



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p.m.

Third County Assembly- Second Session

Tuesday Afternoon 21st November, 2023

(The Assembly met at 2:30 p.m. in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Speaker (Hon. C. Korir) in the Chair]

PRAYER

(Hon. J. Samoei rose on a point of order)

Hon. J. Samoei (Nyangores Ward, UDA): Hon. Speaker, we have not attained the quorum

Hon. Speaker (Hon. C. Korir): I will therefore appoint Hon. Charles to whip the Members outside on behalf of the Whip. I also instruct the Serjeant-at-Arms to ring the Quorum bell for 5 minutes.

(Quorum bell rung)

(Hon. D. Kirui walked into the Chamber)

(Hon. B. Rotich rose on a point of order)

Hon. B. Rotich (Chebunyo Ward, INDEPENDENT): Hon. Speaker, we now have quorum.

Hon. Speaker (Hon. C. Korir): Hon. Member, the Member who has just stepped in is not dressed appropriately. Get someone else.

(Hon. D. Kirui walked out of the Chamber)

(Hon. C. Langat rose on a point of order)

Hon. Speaker (Hon. C. Korir): What is it, Hon. Charles?

Hon. C. Langat (Boito Ward, UDA): Hon. Speaker, if my memory serves me right, the Speaker does not have eyes. I stand guided.

Hon. Speaker (Hon. C. Korir): The Hon. Member had requested to go and get someone. It is true that when debate is on, the Speaker is blind and needs to be reminded by the Members but before anything starts, my eyes are on the floor of the House.

(Hon. B. Rotich rose on a point of order)

Hon. B. Rotich (Chebunyo Ward, INDEPENDENT): We now have quorum and I need to be applauded because I have done a good job.

Hon. Speaker (Hon. C. Korir): Congratulations to you for having served as a good whip. I have just noted that the Majority Whip and the Minority Whip are both absent. That is something to note.

We will proceed with the businesses of the day. Order! Order! Hon. Members.

PAPERS

THE REPORT OF THE COMMITTEE ON GENDER, CULTURE AND SOCIAL SERVICES ON THE BOMET COUNTY GENDER EQUALITY AND WOMEN EMPOWERMENT BILL, 2023

Hon. J. Cheruiyot (Embomos Ward, UDA): Hon. Speaker, thank you for the time you have given me. Before I proceed, I welcome the Members who are at the public gallery. They are from my ward.

Hon. Speaker, I beg to lay the following Paper on the Table of the County Assembly today, Tuesday, 21st November 2023:

The Report of the Committee on Gender, Culture and Social Services on the Bomet County Gender Equality and Women Empowerment Bill, 2023

I beg to lay.

(Hon. Member proceeded to lay)

Hon. Speaker (Hon. C. Korir): Hon. Japhet, thank you. As you had said, I have a list of names of the members of the public at the public gallery.

1. Hezron Kilel - Embomos Ward
2. Pastor Moses Chepkwony - Embomos Ward
3. Mr. Julius Koech - Embomos Ward
4. Mr. Cosmas Sitienei - Embomos Ward
5. Miss. Jael Chebusit - Embomos Ward
6. Philemon Langat - Embomos Ward
7. Joseph Langat - Kimulot Ward
8. David Rugut - Kimulot Ward
9. Mr. Paul Bett - Singorwet Ward

You are welcome to this August House. You are required to observe the proceedings of this House in silence. On behalf of all these Hon. Members, I welcome you.

Thank you, Chairperson, for laying the Paper. Hon. Peter, are you aware that you are supposed to Table a Paper? Proceed.

Hon. P. Rono (Kipsonoi Ward, UDA): Hon. Speaker, I believe you are allowing us to move to item number 8 on the Order Paper.

Hon. Speaker (Hon. C. Korir): Not really. I know you have a Paper. That is what we will rely on to proceed to Order Number 8. We are currently on Order number 5.

Hon. Members, let us maintain the quorum. Hon. Ernest, do you want to say something?

THE REPORT OF THE COMMITTEE ON ENERGY, ENVIRONMENT, WATER AND NATURAL RESOURCES
ON THE 2022/2023 EXPENDITURE REPORT OF BOMET COUNTY DEPARTMENT OF WATER,
SANITATION, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE

Hon. E. Rotich (Mogogosiek Ward, UDA): Hon. Speaker, thank you. I beg to lay the following Papers on the Table of the County Assembly today, Tuesday, November 21st 2023 on behalf of the Chairperson, Committee on Energy, Environment, Water and Natural Resources:

The Report of the Committee on Energy, Environment, Water and Natural Resources on the 2022/2023 Expenditure Report of Bomet County Department of Water, Sanitation, Environment, Natural Resources and Climate Change.

Hon. Speaker (Hon. C. Korir): Are you a member of that Committee?

Hon. E. Rotich (Mogogosiek Ward, UDA): Yes, I am.

Hon. Speaker (Hon. C. Korir): Proceed.

(Hon. E. Rotich proceeded to lay)

Hon. Speaker (Hon. C. Korir): Hon. Ernest, thank you. Hon. Peter Ronoh.

THE REPORT OF THE COMMITTEE ON AGRICULTURE, FISHERIES AND
LIVESTOCK ON THE BOMET COUNTY LIVESTOCK SALES YARD BILL, 2023

Hon. P. Rono (Kipsonoi Ward, UDA): Hon. Speaker, thank you. I beg to lay the following Paper on the Table of the County Assembly today, Tuesday, 21st November 2023:

The Report of the Committee on Agriculture, Fisheries and Livestock on the Bomet County Livestock Sales Yard Bill, 2023

I beg to lay.

Hon. Speaker (Hon. C. Korir): Proceed.

(Hon. P. Rono proceeded to lay)

QUESTIONS AND STATEMENTS

Hon. Speaker (Hon. C. Korir): Hon. Members, the following Questions and Statements are due.

1. Question raised by Hon. Eric Kirui on 18th October 2023 concerning the recent recruitment by the County Public Service Board for various County Departments of the County Government. Specifically, the Hon. Member wanted answers to the following;

- a. Criteria used in ensuring job grades are equitably distributed across all the county wards, to ensure county opportunities are shared equitably?
- b. Why did the Board ignore recommendations previously issued by the County Assembly on absorbing staff already serving in the same positions and more specifically the Ad hoc committee report of the Second Assembly?
- c. Why did the Board ignore hiring an officer who is under the category of a person with a disability to a position he held in the Department of Social Services and hired someone new to that position?
- d. Which mechanisms were employed by the board to ensure that the candidates hired for the positions advertised have given genuine documents from various institutions of learning?
- e. Why did the Board hire close relatives some of whom have integrity issues in their former places of work including those with active cases under investigation?

This Question was committed to the Committee on Labour and Public Service.

2. The comprehensive statement sought by the Hon. Catherine Chepngetich on 26th September 2023 from the Chairperson Committee on Trade, Tourism, and Cooperatives on the status of the newly constructed market stalls within Bomet Town Market. In the statement, the committee should;

- a. State the name of the contractor awarded the contract of construction of the said market stall, the cost of construction, the scope of works, and the timelines of the project;
- b. State whether the construction of the market stalls was within the approved procurement plans and if so provide relevant documents to that effect.
- c. State the reasons why accessibility of constructed market stalls by Persons with Disabilities (PWDs) was not taken into consideration.
- d. State whether the construction of the said market stalls is complete and functional

This Question was committed to the Committee on Trade, Tourism and Cooperatives.

(Hon. J. Samoei rose on a point of order)

Hon. Speaker (Hon. C. Korir): What is your point of order?

Hon. J. Samoei (Nyangores Ward, UDA): Hon. Speaker, you had directed this Question to the Committee on Trade, Tourism, and Cooperatives but the department that gave out the contract was the Department of Lands, Housing and Urban Planning.

Hon. Speaker (Hon. C. Korir): That is true. I recommitted it back to the Committee on Lands, Housing, and Urban Planning. Do you have the report?

Hon. J. Samoei (Nyangores Ward, UDA): Yes, we do.

Hon. Speaker (Hon. C. Korir): Thank you. We will start with the Chairperson, Committee on Labour and Public Service to respond to the Questions which had been raised by Hon. Eric Kirui.

QUESTION CONCERNING THE RECENT RECRUITMENT BY THE COUNTY PUBLIC SERVICE BOARD

FOR VARIOUS COUNTY DEPARTMENTS OF THE COUNTY GOVERNMENT

Hon. B. Rotich (Chebunyo Ward, INDEPENDENT): Hon. Speaker, thank you. On 18th October 2023, Hon. Eric Kirui, Member representing Kimulot Ward brought forth a matter of concern regarding the recent recruitment conducted by the County Public Service Board for various county departments of the county government.

Specifically, the Hon. Member wanted answers to the following;

- i. Criteria used in ensuring job grades are equitably distributed across all the county wards, to ensure county opportunities are shared equitably?
- ii. Why did the Board ignore recommendations previously issued by the County Assembly on absorbing staff already serving in the same positions and more specifically the *ad hoc* committee report of the Second Assembly?
- iii. Why did the Board ignore hiring an officer who is under the category of a person with a disability to a position he held in the Department of Social Services and hired someone new to that position?
- iv. Which mechanisms were employed by the board to ensure that the candidates hired for the positions advertised have been given genuine documents from various institutions of learning?
- v. Why did the Board hire close relatives some of whom have integrity issues in their former places of work including those with active cases under investigation?

Hon. Speaker, the Committee communicated his request to the County Public Service Board via a letter pursuant to a Committee resolution. The County Public Service Board responded on 17th November 2023 via a letter.

On the first Question, these were the responses from the Board. The Board is guided by ...

(Hon. W. Kiprotich rose on a point of order)

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon. Speaker, I am concerned that the Statement seeker is not within the Chambers and owing to the fact that this has a far-reaching implication, preferably, I would beg your pardon that it could have been prudent that if he was present so that at last he can have first-hand information in what it is being given. Otherwise, I would want to congratulate the chair for labor. I am only seeking your indulgence that at least this member should be present. He might not have sought your permission anyway but find it within yourself to preferably have him in when the question is being answered.

Hon. Speaker (Hon. C. Korir): Will as many as are of that opinion that the honorable member from Chepchabas has said say Aaaaye. Those of the contrary opinion say Nei. Then the Aayes have it. We will postpone that to tomorrow 9.30. So tomorrow's session you will.

Hon. B. Rotich (Chebunyo ward, INDEPENDENT): I could kindly request you that we bring this response in the afternoon after we have sat with the honorable members. Afternoon tomorrow. Thank you.

Hon. Speaker (Hon. C. Korir): Honorable Chair for Urban Development.

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): Thank you Mr. Speaker. I rise to respond to the question sought by honorable Catherine Chepnetich.

Hon. Speaker (Hon. C. Korir): Okay I can see honorable Catherine is with us.

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): On 25th October 2023 on the status of newly constructed Market Stalls within Bomet Market. In the question, the member enquired about:

1. The name of the contractor that was awarded the contract of the said Market stalls, the cost of the construction, the scope of work and the timeline of the project.
2. Whether the construction of the market stalls was within the approved procurement plan and if so, provides relevant documents to that effect.
3. The reason why accessibility of the constructed stalls by Persons With Disabilities was not taken into consideration.
4. Whether the construction of the said market stalls is complete and functional.

Mr. Speaker, the committee wrote a letter On 16th October that requested the department to avail a comprehensive report to the assembly on the issues raised. Mr. Speaker in a letter dated 23rd October 2023, the CEC responded to the questions as follows:

SUMMARY OF THE PROJECT'S DETAILS.

1. Contractor that was awarded the contract is named Kippinicle Enterprise Limited.

The Project title: Proposed Bomet Market Cabro works Stalls and Sheds, Culverts, drainage works, flood lights and supply of truck mounted with skip loader.

Project Funding: World Bank through Kenya Urban Support Program.

Employer: The Chief Officer Bomet Municipality.

Implementing Agency: Bomet County Government.

Resident Engineer: Director Department of Roads Public Works and Transport.

Supervision: Director Department of Roads Public Works and Transport.

Date Signed: December 2020.

Scope of Work: Bomet Market Cabro works Stalls and Sheds, Culverts, drainage works, flood lights and supply of truck mounted with skip loader.

Contract Sum: Ksh 58,526,500.

Date of Order to Commence: December 2020

Contract Period: 12 Months.

Defects Liability Period: 6 Months

Advance Payment: NIL

Overall Physical Progress: 100%

Scope of Works

The major works executed comprise mainly of but not limited to the following:

Provision of signage, provision of facilities to the supervising engineers, site clearance on top soil removal, earth works, Cabro works, demolition of all the existing structures at the site where the structures are to be constructed and the construction of structures as specified in the bill of quantities., construction of sheds and stalls, general landscaping work, relocation of the affected utilities, relocation of business stalls affected, electrical and mechanical works, drainage and culvert installation including connection to the existing sewer line, installation of flood lights.

2. Construction of Bomet Market was within the procurement plan. Documents attached. I think I posted the report and the members can access in their gadgets.
3. Accessibility of the market by people living with disability was not taken into consideration as the general terrain of the ground for the stall's slope longitudinally necessitated creation of drainage line along the front vacate of the stall. The slap level for the stall dropped to a maximum of 450 mm inhibiting rams along the shed vacate. However, accesses were provided from the drop of pavement directly to every stalls. A concrete slap spanning across the drainage line was cast to provide smooth access to the stalls.
4. The construction of the market is complete and functional. The market sheds was finished, painted and serialized. The market space was handed over to the department for purpose of arranging occupation. Stake holders' participatory meetings were done to sensitize the users on occupation procedures.

Mr. Speaker, the committee on lands Housing and Urban Planning in conjunction with that of trade, industry and tourism conducted a site visit to the market stalls to ascertain the true status of the said market. Honorable speaker, the committee met the dissatisfied members of the public regarding the project. The committee noted the following:

1. The scope of work done is shoddy. evidently, the contractor did not incorporate a design that satisfy the need of the traders

2. Movement of Persons Living with Disabilities were not considered during the construction.

The proposed ram that was in the initial plan was omitted.

3. The Cabro works is done although the traders opine that it was of substandard.

4. No connection of electricity.

5. No collection point of storm water.

6. No access road to the market stalls.

Mr. Speaker, the committee together with representatives from the department of the county engineers held a joint consultative meeting and the following was resolved

- i.** Whereas the market sheds was observed not to be addressing the vendors need, it was agreed that some walls for the cubicles shall be dismantled to provide ease of access.
- ii.** The peripheral wall shall be fitted with steel grills to provide additional hanging space for the vendors.
- iii.** There shall be installed additional flood lights for dark spots and lighting points in all indoor spaces.
- iv.** Accessible ram shall be installed at the entrance of every stall.

Mr. Speaker, in our conclusion, after the consultative meeting, the committee resolved to give more time to the department to comply with the resolutions arrived at and it will be in constant communication with the CEC until the project is fully functional. Thank you Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Thank you very much Vice Chair Urban Development so members you can now debate on it. The honorable member who sought this question you have the first chance to respond. That is honorable Catherine.

Hon. C. Chepngetich (Nominated MCA, UDA): Thank you Mr. Speaker allow me to applaud the committee for their well elaborated response but honorable speaker, the committee did not serve me with their response earlier honorable speaker so that I can tell whether I am satisfied or not but honorable speaker I am requesting you reschedule this matter honorable speaker so that I express my satisfaction. Thank you.

Hon. Speaker (Hon. C. Korir): Honorable members do have the response from vice chair urban development:

(Hon. J. Samoei rose on a point of order)

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): The report I posted almost two hours earlier in our WhatsApp group and I called the member but she was away enjoying her lunch but immediately she entered I gave her a copy of the report.

(Hon. E. Rotich rose on a point of order)

Hon. E. Kipkemoi (Mogogosiek ward, UDA): I was trying to check facts on what honorable Joseah is saying and I can tell you it was posted at 2.17 and this house was supposed to begin its business at 2.30. so what he is saying 2 hours Mr. Speaker is not true.

(Technical hinge)

Hon. Speaker (Hon. C. Korir): Honorable Kiprotich.

Hon. W. Kiprotich (Chepchabas ward, UDA): Honorable speaker I wanted to give a rejoinder on what the honorable member from Mogogosiek said and whether indeed honorable Joseah is trying to lie to the house because we need to lead by example. Number one he is a leader of this house and we are leading the congregation that elected us to come to this honorable house so that at least we can be able to do this. Where did he get the two hours? Indeed he posted at 2.17.

Hon. Speaker (Hon. C. Korir): Honorable vice chair, I think the two honorable members actually three of them.

(Hon. J. Samoei rose on a point of order)

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): Let me apologize. I posted 2 hours ago to the members of our committee on urban planning not to this whole house Mr. Speaker. I apologize.

Hon. Speaker (Hon. C. Korir): You are now tempting me to punish you.

Hon. B. Langat (Kembu ward, UDA): I can confirm Mr. Speaker. At 2.18 I was the one calling him why did he put the group questions in our group instead of general group otherwise he posted it around 12.40

Hon. Speaker (Hon. C. Korir): Honorable Member thank you for that order. I want to ask the honorable vice chair; was it an oversight or it was your intention that this report not be read by the members?

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): It was an oversight Mr. Speaker but I think we cannot repeat again Mr. Speaker.

Hon. Speaker (Hon. C. Korir): If you proceed that way, I might take your hours and give it to another committee.

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): Mr. Speaker I beg we can postpone the question to tomorrow morning session Mr. Speaker.

Hon. Speaker (Hon. C. Korir): I think honorable members we all agree let us agree that the honorable member has not been mischievous all the other time.

(Hon. W. Kiprotich rose on a point of order)

Hon. W. Kiprotich (Chepchas ward, UDA): So that we do not set a bad precedence in this house and we need to be very apt on it, I want you to demand a screenshot of what was given in their group so that at least you can be able to see the time.

Hon. B. Langat (Kembu ward, UDA): Thank you, I can provide Mr. Speaker.

Hon. Speaker (Hon. C. Korir): I will ask the clerk to confirm whether it was actually posted in the group in 2 hours' time before we came to this house. Bring it to me I think I need to have a look at it personally. Honorable Members I have honorable Bernard Langat's phone here. The documents were circulated in their WhatsApp group at 20.53 yesterday. Now where was the one that was shared to all the members? So honorable member you are lying to this house. I will censor you. I want us to use the truth so honorable Samoei you lied to this house. You accept liability right?

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): I accept and apologize Mr. Speaker.

(Hon. P. Mutai rose on a point of order)

Hon. P. Mutai (Sigor ward, UDA): Mr. Speaker as it was earlier moved by honorable Kiprotich, kindly remind Mweshimiwa Langat also second that Mweshimiwa from Kongasis posted this at 12.40 of which you have actually checked and it is wrong. Let the two apologize Mr. Speaker.

(Hon. E. Kipkemoi rose on a point of order)

Hon. E. Kipkemoi (Mogogosiek ward, UDA): Mr. Speaker as you even deal with the issue of the two honorable members, in fact one has even walked around you Mr. Speaker which is very dangerous coming close to you to bring you the lies all the way Mr. Speaker to your table is in fact disrespectful for one, secondly Mr. Speaker, the statement seeker has asked for time to go through the report and maybe give her opinion. It has been a norm Mr. Speaker when a statement seeker raises a question. It is a norm that you can invite him or her to the committee before even you table the report so Mr. Speaker, for this to be done in the right manner Mr. Speaker, we depend on your ruling.

Hon. Speaker (Hon. C. Korir): The honorable member from Kembu honorable Bernard Langat has actually come to me here and he is trying to change the facts. I am censoring you honorable member.

Hon. B. Langat (Kembu ward, UDA): As I apologize Mr. Speaker, at 12 noon Mr. Speaker

Hon. Speaker (Hon. C. Korir): You lied knowingly to the speaker. I think I will not accept that honorable member. Same as honorable Samoei, both of you are censored up to tomorrow morning. You will leave the chamber and tomorrow morning you will start by apologizing to this August

house. Next time members do not lie to the honorable members. Thank you very much. Yes honorable Langat.

Hon. P. Langat (Merigi ward, INDEPENDENT): Thank you Mr. Speaker I just rise to seek for your guidance because of the following questions or statements. Why is it that we always ask questions or statements without any signal of implementing even one? For example there is one honorable member who have asked the question of the payment of the casual workers and up to now, those people have not been paid 9 months. We always bring the report and term it as comprehensive but when it comes to implementation, it has been a problem. Who are these people who are suppose to save these people who are cleaning our town, they have always been coming out of their houses without any payment. For this case for example, we have this report which has actually been tabled by honorable member.

Hon. Speaker (Hon. C. Korir): I have censored honorable Bernard Langat and he is still in the chamber. Honorable member when you are censored you are not suppose to be in the chamber and I have given you until tomorrow then you straighten your paths. Thank you very much proceed honorable member.

Hon. P. Langat (Merigi ward, INDEPENDENT): Now because of this, I was one of those who visited the market and we saw what our honorable member has (*inaudible*) and even I think we are now tabling here maybe the repayment has been made to the contractor. Now what action will it be if the payment has been done. I am just asking this question because we always come, we discuss things here but when you go to the site, it is a different case. So Mr. Speaker I seek your guidance. Thank you.

Hon. Speaker (Hon. C. Korir): Thank you very much honorable Langat (*inaudible*) Standing order 201 (6) the relevant county executive committee member shall within 60 days in respect of any matter under standing order 201 (5) (i) under whose portfolio the implementation of the matter falls shall provide a report to the relevant committee of the county assembly and that may propose to the county assembly sanctions against any county executive member who fails to report to it on implementation status without justifiable reasons. So I want to tell you you have the powers to sanction the county executive member who has not done his or her job. For example from that committee that you have given the question. If you find it that whatever happened was not up to the standard, you can sanction the CECM. Those are the powers that this house has. So you have the powers to sanction the CECMs of the various sectors. It is within your (*inaudible*) I hope you have got it honorable Langat.

Hon. P. Langat (Merigi, ward INDEPENDENT): Thank you Mr. Speaker I was very much concerned about the casual laborers. They have been actually suffering very much. 9 months.

Hon. Speaker (Hon. C. Korir): The CEC in charge of that is CEC Urban?

Hon. P. Langat (Merigi ward, INDEPENDENT): Urban. He question was directed to honorable Busienei and he answered very well here but those people on the ground now they have not been aid up to now.

Hon. Speaker (Hon. C. Korir): So Kindly the team, call the CEC to explain why and in fact you have the powers to sanction him. The power is within this house. Thank you very much let us proceed honorable members.

BILL

THE BOMET COUNTY LIVESTOCK SALES YARDS BILL 2023. BILLS NUMBER 10 OF
2023.

Hon. P. Ronoh (Kipsonoi ward, UDA): Thank you so much honorable speaker before I move to the bill, I would really ask you to direct the honorable member to refer to article 183 of the Kenya constitution 2010 and of course Article 185 (1) where the legislative authority of county assemblies is vested here with us and Mr. Speaker. 183 (1) makes it mandatory that a county executive committee member shall... To implement county legislations including what we approve as committees Mr. Speaker. I want to move to...

Hon. Speaker (Hon. C. Korir): Kindly proceed again, suppose he does not, that is his question.

Hon. P. Ronoh (Kipsonoi ward, UDA): Mr. Speaker the law gives the blueprint and the punishment that is required should a county executive committee member becomes rogue. Remember article 183 says the CEC shall, there is no debate about that. If he or she chooses not to then he is in contravention of the supreme law and that is equivalent to gross misconduct.

Hon. Speaker (Hon. C. Korir): Advise the member suppose the CECM becomes rogue or has broken a law.

Hon. P. Langat (Merigi ward, INDEPENDENT): I think he also has the same problem from Chebole I think you have the casual laborers there. Are you in a good position when they are not paid? That is the question.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Speaker allow me to go to item number 8 in the order paper because that one is a story for another...

Hon. Speaker (Hon. C. Korir): Before you proceed I want to urge honourable members all of us, it looks like we've not read our standing orders properly and it seems we don't know the powers of this house and again as a rejoinder and from what Hon. Peter Ronoh has just given us we really need to read the constitution and understand our powers here, the powers of the assembly then we will proceed well there. Proceed honourable Peter Rono.

Hon. P. Ronoh (Kipsonoi ward, UDA): Thank you so much Hon. Speaker, I move that the Bomet County Livestock Sales yard Bill 2023 bill No. 10 OF 2023 be read a second time. Mr. Speaker as we are all aware that the bill was introduced to this county assembly and the chair directed it to the committee on agriculture to carry it out through the remaining stages before it becomes law, Mr. Speaker on behalf of the committee on agriculture, fisheries and livestock and pursuant to Standing Order 201 clause Number 5g Hon. Speaker it is my duty and pleasure to present to the assembly the committee's report on the Bomet County Livestock Sales Yard Bill of 2023.

This is the relevant committee that considers all matters relating to agriculture Mr. Speaker including crop and animal husbandry, livestock's sales yard, county apertures, plant and animal disease control and fisheries, animal control and welfare including licensing of dogs and facilities for their accommodation, care and burial of animals and vet nary services of course excluding regulations of the vet nary professions.

Mr. Speaker the committee on agriculture, fisheries and livestock as was constituted during the time we went through the process of processing this bill had the following members; the Hon. Peter Ronoh who is the chairperson that is myself, Hon. Kibet Ngetich the vice chair and the member for Siongiroi, Hon. Leonard Rotich who is also a member, Hon. Dancel Kirui, Hon. Benard Rotich, Hon. Stephen Koech Changmorik and Hon. Wesley Kiprotich who are all members Mr. Speaker.

Hon. Speaker the sectorial committee on agriculture, fisheries and livestock derives its mandate from the provisions of standing order 201 clause number 5 which defines functions of a sectorial committee as being but not limited to, allow me to read only two. Clause number 5c where we are given the mandate to study and review all legislations referred to us as the committee on agriculture this one included and number g where we are also given the function to make reports and recommendations to the assembly as often as possible including recommendations of proposed legislation which we are doing.

Hon. Speaker the Bomet County Livestock Sales Yard Bill of 2023 was gazette on 14th September 2023 in the Kenya Gazette pursuant to standing order number 129. The bill had to complete a publication period of 14 days which it did before its introduction to the county assembly. Hon. Speaker standing order 129 provides that no bill shall be introduced unless such bill together with the memoranda referred to it in standing order 126 of course the memoranda of object and reason has been published in the public gazette in the Kenya Gazette in this case Mr. Speaker the bill was published in the Kenya Gazette.

Hon. Speaker the bill was therefore introduced in County Assembly through its first reading on 4th October 2023. The bill having been read for the first time was then committed to the committee

on agriculture, fisheries and livestock pursuant to standing order 133 clause number 1 for proper assessment, preparation and conduct of public participation and reporting to the county assembly within 20 calendar days in accordance with standing order 133 clause number 4 of the Bomet County Assembly standing orders Mr. Speaker.

Hon. Speaker in considering the bill, the committee on agriculture, fisheries and livestock was taken through the bill in a number of its meetings. The committee also saw the views of the county executive committee member, the Hon. Rosa for agriculture. The committee then held one robust public participation that was conducted right here at the county assembly grounds where members of the public from all the twenty-five wards were invited.

Hon. Speaker may I therefore take this opportunity to thank all the members of the public for their invaluable input in-depth understanding of the process of public participation and valuable contributions made during the public participation exercise. The committee also takes this opportunity to thank the office of the speaker, the clerk of the county assembly and the legal department for their support during the formulation and development of the bill. The committee is grateful to the staff of the county assembly attached to the committee for their services rendered to the committee, their efforts and input made the work of the committee and the production of this report possible.

Finally, Hon. Speaker on behalf of the committee it is my pleasure and duty to present to the county assembly the committee's report on public participation on the Bomet County Livestock Sales Yard Bill of 2023. Hon. Speaker we the members of the committee on agriculture, livestock and fisheries append our signatures against our names to this report to affirm the contents in the report are true as deliberated by the committee.

Hon. Speaker as an overview upon reading the bill, upon its introduction to the county assembly on the first reading the law required that the committee concerned should carry the remaining stages before it is made a law. We did the public participation which was very successful and there are a number of issues that the public raised. Mr. Speaker the same will come for consideration in our subsequent deliberations in the august house that the bill in question is a bill that is long overdue.

The Livestock Sales Yard in Bomet County remained unregulated up to now. Chebunyo being the largest, we are almost losing it because we did not regulate it from the start. Hon. Speaker today being Tuesday is coincidental because we are having one here at Kapkwen. There is another one in Kapkelei market all three are not properly regulated, there is no law that directs the county executive to inject money in the development of the same and the improvement of the quality and the status.

Mr. Speaker in this bill there is also an avenue for members of the public to consider setting up a sales yard and just have the county government to license it and this regard upon inception and adoption and of course enactment of this bill into law, we will have the livestock and the stock market regulated and of course enhanced and there will be better services in the department Mr. Speaker. I ask Hon. Wesley Kiprotich who is also a member of the committee to second. Thank you.

Hon. W. Kiprotich (Chepchas ward, UDA): Hon. Speaker I rise in accordance to what Hon. Peter to second that the Bomet County Livestock Sales Yard Bill of 2023 bills number 10 be read a second time. My chairperson has elaborated quite a number of issues that are required through the process of this particular bill. From the onset I am very happy that this might be one of the first bills that are introduced in this house apart from the appropriation bills. I am not very sure if we have had another bill related to this that is going through the stages that are required by law.

Mr. Speaker the Sales Yard Bill I want to believe is going to go a long way in helping the residents of Bomet in having their livestock being well taken care of. We went through quite a number of counties who already have this livestock sales yard bills one of them is Kajiado which is actually doing very well in terms of regulation of these livestock. My chairman has indicated that we have some sales yard but the regulation has not been put in place that is why we were able to cry foul the other day after the COVID-19 came and ravaged the county and the country then several of our markets went outside our county.

Mr. Speaker he has retaliated the one for Chebunyo which is well known to be a very big market but it had already been relegated to Narok. There is one in Mulot which had also gone to Narok. Mr. Speaker I can also be able to name a few more, one in Kapkwen which specifically earlier on it was in some parts of Silibwet Township and one that my chair is housing in Kapkelei.

Mr. Speaker I will only mention a few issues that are going to be of importance of this the Bomet County Livestock Sales Yard Bill of 2023 once it comes into place. One of them is enclosure, if you go to Kapkwen today and I am happy to have passed there this morning. The livestock are actually scattered, you may not be able to even know whose livestock they are, how have they enter into this particular market and that particular scattering is going to put even quite a number of potential buyers at bay.

The other one Mr. Speaker is once this bill comes into place action then we will know who is selling what where, when and how. As it stands now the sellers are all over, you don't even know who is selling what, when is being sold, to who, and how it is being sold. We have captured in this bill in several parts of the schedules how this particular registration is going to be done. We are

going to have even the licenses that the sellers are going to have so that it can be able to regulate them.

We also wish to give the people of Bomet an opportunity to sell the livestock that they produce on their farms so that at least people can come from wherever they are coming from and even also buy. Mr. Speaker some others include control of diseases, you are very aware that there is usually a quarantine aspect and we are grateful that you are an agriculturist. In this particular quarantine Mr. Speaker is usually placed on livestock that are sick in terms of foot and mouth, anthrax, and such diseases.

Mr. Speaker if we don't have this particular bill then anyone can sell livestock anytime even if there is a quarantine that has been imposed. We are talking about designated sales yard, the creation of competition in prices. Mr. Speaker that is the most important thing when a farmer gets out of their house to go and sell livestock in the sales yard, there is always the highest bidder. Once we have this bill into place we are going to regulate even the prices for our people so that they are not coerced to sell their livestock at a cheaper price or what is referred to as a throwaway price. Mr. Speaker having said that I wish to second.

Hon. Speaker (Hon. C. Korir): Thank you very much honourable Wesley Kiprotich...

(Inaudible due to technical issues)

Hon. W. Kiprotich (Chepchas ward, UDA): Mr. Speaker it was not captured earlier but the amendment will come at the committee of the whole.

Hon. Speaker (Hon. C. Korir): I therefore propose the question that Bomet County Livestock Sales yard Bill 2023 bill No. 10 of 2023 be read a second time. Honourable members the floor is open.

Hon. E. Rotich (Mogogosiek ward, UDA): Thank you very much Mr. Speaker for this opportunity. Secondly is to applaud the work done by the committee on agriculture on this bill that is before this house. I really want to thank them for this bill because I have been going through this bill and I found out that it is actually going to assist in addressing so many issues that surround the livestock sales yard.

Mr. Speaker in fact when you gave it as a question I want to put it so that it is in record that I was also very interested now that the world is changing and we are doing things online I want to challenge the committee so that next time when we get to the amendment they ensure that they capture something on how to market this livestock online and it will assist us even to market for the farmers who may not make to the livestock yard and also regulate on that business online, they should do a regulation.

Mr. Speaker I was looking at this bill and I was thinking that it is going to even resolve some of the issues surrounding the livestock theft that has been going on in some regions in Rift Valley where we have people stealing cows or animals from one end of the region and making it to our markets. This bill will help us to address the cattle rustling because it will ensure that the seller is known so that the owner of the yard cannot just buy animals which are not known where it comes from.

Mr. Speaker this same bill will also help us to address issues, you know owing to social economic problems that we have in our society and communities Mr. Speaker sometimes parents go through a lot of challenges that their kids, the grown up over 18 years sometimes decide to drive a cattle outside without the knowledge of the parent and you will find him/her selling at livestock yard which has been a problem in the community so this bill will have solved those issues because with due diligence would have been dealt with.

Mr. Speaker we almost lost Chebunyo market because of the absence of a regulation because this bill as I have seen will help us to gazette the days when we have these markets going on in those different yards. It will help us to ensure that it is known on which days do we do sales of livestock and at which place it occurs. I really want to say that we are going to see this bill through until it becomes an Act so I support this bill to go through the process of making it a law, thank you very much Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Thank you very much honourable Ernest.

Thank you very much, from the mood of the house I can see we can proceed to the next stage. So honourable members I therefore put the question that Bomet County Livestock Sales yard Bill 2023 bill No. 10 of 2023 be read a second time.

(A vote is taken and the ayes have it)

THE BOMET COUNTY LIVESTOCK SALES YARD BILL 2023 A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BOMET TO PROVIDE FOR THE ESTABLISHMENT AND CONTROL OF LIVESTOCK SALES YARDS AND FOR CONNECTED PURPOSES- SECOND READING

Hon. Speaker (Hon. C. Korir): Thank you very much clerk.

ADJOURNMENT

Hon. Speaker (Hon. C. Korir): Hon. Members this Assembly is adjourned to tomorrow 22nd November 2023 at 9:30am.

The Assembly rose at 10.55 am