

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY HANSARD

WEDNESDAY 27TH APRIL, 2022

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 27TH APRIL, 2022

The House met at 9:30 a.m.

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

PRAYER

STATEMENTS

RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING, TRADE, ENERGY AND INDUSTRIALIZATION TO A STATEMENT SOUGHT BY HON. JAMES MUKHONGO IN RESPECT TO THE REVITALIZATION OF CHWELE TO A MODERN MARKET

Mr. Speaker: Who has instructions to stand in for Hon. Mukhongo on his statement? It is supposed to be a response from the department of Lands, Urban, Physical Planning, Trade, Energy and Industrialization. There being no response, we will take it forward by adding them a week. And we expect feedback from the relevant chairperson of the committee on 10th May 2022.

RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON HEALTH TO A STATEMENT SOUGHT BY HON. SOSPETER NYONGESA IN RESPECT TO STATUS OF CONSTRUCTION OF PIT LATRINES IN NG'OLI DISPENSARY IN WEST BUKUSU WARD

Mr. Speaker: Members of this committee, any feedback from the executive? Hon. Sophie, are you a member of Health Committee? Do you have a feedback?

Hon. Sophie Marumbu: Mr. Speaker, I don't have.

Mr. Speaker: Do we give you more time? We will give you a week and we expect a response on 10th May, 2022 on Tuesday at the 2:30 p.m.

MOTION

REPORT BY THE COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE COMMITTEE AFFAIRS ON THE COMMITTEE ACTIVITIES FOR THE 5TH SESSION OF THE SECOND COUNTY ASSEMBLY

Mr. Speaker: Hon. Sophie, you will move the motion. Move the report and other members should be able to get you a seconder of your motion because I foresee a situation where you will move the motion and you don't have a seconder. Get the Chairperson of the committee; he is around.

Hon. Sophie Marumbu (Member, Justice): Thank you, Mr. Speaker. I'm on my feet to move a motion by the Committee on Justice and Legal Affairs on the committee activities for the 5th Session of the Second County Assembly.

On behalf of the members of the Justice and Legal Affairs Committee, it is my pleasure and duty to present to the House the Committee's report on its activities for the fifth session of the Second Assembly.

Committee Membership

The Committee on Justice and Legal Affairs as currently constituted comprises of the following Members:-

1.	Hon. Peter Sindani	Chairperson
2.	Hon. Antony Luseneka	Vice Chairperson
3.	Hon. Ali Machani	Member
4.	Hon. Elvis Abuka	Member
5.	Hon. David Barasa	Member
6.	Hon. Eunice Kirui	Member
7.	Hon. Everlyne Mutiambu	Member
8.	Hon. Nathaniel Aseneka	Member
9.	Hon. Rebah Wabwile	Member
10.	Hon. Sophy Marumbu	Member
11.	Hon. Chrispinus Wamusai	Member

Acknowledgement

The Committee wishes to thank the Offices of the Hon. Speaker and Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate throughout the fifth session of the second Assembly.

I wish to further express my sincere appreciation to the Honorable Members of the Committee who sacrificed their time to participate in all Committee's activities.

Further, I would also like to appreciate the members of staff who worked with us for their commitment and valuable input that enable the Committee execute its mandate efficiently.

It is therefore my pleasant duty and privilege, and on behalf of the committee on Justice and Legal Affairs to table this report and recommend it to the House for debate and adoption pursuant to the provisions of the County Assembly Standing Order 196(5)g.

Signed by Hon. Peter Sindani, Chairperson - Committee on Justice and Legal Affairs

CHAPTER TWO

Sessional period

Mr. Speaker Sir, a “Session”, according to the definition in the Standing Order means; “the sittings of the County Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 24 (Regular Sessions of the County Assembly) and terminating when the County Assembly adjourns at the end of a calendar year or at the expiry of the term of County Assembly.

The Standing Order 24 on Regular Sessions of the County Assembly stipulates that; “Except for the Session commencing immediately after a general election, the regular Sessions of the County Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December.”

It should be noted that the fifth session of the Second County Assembly however, resumed its sittings on 12th January, 2021 after the 2020 December recess and terminated its sittings on 17th February, 2022. This was due to the disruption caused by Covid-19 pandemic.

Objectives of the Report

The objectives of the sessional report training were to:

1. Assess the performance of the committee in line with its planned targets;
2. Enumerate the committee’s achievements during the session;
3. Highlight the challenges faced by the committee in the course of implementation of its programmes
4. Recommend to the House the measures to be put in place to improve the committee performance in the subsequent session.

KEY HIGHLIGHTS DURING THE FIFTH SESSION

Introduction

The fifth session of the Second County Assembly commenced on 12th January 2021 and ended on 17th February 2022 as per the revised calendar adopted by the House during the sitting on 30th November, 2021.

The Committee on Justice and Legal Affairs prepared work plans for the financial year 2020/2021 and 2021/2022 which guided the committee in the achievement of its mandate as stipulated in the Bungoma County Assembly Standing Order 196(5).

In the session under consideration, the Committee continued to execute its mandate of legislation, oversight and representation of the people while working in with the departments at the County Executive.

This report is therefore a summary of the activities of the committee in the Fifth Session, 2021. The contents of this report were drawn from County Assembly trackers, committee minutes, reports and work plans.

Committee Internal Sitzings

The committee holds its regular meetings on Thursdays from 11.00 a.m. every week. These meetings were in line with the Liaison Committee internal meetings schedule prepared at the commencement of the financial year 2020/2021 in July, 2020.

During the session under consideration, the committee held thirty eight (38) successful sittings out of the maximum fifty two (52) sittings; four sittings per month as prescribed by SRC. It should be noted that committee meetings were interfered with due to Covid-19 restrictions for inter-person meetings, legislative conferences and conventions and public holidays. These sittings held considered a variety of issues including; drafting and adopting committee work-plan, consideration of exiting legislations in the County, planning committee activities, interrogations of various statutory documents, adoption of committee reports and investigations into matters resulting from referrals on the floor of the house.

Attached is a copy of the Bungoma County Assembly Committee approved schedule for internal committee meetings for the fifth session that was followed in relation to committee meetings.

COMMITTEE WORKPLAN

The Committee on Justice and Legal Affairs was guided by the following work-plan in execution of its mandate of oversight, representation and legislation in the County Assembly of Bungoma in the session under review. This work plan was tabled in the House therefore, I will not go through.

Committee Approved Budget

The committee was allocated Kshs. 5,295,941 for the FY 2020/2021 and Kshs 5,095,400 for the FY 2021/2022. As at 31st December, 2020, the Committee had spent Kshs. 1,633,200

Committee reports

The Committee managed to the following reports that were as the result of retreats that the Committee undertook, presented and adopted in this Honorable House in the session under review.

- Ø Report writing on the Bungoma County Investment and Corporation Act, 2019
- Ø Public participation and report on the Constitutional Amendment Bill, 2020

- Ø Report on the status of the pending law suits in Bungoma County Executive
- Ø Report on the Committee's Activities in the 4th session
- Ø Capacity Building of members on the mandates of the Committee

Committee Achievements

The committee accomplished the following activities during the period under review:

- Ø The Committee invited the public and stakeholders to the public participation exercise on the constitutional Amendment Bill, 2020 pursuant to Article 196 of the Constitution.
- Ø Through the capacity building exercise, members understood their mandate and hence were able to exercise their constitutional and statutory mandates.
- Ø From the report on the pending law suits, the committee informed the House on all the pending law suits, their nature and the budgetary implications.
- Ø The Committee recommended the fast tracking of the enactment of the subsidiary legislation pursuant to Acts passed by this House.

Challenges faced during the session

The committee was faced with the following challenges during the period under consideration:

1. The committee planned activities totaled to Kshs. 15,044,950; however due to inadequate funds, the activities had to be revised downwards to fit into the approved allocation.
2. The Liaison Committee schedule restricted the committee activities to a maximum of two activities per quarter in order to accommodate all the committees. This limited the implementation of the committee activities to the approved schedule.
3. Owing to the restrictions by the MOH due to the COVID-19 pandemic, inter-person meetings were restricted, thus derailing the implementation of some of the committee's planned activities.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

The committee made the following observations;

1. The Committee mandate as per the Standing Order was not clear hence different interpretations resulting to ineffective execution of the mandate.
2. The Committee was not able to undertake all the activities on its work plan due to tight retreat schedule provided by the Liaison committee, inadequate funds and the Covid-19 pandemic constraints experienced in the year under review.
3. The attendance of members to Committee internal and external meetings was timely and up-to-date in the session under review.
4. The House made several adjustments to the County Assembly Calendar for the fifth session thus affecting implementation of planned activities of the committee.
5. The Committee noted delayed publication of the Bungoma County Enforcement of Social Economic Right Bill, 2020. (Dignity Bill)

Committee Recommendations

The Committee hereby makes the following recommendations:

1. THAT, all Members of the County Assembly should be sensitized on the mandates of all Committees at the beginning of every new County Assembly to enrich their oversight role.
2. THAT, the Committee on Liaison should allocate adequate time and funds to Sectoral committees according to their mandate to enable them execute their mandate effectively and in time.
3. THAT, the Committee on Implementation should promptly follow up House resolutions and put departments to task to implement all House resolutions within the required timelines.
4. THAT, the Office of the Clerk should fast track the publication of Bills to enhance the legislative role of the County Assembly (Bungoma County Enforcement of Social Economic Right Bill, 2020. (Dignity Bill))

That marks the end of the report. We have the adoption schedule attached to the report where members have signed.

Mr. Speaker: Kindly invite your chairperson, he is right behind you.

Hon. Sophie Marumbu: Thank you, Mr. Speaker. I was worried. Allow me now invite my Chairperson, Hon. Sindani to second the motion.

(Applause)

Hon. Peter Sindani: Mr. Speaker, I want to thank the Honourable member for taking us through the report. I rise to second the report.

Mr. Speaker: Honourable members, a motion has been moved and seconded that the House adopts a report by the Committee on Justice and Legal Affairs on the Committee affairs and activities for the 5th Session of the Second County Assembly; I propose;

(Question proposed)

There being no debate, the question in respect to the adoption of the above proposed report, I put the question that this House adopts the report by the Committee on Justice and Legal Affairs on the committee affairs on the committee activities for the 5th session of the Second County Assembly

(Question put and agreed to)

The ayes have it.

(Applause)

The committee's observations and recommendations are hereby adopted by this House for onward transmission to the relevant committee to implement the recommendations. That marks the end of our sitting, we will adjourn and resume today at 2:30 p.m.

(House adjourns)