause 39-Division of cooperatives societies

Clause 40- Society to have charge over members' produce

Clause 41- Fines for violation of by-laws

Clause 42- Society to have first charge over debts, assets in certain cases

Clause 43- Society to have first charge over members' share

Clause 44- Failure to remit sum deducted

Clause 45- Member's shares not subject to attachment

Clause 46- Liabilities of the past members

Clause 47- Liabilities of the deceased member

Clause 48- Transfer of shares or interest of the deceased members

Clause 49- Evidence of member's interest in the society

Clause 50- Restriction on production of society's book

Clause 51- Application of society's property and funds

Clause 52- Restriction on giving loans

Clause 53- Restriction on borrowing

Clause 54- Investment of society's Fund

Clause 55- Declaration and payment of bonus

*(Question proposed)*

*(Question put and agreed to)*

Clause 56- Maintenance of Reserve Fund

Clause 57- Distribution of Net balance

Clause 58- Creating charge over society's property

Clause 59- Charge to comply with applicable laws

Clause 60- Charges to be registered by the director

Clauses 61- Register Charges

Clause 62- Certificate of satisfaction of charges

Clause 63- Receivers to give notice of appointment

Clause 64- Society to keep a copy of instrument of charge at registered office

Clause 65- Society to keep register of particulars of charges

Clauses 66- Register of particulars of charges open for Inspection

Clause 67- Inquiry by the director

Clause 68- Inspection of books of indebted society

Clause 69- Expenses of inquiry

Clause 70- Routine inspection

Clause 71- Procedure for dissolution

Clause 72- Cancellation of registration

Clause 73- Effects of cancellation

*(Question proposed)*

*(Question put and agreed to)*

Clause 74 Winding up of the cooperatives societies

*(Question proposed)*

**Hon. Waiti Wafula:** Thank you Chair. I stand to move that clause 74 of the Bill be amended in Sub Clause (2) by deleting the entire Sub- Clause.

*(Question Proposed)*

*(Question put and agreed to)*

**Mr. Chairperson:** I propose that Clause 74 as amended be part of the bill

*(Question proposed)*

*(Question put and agreed to)*

Clause 75 – Appointment of liquidators

Clause 76- Powers of the liquidators

Clause 77- Liquidation account of societies

*(Question Proposed)*

*(Question put and agreed to)*

Clause 78- powers of the directors

*(Question proposed)*

**Hon. Waiti Wafula:** Thank you Chair. I stand to move That clause 78 of the Bill be amended in paragraph (d) by inserting the word “this” immediately after the words “conferred by” and further replace the words section 77 with Clause so as to read “(d) by order in writing in any particular case limit the powers of the liquidator conferred by this clause.” Thank you.

*(Question proposed)*

*(Question put and agreed to)*

Clause 79- Appeal against order of liquidator or director

*(Question proposed)*

**Hon. Waiti Wafula:** Thank you Chair. I stand to move that Clause 79 of the bill be amended in Sub Clause (1) by replacing the words "section 77 or section 79" appearing immediately after the word "Liquidator" under word clause 77 or 78 so as to read " a person aggrieved by any order or decision of the director or the liquidator under clause 77 or 78 as the case maybe may appeal against the order or the decision of the tribunal within 30 days of the order or decision."

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Chairperson:** Although the voice of Hon. Mukhongo is very loud, the problem is that he cannot whisper. He is blessed with a very heavy microphone even he is murmuring that chair what have I said and I am hearing and everybody is hearing. We proceed.

Clause 80- Institution of winding up proceedings.

*(Question proposed)*

*(Question put and agreed to)*

Clause 81- Power to restrain convicted persons from being officers of the society

**Hon. Waiti Wafula:** That clause 81 of the Bill be amended by inserting the word “**or those**” before word “**specified**” further delete number 81 appearing immediately after the word “**section**” and therefor substituting the phrase “88 “**of this Act**” so as to read, ‘Any person who is convicted of an offence and under sections of the company's Act 2015 or those specified in this Bill shall cease to be an officer of a Cooperative society.

*(Question proposed)*

*(Question put and agreed to)*

Clause 82 Disputes

Clause 83 Remuneration of officers and members of the society

Clause 84: Restriction of use of word ‘Cooperative’

Clause 85: County Cooperative Development Fund

Clause 86: Regulations

Clause 87: Exemptions

Clause 88: Offences

Clause 89: Savings

*(Question proposed)*

*(Question put and agreed to)*

New clauses on guiding principles of cooperatives

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you chairperson. I stand to move that the Bill be amended under new Clause

1. That the Bill be amended by inserting a new Clause immediately after Clause 3 and re numbering Clause 4 as 5 onwards so as to read:

**Clause 4: Guiding principles of cooperatives**

All persons shall in the performance of their functions under this Act be guided by the following principles

- a. Non-discrimination of members of Cooperative Societies
- b. Voluntary and open membership.
- c. Democratic member control
- d. Autonomy and independence
- e. Public participation and continuous training and awareness creation
- f. Cooperation among cooperative societies
- g. Concern for community in general
- h. Self-responsibility and commitment in the conduct of affairs of the cooperative societies
- i. Equity in the distribution of income derived from cooperative societies.

Thank you, chairperson.

*(Question proposed)*

*(Question put and agreed to)*

New Clause on supervisory committee

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you chairperson, I stand to move that the Bill be amended by inserting a new Clause immediately after Clause 36 so as to read

**Clause 37: Supervisory Committee**

(1) A cooperative society shall have a supervisory committee consisting of not more than 3 members

2. The supervisory committee shall;
  - a. Evaluate programmes of the societies.
  - b. Check minutes of the committee and general meetings for policy matters
  - c. Verify investment in banks, buildings, insurance firms and stocks among others.
  - d. Analyze expenses of the society in relation to the budget
  - e. Ensure that standardized accounting system is implemented in the society.
  - f. Listen to members complaints and assist them find solutions
  - g. Seek for solutions for weaknesses in management
- h. Prepare and present reports to Management Committee on quarterly basis and on Annual General Meetings annually.
- i. Receive the report of the internal auditor and take action on the same or recommend for action by the committee.

Thank you, chairperson.

*(Question proposed)*

*(Question put and agreed to)*

Schedules

*(Question proposed)*

**Hon. Wafula Waiti:** Thank you chairperson. I stand to move that the schedule of the Bill be amended by;

- a. Deleting second last column of the schedule
- b. Deleting the following words 'proposed 2022/23' appearing at the top of the last column.

*(Question proposed)*

*(Question put and agreed to)*

## **Clause 2: Interpretation**

*(Question proposed)*

**Hon Wafula Waiti:** Thank you, chairperson. I stand to move that Clause 2 of the Bill on the interpretation of the word 'Director' be amended by deleting the word 'management' appearing immediately after the word 'cooperative' and substituting therefore the word 'development' and the word 'section' appearing after the word 'under' to be replaced with the word 'close' so as to read 'Director means the County Director for Cooperative Development appointed under Clause 6 and includes a Deputy Director or any person discharging the functions of the director'. Thank you chairperson

*(Question proposed)*

*(Question put and agreed to)*

**Long title:** A Bill for an Act of the County Assembly of Bungoma to give effect to paragraph 7(e) of part 2 of the fourth schedule of the constitution to make provision to the formulation, registration, regulation of cooperative societies and for the connected purposes.

*(Question proposed)*

*(Question put and agreed to)*

Clause 1: Short title

The Bungoma County Cooperative Society Bill, 2023

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Chairperson:** Hon. Members, after all the parts of the Bill have been dealt with, we are done with it. I therefore call upon the Chairperson of the sector committee to move a motion that the Chairperson of the Committee of the Whole House reports to the House.

**Hon. Wafula Waiti:** Pursuant to Standing Order 145(16), I beg to move that the committee do report to the House its consideration of the Bungoma County Cooperative Societies Bill 2023. I call upon Hon. Bernard Kikechi to second.

**Hon. Bernard Kikechi:** Thank you, Hon. Chairperson, I second the motion.

**Mr. Chairperson:** Thank you Hon. Kikechi Bernard member for Mbakalo, Hon. Members, I now put the question that the committee does report to the House its consideration of The Bungoma County Cooperative Societies Bill 2023.

*(Question proposed)*

*(Question put and agreed to)*

We are ready to report to the House the considerations of the Committee of the Whole House.

*(Normal House sitting resumes)*

*[The Speaker (Emmanuel Situma) in the Chair]*

**Mr. Speaker:** Hon. Members, allow me invite the Chairperson of the Committee of the Whole House to report back to the Speaker in compliance with Standing Order 147 then we move on accordingly.

**Hon. Stephen Wamalwa (Chairperson, Committee of Whole House):** Thank you, Hon. Speaker. Under Standing Order 147, I wish to report the resolutions of the Committee of the Whole House.

The Committee of the Whole House considered the Bungoma County Cooperative Societies Bill 2023 as follows;

Clause 3: Object and Purpose of the Act was approved without amendments.

Clause 4: Roles of the County Executive Committee member was approved with amendment

Clause 5: Director, deputy director and other officers was approved with amendments

Clause 6: Structure of cooperative societies was approved with amendments

Clause 7: Formation of primary cooperative society was approved without amendments

Clause 8: Qualification for membership was approved without amendments

Clause 9: Affiliation was approved without amendments

Clause 10: Type of cooperative societies was approved without amendments

Clause 11: Registration of cooperative societies was approved without amendments

Clause 12: Legibility for registration as a cooperative society was approved without amendments

Clause 13: Procedure for registration was approved without amendments

Clause 14: Provisional registration was approved without amendments

Clause 15: Appeal against refusal to register was approved without amendments

Clause 16: Society not be registered under the name of the existing society was approved without amendments

Clause 17: Evidence of registration approved without amendments

Clause 18: A cooperative society to be body cooperate was approved with amendments

Clause 19: Membership to apex society and annual subscriptions was approved without amendments

Clause 20: By-laws to bind society and members was approved without amendments

Clause 21: Amendment of by-laws was approved without amendments

Clause 22: Limitation of holding share capital was approved without amendments

Clause 23: Membership subject to authorization by annual general meeting was approved without amendments

Clause 24: Membership of cooperative society was approved without amendment

Clause 25: Limitation of membership to one society was approved without amendments

Clause 26: Voting rights of members was approved without amendments

Clause 27: Transfer of shares was approved without amendments

Clause 28: Rights of members was approved without amendments

Clause 29: Members obligations was approved without amendments

Clause 30: Registered office and address of cooperative society was approved without amendments

Clause 31: Society to keep certain documents at registered office approved without amendments

Clause 32: Estimates of income and expenditure was approved without amendments

Clause 33: Accounts and audit was approved without amendments

Clause 34: Production of books and other documents was approved without amendments

Clause 35: General meetings was approved without amendments

Clause 36: Membership and powers of the committee was approved with amendments

Clause 37: Term of the committee was approved without amendments

Clause 38: Amalgamation of cooperative societies was approved without amendments

Clause 39: Division of cooperative societies was approved without amendments

Clause 40: Society to have charge over members produce was approved without amendments

Clause 41: Fines for violation of by-laws was approved without amendments

Clause 42: Society to have first charge over debts, assets in certain cases was approved without amendments

Clause 43: Society to have first charge over members' share was approved without amendments

Clause 44: Failure to remit some deductions deducted was approved without amendments

Clause 45: Member's share not subject to attachment was approved without amendment

Clause 46: Liabilities of the past members was approved without amendments.

Clause 47: Liability of the deceased member was approved without amendment

Clause 48: Transfer of share or interest of diseased members was approved without amendments

Clause 49: Evidence of members' interests in the society was approved without amendments

Clause 50: Restriction on production of society's book was approved without amendments

Clause 51: Application of society's property and funds was approved without amendments

Clause 52: Restriction on giving loans was approved without amendments

Clause 53: Restriction on borrowing was approved without amendments

Clause 54: Investment of society's funds was approved without amendments

Clause 55: Declaration and payment of bonus was approved without amendments

Clause 56: Maintenance of reserve fund was approved without amendments

Clause 57: Distribution of net balance was approved without amendments

Clause 58: Creating charge over society's property was approved without amendments

Clause 59: Charge to comply with applicable law was approved without amendments

Clause 60: Charges to be registered without the director was approved without amendment

Clause 61: Register of charges was approved without amendments

Clause 62: Certificate of satisfaction of charges was approved without amendments

Clause 63: Receiver to give notice of appointment was approved without amendment

Clause 64: Society to keep copy of instruments of charge at registered office was approved without amendment

Clause 65: Society to keep register of particulars of charges was approved without amendments

Clause 66: Register of particulars of charges open for inspection was approved without amendments

Clause 67: Inquiry by director was approved without amendment

Clause 68: Inspection of books of indebted society was approved without amendments

Clause 69: Expenses of inquiry was approved without amendments

Clause 70: Routine Inspection was approved without amendments

Clause 71: Procedure for dissolution was approved without amendments

Clause 72: Cancellation of registration was approved without amendments

Clause 73: Effect of cancellation was approved without amendments

Clause 74: Winding up of cooperative societies was approved with amendments

Clause 75: Appointment of liquidator was approved without amendments

Clause 76: Powers of liquidator was approved without amendments

Clause 77: Liquidation account of societies was approved without amendments

Clause 78: Powers of the director during liquidation was approved with amendments

Clause 79: Appeal against order of liquidator or director was approved with amendments

Clause 80: Institutional of winding up proceedings was approved without amendments

Clause 81: Power to restrain convicted persons from being officers of the society was approved without amendments

Clause 82: Disputes was approved without amendments

Clause 83: Remuneration of officers and members of the society was approved without amendments

Clause 84: Restriction on use of words cooperative was approved without amendments

Clause 85: County Cooperative Development Fund was approved without amendments

Clause 86: Regulations was approved without amendments

Clause 87: Exemption was approved without amendment

Clause 88: Offences was approved without amendment

Clause 89: Savings was approved without amendments

New clauses

2 New clauses were introduced

Schedules, was approved with amendments

Clause 2: Interpretation was approved with amendments

Long title: A Bill for an Act of the County Assembly of Bungoma to give effect to paragraph 7(e) of part 2 of fourth schedule of the constitution to make provision relating to the formation, registration and regulation of cooperative societies and for connected purposes was approved without amendments

Clause 1: Short title was approved without amendment

I move.

**Mr. Speaker:** Honourable chairperson for the Committee on Agriculture in compliance with Standing Order 148, you can be able to move and prepare a seconder once moved.

**Hon. Wafula Waiti (Chairperson, Agriculture):** Thank you, Hon. Speaker. Pursuant to Standing Order 148(1), I beg to move that the House does agree with the committee in the said report. I now call upon Hon. Edwin Opwora to second.

**Hon. Edwin Opwora:** Thank you, Mr. Speaker, as a member of the committee I second.

**Mr. Speaker:** Hon. Members, the motion has been moved and seconded that the House does agree with the Committee of the Whole House in its report to the floor of the House

*(Question put and agreed to)*

The Ayes have it!

The House does agree with the report emanating from the committee of the Whole House accordingly, I think it will go to the next stage of Third Reading when it comes up in the next sitting.

#### **ADJOURNMENT**

That was the last item on our Order Paper; we will adjourn our sitting and resume today Wednesday 11<sup>th</sup> October, 2023 at 2:30 p.m. session.

*(House Adjourns)*