

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 16TH JUNE, 2026

Afternoon Sitting

3rd County Assembly

5th Session

Version 00

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 16TH JUNE, 2026

The House met at the County Assembly Chamber at 2:30 p.m.
(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING THE DELEGATION

Honourable Members, allow me make this communication from the Speaker at the House on visiting delegation in our public gallery and the Speaker's gallery.

Honourable members, I am pleased to welcome pupils and teachers of Kimilili Friends Girls Senior School from Kibingei Ward in Kimilili Sub-County. The purpose of this visit is to gain first-hand experience of the legislative process and the working of the County Assembly. The visiting delegation comprises of the following;

67 pupils, be upstanding please

(Students in the Public Gallery stand)

Kindly you can resume your seats

(Students in the Public Gallery sit)

(Applause)

Honourable members the said pupils are accompanied by five teachers,

1. Miss Caroline Muchabe
2. Miss Cynthia Lukoko
3. Mr. Collins Wafula
4. Mr. Denis Mayeya
5. John Kakai

Be upstanding,

(Teachers in the Public Gallery stand)

Kindly resume your seats accordingly.

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(Teachers in the Public Gallery sit)

(Applause)

Honourable Members, as our tradition, at the statement hour on our Order Paper, I will allow Honourable members to make brief remarks and words of encouragement to our pupils so that they learn hard in schools. Proceed to next item in our Order Paper.

PAPERS

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE ANNUAL BUDGET ESTIMATES FINANCIAL YEAR 2026/2027

Mr. Speaker: Hon. Otsiula

Hon. Benjamin Otsiulah (Chairperson, Budget): Thank you Honourable Speaker. On behalf the Budget and Appropriations committee, I wish to lay on the Table of House, a report by the Budget and Appropriation Committee on the Annual Budget Estimates for the financial year 2026/2027.

Mr. Speaker: Honourable Members, the report by the Budget and Appropriation Committee on the Annual Budget Estimates for financial year 2026/2027 is now formally laid on the Table of the House; it becomes the property of the House.

Next item.

NOTICES OF MOTION

NOTICE BY THE BUDGET COMMITTEE

Mr. Speaker: Chair Hon. Otsiula proceed.

Hon. Benjamin Otsiula (Chairperson, Budget): Thank you Honourable Speaker. I wish to raise a notice of motion that the House notes the report of the Budget and Appropriations' committee on the annual budget estimates for the financial year 2026/2027. Thank you.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the chair of the Committee on Budget and Appropriation that this House notes the report of the Budget Committee for the Financial estimates of 2025/2026 2026/2027. I will now urge the Clerks-At-The-Table to share right away so that members can prepare to debate tomorrow during the morning and afternoon sessions.

Next item.

QUESTIONS AND STATEMENTS

Statement no 4 of 2026

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RESPONSE BY THE CHAIR COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING
AND HOUSING

Mr. Speaker: Yes Hon. Ipara

Hon. Johnstone Ipara: Honourable Chair, I am disappointed. I'm not in possession of the document that I am supposed to present to this Honourable House.

Mr. Speaker: It goes back to the committee secretariat because you can't expect the Speaker to give you a document that you are supposed to present.

Hon. Johnstone Ipara: I know the mistake is within the committee and we shall know how to deal with the one who has caused the inconvenience.

Mr. Speaker: What I know Hon. Ipara is, I will remove this item from the Order Paper for today so that you go and reorganize your committee so that we don't have to waste time on the same.

Hon. Johnstone Ipara: Honourable Speaker, I am well guided because the problem has been caused by our own committee.

Mr. Speaker: It is okay Honourable Members item no 7 Statement. Hon. Jacob Psero statement is removed from today's Order Paper.

Yes let me hear Hon. Psero...let me give you the microphone.

Hon. Jacob Psero: Thank you Mr. Speaker for this opportunity. I am worried of what is happening because this issue has really taken time and I am aware the committee visited the institution and I expected an answer today. Although I know it has not been exhausted fully thought the chair today would be in a position to say maybe we give him more time to handle. When you remove the whole issue from the Order Paper, is the end of...

Mr. Speaker: Hon. Psero, suppose I say we proceed now what happens? He has no response. You have no response so you will be looking at each other. So the safest way to save you both is to remove it from the Order Paper.

Hon. Jacob Psero: He has not explained why that happened.

Mr. Speaker: I don't want to hang him publicly; I will hang him privately.

Hon. Jacob Psero: It's okay Chair.

Mr. Speaker: Hon. Psero, allow me remove it; it will be taken back to the HBC for allocation of time afresh.

Hon. Jacob Psero: I allow you do that but...

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Mr. Speaker: Now the rest, the way you are friends, go and discuss out there Hon. Psero. Thank you. Next item.

Mr. Speaker: Honourable Members, before we break into the Committee of the Whole House, I will allow Honourable Members to make some brief remarks about our visitors in the Public Gallery. I've seen the Honourable MCA of Kibingei ward Hon. Mulongo you will be the first one to go.

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir for giving me a chance to talk to students from Kimilili FYM Girls Senior School. This is a girls' school whose name came from the people who used to come from Tembatemba at a place called '*Kwa Daniel*' a name given by a Maragoli old man who had migrated from Maragoli those days.

This school is doing well academically and that is why I took there my piped water to support them. For now, they don't go to the river for drinking water which enables students to concentrate in class.

Mr. Speaker: Hon. Mulongo, it can't be your piped water.

Hon. Aggrey Mulongo: But we usually call it piped water Mr. Speaker.

Mr. Speaker: But it is not yours.

(Laughter)

Hon. Aggrey Mulongo: It is me who proposed, so it must belong to me before any other person Mr. Speaker.

(Laughter)

This school did not participate in the strikes that were being done by several schools demonstrating their high level of discipline and equally the great dedication of teachers.

This is parliament and before devolution, students used to go to Nairobi to visit National Assembly, but now it is near our schools and that's why they are here.

When you look at this Honourable House, it is divided into two. The other side is the Majority side and this side on the left of the Speaker is the Minority side where I belong...I am on the Minority side. I think you have been taken through all the parliamentary procedures by our officers and I can promise you that when you exhibit discipline, you will be members of this House in the future. I beg to stop there, thank you Mr. Speaker.

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Mr. Speaker: Thank you Hon. Aggrey Mulongo. I will have Hon. Caleb then have Hon. Ali Machani then we prepare to go to the Committee of the Whole House. Hon. Caleb proceed.

Hon. Caleb Wanjala: Thank you Hon. Speaker for giving me an opportunity also to add my voice of encouragement to the students from Kimilili. Hon. Speaker I want to appreciate the teachers of this school for supporting Hon. Mulongo and also the good performance of the school. My word will just go to the students who are sitted here today. We go to school to get knowledge. Knowledge is acquirable but discipline can help you in your day to day life. If you look at what is going on around our country today, it is hurting. I want to encourage you students, you know some of the Honourable Members who are sitted here during our time we used to have corporal punishment and see what it produced.

During our time, you could wake up you go maybe plough maize, go fetch water in the river before you go to school. They were preparing us to face the future; they were preparing us to be people who are responsible in our future.

Today many young people don't want to be reprimanded or corrected. The life we live today whether you like it or not, if you are not disciplined the world has no mercy to anybody that is not disciplined. So, take discipline and advices that are given by your teachers seriously. Take the advice that your parents give you seriously because the world today even when it comes to jobs, people only want to hire somebody who is disciplined regardless of where you come from or your performance. Discipline will open many doors for you.

I just want to encourage you that, work hard in your education and I will leave you with this scripture; Proverbs Chapter twelve verse one; It says that; *whoever hates correction is stupid and is regarded as an animal but whoever accepts correction is wise*. So, when you accept correction from your teachers and parents, your future will be well with you.

Mr. Speaker: Thank you. Hon. Ali Machani.

Hon. Ali Machani: Thank you Hon. Speaker for allowing me also to say something about Kimilili Friends Girls, sitted in this House from an area represented by Hon. Mulongo who is our Chief Whip of the Azimio Coalition in this House. Before I proceed, for the learners to get it clear and the teachers, it does not mean that where the Minority are sitted, they are less of anything in terms of reasoning; it's only that it is the numbers. In this House where the numbers are more than the other, they are called the Majority and where the numbers are a bit low even by one member is the Minority. In terms of reasoning, we reason as Honorable Members and we exchange ideas for anything that is before this House like what you've seen with the budget before us. Each and every Honorable Member will reason and engage each other in a serious discussion.

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I want to agree with the first speakers who have given their opinions that we want our learners who have just reported in this House to familiarize with this environment. The environment that is here is sending a serious signal to them that tomorrow they will also be leaders in their own capacity. It does not mean that when you are elected is when you are a leader but in any field you will serve, you are a leader.

Yesterday I was going through the notice from the Director of Investigations, it's a directive that is serious to our learners that any learner or student who would engage him/herself in those dubious ways of burning schools, their files are going to be kept in a serious government system that whenever you go and request for any employment across the country, you will not be employed.

Imagine you've gone to school up to the University level, parents have spent their resources and at one given time you incited your colleagues to burn the school, attack teachers or close the gates. Once your finger prints are taken, you are now done with your life because you will not engage anywhere and get employed.

That is a serious signal to parents that let us not leave this to our teachers that whenever children are back at home let us advise them. Some of us when we were in school, education was that serious. You could not even engage a teacher as your colleague. Today people are playing gambling; we call it pool. *Hon. Chemion ndio anajua hiyo pool.*

I don't know what it is called? They play with students. You find that a parent is playing that game with a student. You go to areas of socializing take an example of even the church. You go to the church in a choir, you'll get a mother and a daughter they are in the same choir but how they talk, you can't see the difference in between a student and a mother of forty years. It means our children or students must be disciplined otherwise we are going to lose serious citizens in this Country. Hon. Speaker, being a son of Principal, if you were not punished, you could not be a Speaker in this House.

You could not be a Lawyer or an Advocate of the High Court serving this Assembly for the second time. So what we want to advice our students; kindly respect your teachers and respect the neighbors; anybody within age bracket of your father is your father. Anybody within age bracket of your mother is your mother. Otherwise, fight for your life because the sky is the limit. Thank you Hon. Speaker.

Mr. Speaker: Thank you, Hon. Francis Chemion.

Hon. Francis Chemion: Thank you, Hon. Speaker. I will begin from where Hon. Ali Machani has left by adding that, the sky nowadays is no longer the limit. We now go beyond the sky. The learners or students who are before us here today should always know that in most instances or most of the time it is you yourself who will determine how you will journey in your life.

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Whether it will be successful or failure, it will entirely depend on what we called your world view.

The way you view the world, the way you view neighbors, teachers and colleagues as students. If you have a positive world view and work on it, you can have a positive world view and if you failed to work on it by doing what is supposed to be done for you to succeed then that positivity would not be of any effect. As a teacher, we normally tell our students to aspire to be successful in their future.

We remind them also that nothing comes from silver plata you must work for it. Nothing will fall from heaven like what the bible says that ‘manna’ used to fall from heaven for the Israelites. For this case, if you want to be successful, you must work smart. You must ensure that you do what you are supposed to do, what you are guided by your teachers so that you are able to achieve what you aspire to be.

These students go to school to acquire three major traits one of them being to acquire knowledge which they get in various forms. They also acquire or attain some skills that are taught by the teachers and colleagues sometimes they learn from their own peers. And also education is meant to change the attitude of these students so that their attitude does not pull them down. All this is done Hon. Speaker, so that these students who are before us here today can easily adapt to the ever changing environment.

The environment is changing very fast in all the spheres of life and therefore for them to be able to adapt to this environmental changes, they need knowledge, skills and also change of attitude towards most of the things that they will come across. Therefore as a County Assembly we encourage the learners to be pro-active in their studies, maintain high level of discipline for them to achieve. Minus discipline, even if you had scored an A plain, you will be like an empty vessel because you may not survive in all the environments that will be before you. So you must work hard academically to achieve but also your morals and ethics must also be of good standards. We encourage you as we wish you well in your school. Kimilili is a stone throw away from Kaptama and therefore I have stood to congratulate the teachers for having time and bringing their students here. I beg to end there. Thank you.

Mr. Speaker: Honourable members, now allow me on behalf of the rest of the Honourable Members present here, the House leadership and the Assembly of Bungoma on our behalf urge the students as I have spoken here before that first and foremost, have respect for your parents and teachers. Number two, work hard not for your teachers but for your own future and importantly, your teachers will basically impact knowledge in to you but for mannerism and character work on it yourself.

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Teachers in their training because I come from where teachers are or stay with teachers, the work of teachers is not to teach you manners and character. That must come from your parents and yourself. The world out there is very hostile to indiscipline characters in this Country. So be disciplined from the onset.

As young girls growing up, avoid your fingerprints being taken at this stage for the data bank of criminality will never be erased until you die. So, we urge you to be good girls, have good morals, good character to avoid the DCI taking your fingerprints.

Lastly, we appreciate our teachers for the work they are doing for us. It is the only cause that they are never appreciated but we urge them to keep going because they are being given adults to impart knowledge in them is not something easy.

So, we appreciate our teachers and honor their selfless services to our pupils here. As you go back home, you may be going for your half term or coming back from your half term. We wish you well but importantly work hard for your future because out here, the world is very hostile to people who have not gone to school. Thank you.

(applause)

Mr. Speaker: Next.

BILLS

THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT BILL 2025

Mr. Speaker: Honourable Members being a Bill what follows is that basically we will go to the Committee of the Whole House. I am duly informed that Hon. Martin is the one going to be able to take us through, our Deputy Speaker will Chair the committee of the whole House accordingly. We rise to go to the Committee of the Whole House accordingly.

(Loud consultations)

Mr. Speaker: We will proceed.

(Members rising)

COMMITTEE OF THE WHOLE HOUSE

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

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IN THE COMMITTEE

[Chairperson (Hon. Stephen Wamalwa in the chair)]

Chairperson Committee of the Whole House: Honourable Members, we are into our committee of whole and we shall be guided as per the Standing order 144 all the way to 145 so Honourable Members, let us be guided accordingly as we start. Hon. Martin Chemorion you will be asked to read the bill for the second time. Proceed

Hon. Martin Chemorion: Thank you Chair, Honourable Chair the Bungoma County Agricultural Institution bill 2025 seeks to provide for the development, functions and management of Agricultural Institutions are legal and Institutional frame work for anchoring Bungoma Agricultural Institution to effectively perform their functions and a frame work of funding for activities of Agricultural Institutions. The bill has thirty-eight clauses divided into five into parts and one schedule.

2.1 Summary of Clauses

Part one, clause one to five provides for the short title and defines words and expressions used in the bill. The part further provides for the objectives for the bill, applications for the bill and the guiding principles

Part two, Clause six to eight establishes the Agricultural Institutions and empowers the County Executive committee member with the approval of the County Assembly by order in the gazette to establish one or more Agricultural Institutions within the County. The part further provides for the establishment of Agricultural Institutions and their functions. The Agricultural Institutions shall include Mabanga Agricultural Training Center, Agricultural Mechanization Service Unit, Soil Laboratory Unit, Chwele Fish Farm and other Institutions that maybe established as need arises.

Part three, Clause nine to twenty looks at management and governance of the Agricultural Institutions which shall include; the Board of Management, the officer in charge of the Institution and the staff of the Institutions.

Part four, twenty-one to thirty-three provides for financial provisions including the funds, assets and liabilities of the Institution, strategic plans budget and annual report, accounts and audit. For sustainable management of Agricultural Institutions commercial enterprises there shall be

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established a fund to be known as Agricultural Institution Enterprise Fund in accordance with sections one sixteen of the Public Finance Management Act 2012.

Part four, clause thirty four to thirty eight, this part provides for the miscellaneous provisions including powers of County Executive Committee member. To make regulations and guidelines for better carrying out of purposes and provisions of this act reporting protection from personal liability, common seal and power to make statutes by the board.

Schedules

The first, schedule provides for conduct of business and affairs of the board of management. Honourable Chair, following a public participation as required by the constitution of the County Assembly Standing Orders, the committee incorporated several stakeholder proposals including adding sectoral and spatial plans as useful instruments in planning. To streamline functions under Central Agricultural Authority to promote synergy in Agricultural service delivery.

Honourable Chair, this bill is anchored on article one eighty-five of the constitution and the fourth schedule which devolves the functions of Agriculture to County Government through coordination by multiple County departments. With these remarks Honourable Chair, I move that the Bungoma County Agriculture Institution Development bill 2025 be now read a second time.

I now call upon Hon. Idd Owongo vice chair of the committee member of secretarial committee on Agriculture livestock Fisheries Irrigation and Cooperative Development to second. Thank you Chair.

Mr. Speaker: Hon. Idd Owongo Member for Maeni and vice chair committee Agriculture, proceed.

Hon. Idd Owongo: Okay, thank you Chair, I second

Mr. Speaker: Honourable Members;

BILL

Second Reading

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BUNGOMA TO PROVIDE FOR THE
DEVELOPMENT AND MANAGEMENT OF THE AGRICULTURE INSTITUTIONS AND FOR CONNECTED
PURPOSES

(AMMENDMENT)

Chairperson Committee of the Whole House: Members, we are officially in the Committee of the Whole House, and now I call upon the Chairperson in this respect, to welcome Committee of the Whole House for consideration of the Bungoma County Agricultural Institutions, the

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development Bill 2025. The table clerks will take us through as per the Standing Order No. 144 onwards.

Clause 3

Object and purpose of the Bill, approved with amendments

Chairperson Committee of the Whole House: Okay Hon. Members;

(Question proposed that clause 3 be part of the bill)

(Loud consultations)

Hon. Martin Chemorion: Honourable Chair, can I proceed?

Chairperson Committee of the Whole House: Proceed.

Hon. Martin Chemorion: Honourable Chair, I move that the clauses 3 of the bill be amended as follows:

THAT sub-clause 3 (c) be amended by inserting the words "and sustainability" immediately after the word "funding" so as to read:

Provide a framework for funding and sustainability of the activities of the Agriculture Institutions.

Justification: To empress continuity of the cooperation by inserting the following new sub-clauses;

3(d) enable the institution to undertake public/private partnership and joint ventures in areas that are beneficial to the County.

3(e) enhance competitiveness of the institutions for enhanced development and management.

3(f) provide for mobilization of resources for investments.

Justification: To strengthen object and purpose of the Act by capturing the aspect of mobilization of more resources for the cooperation. Thank you Chair.

Chairperson Committee of the Whole House: Thank you, the Hon. Cheseto Chemorion, member for Cheptais. Honourable Members;

(Question proposed that clause 3 be amendment proposed)

(Question put and agreed to)

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(Question proposed that clause 3 as amended be part of the bill)

(Question put and agreed to)

Clause 4

Application was approved without amendments

Chairperson Committee of the Whole House: Honourable members;

(Question proposed that clause 4 be part of the bill)

(Question put and agreed to)

Clause 5

Chairperson Committee of the Whole House: Honourable members,

(Question proposed that Clause 5 be part of the Bill)

Hon. Martin Chemorion: Thank you, honourable Chair. I move that Clause 5 of the Bill be amended as follows.

5(a) Be amended by inserting the words 'spatial and sector plans' immediately after the word 'plan' so as to read, the promotion of socio-economic development in line with the Bungoma County integrated development plan, spatial and sector plans.

Justification: To incorporate all plans required to be prepared by County Governments in compliance with the County Governments Act, Public Finance Management Act and other related laws. Thank you, chairperson.

Chairperson Committee of the Whole House:

(Question proposed that Clause 5 be amended as proposed)

(Question put that Clause 5 be amended as proposed and agreed to)

(Question proposed that Clause 5 as amended be part of the Bill)

(Question put that Clause 5 as amended be part of the Bill and agreed to)

Clause 6: Establishment of Agricultural Institutions

Chairperson Committee of the Whole House:

(Question proposed that Clause 6 be part of the Bill)

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Hon. Martin Chemorion: Thank you, Chair. I move that Clause 6 of the bill be amended by deleting the entire Clause and substituting thereof with the following:

Establishment of the corporation

1. There is established a corporation to be known as the Bungoma County Agriculture Institution Development Corporation in accordance with provision of section 182 of Public Finance Management Act 2012 and Regulation 2 of Public Finance Management Regulation 2015.
2. The corporation shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of:
 - a. Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property.
 - b. Borrowing money or making investments.
 - c. Entering into contracts.
 - d. Doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Thank you, chair.

Chairperson Committee of the Whole House: Very well.

(Question proposed that Clause 6 be amended as proposed)

(Question put that Clause 6 be amended as proposed and agreed to)

(Question proposed that Clause 6 as amended be part of the bill)

(Question put that Clause 6 as amended be part of the Bill and agreed to)

Clause 7: Agricultural Institutions

Chairperson Committee of the Whole House:

(Question proposed that Clause 7 be part of the Bill)

Hon. Martin Chemorion: Thank you Chair, I move that Clause 7 of the Bill be amended by deleting the entire Clause and substituting it with the following:

Functions of the corporation.

7(1) The Corporation shall be responsible for:

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- a. Hoarding property and assets of agricultural institution on behalf of the county for the purposes of investment and development.
- b. Undertaking investment in agricultural institution on behalf of the county for the purposes of generating revenue.
- c. Undertaking any development initiative institution for the county with a business or social purpose.
- d. Undertaking business ventures solely or in partnership with other entities or persons for the benefit of the county.
- e. Advising and facilitating the county on investment opportunities for the institution.
- f. Advising the county executive committee member on necessary policies and programs.
- g. Collaborating with other national government institutions on agricultural development and
- h. Carrying out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may from time to time be assigned by the county executive committee member.

Thank you, Chair.

Chairperson Committee of the Whole House: Thank you.

(Question proposed that Clause 7 be amended as proposed)

(Question put that Clause 7 be amended as proposed and agreed to)

(Question proposed that Clause 7 as amended be part of the bill)

(Question put that Clause 7 as amended be part of the Bill and agreed to)

Honourable Members, there are about 45 clauses which will be taking us some time. We may go up to 7 p.m. so we want to go very fast.

Clause 8: Functions and Powers of Agricultural Institutions

Chairperson Committee of the Whole House:

(Question put that Clause 8 be part of the Bill)

Hon. Martin Chemorion: Thank you chair, I move that Clause 8 of the Bill be amended by deleting the entire Clause and substituting therefore with the following;

Power to admit institutions into cooperation

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The county executive committee member with approval of the county executive committee and the county assembly may by order in the gazette admit one or more agricultural institutions to be part of the cooperation within the county.

Justification: To give power the County Executive Committee member to admit institutions.
Thank you, chair.

Chairperson Committee of the Whole House:

(Question proposed that Clause 8 be amended as proposed)

(Question put that Clause 8 be amended as proposed and agreed to)

(Question proposed that Clause 8 as amended be part of the Bill)

(Question put that Clause 8 as amended be part of the Bill and agreed to)

Clause 9: Agricultural Institutions

Chairperson Committee of the Whole House:

(Question proposed that Clause 9 be part of the Bill)

Hon. Martin Chemorion: I move that Clause 9 of the Bill be amended by deleting the entire Clause and therefore replacing with the following;

Existing agricultural institutions

County Agricultural institutions shall include

- a. Mabanga Agricultural Training Center,
- b. Agricultural Mechanization Center,
- c. Soil Laboratory Center,
- d. Chwele Fish Farm,
- e. Any other institution that may be established as need arises.

Thank you.

Chairperson Committee of the Whole House:

(Question proposed that Clause 9 be amended as proposed)

(Question put that Clause 9 be amended as proposed and agreed to)

(Question proposed that Clause 9 as amended be part of the bill)

(Question put that Clause 9 as amended be part of the Bill and agreed to)

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Clause 10: Board Management

Chairperson Committee of the Whole House:

(Question proposed that Clause 10 be part of the Bill)

Hon. Martin Chemorion: I move that Clause 10 of the Bill be amended by deleting the entire Clause and therefore replacing with the following:

Functions of the agricultural institutions

The County Agricultural institutions shall:

- a. Be an innovation hub for development and dissemination of agricultural innovation and adaptive on-farm trials.
- b. Offer residential and non-residential training, including outreach, on appropriate technologies on agricultural value chains to farmers and stakeholders.
- c. Serve as a bulking center for plant materials and multiplication of livestock or fingerlings for farmers.
- d. Protect and manage gene bank for domesticated fish species and commercialization.
- e. Offer quality competence-based training to agricultural value chains, act as for enhancing agricultural development.
- f. Provide facilities for training on relevant agricultural technologies and other ancillary subjects.
- g. Promote commercialization of agricultural enterprises and value additions.
- h. Promote agricultural mechanization services for sustainable agriculture in county.
- i. Offer laboratory testing, analysis, and advisory services to farmers on soil and other relevant inputs.
- j. Offer capacity development assistance on agricultural mechanization through practical training, technical assistance, technology transfer, and human resource development.
- k. Collaborate with the national government, the private sector, and non-governmental organization development of agricultural training and research.
- l. Promote adoption of small mechanized equipment and machinery.
- m. Carry out such other functions as may be necessary or essential to the implementation of the objects and purposes of this Act and performing of such other functions as may from time to time be assigned by the county executive committee member.

Honourable Chair, I move.

Chairperson Committee of the Whole House:

(Question proposed that Clause 10 be amended as proposed)

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(Question put that Clause 10 be amended as proposed and agreed to)

(Question proposed that Clause 10 as amended be part of the Bill)

(Question put that Clause 10 as amended be part of the Bill and agreed to)

Clause 11: Composition of the Board

Chairperson Committee of the Whole House:

(Question proposed that Clause 11 be part of the Bill)

Hon. Martin Chemorion: Honourable Chair, I move that Clause 11 of the Bill be amended by deleting the entire Clause and substituting with the following Clause Agriculture Institution Development Cooperation Management

‘11. The Agriculture Institution Development Cooperation Management shall include the CECM, Board of Directors, Chief Executive Officer and staff of the institution, justification to enhance good governance.’ Thank you.

The Temporary Chairperson: Honourable Members, I now propose the question which is that Clause 11 be amended as proposed.

(Question put that clause 11 be amended as proposed)

(Question put and agreed to)

(Question proposed that Clause 11as amended be part of the bill)

(Question put and agreed to)

Next

Clause 12: Eligibility for appointment of members of the Board.

Chairperson Committee of the Whole House: Honourable Members, I now propose the question which is that Clause 12 be part of the Bill. Hon. Martin Chemorion.

Hon. Martin Chemorion: I move that the Clause 12 of the Bill be amended by deleting the entire Clause and substituting with the following Clause.

Board of the Corporation.

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12.1. Subject to this Act and in order to regulate the governance, administration and management of agriculture institutions, development and cooperation in the County as contemplated by this Act.

- a). There shall be established a Board of Corporation to assist in the overall governance and management of the Corporation.
- b) The County Executive Committee member through open, transparent and competitive recruitment processes appoints a suitably qualified person to constitute the Board of Directors.

2 The Board of Corporation shall consist of

- a) An Executive Chairperson who shall be elected at first sitting and appointed by the County Executive Committee Member.
- b) The Chief Officer of the Department for the time being responsible for matters relating to agriculture institutions.
- c) The Chief Officer in the County for the time being responsible for matters relating to the County Secretary.
- d) Nine professionals shall be of mixed expertise and experience for the purposes of providing policy direction and guidance to the management of the Corporation appointed by the County Executive Committee member through a competitive process.
- e) The Chief Officer of agriculture institutions shall be the Secretary to the Board and an ex-official member.

3. The appointments under 2 (d) shall be drawn from the existing sub-counties within the County. 4. In making appointments under 2 (d) considerations shall be made to the two third Gender Rule, persons living with disability, youth and prohibition of Article 27 of the Constitution of Kenya. Justification to enhance good governance. Thank you.

Chairperson Committee of the Whole House: Thank you, I now propose the question which is that Clause 12 be amended as proposed.

(Question proposed that clause 12 be amended as proposed)

(Question put and agreed to)

(Question proposed that the clause 12 as amended be part of the bill)

(Question put and agreed to)

Next.

Clause 13: Co-option of members

Chairperson Committee of the Whole House: I now propose the question which is that Clause 13 be part of the bill. Hon. Martin Chemorion.

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Hon. Martin Chemorion: I move that Clause 13 of the bill be amended by deleting the entire Clause and substituting therefore with the following;

Eligibility for appointment of the directors of the board.

13 1(a) A person shall be qualified for appointments as chairperson under Section 11 2 (a) if the person;

a) is a Kenyan citizen.

b) Holds a bachelor's degree from a recognized university.

c) Has experience management of not less than 10 years of which five must have been in senior management.

d) Meets the requirement of Chapter 6 of the Constitution and has had a distinguished career in their respective field.

2. A person shall be qualified for appointment as a member under Section 11. 2 (a) (e) If the person

a) is a Kenyan citizen.

b) Holds a minimum degree from a recognized institution of higher learning.

c) Has practical experience in their field of practice and of not less than five years.

d) Meets the requirement of Chapter 6 of the Constitution.

Justification to establish criteria for a competitive recruitment process in accordance with Article 232 of the Constitution. Thank you.

Chairperson Committee of the Whole House: Thank you. I now propose the question which is that Clause 13 be amended as proposed.

(Question proposed that clause 13 be amended as proposed)

(Question put and agreed to)

(Question proposed that Clause 13 as amended be part of the bill)

(Question put and agreed to)

Next.

Clause 14: Responsibilities of the Board

Chairperson Committee of the Whole House: I now propose the question that Clause 14 be part of the bill. Ho. Martin Chemorion

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Hon. Martin Chemorion: Honourable Chair, I move that Clause 14 of the bill be amended by deleting the entire clause and replacing with the following;

Co-option of members.

14. 1. The Board may co-opt a person whose knowledge and expertise are necessary to assist it effectively discharge its function under this Act.

2. The number of co-opted members shall not exceed three at any particular Board meeting and such members shall have no voting rights.

Justification to enable the co-option of experts to assist in executing the Board's mandate. Thank you.

Chairperson Committee of the Whole House: I now propose the question which is that Clause 14 be amended as proposed.

(Question proposed that clause 14 be amended as proposed)

(Question put and agreed to)

(Question proposed that Clause 14 as amended be part of the bill)

(Question put and agreed to)

Honourable Members, in the interest of time, because these Clauses, all of them, have amendments all the way to Clause 45.

I now propose that Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20, Clause 21, Clause 22, Clause 23, Clause 24, Clause 25, Clause 26, Clause 27, Clause 28, Clause 29, Clause 30, Clause 31, Clause 32, Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, and Clause 38 be part of the bill. Chairperson, read all of them.

Hon. Martin Chemorion: Honourable Chair, is it from 15,

Chairperson Committee of the Whole House: Yes, from Clause 15

Hon. Martin Chemorion: From 15. Okay, thank you, Chair.

Clause 15, I move that Clause 15 of the bill be amended by deleting the entire clause and replacing with the following functions of the board.

15.1. Subject to this act, the board shall;

a) Ensure proper and efficient exercise of the power's functions of the corporation under Section 7.

b) Advise the management of the corporation generally on the functions of the corporation.

c) Perform human resource functions including recruitment of staff.

d) Approve the estimates of the revenue and expenditure of the corporation.

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e) Perform such functions as are provided for under this Act or any other written law.

Justification: to clearly outline the functions of the board.

Clause 16

I move that Clause 16 of the bill be amended by deleting the entire clause and replacing with the following tenure of the board.

16. Members of the board appointed under Section 11.2 (a) and(e) shall hold office for a term of three years from the date of their appointment and shall be eligible for a reappointment for a further and final term of three years.

Justification: to stimulate the tenure of board.

Clause 17

That Clause 17 of the bill be amended by deleting the entire clause and substituting, therefore, with the following. Vacation from office for members of the board.

17. The office of a member of the board shall vacate if they shall fall vacant if

a) The member resigns writing to the county executive committee member.

b) The board satisfies that the member is by reason of physical or mental infirmity unable to execute the function of his or her office.

c). If the member has been absent without leave for three consecutive meetings of the board.

d) The member violates provision of Chapter 6 of the Constitution of Kenya.

e) A member is convicted of a criminal offense and sentenced to a term of imprisonment of not less than six months.

f) The member is adjudged bankrupt.

g) The term of the board expires.

h) The member dies.

Justification: to establish a grant for board members to vacate office.

Clause 18

That Clause 18 of the bill be amended by deleting the entire clause and substituting, therefore, with the following.

Filling of the vacancy on the board.

18. 1. Where the office of a member of the board falls vacant under Section 17. The secretary shall notify the County executive committee member within two weeks upon occurrence.

2. Where a notification has been made as per the provisions above, the County Executive Committee member shall fill the vacancy within one month after occurrence and such a person shall meet the qualification specified in this Act.

Justification: to provide for the filling of vacancies on the board.

Clause 19

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That Clause 19 of the bill be amended by deleting the entire Clause and substituting, therefore, with the following. Remuneration of members of the board.

19. The directors of the board shall be paid such allowance in line with the relevant guidelines issued by the Salaries and Remuneration Commission.

Justification: to provide for remuneration of board members.

Clause 20

The Clause 20 of the bill be amended by deleting the entire clause and substituting, therefore, with the following.

Conduct of the business and affairs of the board.

20.1. The conduct of the business and affairs of the board shall be stipulated in the first schedule of this Act and any regulation that the County Executive Committee member for Agriculture may provide from time to time.

2. Except as provided in the first schedule, the board may regulate its own procedure.

Justification: to provide for the conduct of business of affairs of the board. Clause 21.

Clause 21

The Clause 21 of the bill be amended by deleting the entire clause and substituting, therefore, with the following;

Chief Executive Officer

21. There shall be a Chief Executive Officer for the Agriculture Institution Development Corporation.

Justification: to provide for the accounting officer of the corporation.

Clause 22

The Clause 22 of the bill be amended by deleting the entire Clause and substituting, therefore, with the following.

Function of the Chief Executive Officer.

22. The Chief Executive Officer for the Agriculture Institution Development Corporation shall

a) Be the Secretary of the Board.

b) Be the Accounting Officer of the Corporation.

c) Be responsible for;

1. Carrying into effect the decisions of the board.

2. Day-to-day administration and management of the affairs of the corporation.

3. Supervision of the staff of the corporation.

4. Perform such duties as may be assigned by the board.

Justification: to provide for roles of the Chief Executive Officer.

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Clause 23

The Clause 23 of the bill be amended by deleting the entire Clause and substituting, therefore, with the following;

Appointment of the Chief Executive Officer.

23. The Board of Corporations shall through open transparent and competitive recruitment process appoint suitably qualified person to be the Chief Executive Officer of the Agriculture Institution Development Corporation.

Justification: to provide transparent and competitive in recruitment process Chief Executive Officer pursuant to Article 232 of the Constitution of Kenya 2010.

Clause 24

The Clause 24 of the bill be amended by deleting the entire Clause and substituting, therefore, with the following;

Qualification of Chief Executive Officer.

24. 1.A person shall be qualified for appointment as Chief Executive Officer if the person;

- a) Is a Kenyan citizen.
- b) Holds a bachelor's degree from a recognized university.
- c) Has experience in management of not less than 10 years of which 5 must be in senior management.
- d) Meets the requirement of Chapter 6 of the Constitution.
- e) Has had a distinguished career in their respective field.

2. The Chief Executive Officer Shall hold office for a period of 5 years and on such terms and conditions of employment as the Board of Corporations shall determine.

Justification: to set the minimum qualification for the Chief Executive Officer.

Clause 25

That Clause 25 of the bill be amended by deleting the entire clause and substituting, therefore, with the following;

Qualification of Office for Chief Officer.

25. The Office of Chief Executive Officer shall fall vacant if the Chief Executive Officer resigns by issuing one month's notice in writing to the Chairperson of the Board.

- (b) the Chief Executive Officer is removed from office by the County Executive Committee Member on the recommendation of the Board for;
 - i. violation of the Constitution;
 - ii. gross misconduct;

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- iii. abuse of office;
- iv. physical or mental incapacity to perform the functions of the office;
- v. incompetence;
- (vi) the member is adjudged bankrupt; and
- (vii) the member dies.”

Justification: to provide grounds for Vacation of Office for Chief Executive Officer.

Clause 26

That clause 26 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Staff of the Corporation

26(1)The Chief Executive Officer in consultation with the board shall determine the staff establishment and obtain approval from the County Executive committee member.

(2)The Chief Executive Officer shall through open, transparent and competitive recruitment processes fill the vacancies of staff from among Officers in the county public service who shall be seconded to the corporation.

(3)Section 26 (2) above notwithstanding, in the event that internal filling of the position is not feasible, the Board of the corporation may externally fill the position competitively.

(4)The Board will determine the terms and conditions of service.”

Justification: to establish the staff of the Corporation

Clause 27

That clause 27 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Funds of the Corporation

27(1) The funds of the Corporation shall consist of-

- a) Ksh. 230million as initial capital and operational cost for the first year requested by the county Executive Committee Member through the County executive committee and approved by the county assembly.
- b) such moneys as may be appropriated by county assembly for the purposes of the Corporation;
- c) revenues realized from investments undertaken by the Corporation.
- d) such gifts, grants or monies received from any lawful source;
- e) all monies borrowed from securities, market or received as loans to the Corporation.

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(2) The Corporation shall apply the money provided under this section for the furtherance of its purpose and performance of the functions of the Corporation and as prescribed under this Act.”
Justification: to provide for the funds of the Corporation and provide for the seed money/ initial capital for the corporation to start and sustain itself.

Clause 28

That clause 28 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Financial year

28.The financial year of the Corporation shall be the period of twelve months ending on the thirtieth June in each year.”

Justification: to define the financial year of the Corporation

Clause 29

That clause 29 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Annual Estimates

29(1)At least three months before the commencement of each financial year, the Corporation shall cause to be prepared annual estimates of the Corporation for that year.

(2)The annual budget shall make provision for all estimated expenditure of the Corporation for the financial year and in particular, the estimates shall provide for the-

- (a) allocations for investments related to each business venture;
- (b) debt repayment schedule;
- (c) payment of the salaries, allowances and other charges in respect of the staff of the Corporation;
- (d) payment of allowances and other charges in respect of members of the Board;
- (e) payment of pensions, gratuities and other charges in respect of members of the Board and staff of the Corporation;
- (f) proper maintenance of the buildings and grounds of the Corporation;
- (g) maintenance, repair and replacement of the equipment and other property of the Corporation; and
- (h) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

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(3)The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the County Executive Committee for final approval.

(4)No expenditure shall be incurred for the purposes of the Corporation except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the County Executive Committee member.”

Justification: to provide for the annual estimates

Clause 30

That clause 30 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Accounts

30(1) The County Executive Committee Member shall, subject to Section 119 of the Public Finance Management Act, 2012, facilitate the opening and maintenance of a bank account for the effective management of this corporation.

(2)The Board shall cause to be kept proper books of Accounts, Records of accounts and assets of the Corporation.”

Justification: compliance with PFMA 2012

Clause 31

That clause 31 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Financial reports and Audit

31(1)Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General, the accounts of the Corporation together with-

- (a) a statement of financial position as at the thirtieth day of June;
- (b) a statement of comprehensive income;
- (c) a statement of cash flow for the year ended;
- (d) a summary of significant accounting policies and other explanatory information;
- (e) other financial statements applicable to similar institutions.

(2) The accounts of the Corporation shall be audited and reported upon in accordance with the provisions of the Public Audit Act”

(3)The Board shall submit quarterly financial statements and reports to the County Assembly pursuant to section 166 of the PFMA 2012.

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Justification: to comply with the constitution of Kenya 2010, PFMA 2012 and PFMA Regulations 2015 on reporting of Public Finance.

Clause 32

That clause 32 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Assets of the Corporations”

32(1)The county executive committee shall identify property or assets owned by the institutions in section 9 and hand over to the corporation for implementing this Act.

(2)The assets of a County Corporation may be acquired or disposed of subject to the provisions of the Public Procurement and Asset and Disposal Act, 2015.”

Justification: to authorize the County Executive Committee to identify and hand over assets to the Corporation for seamless operations

Clause 33

That clause 33 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Investment

33(1)Subject to any written law on governance of public investments, the Corporation shall have powers to-

(a) establish subsidiaries, holding entities or joint ventures for undertaking any business venture for the purposes of realizing its objectives;

(b)invest in agriculture related value chains and any investment venture approved by the County Executive Committee Member.”

Justification: to empower the Corporation to invest in related value chain ventures

Clause 34

That clause 34 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Investment strategy and plan

34(1)The Corporation shall prepare a five-year corporate investment strategy and plan within four months after the Board is constituted which shall be forwarded to the county executive committee for approval.

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(2)The County executive committee member shall, within fourteen days of the approval of the corporate strategy and plan by the County executive committee, transmit it to the county assembly for consideration and approval.

(3)The investment strategy and plan shall provide among others for-

- (a) source of investment capital;
- (b) targeted investment opportunities;
- (c) investment portfolio;
- (d) expected return on capital or investment;
- (e) specific investment projects and their respective projects appraisals including rate of return on investment or capital employed;
- (f) estimated cost of the investments;
- (g) any other matter as the executive member may prescribe.

(4) The Corporation shall not undertake any investment unless it is in accordance with the investment strategy and plan.

(5) The Corporation may review the investment plan or strategy after each year in order to align it with prevailing market and investment trends.

(6) The Corporation shall prepare annual plans for implementing the investment plan and strategy which shall be forwarded to the County executive Committee member for onward transmission to the county assembly for approval by December each year.”

Justification: to empower the corporation to develop and implement an investment strategy and plan.

Clause 35

That clause 35 of the Bill be amended by deleting the entire Clause and substituting therefor with the following clause;

“Investment or project appraisal and financial analysis

35.The Corporation shall not undertake any investment or project unless it has undertaken an investment or project appraisal and financial analysis in accordance with the prescribed guidelines.”

Justification: to enable the corporation evaluate the viability of a potential investment before committing funds

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Clause 36

That clause 36 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Sustainability, profitability and competitiveness

36(1)The Corporation shall institute measures to ensure that—

- (a) its operations and investments are sustainable and profitable;
- (b) it is competitive in all its investment ventures.

(2)The Corporation shall undertake an assessment after every two years to measure the sustainability, profitability and competitiveness of each investment venture.

(3) Notwithstanding sub section (2), the County executive committee member may require at any time the Corporation to undertake the assessment stipulated under sub section (2) in relation to any investment venture where the county executive committee member is of the opinion that the venture does not meet the required threshold for sustainability, profitability and competitiveness.

- 4) The county executive committee member may in consultation with the Board require the assessment under subsection (3) to be undertaken by an independent person or entity.
- 5) Where an investment venture ceases to be sustainable, profitable or competitive, the Corporation may -
 - (a) restructure the investment;
 - (b) merge the investment with other investments; or
 - (c) terminate the investment by way of sale, disposal, transfer or liquidation where the investment was carried out by a subsidiary as the sole business.”

Justification: to support long-term sustainability and profitability

Clause 37

That clause 37 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Financial sustainability

37.The Corporation shall maintain the prescribed—

- (a) asset base to enable it realize its objectives;

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- (b) liquidity ratios;
- (c) debt service plan; and
- (d) any other information that the county executive committee member may from time to time prescribe.”

Justification: to support long-term sustainability and profitability

Clause 38

That clause 38 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Partnership

38.The Corporation may enter into partnership or collaboration with any entity for the purposes of carrying out the objectives of this Act.”

Justification: to enable the corporation to enter into partnerships or collaborations to mobilize additional capital...I continue

Chairperson Committee of the Whole House: Proceed up to 38.

Hon. Martin Chemorion: Yes

Chairperson: Very well, Now, Honourable Members, allow me now propose the question which is that clause 15, clause 16, clause 17, clause 18, clause 19, clause 20, clause 21, clause 22, clause 23, clause 24, clause 25, clause 26, clause 27, clause 28, clause 29, clause 30, clause 31, clause 32, clause 33, clause 34, clause 35, clause 36, clause 37, clause 38 be amended as proposed.

(Question of amendment proposed)

(Question put and agreed to)

(Question, that Clause 15 to clause 38 as amended be part of the Bill, proposed)

(Question put and agreed to)

Next...

Chairperson Committee of the Whole House: Now we have a set of new clauses from 39 to 45.

(Question proposed that new clauses be part of the Bill)

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Hon. Martin Chemorion: I move that clause 39 of the Bill be amended by inserting a new clause to read as follows;

Clause 39

1. The cooperation shall in consultation with County Executive committee establish a dividend policy which shall be reviewed annually.
2. The dividend policy shall stipulate among others for;
 - a) The prevailing business conditions under which dividends may be paid out.
 - b) Minimum percentage of annual dividend payment to the County Government.
 - c) Any other matter as the County Executive member may prescribe.

Justification: to provide guidance on the utilization of profits.

I continue the way I did the others till the end.

Chairperson Committee of the Whole House: Yes New clauses all the way up to clause 45.

Hon. Martin Cheseto: Thank you Chair

Clause 40

That Clause 40 of the bill be amended by inserting a new clause to read as follows;

Charges for goods and services.

40.1 The cooperation might charge user charges or fees for the services rendered

2. The user charges and fees payable for the goods and services rendered by each Agricultural institution shall be as prescribed by the regulations.

Justification: to ensure fees and charges are established by the regulation of County Acts approved by the County Assembly.

Clause 41

That clause 41 of the bill be amended by inserting new Clause to read as follows;

Transition clauses 41

1. All funds, assets and other properties both movable and immovable which immediately before such date were vested in existing institutions established under section 9 by virtue of this paragraph vest in Bungoma County Agricultural Institution Development Corporation
2. All rights, powers, and liabilities, whether arising under any written rule or otherwise, which immediately before such date were vested in, imposed on, or enforced against existing institutions, shall, by virtue of this paragraph, be deemed to be vested in,

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imposed on, or enforceable against the Bungoma County Agricultural Institution Development Corporation

3. Any referenced in any written law or in any document or instrument to existing institutions established under Section 9, shall, on and after the appointed date, be constituted to be a reference to the Bungoma County Agricultural Institution Development Corporation

Justification: to define the transition framework for assets and funds from existing Bungoma County Agricultural Institutions to the Corporation

Clause 42

The Clause 42 of the bill be amended by inserting a new clause to read as follows

Protection from Liability 42

A person shall not be personally held liable for any omission done in good faith for the purposes of carrying and the provisions of this Act.

Justification: to protect officers of the Corporation from unfair personal liabilities

Clause 43

The Clause 43 of the bill be amended by inserting a new clause to read as follows;

Common Seal 43

1. There shall be a common seal for the Corporation.
2. The common seal shall be kept by the Corporation and shall be used in the manner authorized by this Act.
3. The common seal of the Corporation shall be kept in such custody as the Board shall direct and shall be used upon the order of the Board.
4. The common seal of the Corporation shall be authenticated by the signature of the Secretary to the Board or any other authorized person in the service of the Institution.
5. The common seal of the Corporation affixed on a deed instrument contract or any other document and duly authenticated under Subsection 4 shall be binding to the Corporation and its successors and can be discharged in the same manner as that in which it was executed.
6. The common seal of the Corporation, when affixed to any document and duly authenticated under Subsection 4 shall be binding, and unless the contrary is proved the

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necessary order or the authorization of the Board under this section shall be deemed to have been duly given

Justification: to prevent the forgery of corporate documents.

Clause 44

That Clause 44 of the Bill be amended by inserting a new clause to read as follows;

Dissolution of the Bungoma County Agricultural Institution Development Corporation 44.

1. Bungoma County Agricultural Institution Development Corporation may be dissolved only with the prior approval of the County Executive Committee and the County Assembly in accordance with this Act.
2. Subject to the provision of this Act, Bungoma County Agricultural Institution Development Corporation shall be dissolved;
 - a) Upon expiry of the duration of the Corporation, as may be defined in the Instrument of Establishment.
 - b) Where a Corporation has carried out the mandate for which it was established.
 - c) Upon reorganization of the Corporation and associated Government functions.
 - d) Upon a merger of the Corporation with another.
3. The Accounting Officer responsible for the Corporation in question shall follow up implementation of the findings and eventual recommendation for dissolution to ensure compliance.
4. The County Executive Committee member for finance may, by notice in the Gazette, prescribe guidelines for dissolution and mergers of County Corporations.
5. Upon approval by the County Executive Committee and the County Assembly of the recommendation to dissolve or merge a Corporation a responsible County Executive Committee member shall cause this dissolution or merge the Corporation with another
6. Upon dissolution of the Corporation, the funds corresponding to County Government equity in the Corporation shall be deposited into the County Revenue Fund.
7. Upon dissolution of the Corporation, the responsible County Executive Committee member shall vest all the assets and liabilities of the Corporation concerned to the responsible County Government entity.
8. A Corporation shall not vest its assets in any other entity without prior approval of the County Executive Committee member for finance

Justification: to establish a framework for the dissolution of the Corporation.

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Clause 45

That Clause 45 of the Bill be amended by inserting a new clause to read as follows;

Power to make regulations 45

1. The County Executive Committee member shall make regulations and guidelines for the better carrying out of purposes and provision of this Act
2. Without prejudice to the generality of Subsection 1, the regulation may
 - a) Prescribe for the guidelines for undertaking investment or project appraisal.
 - b) Prescribe the matters related to dividend policy.
 - c) Prescribe matters related to investment plan and strategy.
 - d) The establishment of departments of the institutions.
 - e) The requirement for the award of certificates or other awards of the agricultural institutions and relevant assessment bodies.
 - f) Conduct of the examinations.
 - g) Prescribing fees and other charges.
 - h) Prescribing criteria for admission, assessment, examination, evaluation, discipline, and dismissal of trainees.
 - i) Any other information relating to its function that the Board considers necessary

Justification: to confer regulation-making powers upon the CECM.

Thank you Chair.

Chairperson Committee of the Whole House: Thank you very much Hon. Martin Cheseto Chemorion.

(Question put that clauses 39,40,41,42,43,44,45 be amended as proposed)

(Question put and agreed to)

(Question proposed that new clauses 39,40,41,42,43,44,45 as amended be part of the Bill)

(Question put and agreed to)

The new clauses are part of the bill. Next.

First schedule

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Conduct of the business and affairs of the Board of the management.

Chairperson Committee of the Whole House: Honourable Members;

(Question proposed that the First Schedule be part of the Bill)

Hon. Martin Chemorion: I move that the first schedule of the bill be amended as follows;

that the title of the first schedule be amended by deleting the word management appearing immediately after the words Board of and substitute with the word Corporation so as to read conduct of the business and affairs of the Board of Corporation.

Justification: to provide for the aspect of a corporation inserting a new paragraph 1.7 to read subject to number 6 no proceeding of the Board shall be invalid by reason only of a vacancy among the members thereof. Thank you Chair.

Chairperson: Thank you Honourable Members;

(Question proposed that the first scheduled be amended as proposed)

(Question put and agreed to)

(Question proposed that the first schedule as amended be part of the bill)

(Question put and agreed to)

Next item.

Clause 2: Interpretation

Chairperson: Honourable members I now propose that the question;

(Question proposed that clause 2 be part of the bill)

Hon. Martin Chemorion: That the clause of the bill be amended as follows;

By deleting the word Administrator and the definition thereof.

Justification: to remove the provision for the creation of a fund within the bill by deleting the definition of the word Board and substituting therefore with the following new definition so as to read Board means the board of the corporation established under section 12 of this act.

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Justification: to formally provide for the establishment of a board of the corporation in the definition of Chief Officer inside the word Agricultural immediately after the words relating to so as to read Chief Officer means the Chief Officer for the time being responsible for matters relating to the agricultural institutions.

Justification: to provide clarity on the specific Chief Officer responsible for matters relating to the agricultural institutions in the definition of a County Executive Committee member delete the words the Department appearing immediately after the words relating to and substitute with the word Agriculture Livestock, Fisheries, Irrigation and Cooperative Development so as to read County Executive Committee member means the County Executive Committee member for the time being responsible for matters relating to Agriculture Livestock Fisheries Irrigation and Cooperative Development.

Justification: to clearly identify the specific County Executive Committee member responsible for Agriculture Livestock, Fisheries Irrigation and Cooperative Development insert the definition of the corporation means the Agriculture Institution Development Corporation established under section 6 of the act justification bring in the aspect of a corporation inset the definition of the word County Executive Committee means the County Executive Committee established in accordance with the article 179 of the Constitution of Kenya 2010.

Justification: to provide for the County Executive Committee.

Delete the word fund and its definition thereof.

Justification: because the fund has been removed from the bill delete the words officer in charge and its definition thereof and replace with the words Chief Executive Officer means a person appointed to be the secretary to the board and the accounting officer of the corporation.

Justification: officer in charge has been replaced with Chief Executive Officer Thank you Chair.

Chairperson Committee of the Whole House: Thank you Hon. Chemorion. Honourable Members;

(Question proposed that clause 2 is amended as proposed to be part of the bill)

(Question put and agreed to)

(Question put that clause 2 as amended be part of the bill)

(Question put and agreed to)

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Long title

An Act of the County Assembly of Bungoma to provide for the Development and Management of the Agricultural Institutions and for Connected Purposes

Chairperson: Honourable Members;

(Question proposed that the long title be part of the bill)

Hon. Martin Chemorion: Honorable Chair, I move that the long title of the Bill be amended by inserting the word a corporation immediately after the word development so as to read the Bungoma County Agriculture Institutions Development Corporation 2025

Justification: to incorporate the risk aspect of a County Corporation and ensure the autonomy of Agricultural institutions within Bungoma County. I move

(Question proposed the long title be amended as proposed)

(Question put and agreed to)

(Question put that the long title as amended be part of the bill)

(Question put and agreed to)

Clause 1; Short title

The Bungoma County Agriculture Institutions Development Bill 2025

Chairperson Committee of the Whole House: Honourable Members;

(Question proposed that clause 1 on short title be part of the bill)

Hon. Martin Chemorion: Hon. Chair, I move that the short title be amended by deleting the word Development appearing immediately after the word Agriculture and further insert the words Development Corporation immediately after the word institutions so as to read; This Act may be cited as the Bungoma County Agriculture Institutions Development Corporation Act 2025 and shall come into operation upon publication in the gazette.

Justification: to capture the aspect of establishment of a corporation.

(Question proposed that clause 1 on short title be amended as proposed)

(Question put and agreed to)

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(Question proposed that clause 1 on short title as amended be part of the bill)

(Question put and agreed to)

Chairperson Committee of the Whole House: Very well, congratulations Hon. Cheseto. I now call upon you to report

Hon. Martin Chemorion: Thank you Chair. Pursuant to Standing Order 145 (16), I beg to move that the committee do report to the House its consideration of the Bungoma County Agriculture Institutions Development Bill 2025. I call upon Hon. Idd Chamawi the Vice Chair of the committee to second

Hon. Idd Owongo: Thank you Chair, I second.

Chairperson Committee of the Whole House: Very well.

(Applause)

Honorable members, allow me now put the question that the committee do report to the House its consideration of the Bungoma County Agriculture Institutions Development Bill 2025

(Question put and agreed to)

The ayes have it!

(Applause)

We therefore ask the orderlies to usher in the Speaker.

(Mr. Speaker Hon. Emmanuel Situma back in Chair)

Mr. Speaker: Honorable Members, allow me be able to invite the Chair of the Committee of the Whole House to report back to the House at large. Deputy Speaker you proceed!

Chairperson Committee of the Whole House: Thank you Hon. Speaker. Under Standing Order 147, report of the Committee of the Whole House.

Mr. Speaker Sir, the Committee of the Whole House reports on the Bungoma County Agriculture Institutions Development Bill 2025 as follows;

Clause 3- Objects and purpose of the Bill was approved with amendments

Clause 4 - Application was approved without amendments

Clause 5 - Guiding principles was approved with amendments

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- Clause 6 - Establishment of Agricultural Institutions was approved with amendments
- Clause 7 - Agricultural Institutions was approved with amendments
- Clause 8 - Functions and powers of Agricultural Institutions was approved with amendments
- Clause 9 - Agricultural Institutions was approved with amendments
- Clause 10 - Board of Management was approved with amendments
- Clause 11 - composition of the board was approved with amendments
- Clause 12 - Eligibility for appointment of member of the Board was approved with amendment
- Clause 13 - Co- option of members was approved with amendments
- Clause 14 - Responsibilities of the Board was approved with amendments
- Clause 15 - Tenure of the Board was approved with amendments
- Clause 16 - Vacation from office was approved with amendments
- Clause 17 - Filling of vacancy in the Board was approved with amendments
- Clause 18 - Remuneration of the members of the Board was approved with amendments
- Clause 19 - Conduct of the Business and affairs of the Board was approved with amendments
- Clause 20 - Staff of the institution was approved with amendments
- Clause 21 - Funds, assets and liabilities of the institution was approved with amendments
- Clause 22 - Strategic plans, budget and annual reports was approved with amendments
- Clause 23 - Accounts and audits was approved with amendments
- Clause 24 - Establishment of Agricultural Institutions Enterprise Fund was approved with amendments
- Clause 25 - Composition of the fund was approved with amendments
- Clause 26 - Application of the fund was approved with amendments
- Clause 27 - Administration of the Fund was approved with amendments
- Clause 28 - Functions of the Administrator was approved with amendments

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Clause 29 - Annual estimates was approved with amendments

Clause 30 - Annual estimates for the fund was approved with amendments

Clause 31- Audit of the funds was approved with amendments

Clause 32 - Investment of the surplus funds was approved with amendments

Clause 33 - Charges for good and services was approved with amendments

Clause 34 - Power to make regulations was approved with amendments

Clause 35 - Reporting was approved with amendments

Clause 36 - Protection from personal liability was approved with amendment

Clause 37 - Common seal was approved with amendments

Clause 38 - Power to make statutes was approved with amendments

New Clauses

Clause 39 - Dividend policy

Clause 40 - Charges for goods and services

Clause 41 - Transition Clause

Clause 42 - Protection from a liability

Clause 43 - Common seal

Clause 45 - Dissolution of the Bungoma County Agriculture Institutions Development

Clause 45 - Power to make regulations

First Schedule, Conduct of the Business and Affairs of the Board of Management was approved with amendments

Clause 2 Interpretation was approved with amendments

Long title as An Act of the County Assembly of Bungoma to provide for the development and management of the Agricultural Institutions and for connected purposes was approved with amendments

Clause 1, Short title The Bungoma County Agriculture Institutions Development Bill 2025 was approved with amendments

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I report.

Mr. Speaker: Thank you Hon. Deputy Speaker, the Chair of the Committee of the Whole House. Honorable members, allow me be able to come back to the mover of the Bill, the chair so that he is able to move the House and call the seconder after that.

Hon. Martin Chemorion: (Mover) Honourable Speaker, Pursuant to Standing Order 148 (1), I beg to move that the House does agree with the committee in the said report. I request Honorable Idd Chamawi to second.

Mr. Speaker: Hon. Idd!

Hon. Idd Owongo: Thank you Chair, I second

Mr. Speaker: Honorable Members, I will now be able to propose a question for the House to be in agreement with the same;

(Question put and agreed to)

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

(Applause)

ADJOURNMENT

Honourable Members, I am duly informed that was the last item on our Order Paper, we adjourn our sitting today and resume tomorrow Wednesday 17th June, 2026 in our 9:30 a.m. session.

The House rose at 4:43 p.m.

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