

COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES
THE DAILY HANSARD
WEDNESDAY 8TH NOVEMBER, 2023
Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY 8TH NOVEMBER, 2023

The house met at 2:30 p.m.

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

PRAYER

PAPERS

REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS FOR THE BUNGOMA COUNTY BURSARY FUND FOR THE PERIOD ENDED 30TH JUNE 2021.

Mr. Speaker: Hon. Everton Nganga, proceed!

Hon. Everton Nganga: Thank you, Hon. Speaker. I rise to table a report on the Public Accounts and Investment Committee on Auditor General's report on the Financial Statements of the Public County Bursary Fund for the period ended 30th June 2021.

Mr. Speaker: Hon. Members, the report by the Public Accounts and Investment committee on the Auditor General's report on the Financial Statement of Bungoma County Bursary Fund for the period ending 30th June 2021 is hereby tabled and formally it becomes the property of the House accordingly.

NOTICES OF MOTION

REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS FOR THE BUNGOMA COUNTY BURSARY FUND FOR THE PERIOD ENDED 30TH JUNE 2021.

Mr. Speaker: Yes, Hon. Nganga, you proceed!

Hon. Everton Nganga: Thank you, Hon. Speaker. I rise to give a notice of motion of the report by the Public Accounts and Investment Committee on Auditor General's report on the Financial Statements of the Bungoma County Bursary fund for the period ended 30th June 2021.

Mr. Speaker: Hon. Members, the Committee on Public Accounts and Investments having duly issued a notice of motion on the report that has been laid on the floor of the House, I do direct the table clerks before me here to share the report with Honourable MCA's. The same will form business on our order paper in the course of the week or once the same is scheduled on the order paper by the HBC accordingly.

QUESTIONS AND STATEMENTS

UPGRADE OF BINYENYA AND LUKHUNA BOREHOLES

IN TONGAREN/KIMININI WARD

Mr. Speaker: Hon. Ipara, you go!

Hon. Johnston Ipara: Hon. Speaker, I rise to seek for a response and explanation under Standing order 49 from the County Executive Committee Member for Tourism, Water, Environment and Natural Resources in respect to Binyenya and Lukhuna water boreholes upgrade within Tongaren –Kiminini ward.

Aware that the provisions of article 43(1d) of the Constitution of Kenya stipulates that every person has a right to clean and safe water in adequate quantities.

In the response let the CECM;

1. Provide information on the tender opening minutes of the contract to upgrade the boreholes.
2. Provide the two registers; the list of bidders and state the name or identity of the contractor awarded the tender for the upgrading.
3. Provide the procurement documents that is; tender advert, bills of quantity, evaluation report, contract agreement, opinion of the procurement officer in accordance with Public Procurement and Disposal Act 2015 for the upgrading of the aforementioned boreholes and acceptance letters.
4. State whether there was a budgetary provision for the upgrade in accordance with section 44(2) (a) of the Public Procurement and Disposal Act 2015 and if yes state how much.
5. State the size and quoted price of the water pumps to be installed for the said boreholes.
6. State how many solar panels were to be fitted on each borehole and what were the respective specifications in terms of watts.
7. State whether the projects were executed in accordance with the respective bills of quantities and specifically what is the depth in meters of each borehole.
8. Provide information and or a conclusive report as to whether the said boreholes were handed over by the contractors to the County Government. What was the total cost of each borehole? How much was paid and how much is the balance if any.
9. State the current status of the boreholes and how regular mechanical maintenance is undertaken.
10. If completion and handing over has been done, what was the period that the contractor was supposed to remain on site upon completion to monitor the performance and sustainability of the boreholes?
11. Confirm if the two boreholes upgraded are serviceable and have sufficient water.
12. What is the market price for a two horse power solar water pump in Bungoma, Eldoret town and Nairobi city?

I submit.

Mr. Speaker: Chair of the committee, Hon. Edwin Opwora!

Hon. Edwin Opwora: Thank you, Mr. Speaker for an elaborate answer to that question, we request for 21 working days so that we bring the response.

Mr. Speaker: Hon. Members, looking at the nature of the question sought, it's more particular to the ward of Hon. Ipara Okasida, so Chair you will be given 14 days to process the same at the committee level but give us a response on the floor of the House on 29th of November.

Hon. Ipara, it is basically more of your ward so you will appear before the committee alongside the CEC or the Chief Officer and have your answer given to you. If they fail to do so then they will be forced to come and give us in the full house.

Hon. Edwin Opwora: Noted Mr. Speaker. We welcome him as our guest on 29th.

Mr. Speaker: It is okay we proceed!

MANAGEMENT OF NAITIRI DAIRY CO-OPERATIVE SOCIETY LIMITED

Mr. Speaker: Hon. Jerusa Aleu, proceed!

Hon. Jerusa Aleu: Thank you Mr. Speaker sir. I rise to seek a response from the Chairperson sectorial committee on Agriculture, Livestock, Irrigation, Fisheries and Co-operative Development in relation to the management of Naitiri Dairy Co-operative Society Limited.

The Chairperson to respond on to the following;

1. Whether the department has considered any inspection report on Naitiri Dairy Co-operative Society Limited.
2. What action has so far been taken on individuals adversely mentioned in the report if any?
3. Whether the department has carried out any Financial Audit on the books of accounts of the society.
4. What steps have been taken so far in an effort to recover any funds misappropriated?
5. Explain the growing concern of the society and why the department took long to intervene the management that led to the current status of the society.
6. Explain steps the department is taking to revamp the society bearing in mind so many people depend on it for livelihood,
7. What regulations, policies and guidelines has the department put in place to ensure that only qualified and effective individuals are elected into management of co-operatives within the County?

I present my question.

Mr. Speaker: Yes, Honourable Chair of Agriculture or Vice chair or any Honourable member? That committee has all able men and women. Hon. Alice Kibaba, you proceed!

Hon. Alice Kibaba: Thank you Mr. Speaker Sir. We are seeking for two days...

(Laughter)

For two weeks, sorry!

(Laughter)

Mr. Speaker: Order Honourable members, Hon. Alice!

Hon. Alice Kibaba: Thank you Mr. Speaker, somebody was...

Mr. Speaker: I think what Hon. Chikati was whispering to you is what you told us. It came from the heart. Proceed please!

Hon. Alice Kibaba: Thank you Mr. Speaker Sir, we are seeking for two weeks to give a response.

Mr. Speaker: Hon. Members, equally the question sought by Hon. Jerusa Aleu is more of Milima ward where she is from so what we need to do in this situation, we allow the owner of the statement Hon. Aleu she is going to be the visitor to the committee, you give her feedback within 21 days but on 29th you give us a report in this House after she has appeared before you as a committee.

Between the first 14 days, finish it then report back to the House on 29th of November. It's okay but sometimes when somebody seeks two days, it's done so knowing that we are adjourning tomorrow for a short recess so the Chair was caught in that awkward position of not giving the two days.

Let's proceed!

CONTINUATION OF DEBATE ON THE BUNGOMA COUNTY FINANCE AMENDMENT BILL 2023

Mr. Speaker: Members, you remember when we adjourned Hon. Ipara was on the floor, please proceed with your contribution on the motion before us.

Hon. Johnston Ipara: Hon. Speaker, I want to appreciate the Chair of Finance because I attended that Public Participation exercise at Paskari Nabwana Hall in our new administration block. I listened to the ideas that members of public presented to the committee which the Chair has factored in the report.

I saw it very logical because they gave satisfying reasons as to why they were saying for a pick up load from Kipsigon market the charges that they were paying was Kshs 2,000 to Bungoma

town and if you checked the old rates, they looked similar to what they charge those customers who supply Bungoma town with their commodities. We must walk a journey together with the business community and that alone did confirm to me that there was the willingness of the people to work and deploy more resources in terms of money to the market.

I saw some Honourable members doubting as to why the figures should be reduced. I want to say this; when we widen the collecting range where we accommodate all people, that means, we increase revenue collection. If initially you were charging people Kshs 1,000 and you reduce to Kshs 300, what it means Hon. Nganga was unable to pay will this time pay and it will mean that we shall increase the collection. So I want to persuade those who want to think differently that widening and reducing helps the County collect more on revenue.

Our previous collection on revenue was less than Kshs 500,000,000 and our target was above that, I want to assure this House we shall have widened the area and we shall collect more and if we collected 300,000,000, I am sure that shall surplus the current target

When you say you increase any charge on a business person or a supplier it will shrink the powers of the consumers and when we reduce the consumers will be capable of walking to the market with all the freedom, purchase all what they want and go back to their homes and they will have what they want in their homes and in this case we will have achieved two things; One, they have what they want, two, the County Government will also have increased the revenue collection.

Lastly, it stimulates capital formation and when we talk about capital; we are seated here for one obvious reason, to assist the Government come up with the right mechanisms to assist it have all collections, channel that money for provision of services to the people of this County.

After Public Participation on this document, I went to Tongaren and carried out a quick survey among the business community in Tongaren market. When reached the last shop, I only that found two people had paid for their business permit and the rest had not and that is where we are losing a lot of money, because traders are paying our own enforcement officers for protection, so if all traders pay their taxes to the County Government then it means we could exceed our targets.

I want to join the Hon. Chair saying that we must support this Bill and adopt it the way it is. I submit.

(Applause)

Mr. Speaker: Thank you. Hon. Nganga!

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

Mr. Speaker: Luckily today there is no disturbance around you, proceed!

Hon. Everton Nganga: Thank you, Honourable Speaker for giving me chance to contribute towards the amendments that were read on the floor about the Finance Bill report. In any tax system or revenue collection system, we always have the Commissioner of income department again in the County Government, we have the directorate that is in charge of collecting revenue. The two vices that normally interfere with revenue collection one is tax evasion and two is tax avoidance. Tax evasion is where the taxpayer deliberately tries to avoid paying by not declaring his or her income.

Tax avoidance is where the tax payer arranges his affairs and finances in such a way that he will be required to pay less tax.

The two vices in most cases are normally brought about by the high rate of tax that is normally levied to the individuals.

What we have to understand is that the higher the rate of taxation the greater the temptation of tax avoidance and tax evasion. The best example is for my case. I am trying to avoid paying a lot of tax in this manner; I was using my RAV 4 vehicle which was consuming a lot of fuel. Currently, I am using a very small one which I spend fuel of Kshs 1,000 from home to the County Assembly then back. By doing that, I am buying very little fuel so that I cannot pay a lot of tax. And if I buy a lot of fuel, I will be paying a high amount of tax and in this Country Assembly.

I'm paid airtime allowance of Kshs 5000, look at the way Safaricom has come up with the services, every morning I always buy minutes only using 50 shillings. If I restrict myself just to use the normal rates look at that, I will be paying a bigger amount of money and the tax involved so what Safaricom did, they came up with different services. I buy only 50 shillings; I can communicate the whole day.

You can use 20 shillings, you buy bundles 1 GB then you browse the whole day. By doing that, you are widening the tax base and that is the mechanism the County Government has also tried to come up with. They are trying to reduce the tax, by doing that you are encouraging many business people, many entrants in the business. As you are increasing the number of businesses in the County Government of Bungoma, you will be required to collect more tax. That is a nice idea the way the county Government has done.

Again when you do budgeting, you normally budget basing on the income that you expect. One, we as the County Government we normally base on what we expect from the treasury

Two, we also base on what we normally collect locally then when you add together then you make your programs that at the end of the year you are supposed to do certain projects, so if you increase tax and you think that at the end of everything you fail to collect it then you will have a budget deficit, you will be forced to reduce your programs to re-budget again. So a tax system one, should be economical in a manner that the money you are paying the tax collectors should be less than what should be collected. Why should you increase the tax for people to pay when

you use a lot of money by one taking them to court, arresting them and you are making them to close their business? It means you will be using a lot of money to collect the high tax that you have actually increased. This report is a very nice one and actually it will assist our people.

I support the amendments and that is the way to **go**.

(Applause)

Hon. Members, allow me invite the mover of the motion to reply to the motion beforehand then we go to the next item accordingly.

Hon. James Mukhongo: Thank you Mr. Speaker for the opportunity. From the onset, let me also appreciate the members who have contributed over the report and as a Chair and the membership of this committee, we have taken your sentiments seriously but there were some factors that informed the proposals.

As we were working on our document, we received proposals from the executive and again we invited the public to give their views on some of the charges that the executive had proposed. This is a new born baby in terms of some revenue streams. We are introducing them for the first time, some of them; we have not been charging anything and that is why we said, we need to start from up going down, and that is the slogan of the current government of the day that is bottom up. So we should not start at higher level at the end of the end of the day, you will have an outcry and then you reduce. Let me take the Members through factors that informed our decision.

During Public Participation, the public on the same document like pickups; the executive had proposed 2500 and the public proposed 200 shillings and they gave the justification. They said yes, you propose a higher figure at the end of the day the revenue officers are the ones who are going to enjoy but give us a reasonable amount which each and every business person will be in a position to pay.

Again, this person doing this business is paying on the market, where he is transporting these goods. As he leaves the gate he/she has already paid, she is also paying on transport, where she is going to sell these goods then she will be compelled to again to pay. So that is why we said, we must be friendly to the business community. You will realize when the Finance Bill of our country was being read in the National Parliament, it had a lot of reservations and some of us are feeling it now and we wish we could have gone by the opposition side, but we are working on it so that we can improve, same applies to this one.

Even the executive had proposed that the rates to be charged in Mt. Elgon Sub County were different from the rates of other Sub Counties and then we said we belong to One County. Why do we charge differently? So that is how we reached there and when you go through report, you

will see we have not made a lot of changes contrary to the views of the public Honourable members.

Secondly, we are also looking for ways and means to reprimand the revenue collectors who are used to pocket whatever the business community have struggled and paid. So it is up to this House to go by the wishes of the committee, even we have gone contrary to the wishes of the executive but we have told them this is on trial basis so we are starting it lets look at the outcome and it tells me, for the members who were here than in the first regime, The Finance Bill was brought into this House we worked on it and I remember Hon. Nyongesa of Bumula was the Vice Chairperson of the committee. We approved the charges and there after the Governor said, “I took the document to the House for the members whom you elected give it consideration and this is why they came up with, it is not my fault as the Governor”

We were forced to go back and work on it on the Chambers of Commerce; I remember if my brother Hon. Nyongesa can also remember .So we don’t want to go that direction we want to be friendly to our business community.

Also I have said there is another report on the way coming, I think it is tomorrow that is Revenue receivers it will tell you, how much are we collecting and how we are losing, and we have identified some culprits on our market. That is why we are requesting this House to stand firm and collect to the maximum.

Lastly, when we were introducing cashless system, we had the barriers on the market. One of the revenue collectors said, you see when the vehicle is leaving Kitale it will pay, then Kamukuywa it will do the same, when entering Bungoma it pays again, when you add together you will get a lot of money but the matutu owner will not get profit and they may decide leave transport business so we decided to give realistic figure, I can promise you Members that when you look at the revenue from *matatu* operators you will see we are doing do well.

The *Tuktuk* and the Lorries that are parking in town we wanted to increase and they said, you guys want to charge us heavily but currently show us any space in town here where you have provided for us to park our Lorries and Tuktuks. They said all are ready to pay but the county should facilitate their business. We were adamant because as we do that we are also assisting the Honourable Members who have big towns like Hon. Jeremiah and Makhanu so that there is no outcry from the business people.

Otherwise I beseech the House we have notified you about the Bill, so as we move on the next step you put it into consideration and go by proposals of the committee. I submit

(Applause)

Mr. Speaker: Thank you, Hon. James Barasa for the reply to the motion. Hon. Members, the House notes the contents of the report, observations and equally recommendations as I said earlier on there is no vote on this item.

Next item,

A REPORT THE HOUSE BUSINESS COMMITTEE ON THE PLENARY REVIEW FOR THE PERIOD COMMENCING FEBRUARY TO SEPTEMBER, 2023

Mr. Speaker: Hon. Deputy Speaker, it's your duty on behalf of HBC move the motion accordingly.

Hon. Stephen Wamalwa: Thank you, Hon. Speaker for this time. Allow me move this report on the House Business Committee Plenary Review Report

Preface

The objective of this report is to provide information on the business transacted by the County Assembly during the period commencing 14th February to 28th September, 2023. The focus is on consideration of Bills, Papers laid and Notices of Motion issued Motions, Petitions, Statements and/or Questions. During the period, the House did play its role in Legislation, Representation and Oversight as provided in Article 185 of the Constitution. Great impact was particularly realized through adoption of reports on various issues, consideration of Petitions from the public on various issues of concern, passage of Bills, vetting of nominees to public offices with the aim of ensuring sound leadership in the management and running of public affairs and seeking responses from the County Executive Committee Members through Statements and/or Questions. The House was also involved in analysis and passage of the Second Supplementary budget FY 2022/2023 and the annual budget FY 2023/2024.

Further, the House continued to engage the public in its affairs through a variety of avenues as per the provisions of the Constitution. The actualization of the Committees' activities as highlighted in the work plans were also a great success. These activities encompassed weekly Committee sittings, inquiries and all activities which were carried out either within or outside the Precincts of the County Assembly.

Establishment and mandate of the Committee

The County Assembly House Business Committee is established pursuant to the provisions of Standing Order 173. Particularly, Standing Order 173 (4) provides for the mandate of the Committee.

Committee Membership

The Committee as currently constituted comprises of the following Members:-

1. Hon. Emmanuel Situma

Speaker (Chairperson)

2. Hon. Stephen Wamalwa	Deputy Speaker
3. Hon. Joseph Nyongesa	Member
4. Hon. Anthony Lusenaka	Member
5. Hon. Meshack Wekesa	Member
6. Hon. Milliah Masungu	Member
7. Hon. Christine Mukhongo	Member
8. Hon. Violet Makhanu	Member
9. Hon. Jack Wambulwa	Member
10. Hon. Hentry Nyongesa	Member
11. Hon. Johnston Ipara	Member
12. Hon. Cornelius Makhanu	Member
13. Hon. Jacob Psero	Member
14. Hon. Metrine Nangalama	Member
15. Hon. Mildred Barasa	Member

Acknowledgement

The Chairperson of the Committee takes this opportunity to thank all Members of the Committee for their immeasurable contribution. The Committee wishes to record its appreciation to the offices of the Speaker and Clerk of the County Assembly for the necessary support extended to it in the execution of its mandate during the compilation of the report.

On behalf of the House Business Committee, I have the honor and pleasure to present the Report to the House.

Signed by Hon. Emmanuel Situma Speaker of the County Assembly/Chairperson

Introduction

Resumption of the House

The House resumed its sittings on Tuesday, 14th February, 2023 after the 2022 December recess. The very first business that was to be transacted by the House at the commencement of the session was the establishment of the House Business Committee as provided for in Standing Order 173 (1) (g) and approval of the Calendar of the Session. On Tuesday, 14th February, 2023 the House appointed the House Business Committee and approved the Calendar of the House (Regular Sessions) for the second Session 2023 pursuant to Standing Order No. 31 with an anticipation of ninety three (93) Sittings by the end of September. However, during the period under review, the House altered its Calendar and adjournment dates for the following reasons:

- i. On 22nd June, 2023 three weeks before the short recess, it adjourned as per the resolutions of the County Assemblies consultative meeting held on 17th June, 2023 at Safari Park Hotel, Nairobi.
- ii. On 7th September, 2023 to allow the House sit for two weeks during the long recess and handle urgent Business of the House.

By the end of September, 2023, the County Assembly had held a total of sixty-four (64) Sittings including one (1) Special Sitting.

Observation

During the period under review, the House lost thirty-six (36) Sittings due to the adjournment Motion.

Special Sitting

The House held one Special Sitting during the period under review:

Thursday 7th September, 2023 vide Gazette Notice No. 11827 dated 5th September, 2023 with the main business being to alter the Calendar of the House (Regular Sessions) 2023.

Visit and address by H.E. the Governor

Section 30 (2) (k) of the County Governments Act, 2012 and the County Assembly of Bungoma Standing Order 26 (1) provide that the County Governor shall deliver an annual state of the County address containing such matters as may be specified in County legislation. As a result, on 16th February, 2023, the Honourable Speaker conveyed to the House a Message from H.E. the Governor on his intention to address the County Assembly on 21st February, 2023. On Tuesday, 21st February, 2023 during the 2:30 p.m. sitting, H.E. the Governor delivered the address to the County Assembly.

Visiting institutions

In adherence to Article 196 of the Constitution, read together with Standing Order 201 (1), the County Assembly has been welcoming the public in both its Chamber and Committee Business. During the period under review, the following institutions visited the County Assembly and followed the proceedings from the Public Gallery.

1. St. Josephs Nalondo Girls' Secondary School - 30th March, 2023; *Nalondo East Ward*
2. Bethseda Girls' High School - 4th April, 2023; *Township Ward*
3. Dominion Training Institute - 6th April, 2023; *Township Ward*
4. Kimilili Friends Girls' Secondary School - 11th April, 2023; *Kibingei Ward*
5. St. Antony Boys' High School, Sirisia – 13th April, 2023; *Namwela Ward*
6. Moi DEB Primary School, Township- 20th April, 2023; *Township Ward*
7. Kisuluni Primary School - 15th June, 2023; *Bukembe West Ward*
8. Chekulo Primary School - 20th June, 2023; *Luuya Bwake Ward*
9. Sio RC Primary School - 7th September, 2023; *Musikoma Ward*
10. Mbakalo Friends Girls' Secondary School – 12th September, 2023; *Mbakalo Ward*
11. ACK Kamuneru Primary School - 13th September, 2023; *Kapkateny Ward*
12. Lwandanyi Secondary School - 14th September, 2023; *Lwandanyi Ward*
13. Rainbow Learning Academy – 19th September, 2023; *Siboti Ward*
14. Immaculate Heart of Mary Luuya Girls Secondary School 20th September, 2023; *Luuya Bwake Ward*
15. Ndivisi Girls' Secondary School – 21st September, 2023; *Ndivisi Ward*

Other visitors present in the Speaker's Gallery were:

1. Mr. Stephen Sitati, Trade Loan Fund Manager – 14th September, 2023
2. Mr. and Mrs. Wamboka Khaoya, father to Hon. Jack Wamboka, M.P. for Bumula Constituency – 20th September, 2023

Observation

The House dedicates much time on issuance of statements of encouragement to learners.

Recommendation

The House should dedicate much of its time to the main business on the Order Paper and less on preliminary issues and ensure the statements of encouragement to learners are positive in nature. Further, the House should have five Members to issue such statements to learners.

County Assembly House proceedings and business

Communication from the Chair

It is the prerogative of the Honourable Speaker to guide the House via various channels. Apart from the rules of the House as encompassed in the Standing Orders, the Speaker may guide the House by way of "*Communications from the Chair*". The Speaker of a Parliamentary body plays a crucial role in maintaining order and facilitating communication within the legislative assembly. The following are some common roles about Parliamentary communications made by the Speaker:

Maintaining decorum: The Speaker often reminds Members of Parliament to maintain decorum and adhere to Parliamentary rules and procedures during debates and discussions.

Time management: The Speaker manages the allocation of time for different agenda items, ensuring that each topic or Bill is discussed within its allotted time frame.

Recognition of Members: The Speaker recognizes Members who wish to speak, ensuring that they follow the established protocol for seeking the floor.

Enforcing rules of debate: The Speaker ensures that Parliamentary debates are conducted in an orderly manner, enforcing rules related to speaking time limits, relevance of speeches and decorum.

Maintaining impartiality: The Speaker is expected to remain impartiality and not take sides in debates, ensuring that all Members have an equal opportunity to express their views.

Resolving disputes: In the event of disputes or disagreements among Members, the Speaker may step in to mediate and find a resolution in accordance with Parliamentary rules.

Decision on points of order: The Speaker decides on points of order raised by Members, determining whether Parliamentary rules have been violated and taking appropriate action.

Announcements: The Speaker may make announcements regarding the Parliamentary schedule, voting procedures, or any other important matters.

Calling for votes: When necessary, the Speaker calls for votes on Bills or Motions, ensuring that the voting process is conducted accurately and transparently.

Closing sessions: The Speaker formally adjourns Parliamentary sessions, marking the end of the day's proceedings.

These observations highlight the essential role of the Speaker in facilitating effective communication and maintaining order within a Parliamentary assembly. During the period under review, a total of thirty-three (33) Communications were issued. The Communications included Procedural matters in the House, Committee Business, acknowledgement of visitors in both the Speaker's and Public Galleries, invitation of Members to various conferences and matters on political parties.

Messages from H.E the Governor

During the period under review, the House received two Messages from H.E the Governor with regard to nomination of persons for appointment to the positions of County Executive Committee Member, Chief Officers and Members of the Kimilili and Bungoma Municipalities

Public Petitions

The provisions of Article 37 of the Constitution and Section 15 of the County Governments Act, 2012 state that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation. Every Petition presented pursuant to Section 15 of the County Government's Act, 2012 stands committed to the Committee on Justice and Legal Affairs. The Committee shall in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners.

During the period under review two (2) Petitions were presented to the County Assembly:

- i. Petition on the new organogram in the Department of Health and Sanitation
- ii. Petition in reference to market construction for mobile traders at Dinah flyover

The two were referred to the relevant Committees for consideration. The Petition on the new organogram in the Department of Health and Sanitation was concluded and the report submitted to the petitioner for their action while the other is still at the Committee level.

Observations

Statutory Timelines: Compliance with Statutory timelines for Petition processing, as outlined in relevant laws and regulations is crucial to ensure accountability. Timely processing of Petitions not only enhances the responsiveness of County Assemblies but also demonstrates their commitment to serving the needs and concerns of their constituents. It fosters public trust and

engagement in the democratic process, thus all Petitions are handled within the expected timeframe as provided for in Standing Order 225 of the County Assembly of Bungoma.

Papers laid

During the period under review, a total of one hundred and six (106) Papers were tabled in the House. They included sixty-four (64) Committee reports, nineteen (19) reports from the Office of the Auditor General and nineteen (19) reports from the County Executive.

Other Papers laid were:

- i. Nomination list of Members to serve in HBC for the second Session of the Third County Assembly
- ii. The County Assembly Legislative Calendar for the second Session of the Third County Assembly for the year 2023. (February-December, 2023)
- iii. Address by the Governor
- iv. Memorandum submitted by Bungoma County Child Rights network to the County Assembly on Holistic Skills Development in Bungoma County

Observation

Some reports from the County Executive had taken time to be processed by the relevant Committees.

Recommendation

Committees to work on fast tracking reports that need their attention.

Notices of Motion

During the period under review, seventy-seven (77) Notices of Motion were issued

2.5.6 Motions

During the period under review, the House considered and concluded Eighty-one (81) Motions:

- Sixty three (63) Substantive Motions
- Two (2) Special Motions
- Thirteen (13) Procedural Motions

Observation

All the concluded Motions were adopted by the House. Further, the Office of the Clerk transmitted all adopted reports to the relevant bodies under whose portfolio the implementation of the resolutions fall.

Motion for adjournment to discuss a matter of County importance

During the period under review, one (1) Motion seeking to adjourn the scheduled Business of the House to discuss an urgent matter of County importance was approved and debated. This was on

6th June, 2023 to discuss the prioritization of the release of bursary allocation of Kshs 4,000,000 to the forty-five (45) Wards.

Statements and Questions

Statements and Questions play crucial roles in Parliamentary proceedings:

Statements:

Statements raised play the following pivotal roles:

- I. **Informative:** Statements allow government officials or members of Parliament to provide important information to their colleagues and the public. This can include updates on government policies, actions, or significant events.
- II. **Accountability:** They provide a platform for the government to be held accountable for its actions, as members can seek clarifications or express concerns regarding the information presented.
- III. **Transparency:** Statements contribute to transparency in governance by ensuring that key decisions and developments are made public.

Questions

Questions serve various functions including:

- I. **Scrutiny:** Parliamentary questions, especially those posed by opposition members, serve as a mechanism to scrutinize government actions and policies. They can reveal potential issues or inconsistencies.
- II. **Accountability:** They compel government officials to answer to the people's representatives, promoting accountability for their decisions and actions.
- III. **Information Gathering:** Questions are a means of obtaining detailed information on specific topics, helping lawmakers make informed decisions and shape policies effectively.

In summary, Statements and Questions are integral to the functioning of Parliament. Statements ensure that important information is shared, while questions facilitate scrutiny, accountability, and the gathering of necessary information to guide legislative processes and ensure good governance.

During the period under review, Members employed use of Statements and/or Questions to bring various matters before the House. There were 52 statements/questions, out of which 36 statements were directed to the respective County Executive Committee Members to appear before the House to provide their responses, 15 statements were pursuant to the provision of SO 47 (2) (C) informing the House of the business coming before it during the following week and one personal statement from Hon. George Tendet thanking all Members who supported him when he had an election petition.

The summary of Questions raised is as indicated:

No.	Department	No. of questions asked	Response		
			Availed and satisfactory	Availed but unsatisfactory	Not Availed
1	Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development	7	2	2	3
2	Education and Vocational Training	4	0	2	2
3	Finance and Economic Planning	1	0	0	1
4	Gender, Culture, Youth and Sports	2	1	0	1
5	Health and Sanitation	4	1	2	1
6	Lands, Urban, Physical Planning and Housing	2	0	0	2
7	Public Administration	4	3	0	1
8	Roads, Transport, Infrastructure and Public Works	6	0	3	3
9	Tourism, Environment, Water and Natural Resources	3	2	0	1
10	Trade, Energy and industrialization	1	0	0	1
11	Lands and Roads	2	0	0	2
	TOTAL	36	9	10	17

Observation

The Committee observed that in the Speaker's communication dated 12th September, 2023 all the pending Questions were referred to the relevant Committees that were expected to report to the House within the timelines provided in the Standing Orders.

Bills

Article 185 of the Constitution of Kenya, 2010 provides that the legislative authority of a County is vested in and exercised by its County Assembly.

During the period under review, eleven (11) legislative proposals were introduced. Of the eleven (11) Bills, two (2) were carried over from the first Session whereas nine (9) were new Bills. The status of Bills at the end of the period under review was as follows:

1. The Bungoma County Cultural Heritage Bill, 2022 – Passed and assented to
2. The Bungoma County Government Finance Bill, 2022 – Passed and assented to
3. The Bungoma County 2nd Supplementary Appropriation Bill, 2023 – Passed and assented to
4. The Bungoma County Government Annual Appropriation Bill, 2023 – Passed and assented to
5. The Bungoma County Revenue Administration and Management (Amendment) Bill, 2023 – Passed
6. The Bungoma County Markets (Amendment) Bill, 2023 – Passed
7. The Bungoma County Public Entertainment and Amenities Bill, 2023 – Passed
8. The Bungoma County Cooperative Societies Bill, 2023 – Awaiting Second Reading
9. The Bungoma County Weights and Measures Bill, 2023 – Awaiting Second Reading
10. The Bungoma County Outdoor Advertisement and Signage Control and Regulation Bill, 2023 – Awaiting Second Reading
11. The Bungoma County Inspectorate, Compliance and Enforcement Bill, 2023 – Awaiting Second Reading

Observation

THAT the House is on the right trajectory in terms of playing its legislative role

Statutory Instruments/ Regulations

During the period under review, the County Assembly received one published Regulation; The Public Finance Management (Bungoma County Trade Development Loans Fund) Regulations, 2023 which was approved by the House.

Summary of appointments approved by the House

During the period under review, the House considered the following Motions on approval of persons for appointment to public office.

1. Approval of nominee for appointment to the office of the County Executive Committee Member for Youth, Gender, Culture and Sports on 3/05/2023
2. Approval of nominee for appointment to the office of the Chief Officer for Education and Vocational Training on 3/05/2023
3. Approval of nominee for appointment to the office of the Chief Officer for Trade, Energy and Industrialization on 3/05/2023
4. Approval of nominee for appointment to the office of the Chief Officer for Health and Sanitation on 3/05/2023

5. Approval of nominee for appointment to the office of the Chief Officer for Public Service and Management on 3/05/2023
6. Approval of nominees for appointment to the offices of the Chief Officer for Agriculture and Cooperative Development on 3/05/2023
7. Approval of nominees for appointment to the Bungoma and Kimilili Municipalities 13/09/2023

Procedural Developments

During the period under review, the following procedural developments were realized:

Seven (7) Members of the County Executive Committee appeared before the House to respond to Questions.

The County Executive Committee Member for Finance and Economic Planning appeared before the House to give the County Budget Policy highlights Pursuant to Standing Order (55).

Plenary Sitzings

Presiding Speakers during the period under review (period between Tuesday, 14th February - Thursday, 21st September, 2023), were as follows:

1. Hon. Emmanuel Situma	(Speaker)	47	Sittings
2. Hon. Stephen Wamalwa	(D/Speaker)	13	Sittings
3. Hon. Christine Mukhongo	(1st Panelist)	1	Sitting
4. Hon. Benjamin Otsiula	(2nd Panelist)	3	Sittings

Commencement of Sitzings

During the period under review, many of House Sitzings commenced on time, the longest House Sitting took four hours whereas the shortest took fifteen minutes (15).

Observation

The longest House Sitting took four hours whereas the shortest took fifteen minutes (15).

Recommendation

The County Assembly Committees should generate numerous businesses to enable the House run for longer hours

Conclusion

The review of Parliamentary businesses transacted is crucial for several reasons:

- I. Accountability: It ensures that lawmakers are fulfilling their responsibilities and representing the interests of their constituents effectively. Reviewing parliamentary activities holds legislators accountable for their actions and decisions.

- II. Transparency: It promotes transparency in government by allowing the public to see what issues were discussed, what decisions were made, and how taxpayer resources were allocated.
- III. Oversight: It provides a mechanism for oversight and evaluation of government policies and actions. Through reviews, lawmakers can assess the impact of legislation and make necessary adjustments.
- IV. Legislative Improvement: It helps identify areas where legislative processes can be improved, leading to more effective and efficient governance.
- V. Public Engagement: It encourages civic engagement as citizens become more aware of parliamentary activities and can participate in discussions on important issues.
- VI. Historical Record: It creates a historical record of parliamentary proceedings, which can be referenced for future decision-making and research.

In summary, reviewing parliamentary businesses transacted is essential for upholding democratic values, ensuring government accountability, and improving the legislative process. Honourable Speaker, we the members of HBC pursuant to Standing Order 20 and 25 adopt the report which we appended our signatures to affirm our approval of the contents herein.

Mr. Speaker: Thank you our Deputy Speaker for moving the report on behalf of the chairperson of the committee, you did not invite the seconder.

Hon. Stephen Wamalwa: Hon. Speaker, you started talking and I went away, I now came to sip my water. So therefore call upon Hon. Christine Mukhongo a member of this committee and first panelist to second the report.

Hon. Christine Mukhongo: Thank you, Hon. Speaker. First of all, I take this opportunity to congratulate our Deputy Speaker for moving the motion in an eloquent manner. I take this opportunity to second the report the way it is.

(Motion proposed)

Hon. Aggrey Mulongo: Thank you, Mr. Speaker sir. I take this opportunity to thank the HBC for coming up with a summary report. I have listened so keenly, we are not doing well. To the government side, if we have 17 unanswered questions, 10 unsatisfactory answered then where are we going? We need to be moving ahead, that is below average.

The government side needs to wake up and at least tell the government to work. You see when you add that you get around 27 unanswered questions out of 36, you know where we are and you know where we are heading to. We are not saying because we are happy but when we are not getting the full answers, when they are not answering us, when they are not communicating, then it means that this House is being taken for granted and we are not doing oversight.

(Applause)

This is an eye opener for our departmental chairpersons of sector committees, if we are here and there are members who raised a question, the member should follow up with the sector committee until the report is satisfactory but at the moment what I have witnessed we are heading to nowhere.

Mr. Speaker: Hon. Deputy Speaker reply to the motion, it is okay I have seen Leader of Majority wants to speak

Hon. Joseph Nyongesa: Thank you, Mr. Speaker.

First, I want to appreciate the mover of the motion Hon. Stephen Wamalwa. Indeed it is a good report, we have been shown how we are performing and that is why the recent research showed that the Assembly of Bungoma is number 13 so at least we are on the right track.

Again there is another observation especially the schools that normally visit our assembly for learning, most of the time the area members are not informed early. As we move ahead we urge the Office of Sergeant at Arms if they receive a communication that maybe a school from Marakuru/Tuuti will visit this Assembly, let them inform the member early enough so that we can plan for some few logistics.

There was a time member was so shocked to see her school in this compound, in fact it made her not to attend the sitting because she was not aware. As much as we want to welcome visitors, let's also have information early.

Again as we move forward as Assembly, it is also an eye opener to sector chairpersons to ensure that we make a follow up so that we get appropriate responses. Otherwise we are on the right track, I support the report.

Mr. Speaker: Yes Hon. Stephen Wamalwa, please reply.

Hon. Stephen Wafula (The mover): Thank you, Hon. Speaker. We take note of the concerns raised by members who have contributed to this report. It has to be understood that this Assembly is doing well because when those questions are raised, they are raised by the Assembly irrespective of whether the member who raised the question is in the minority or majority wing but the point is it is the County Assembly doing oversight. It will not be taken as a question raised by a member of the minority or a member of majority so it is the work of the Assembly to do that but it is the work and responsibility of the executive to respond to the questions raised by this House.

Therefor it is an eye opener and to all of us, that we have to generate those questions/statements and put the executive on toes because that is our core mandate.

Going by the Bills generated in this session, 9 Bills and I think it has been the highest that this Assembly has processed within a session. It is true we have had visitors coming to this Assembly and it is true that during the Speakers Panel meetings, we have been talking about orderlies of

this Assembly, that it is the Seargent at Arms office to ensure the security of Hon. Members by informing them of any visitor or even schools visiting this Assembly. It is the responsibility of the office of the Seargent at Arms to ensure that the Member is informed of a visitor who intends to enter here or who has come so that he/she can prepare or inform you what he/she intends to do.

I want to laud the sectoral committees, even if the executive has not responded to the questions, it is not the fault of the Assembly but it is true that the sector committees are working. We just want to urge you that you must push within your sector to ensure that in this House we rate you as a committee that is overworking if not working well. I beg to request the House that we adopt this report as it is and I will appreciate. Thank you so much

Mr. Speaker: Thank you, our Deputy Speaker for the reply to the motion moved. Allow me proceed and be able to put a question to the motion that has been moved by Hon. Wamalwa. A motion was moved, seconded and debate having ensued that this House adopts the report by the House Business Committee.

(Question put and agreed to)

The ayes have it.

Members, it is good that you look at this HBC report because it is our mirror it will tell us on what we are doing in this House all the way from February to September when the report was prepared.

BILLS

The Bungoma County Finance Amendment Bill, 2023

Hon. James Mukhongo (Chairperson Finance): Hon. Speaker, pursuant to Standing Order 141(1) I move that the Bill be read for the second time. I call upon Hon. Francis Chemion to second.

Hon. Francis Chemion: Thank you Hon. Speaker. I second that the Bill be read for the second time.

(Question put and agreed)

The ayes have it. The Bungoma County Finance Amendment Bill, 2023 be now read for the second time.

An Amendment of an Act of the County Assembly of Bungoma to provide for provision of the various Taxes, Fees and Charges for the Service and Revenue raising Measures by the County Government and for matters Incidental thereto. Second Reading.

Mr. Speaker: Hon. Members, the Bill having been read for the second time, we now invoke Standing Order 142 (1) and collapse this House into a Committee of the Whole House for next

processing of the Bill. Let us be upstanding to allow the House go into the Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

Order for Committee read

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

IN THE COMMITTEE

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

BUNGOMA COUNTY FINANCE AMENDMENT BILL, 2023

Mr. Chairperson: Hon. Members welcome to the Committee of the Whole House for consideration of the Bungoma County Finance Amendment Bill, 2023. I call upon the table Clerk to read out the parts of the Bill in the sequence specified in the Standing Order 144.

Schedule 2

Agriculture, Livestock, Veterinary, Fisheries

Hon. James Mukhongo (Chairperson, Finance): Thank you Chairperson. Schedule 2 on Agriculture, Livestock, Veterinary and Fisheries. We have an amendment on item code 1-2450 Agricultural produce cess. Description of fee or charges

Pick-up per trip the executive had proposed Kshs. 2,500 which I now propose the charge to be reduced to Kshs. 500.

Trailer proposed was kshs. 4,000, I now propose Kshs. 700...

Mr. Chairperson: Honourable chair, as a chairperson or as a committee?

Hon. James Mukhongo: As a committee...

Mr. Chairperson: Therefore, you need to correct yourself

Hon. James Mukhongo: On the Canter...

Mr. Chairperson: Hon. James Mukhongo, repeat from the point you mentioned chair and not the committee.

Hon. James Mukhongo: Honourable Chair, we have some amendments;

Pick-ups Kshs. 2,500 had been proposed but as a committee we are proposing Kshs. 500
Trailer per Kshs. 4,000 was proposed, we are proposing Kshs. 700
Canter 4-5 tons it was Kshs. 4,000 instead we are proposing Kshs. 500
Lorry 7-10 tons per trip Kshs. 7,000 had been proposed but we are proposing Kshs. 2,000
Lorry above 10 tons per trip Kshs. 10,000 had been proposed but as a committee we are proposing Kshs. 300. I call upon Hon. Catherine to second the amendment.

Hon. Catherin Kituyi: Thank you, Mr. Speaker Sir. I rise to second the amendment.

Question was put that Second Schedule be amended as proposed

(Question put and agreed to)

The ayes have it and it is amended as proposed.

Question proposed that Second Schedule as amended be part of the Bill

(Question put and agreed to)

The ayes have it.

11th Schedule on Roads, Public Works and Transport

Hon. James Mukhongo: Thank you chairperson. 11th Schedule on Roads, Public Works and Transport, there is an amendment on Item Code 1-6741 on parking fees.
Description of the fee/charge and the unit of measure which is per month.

Tuktuk the executive had proposed Kshs. 1,000 but as a committee we are proposing Kshs. 600.
Thank you Hon. Chair. I call on Hon. Chemion to second the amendment.

Hon. Francis Chemion: Thank Chairperson. I second the amendment.

Question proposed for that 11th Schedule be amended as proposed

(Question put and agreed to)

The ayes have it. It is amended as proposed.

Question proposed that 11th Schedule as amended be part of the Bill

(Question put and agreed to)

The ayes have it.

13th Schedule on Trade, Energy and Industrialization

Hon. James Mukhongo: 13th Schedule on Trade, Energy and Industrialization. We have an amendment on Item Code 345 Trade Licensing. Description of the fee/charge is medium cold storage facility where the executive had proposed Kshs. 30,000 but as a committee we are proposing Kshs. 25,000...

Mr. Chairperson: I know age is catching up so fast but you should also read medium cold storage facility which is?

Hon. James Mukhongo: 101-1000 square metres per year Kshs. 30,000 and we are proposing Kshs. 25,000

b) Small cold storage facility up 100 metres wall cold production equipment per year the executive had proposed Kshs. 20,000 but as a committee we are proposing Kshs. 17,000. I now call upon Hon. Makari to second the amendments.

Hon. George Makari: Thank you, Hon. Chairperson. I stand to second the amendments as said by the chairperson of the committee.

Question proposed that 13th Schedule be amended as proposed

(Question put and agreed to)

The ayes have it.

Question proposed that 13th Schedule as amended be part of the Bill

(Question put and agreed)

The ayes have it.

Long Title

Hon. James Mukhongo: Thank you, Hon. Speaker. Long Title. That the Long Title of the Bill be amended by deleting the words "amendment Bill" appearing on the long title and therefore substituting with the words "a Bill for an Act" so as to read "A Bill for an Act of the County Assembly of Bungoma to provide for revision of various Taxes, Fees and Charges for the Services and for other Revenue Rising Measures by the County Government and for Matters Incidental thereto". Hon. Christine, you can second the amendment.

Hon. Christine Mukhongo: Thank you Hon. Chair. I stand to second the amendment by the chairperson of Finance Committee.

Question proposed that the Long Title be amended as proposed

(Question put and agreed)

The ayes have it and the long title is amended as proposed

Question proposed that the Long Title as amended be part of the Bill

(Question put and agreed to)

The ayes have it.

Short Title and commencement

Hon. James Mukhongo: Thank you Chair. On the Short Title and commencement; we propose that amend the Short Title and Commencement by deleting the word "Bill" appearing immediately after the word "this" and substituting with therefore the word "Act" so as to read; "This Act may cited as the Bungoma County Finance Amendment Act, 2023 and shall come into operation or be deemed to have to be into operation on such a date as the County Executive Committee for Finance and Economic Planning with the concurrence of H.E. Governor may appoint and different dates may be appointed for different provisions'. I now call upon Hon. Vitalis to second.

Hon. Vitalis Wangila: Thank you chair. I second the amendment.

Question proposed that the Short Tile and Commencement be amended as proposed

(Question put and agreed to)

The ayes have it and the short title and commencement is amended as proposed

Question proposed that the Short Title and commencement as amended be part of the Bill

(Question put and agreed to)

The ayes have it.

Before you come Hon. James, I want to thank the members that we have gone through and we are done. Therefore, allow me now call the Chairperson Hon. James Mukhongo to move.

Hon. James Mukhongo: Thank you Chair. Pursuant to Standing Order No. 145 (16) I beg to move that the committee to report to the House its consideration of the Bungoma County Finance Amendment Bill, 2023. I now call upon Hon. Orize the Vice Chairperson to second.

Hon. Orize Kundu (Vice Chair Finance): Thank you Chair. I rise to second the motion.

(Question for reporting to the House put and agreed to)

The ayes have it.

We are ready to report to the House.

(Committee of the Whole House ends)

(Normal house sittings resume)

Mr. Speaker: Hon. Members, at this moment I wish to invite the Chairperson of the Committee of the Whole House Hon. Deputy Speaker to report back on what has transpired in the Committee of the Whole House.

Mr. Chairperson (Committee of the Whole House): Thank you, Hon. Speaker. Under Standing Order 147 on report of the Committee of the Whole House. Mr. Speaker Sir, the Committee of the Whole House considered the Bungoma County Finance Amendment Bill, 2023 as follows;

1. Second Schedule

Agriculture, Livestock, Veterinary and Fisheries was approved with amendments

2. 11th Schedule

Roads, Public Works and Transport was approved with amendments

3. 13th Schedule

Trade, Energy and Industrialization was approved with amendments

4. Long Title was approved with amendments

5. Short Title and commencement was approved with amendments. Thank you Hon. Speaker.

Mr. Speaker: Honourable members under Standing Order 148 (1), allow me invite the mover of the motion who is the chairperson of the committee to move.

Hon. James Mukhongo (Chairperson Finance): Hon. Speaker, Pursuant to Standing Order 148 (1) I beg to move that the House does agree with the committee in said report. I request Hon. Aggrey Mulongo to second.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir. I rise to second the motion

(Question put and agreed to)

The ayes have it. The House does agree with the report of the Committee of the Whole House.

ADJOURNMENT

Honourable members looking at our Order Paper, we adjourn our todays sitting and resume on Thursday 9th November 2023 at 2.30 p.m. session.

(House Adjourns)