



**OFFICIAL HANSARD REPORT**

**COUNTY ASSEMBLY OF BOMET**

**THIRD COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**Vol. 2 NO. 105**

## DAILY HANSARD

*The Assembly met at the Main Assembly Chamber,*

*Dr. Joyce Laboso Centre at 9:00 a.m*

Third County Assembly- Second Session

Wednesday Morning 29<sup>th</sup> November, 2023

*(The Assembly met at 9:00 a.m. in the*

*County Assembly Mini Chamber at County Assembly Buildings)*

*[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]*

### PRAYER

**Hon. Deputy Speaker (Hon. L. Rotich):** Welcome, Hon. Members.

### QUESTIONS AND STATEMENTS

**Hon. V. Mutai (Nominated MCA, UDA):** Hon. Deputy Speaker, I rise to respond to the Questions that were raised by Hon. Dancel Kirui on 17<sup>th</sup> October 2023. The question was directed to the Chairperson, Committee on Energy, Environment, Water and Natural Resources concerning the performance of BOMWASCO from January 2023 to October 2023.

The other Question was raised by Hon. Dancel Kirui again on 17<sup>th</sup> October 2023 seeking to know why some residents of Ndaraweta Ward were billed by BOMWASCO from November 2022 to April 2023 yet during that period none of them enjoyed the water services from Company.

Hon. Deputy Speaker, there is another question sought by Hon. Josphat Kipkirui on 14<sup>th</sup> November 2023 concerning the alarming state of the Mogombet Water Project in Bomet Central which serves the residents of Silibwet Township and Singorwet Ward. The Hon. Member noted that despite the substantial resources being allocated the project seems to have failed in fulfilling the intended purpose. Specifically, the Hon. Members sought a number of issues.

Hon. Deputy Speaker, I rise on behalf of the Committee on Water to seek more time in responding to the Questions that were sought by the Hon. Members. The responses received by the Committee were not satisfactory and the Committee is requesting more time as they have written another letter to the CECM to respond to the Questions satisfactorily. I do have a report but it is not exhaustive as some details are not attached as requested by the Hon. Members who asked the Questions. Thank you.

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

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Charles.

**Hon. C. Langat (Boito Ward, UDA):** Hon. Deputy Speaker, the Hon. Member has just said that the report from the CECM was unsatisfactory. We would like to know whether the Hon. Members who asked the Questions are part of the people who raised concerns on the response.

**Hon. V. Mutai (Nominated Member, UDA):** Hon. Deputy Speaker, as we all know, it is the prerogative of the Committee to make recommendations and approve that the report is satisfactory about the Question asked. As a Committee, we sought to have more time for us to give an exhaustive report. Thank you.

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

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Charles

**Hon. C. Langat (Boito Ward, UDA):** Hon. Deputy Speaker that should be done only when the Statement Seeker is involved in such a decision. Guide the Assembly.

**Hon. Deputy Speaker (Hon. L. Rotich):** The Chairperson has stated that they are not ready yet with the response. The only problem here is that we do not have the luxury of time because this Assembly adjourns on 7<sup>th</sup> December 2023. Hon. Vincent, how much time do you require for you to give the Assembly an elaborate response?

**Hon. V. Mutai (Nominated MCA, UDA):** Hon. Deputy Speaker, it is my concern that the Hon. Member from Boito Ward has also had issues with BOMWASCO. We felt that we required more time since the issue of BOMWASCO has become a problem with the water sector. I seek for one week.

*(Hon. P. Rono rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Peter.

**Hon. P. Ronoh (Kipsonoi Ward, UDA):** Hon. Deputy Speaker, allow me to refer to the Speaker's ruling yesterday on the same matter. The Standing Orders tell me that when the Speaker has directed no Member has a prerogative to challenge. I remember the Speaker yesterday directed that the report be tabled today since it has been postponed severally.

Hon. Deputy Speaker, we are aware that BOMWASCO via Sessional Paper Number 3 was given autonomy to run the dispensing and selling of water. The same is fully owned by the county government under the CECM in charge of water, environment and sanitation. That issue affects almost all Members here. The issue of pushing it back and forth is the problem. Kindly direct that they give us the response in the afternoon.

**Hon. Deputy Speaker (Hon. L. Rotich):** The issues pertaining BOMWASCO has been dealt with in this Assembly several times. The question before us now precedes another report that is expected in this Assembly by the PAC/PIC. As an Assembly, we are set to resolve the issues pertaining to BOMWASCO.

I direct that the Chairperson, the Committee on Energy, Environment, Water and Natural Resources give a response to the Questions asked on Thursday afternoon.

**Hon. V. Mutai (Nominated MCA, UDA):** That is a Solomonic ruling, Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** I also direct that PAC/PIC table the work plan as soon as possible so that we know that we are on course in resolving the issues of BOMWASCO.

**Hon. C. Langat (Boito Ward, UDA):** Hon. Deputy Speaker, yesterday I demonstrated the entire work plan and sought leave for an extension of 60 days, and that business will be the first business once we resume from the long recess.

**Hon. Deputy Speaker (Hon. L. Rotich):** Don't you think the members of the public will suffer more if you are given 60 days?

**Hon. C. Langat (Boito Ward, UDA):** I sought leave yesterday and the Speaker directed that we take 60 days since we will have to engage several stakeholders.

**Hon. Deputy Speaker (Hon. L. Rotich):** I have been informed that yesterday the Speaker ruled that you be given an extension of 60 days. As for the Committee on Energy, Environment, Water and Natural Resources, kindly expedite so that you table the response on Tuesday afternoon. Thank you.

#### **COMMITTEE OF THE WHOLE ASSEMBLY**

THE BOMET COUNTY LIVESTOCK SALES YARD BILL, 2023 (BILLS NO. 5 OF 2023)

*(Hon. Deputy Speaker left the Chair)*

*(Hon. J. Kipkirui took the Chair)*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** Hon. members we are now at the committee of the whole Assembly looking at the Bomet County Livestock Sales Yard Bill 2023. I want to remind you that during this session, the rules are relaxed.

#### ***Clause 3, 4, 5, 6 and 7***

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose that clauses 3 to 6 be part of the bill.

It is now open for debate.

*There was no contribution*

I now put the question that clauses 3 to 6 be part of the bill.

*(Question put and agreed to)*

#### ***Clause 8***

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** Yes, Chair.

**Hon. P. Ronoh (Kipsonoi Ward, UDA):** Hon. Chair, I want to move an amendment to clause number 8 as was suggested by members of the public and as was also suggested by the experts Hon. Chair. That the bill be amended in clause 8 by deleting the word Court and substituting thereof with the word County Executive Committee Member. Hon. chair, the article on the bill article 8 talks of whenever a person who is applying for licensing is aggrieved by the decision of the inspector who in this case is given the prerogative to decide on whom to license and who not to license after doing inspection Hon. chair, when aggrieved and not satisfied, the decision of the inspector may go to court according to the initial proposal of the bill and after consideration, the committee found out that going to court may be a bit higher. Before he or she decides to go to court, he can first appeal to the CEC which is a lesser body Hon. Chair, and after consideration we found it fit to substitute the appellate power to the court and instead replace it with the County Executive Committee Member. Hon. chair I beg to move that part be amended by substituting the word court with the word CEC. Thank you Hon. Chair.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I therefore propose that the bill in clause 8 be amended by deleting the word court and substituting thereof with the word County Executive Committee Member. Members you are free to debate.

**Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA):** Hon. Chair, it is true that the court is very expensive and the process in court is cumbersome s I am also in agreement with the amendment.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** Thank you. I then put the question that the bill be amended in clause 8 by deleting the word court and substituting thereof with the word County Executive Committee Member.

*(Question put and agreed to)*

I also put the question that clause 9 as amended be part of the bill.

*(Question put and agreed to)*

#### **Clause 9**

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** Chair.

**Hon. P. Ronoh (Kipsonoi Ward, UDA):** Hon. Chair, allow me to also move an amendment to the clause as suggested by members of the public during the public participation and as was also recommended by the veterinary experts. Hon. Chair that the bill be further amended in clause 9 by inserting the words ‘or Kenya Gazette’ immediately after the word county gazette. If you look at

clause 9 Hon. Chair, for any law that is passed to be effective, it has to be gazetted, and when we say we will publish it in the county gazette, which in this case Hon. chair I have not seen any correspondences coming out of the Bomet County gazette. I do not know whether the Bomet County gazette exists in the first place so because we have been receiving our correspondences from the Kenya gazette, we also saw it wise to instead of relying on the gazette on the county gazette alone, so easy to have the two and instead of saying the county executive committee member shall develop a schedule of days to be published in this case it is the schedule of days for the auction to be published in the county gazette, the days of the week when owners shall come to sell their livestock in the sale yard Hon. chair, the act will be best when we say that county executive committee member shall develop a schedule of days to be published in the county gazette or the Kenya gazette so that in case the county gazette is absent, the same can be communicated in the Kenya gazette and that is the wisdom Hon. chair that made us decide that we have the two. Should there be no county gazette, we use the Kenya gazette. Hon. chair allow me to request that the bill be amended in clause 9 by inserting the word ‘or Kenya gazette’ immediately after the word county gazette. Thank you Hon. Chair.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I, therefore, proposed that the bill be further amended in clause 9 by inserting the words ‘or Kenya gazette’ immediately after the words “county gazette”. The floor is open for debate. I, therefore, put the question that the bill be further amended in clause 9 by inserting the words ‘or Kenya gazette’ immediately after the words “county gazette”.

*(Question put and agreed to)*

I also put the question that clause 9 as amended be part of the bill.

*(Question put and agreed to)*

***Clauses 10, 11 and 12***

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I propose that clauses 10, 11, and 12 be part of the bill. The floor is open for debate.

*There was no contribution*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now put the question that clauses 10, 11, and 12 be part of the bill.

*(Question put and agreed to)*

***Clause 13***

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** Chair.

**Hon. P. Ronoh (Kipsonoi Ward, UDA):** Hon. chair I also wish to move an amendment to clause 13 that the bill be amended in clause 13 (1) by inserting the words gauges and pens immediately after the word stalls. Hon. chair this is necessitated because that section of the bill says that the county government shall construct stalls in the livestock sales yard. Hon. Chair in clause 2, the livestock and veterinary experts described the broader meaning of the word “livestock” and it includes all domesticated animals in an agricultural sector Hon. Chair whose duty is to provide labour, produce diversified products for consumption which include meat, eggs, milk, furs, leather, and wool and when you look at that context, when you talk about livestock and only construct stalls, you will be leaving out poultry, we will also not be looking at the welfare of calves because in the bill we are supposed to look at the welfare of calves to avoid muscling calves. Clause number 13 should read if this Assembly considers the amendment, that the county government shall construct stalls for keeping or confining cattle or larger livestock and donkeys, gauges for poultry and other birds, and pens for calves and sheep. Hon. Chair, this will; make it complete, and in sub-clause 2 in the same 13, to be complete, we will also say that where the livestock sale yard is privately owned, because this bill is either giving an opportunity to business persons to establish livestock sale yard in their farms those which have enough farms, the owners will be required before licensing to construct stalls, gauges and pens. In this case, sub-clauses 1 and 2 are similar. It is only that the ownership of the livestock sale yard will be different. Hon. Chair, the introduction of gauges and pens is to gather for birds and chicken and then for pens is to look at sheep and the calves. I ask that we consider amending it to accommodate the two livestock Hon. Chair. Thank you.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose that the bill be amended in clause 13 (1) by inserting the words cages and pens immediately after the word stalls. The floor is open for debate.

*There was no contribution*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now put the question that the bill be amended in clause 13 subsection 1 by inserting the word cages and pens immediately after the word stalls.

*(Question put and agreed to)*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose a question that the bill be amended in clause 13 (2) by inserting the word “cages and pens” immediately after the word “stalls”. The floor is again open for debate. I now put the question that clause 13 as amended be part of the bill.

*(Question put and agreed to)*

*Clauses 14, 15,16,17,18,19,20,21,22,23,24,25,26,27,28*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward,**

**INDEPENDENT):** I now propose that clause 14,15,16,17,18,19,20,21,22,23,24,25,26,27,28 be part of the bill. The floor is open for debate.

*There was no contribution*

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward,**

**INDEPENDENT):** I now put the question that clause

14,15,16,17,18,19,20,21,22,23,24,25,26,27,28 be part of the bill.

*(Question put and agreed to)*

**Clause 29**

**Hon. P. Ronoh (Kipsonoi ward, UDA):** Hon. Chair, I also want to propose an amendment to clause number 29 which in its original form reads that any person, talks about the general penalty, it reads that person that contravenes the provision of this act for which no penalty is provided commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 3 months or a fine not exceeding Ksh. 100,000. Hon. Chair members of the public in the public participation and the recommendation and on consideration of similar legislations that have been passed in different counties including the chair the members of the public suggested that the section of the bill be amended in Clause 29 by deleting the words “three months” and substituting thereof with the words “one year” Hon. chair I beg to move an amendment that the bill be amended in Clause 29 by deleting the words “three months” and substituting thereof with the words “one year”

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose that the bill be amended in Clause 29 by deleting the words “three months” and substituting thereof with the words “one year” and the floor is open for debate.

**Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA):** Thank you Hon. Chair with this I am not in agreement, it is very punitive and I think we can maintain the three months if possible.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now put the question that the bill be amended in Clause 29 by deleting the words “three months” and substituting thereof with the words “one year”

*(Question put and agreed to)*

I now put the question that clause 29 as amended be part of the bill.

*(Question put and agreed to)*

**Clause 2**



**Hon. P. Ronoh (Kipsonoi ward, UDA):** Hon. Chair I want to move an amendment that the bill be amended in clause 2 by inserting the words “donkeys, rabbits” immediately after the word “pigs” in the definition of the term “livestock.”

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose that the bill be amended in clause 2 by inserting the words “donkeys, rabbits” immediately after the word “pigs” in the definition of the term “livestock.” The floor is open for debate.

**Hon. W. Kiprotich (Chepchas ward, UDA):** Hon. Chair I rise to support but we are fearing that even if the nays will have it you will still put the ayes to have it, the same as you’ve taken our will when we wanted to assist the residents of Bomet for not having a penalty of one year and actually you were of giving them a penalty of three months but we will not challenge your ruling but I support the amendment in clause 2 so that at least the donkeys and rabbits be part and parcel of this bill.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now put the question that the bill be amended in clause 2 by inserting the words “donkeys, rabbits” immediately after the word “pigs” in the definition of the term “livestock.”

*(Question put and agreed to)*

I now put the question that clause 2 as amended be part of the bill.

*(Question put and agreed to)*

#### **LONG TITLE**

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I propose that the long title be the title of the bill. The floor is open for debate.

I put the question that the long title be the title of the bill

*(Question put and agreed to)*

#### **Clause 1**

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I now propose that clause 1 be part of the bill, the floor is open for debate.

I put the question that 1 be part of the bill.

*(Question put and agreed to)*

**Hon. P. Ronoh (Kipsonoi ward, UDA):** Hon. Chair I beg to move that the committee do report to the assembly its considerations of the Bomet County Livestock’s Sales Yard Bill 2023 assembly bill number 5 of 2023 and its approval thereof with amendments.

**Chair Committee of the Whole Assembly (Hon. J. Kipkirui, Singorwet ward, INDEPENDENT):** I will put the question which is that the committee report to the assembly its considerations of the Bomet County Livestock's Sales Yard Bill 2023 assembly bill number 5 of 2023 and its approval thereof with amendments.

*(Question put and agreed to)*

**END OF COMMITTEE OF THE WHOLE ASSEMBLY AND DEPUTY SPEAKER  
TAKES THE CHAIR**

**Hon. J. Kipkirui (Singorwet ward, Independent):** Hon. Deputy Speaker I beg to report that the Committee of the Whole has considered the Bomet County Livestock's Sales Yard Bill 2023 Assembly bill number 5 of 2023 and its approval thereof with amendments.

**Hon. P. Ronoh (Kipsonoi ward, UDA):** Hon. Deputy Speaker, I beg to move that the assembly do agree with the committee on the said report.

**Hon. Deputy Speaker (Hon. L. Rotich):** I will propose the question that the Assembly does agree with the committee on the said report.

*There was no contribution*

**Hon. Deputy Speaker (Hon. L. Rotich):** I now put the question that the assembly does agree with the committee in the said report.

*Question put and agreed to)*

**ADJOURNMENT**

**Hon. Deputy Speaker (Hon. L. Rotich):** The Assembly adjourns to today 2:30 p.m.

The assembly rose at 11:30 am