

COUNTY GOVERNMENT OF BUNGOMA



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COUNTY ASSEMBLY OF BUNGOMA
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COUNTY ASSEMBLY OF BUNGOMA OFFICE OF THE CLERK

THIRD ASSEMBLY-THIRD SESSION

COUNTY ASSEMBLY OF BUNGOMA
(LPCS)
03 MAR 2024
TABLED
By: Hon. Joseph Mwangi
at 9:30am

HOUSE BUSINESS COMMITTEE

REPORT ON THE SECOND SESSION PLENARY REVIEW (FEBRUARY – DECEMBER, 2023)

COUNTY ASSEMBLY OF BUNGOMA
(LPCS)
05 MAR 2024
NOTICE ISSUED
By: Hon. Joseph Mwangi
9:36 am

February, 2024

Clerks Chambers
County Assembly Buildings
P.O BOX 1886 - 50200
BUNGOMA, KENYA

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CHAPTER ONE

1.0 PREFACE

The report provides information on the business transacted by the County Assembly covering the period commencing 14th February to 7th December, 2023. The focus is on consideration of Bills, Papers laid and Notices of Motion issued, Motions, Petitions, Statements and/or Questions. During the period under review, the House performed 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 the annual budget FY 2023/2024 and the first supplementary 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.

1.1 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 as follows:-

- (a) Prepare and, if necessary, from time to time adjust the House Calendar with the approval of the County Assembly;
- (b) Monitor and oversee the implementation of the House Business and programmes;
- (c) Implement the Standing Orders respecting the scheduling or programming of the business of the House and functioning of the Committees of the County Assembly;
- (d) Determine the order in which the reports of Committees shall be debated in the County Assembly;

(e) May take decisions and issue directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be;

(f) Consider such matters as may from time to time arise in connection with the Business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by the Standing Orders or from time to time by the County Assembly.

1.2 Committee Membership

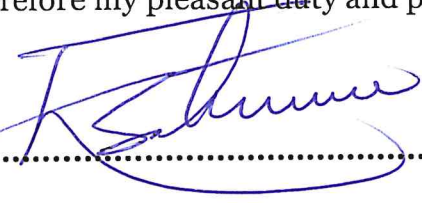
The Committee as currently constituted comprises of the following Members:-

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. Miliar Masungo	Member
7. Hon. Jack Wambulwa	Member
8. Hon. Violet Makhanu	Member
9. Hon. Hentry Nyongesa	Member
10. Hon. Johnston Ipara	Member
11. Hon. Cornelius Makhanu	Member
12. Hon. Metrine Nangalama	Member
13. Hon. Jacob Psero	Member
14. Hon. Mildred Barasa	Member
15. Hon. Stephen Kaiser	Member

1.3 Acknowledgement

The Chairperson of the Committee takes this opportunity to thank all Members of the Committee for their immense contribution. In equal measure, the Committee conveys its gratitude to the offices of the Speaker and Clerk of the County Assembly for the support accorded to it in the execution of its mandate during the compilation of the report.

It is therefore my pleasant duty and privilege, to present the report to the House.

SIGN  DATE 22/02/2024

HONOURABLE EMMANUEL SITUMA

SPEAKER OF THE COUNTY ASSEMBLY/CHAIRPERSON

CHAPTER TWO

2.0 Introduction

2.1 Resumption of the House

The second Session of the third Assembly began on Tuesday, 14th February, 2023 and ended on Thursday 7th December, 2023. This Report, therefore, provides information on the legislative and other businesses transacted in the County Assembly during this period.

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 approved the House Business Committee and approved the Calendar of the House (Regular Sessions) for the second Session 2023 pursuant to Standing Order 31 with an anticipation of one hundred and twelve (112) Sittings between January 14th and December 7th. There were short and long periods of recess to allow members consider other business before Committees. However, during the period under review, the House altered its Calendar and adjournment dates on two occasions as follows:

- 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 the Session, the County Assembly had held a total of ninety five (95) Sittings. Of these Sittings, one (1) was a Special Sitting.

Observation

During the period under review, complete observance of the Calendar was interfered with. The House therefore lost seventeen Sittings (17) due to the adjournment Motion.

2.2 Special Sitting

A special sitting is a sitting held by the House on a day other than a day prescribed in the regular calendar of the House. The House may hold a special sitting upon request by the Leader of the Majority Party or coalition of Parties or the Leader of Minority Party or

coalition of Parties and with the approval of the Speaker. A special sitting may also be convened if any group of Members not being less than one third of the total membership of the House address a letter to the Speaker with their names and signatures appended to the letter requesting that the House be convened while it is on recess.

During the Session the House held a Special Sitting on Thursday 7th September, 2023 convened vide Gazette Notice No. 11827 dated 5th September, 2023 for the purpose of altering the Calendar of the House (Regular Sessions) 2023.

2.3 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. In line with the aforementioned, H.E. the Governor delivered the second address to the County Assembly on Tuesday, 21st February, 2023.

2.4 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
2. Bethseda Girls' High School - 4th April, 2023
3. Dominion Training Institute - 6th April, 2023
4. Kimilili Friends Girls' Secondary School - 11th April, 2023
5. St. Antony Boys' High School Sirisia – 13th April, 2023
6. Moi DEB Primary School, Township- 20th April, 2023
7. Kisuluni Primary School - 15th June, 2023
8. Chekulo Primary School - 20th June, 2023
9. Sio RC Primary School - 7th September, 2023
10. Mbakalo Friends Girls' Secondary School – 12th September, 2023
11. ACK Kamuneru Primary School - 13th September, 2023
12. Lwandanyi Secondary School - 14th September, 2023
13. Rainbow Learning Academy – 19th September, 2023
14. Immaculate Heart of Mary Luuya Girls Secondary School -20th September, 2023

15. Ndivisi Girls' Secondary School – 21st September, 2023
16. Sikulu Friends Secondary School – 3rd October 2023
17. Nalondo CBM special School – 3rd October, 2023
18. Royal Vision Academy, Mabanga – 4th October, 2023
19. Walala R.C Primary School – 5th October, 2023
20. Ekambuli Secondary School, Kakamega County – 11th October, 2023
21. Milo Friends Girls' Secondary School, Sitikho Ward – 12th October, 2023

Other visitors 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
3. Officers from the Senate to train the Sergeants
4. Visitors from Turkana County Assembly on a bench marking activity
5. Visitors from Trans-Nzoia County Assembly for a joint Committee meeting of the Trans-Nzoia and Bungoma County Assemblies Public Accounts and Investments Committee on the Report of the Auditor General on NZOWASCO for the period ended 30th June, 2022

2.5 County Assembly House proceedings and business

2.5.1 Communication from the Chair

The Speaker of a parliamentary body plays a crucial role in maintaining order and facilitating communication within the legislative assembly. Here are some common observations about parliamentary communications made by the Speaker:

Maintaining decorum: The Speaker often reminds members of the 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 impartial 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.

It is the prerogative of the Hon. Speaker to guide the House in its proceedings and decision making by invoking the Standing Orders. 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*". During the period under review, a total of forty six (46) Communications were issued. The Communications encompassed considered ruling on procedural questions, information to the House, guidance to the House, convocation of Special Sittings, business of Committees, invitation of members to conferences, political parties, affairs and recognition of visiting delegations among others.

2.5.2 Messages from H.E the Governor

Pursuant to Standing Order 45, the House received and processed six Messages from H.E the Governor with regard to nomination of persons for appointment to the positions of County Executive Committee Member, Chief Officers, Members of the Kimilili and Bungoma Municipalities, member of the County Public Service Board and County Secretary and head of County Public Service.

2.5.3 Public Petitions

Petitions are written prayers made to the House under Articles 37 of the Constitution by a member of the public requesting the House to consider any matter within its authority. The provisions of Section 15 of the County Governments Act, 2012 and Article 37 of the Constitution 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. Petitions give citizens opportunities to express issues of interest to them.

Every Petition presented pursuant to Section 15 of the County Government's Act, 2012 stands committed to the Committee on Justice and Legal Affairs for consideration within sixty (60) calendar days.

During the Session, the House processed three (3) Petitions.

- i. Petition on the denial of right to health services to Johnkin Wanjala and his subsequent death at Webuye County Hospital
- ii. Petition on the new organogram in the Department of Health and Sanitation
- iii. Petition in reference to market construction for mobile traders at Dinah flyover

Two other Petitions were still pending before the relevant Committee for processing. These were:

- i. Petition on the need to assist allocate land and resettle the Cave dwellers.
- ii. Petition in reference to poor management of the new Chesikaki farmers' Co-operative Society and illegality of the current office bearers

Compliance with statutory timelines for petition processing, as outlined in relevant laws and regulations, is crucial to ensure accountability, enhanced responsiveness of County Assemblies, demonstrates commitment to serving the needs and concerns of the constituents and fosters public trust and engagement in the democratic process.

2.5.4 Papers laid

During the period under review, a total of one hundred and sixty three (163) Papers were tabled in the House. They included one hundred (100) Committee reports, eighteen (18) reports from the Office of the Auditor General and twenty eight (28) reports from the County Executive, two (2) Regulations, eight (8) Policies/guidelines and four (4) reports from the County Assembly Service Board.

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 Governor
- iv. Memorandum submitted by Bungoma County Child Rights network to the County Assembly on Holistic Skills Development in Bungoma County

2.5.5 Notices of Motion

During the period under review, one hundred and three (103) Notices of Motion were issued.

2.5.6 Motions

During the Session, the House considered and concluded one hundred and twenty (120) Motions consisting of substantive, procedural, special and other Motions. The Office of the Clerk transmitted all adopted reports to the relevant bodies under whose portfolio the implementation of the resolutions fall.

2.5.7 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.

2.5.8 Questions and Statements

Questions and Statements play crucial roles in parliamentary proceedings.

Questions

Questions promote scrutiny, accountability and information gathering as they serve as a mechanism to scrutinize government actions and policies. They can reveal potential issues or inconsistencies.

Statements

Statements allow government officials or Members of Parliament to provide important information to their colleagues and the public, enhance accountability and ensure transparency.

During the period under review, Members employed use of Statements and/or Questions to bring various matters before the House. There were 70 Statements/Questions, out of which 47 Statements were directed to the respective County Executive Committee Members and Chairpersons of various Sector Committees, 22 statements were pursuant to the provision of SO 47 (2) (C) informing the House of the business coming before it 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	9	8	0	1
2	Education and Vocational Training	8	7	1	0
3	Finance and Economic Planning	1	1	0	0
4	Gender, Culture, Youth and Sports	2	2	0	0
5	Health and	5	5	0	0

	Sanitation				
6	Lands, Urban, Physical Planning and Housing	5	5	0	0
7	Public Administration	4	3	0	1
8	Roads, Transport, Infrastructure and Public Works	8	8	0	0
9	Tourism, Environment, Water and Natural Resources	4	4	0	0
10	Trade, Energy and industrialization	1	1	0	0
	TOTAL	47	44	1	2

The Committee observed that most of the questions and statements had been responded to satisfactorily apart from:

1. Statement in relation to lack of clear information on the contracted staff whose term is pegged on the current Governor's term
2. Statement in relation to utilization of 3% of both the scholarship and bursary funds
3. Statement in relation to Procurement process of maize and fertilizer for farm input programme

2.5.9 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.

In exercising its legislative mandate, the House introduced and concluded fourteen (14) legislative proposals. Of the fourteen (14) Bills, two (2) were carried over from the first Session whereas twelve (12) 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 state of the County Address, 2022 - *Passed and assented to*
3. The Bungoma County Government Finance Bill, 2022 - *Passed and assented to*
4. The Bungoma County 2nd Supplementary Appropriation Bill, 2023 – *Passed and assented to*
5. The Bungoma County Government Annual Appropriation Bill, 2023 – *Passed and assented to*
6. The Bungoma County Revenue Administration and Management (Amendment) Bill, 2023 – *Passed and assented to*
7. The Bungoma County Markets (Amendment) Bill, 2023 – *Passed and assented to*
8. The Bungoma County Public Entertainment and Amenities Bill, 2023 – *Passed and assented to*
9. The Bungoma County Cooperative Societies Bill, 2023 – *Passed and assented to*
10. The Bungoma County Weights and Measures Bill, 2023 – *Passed and assented to*
11. The Bungoma County Outdoor Advertisement and Signage Control and Regulation Bill, 2023 – *Passed and assented to*
12. The Bungoma County Inspectorate, Compliance and Enforcement Bill, 2023 – *Passed and assented to*
13. The Bungoma County Finance Amendment Bill, 2023- *Passed and assented to*
14. The Bungoma County 1st Supplementary Appropriation Bill, 2024- *Passed and assented to*

The Committee observed that the House is on the right trajectory in terms of playing its legislative role.

2.5.10 Policies and Guidelines

During the second Session, the House received eight Policies and guidelines. They were committed to the relevant Sector Committees for processing and reporting back upon resumption of the House for the third Session.

1. The Bungoma County Internship Policy, 2023

2. The short-term contractual Policy for Bungoma County Public Service, 2023
3. The Bungoma County Agricultural Sector Policy, 2023
4. The Bungoma County Agribusiness Policy, 2023
5. The Bungoma County Agriculture Soil Management Policy, 2023
6. The Bungoma County Food Safety Policy, 2023
7. The Bungoma County Agriculture Land Lease Guidelines 2023
8. The Bungoma County Guidelines for implementation of agricultural input support programme, 2023

2.5.11 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.

The Public Finance Management (Bungoma County Executive Employees' Car loan and Mortgage Scheme Fund) Regulations, 2023 is still under consideration by the Committee on Delegated County Legislation.

2.5.12 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.

- i. Approval of nominee for appointment to the office of the County Executive Committee Member for Youth, Gender, Culture and Sports.
- ii. Approval of nominee for appointment to the office of the Chief Officer for Education and Vocational Training.
- iii. Approval of nominee for appointment to the office of the Chief Officer for Trade, Energy and Industrialization.
- iv. Approval of nominee for appointment to the office of the Chief Officer for Health and Sanitation.
- v. Approval of nominee for appointment to the office of the Chief Officer for Public Service and Management.
- vi. Approval of nominees for appointment to the offices of the Chief Officer for Agriculture and Cooperative Development.
- vii. Approval of nominees for appointment to the Bungoma and Kimilili Municipalities.

viii. Approval of the County Secretary and Head of County Public Service

2.5.13 Procedural Developments

During the Session, the following procedural developments were realized:

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

2.5.14 Plenary Sitzings

Presiding Speakers during the Second Session were as follows:

1. Hon. Emmanuel Situma (Speaker)	68	Sittings
2. Hon. Stephen Wamalwa (D/Speaker)	23	Sittings
3. Hon. Christine Mukhongo (1 st Panelist)	1	Sitting
4. Hon. Benjamin Otsiula (2 nd Panelist)	3	Sittings

2.5.15 Commencement of Sitzings

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

CHAPTER THREE

3.0 COMMITTEE RECOMMENDATIONS



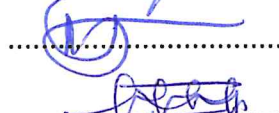
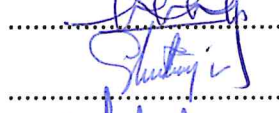
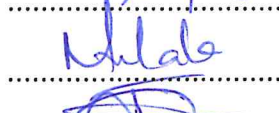

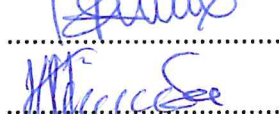
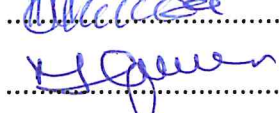
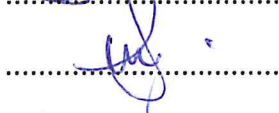
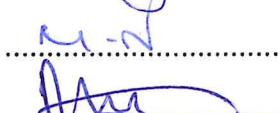
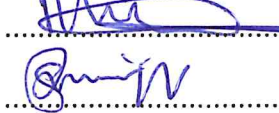
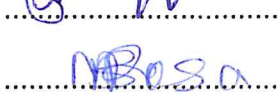


1. All bills emanated from the executive. The Committee recommends that Members should also come up with individual bills.
2. The Committee recommends that Members should liaise with the office of the Clerk in case they need to invite learning institutions from their Wards to the County Assembly.

3.1 CONCLUSION

1. Review of parliamentary activities is important for accountability, transparency, oversight, legislative improvement, public engagement, historical records and for upholding democratic values

ADOPTION SCHEDULE

We, Members of the House Business Committee, have pursuant to Standing Order 202(5) adopted the report. We append our signatures to affirm our approval of the contents therein.

Name	Designation	Signature
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. Miliar Masungu	Member	
7. Hon. Jack Wambulwa	Member	
8. Hon. Johnston Ipara	Member	
9. Hon. Hentry Nyongesa	Member	
10. Hon. Jacob Psero	Member	
11. Hon. Cornelius Makhanu	Member	
12. Hon. Metrine Nangalama	Member	
13. Hon. Violet Makhanu	Member	
14. Hon. Stephen Kaiser	Member	
15. Hon. Mildred Barasa	Member	