

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 3RD JUNE, 2026

Afternoon Sitting

**3rd County Assembly
Version 00**

**5th Session
Revision 00**

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WENESDAY, 3RD JUNE, 2026

The House met at the County Assembly Chamber at 2:30 p.m.

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

PRAYERS

MESSAGES

WITHDRAW OF THE NOMINEE FOR THE TO THE POSITION OF SECRETARY TO BUNGOMA COUNTY
PUBLIC SERVICE BOARD

Mr. Speaker: Honourable Members, this is a message from the Office of the Governor, which I wish to convey to you.

Honourable Members, take up your positions, please. Thank you.

Honourable Members, this message is from the Office of the Governor addressed to Clerk of the County Assembly of Bungoma, P.O. Box 1886, 5200 Bungoma. The reference of this message is the withdrawal of the names for the position of the Secretary/CEO of Bungoma County Public Service Board. I hereby write to withdraw the name of the below detailed person from consideration to the position of the Secretary of the Board of Public Service for further consultations.

Name C.S Thomas Mulongo Terengi, ID number 1043-31520, County Bungoma, contact 0721-713967, Sub-county - Webuye, Misikhu.

Thank you. His Excellency, Right Honourable Kenneth Makelo Lusaka, E.G.H, Governor of Bungoma County.

The implication of this message is that the motion for approval of this nominee dies a natural death.

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(Consultation in low tone)

I am aware the committee had prepared a report but the name having been withdrawn, the report dies a natural death. The chairperson and Members of the said committee, we thank you for coming early for this motion.

(Laughter)

Honourable Members, I appreciate that you worked, and as the Chairperson of the Board and the Speaker, we will take care of your welfare. And the evidence that there is a report on the floor of the House, being withdrawn here does not stop us from paying you as a committee.

I've been able to ask that the legal team of the County Assembly assists the Governor in reading the law properly, because in this matter, I can confirm with Hon. Museveni, when the new Board was sworn in, and I advised in that meeting that they bring the new names of the Board for this House to approve, the names of the panel brought here for approval to be gazetted with a specific mandate of the CEO then they go to work.

Look at Section 58(a), 12, 13, 14, the extension they are talking about is only for 14 days. Let's be fair; this County has to follow the law. I think I've been able to advise that they go back and start afresh. Yes Hon. Johnston Okasida

Hon. Johnston Okasida: Honourable Speaker, let me begin by thanking you by promising that you will reward the committee that spend hours...

Mr. Speaker: No, I am not going to reward you, I'm going to pay the committee per diem as per the work done, not rewarding you.

Hon. Johnston Okasida: Honourable Chair, I am well guided. Honourable Speaker, looking on your direction and the message that we have just received, I want to believe that it's the third message we are receiving from the Governor, where the Governor has failed to follow the law.

Honourable Speaker, you remember for the Office of the County Attorney, the first nominee was a lady who was not qualified to be appointed as a County Attorney because the requirement was that she was supposed to have been in that position for not less than three years. The Governor...

Mr. Speaker: You are missing one thing, it was five years, not three years.

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Hon. Johnston Okasida: Honourable Chair, I was intentionally saying three years because I knew you are a Lawyer and you understand the details of that particular area. The name that was forwarded had only two years. The Governor whom we believe that is the custodian and the guardian of the law has refused to follow the law, Honourable Speaker.

Honourable Speaker, for the person in question, the Governor, again, without even following the due process of the law, agreed to forward a name that was wrongly interviewed and submitted. This confirms the incompetence of the Governor as a person; secondly, this is a failed government, Honourable Speaker...

Mr. Speaker: Hon. Johnston Okasida Ipara, let me assist you, that part of incompetence you will have a day to talk about like he cannot defend himself here. That line of argument would be good.

Members, for guidance purposes, what we are discussing here is the procedure. I'll ask Members that since the animal has already died without being hanged, let's have the motion beforehand. Kindly, please.

Hon. Johnston Okasida: Honourable Speaker, the reason I am using the word incompetent, you remember when we forwarded CFSP Ceilings, the Governor, through the advice of the unlearned officer who normally acts as a personal assistant to the Governor, misadvised the Governor that he can also question on the CFSP. The law is clear that he cannot question CFSP because it is this House that has the powers to give the ceilings based on the budget available.

Honourable Speaker, for how long are we going to entertain this Governor who is not ready to serve the people of Bungoma.

Mr. Speaker: Members, I beseech you that I've made the communication; you've heard what has happened. Let's move on because you'll have a day over this thing.

Hon. Johnston Okasida: Honourable Members, based on the guidance of our learned Speaker, I want to abide by it, but let's prepare for a tough journey ahead.

Mr. Speaker: Hon Jack Wambulwa, just in one word. You know, when the prayer is being said and you are busy consulting, it is what is happening up to now.

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Hon. Jack Wambulwa: Thank you, Honourable Speaker. I would just like...

Mr. Speaker: In the near future, Hon. Wafula Waiti and Hon. Benard Kikechi, I'll punish you severely. Even when I was praying, you were busy consulting. If you can't respect the word of God, who do you respect?

(Applause)

I have promised you, if you don't change, you know being sent away for thirty days is also good. If I'm praying, why can't you be patient and consult your colleague later. Is it a matter of life and death? Hon. Jack Wambulwa

Hon. Jack Wambulwa: Thank you, Honourable Speaker, for notifying the Members. Honourable Speaker, I would just like to know, as much as we are being brought a new name for the CEO of the Service Board, which has died a natural death. The other day, we heard the Governor over the Radio sacking the interim CEO, who was supposed to undertake the job of recruiting the ECDE and VTC teachers, including promotions.

Has it been communicated to this House, Honourable Speaker, and if it has been communicated, that's the only way we can treat it official. As the Chair of Education, we have allocated funds to recruit these teachers, and time is running out; we only have one month. As I talk, it's not even one month, a matter of days.

If he has sacked the CEO, and then from what I'm hearing, Members, the allocation has been squandered. What action can we take as a House so that the Governor can learn that this House is unhappy with his behavior and his way of 'chewing' monies that are meant for workers in this County? It's unfortunate, Honourable Speaker. I would just like to hear from you.

Mr. Speaker: Hon. Jack, do you have a better term other than 'chewing' money.

Hon. Jack Wambulwa: Honourable Speaker, what I mean is that they misappropriate funds wherever we put funds to take care of the workers' welfare. You see, these schools that we are putting up, the ECDs, have no teachers, the VTCs today that we claim to have in Bungoma, they have no technical tutors to take care of the trainees.

We are just wasting time; we are just doing PR by telling people we have VTCs. People who are advising the Governor; including some of our colleagues who sit around him and they even drink

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together; can't they inform him about the major roles of the County government of Bungoma. Because sacking the CEO and the HR person without any communication. It confirms Members that this money has been swindled, and that's why they don't want to employ.

Mr. Speaker: Members on that issue of Hon. Jack Wambulwa, let me assist you Members. The Committee on Budget is chaired by Hon. Jack himself and the Committee on Public Administration and ICT is chaired by Hon. Tony Khaoya. You can convene tomorrow and sermon concerned people before you on Tuesday next week to confirm that issue. Yes, Honourable Member?

Hon. Johnston Okasida: Did you say that Hon. Jack Chairs the Budget Committee?

Mr. Speaker: No, the Committee on Education.

Hon. Johnston Okasida: Thank you, Mr. Speaker.

Mr. Speaker: I'm keen on whatever I say here. The Committee on Education is chaired by Hon. Jack Wambulwa, the Committee on Public Administration and ICT; they can have a joint meeting, invite the concerned officers to confirm if the money is available or has already been spent. I don't want to use the words Hon. Jack is using as 'chewing'. I don't know how you chew the money. Hon. Jack Wambulwa, allow me have Honourable... Yes.

Hon. Jack Wambulwa: That's an initiative we have already as Education Committee. We reached out to the CS, the County Public Service Board, of course, it will be minus the CEO, but the Chair and then the department of Finance, together with Education, to appear before us. Other than that, I would have requested, Honourable Speaker, for the goodwill of Bungoma people, how I wish these three departments appeared before the Whole House, so that they can respond on these issues that I have raised, because these are matters of County importance. As we talk, people out there are waiting to hear whether we are going to employ or not.

I just need your intervention, Honourable Speaker. I would request other than us as committees, meeting them, if they can appear before the Whole House and tell us whether the process is on or not. Thank you, Honourable Speaker.

Mr. Speaker: Once you bring me the motion on County importance tomorrow, I will allow you to have them here, the earliest time possible. Do that and bring it to me, I'll approve the same.

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Yes, Hon. Jack. Sorry, Hon. Nga'nga, you know CPA holders don't use words like 'chewing money'.

(Laughter)

They use the words like spending money.

Hon. Everton Nganga: Thank you, Honourable Speaker. I'm one of those Honourable Members who are disillusioned and...

Mr. Speaker: Sorry.

Hon. Everton Nga'nga: From your communication, I don't know if you are joking or you were serious when you say that we take our legal officers to go and advise the Governor. I'm much surprised. I know well that the executive side has the Office of the County Attorney and in that office we have one Oringe, who was vetted here where you were the Chair of Appointment.

I'm worried that if such a person cannot advise the Executive, then is he competent to be in that office? I remember when they were swearing in the five commissioners that were interviewed and selected by the Select Committee, I remember these are persons who could not even administer an oath. They hired somebody from the court system here to assist the County Government to administer the oath. I don't know why...

Mr. Speaker: Hon. Nganga, it's not good to interject you, but let me assist you. When they are swearing in an officer, they always hire Deputy Registrar of the High Court.

Even in national government, whenever they are swearing in any commissioner of any public office, they never use the Attorney General; they always go and look for Chief Justice to swear them in. So having Oringe there as somebody just carrying files was in order, but he can't swear in any officer. They must go and get a judicial officer.

Hon. Everton Nga'nga: Thank you, Honourable Speaker. But my concern is that you mentioned that we take our legal officers to and advise the County Government. That is wrong. It means they have somebody who is incompetent.

Mr. Speaker: No, we have top-notch officers in the Assembly.

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Hon. Everton Nga'nga: Thank you, Honourable Speaker. I don't know why the Governor is still retaining these people in the office when they cannot advise him. Thank you.

Mr. Speaker: We go to the next item on our order paper, please, Honourable Members.

QUESTIONS AND STATEMENTS

STATEMENT PURSUANT TO STANDING ORDER 47.2(C) RESPONSE FROM THE CHAIRPERSON SECTOR COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

Mr. Speaker: Hon. Ken, you are standing in for Hon. Jack?

Hon. Kennedy Wanyama: Thank you, Honourable Speaker. I'm stepping in for Hon. Jack Kawa. Thank you.

Mr. Speaker: That is, you are the owner of the statement now?

Hon. Kennedy Wanyama: Yes.

Mr. Speaker: Yes, you have a copy?

Hon. Kennedy Wanyama: Yes.

Mr. Speaker: Of the response?

Hon. Kennedy Wanyama: Yes, I've looked at it.

Mr. Speaker: Proceed, Hon. Ipara.

Hon. Johnstone Ipara: Honourable Speaker, this is a progress report on a Joint Sectoral Committee on Public Administration and ICT and Labor Relations. To the statement sought by Member for Bokoli Ward, Hon. Jack Kawa, regarding the status, legality, and the performance of substantive and acting directors within various County Departments.

The County Assembly of Bungoma, Standing Order No. 54, provides that the Chairperson of a committee shall submit a progress report to the House on questions;

- a) Referred to the committee

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- b) Replied to
- c) Which the committee has directed the account executive committee member to provide additional information or a further reply
- d) Pending before the committee

On Tuesday, 12th of May, 2026 at 2.30 p.m. the Honourable Member for Bokoli Ward, Hon. Jack Kawa, sought a statement regarding the status, legality, and performance of substantive and acting directors within various County Departments in this House and you directed that the statement be processed by the Joint Committee on Public Administration and ICT and Labor Relations and provide the response to the House.

The Joint Committee deliberated on the statement and resolved to seek a response from the County Chief Officer, Public Service Management and ICT, and the Secretary County Public Service Board.

Subsequently, a response referred to REF CG/ BGM/ PSM and ICT/ CCO/ CA/ CC/ VOL.3 (022) was submitted to the committee for review. Following review of the documents, the committee noted issues that required further clarification and submission of additional information. The Joint Committee has invited the County Secretary, Secretary County Public Service Board, and the Chief Officer, Public Service Management, to appear on Thursday, 4th, June, 2026 and respond to the pending issues. The committee will thereafter prepare and submit a detailed report to this House upon conclusion of the matter.

The committee therefore requests a period of one week to finalize its inquiry and report back to this House. I submit that it is signed by Hon. Tony Khaoya Barasa, MCA Lwandanyi Ward, Chairperson, Committee on Public Administration, on behalf of the Joint Committee. I submit.

Mr. Speaker: Thank you. Hon. Ken Wanyama please?

Hon. Kennedy Wanyama: Thank you, Honourable Speaker. I am satisfied with the progress report from the Joint Committee on Public Administration, ICT, and Labor Relations.

Since this is a progress report and the committees have invited the County Secretary, Secretary County Public Service Board and the Chief Officer, Public Service Management, to appear before it...

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Mr. Speaker: Just to make a correction there, because where I sit, there is no Secretary County Public Service Board.

Hon. Kennedy Wanyama: Thank you, Honourable Speaker. The committee has invited the County Secretary and the Chief Officer - Public Service Management, to appear before it on Thursday, 4th, June, 2026 upon which they will submit a detailed report to this Honourable House. Thank you.

Mr. Speaker: I'll give you up to next week on 10th to give us the report and we are concerned because every department has a director in acting capacity.

Whenever you are doing interrogation, everybody is saying he is a director but the report I got from the Executive, they have only 10 Directors out of 42 and not to belittle anybody here; you know the requirement to be a Director, you must have Masters Degree.

Some of the people you see around masquerading to be directors, let's have that feedback full in this House before we discuss but you must insist on professional directors in every department. If you trained as a teacher, don't be in veterinary or in fisheries. You are doing a disservice to this County. Yes, Hon. Ipara.

Hon. Johnstone Ipara: Honourable Speaker, we are well advised and we shall adhere to the latter.

Mr. Speaker: Membership of the two committees, I'm aware those people are coming here tomorrow for that meeting. I insist that all Members should be present during the interrogation. I will attend the meeting as a friend of the committees. I am working on the qualifications. Thank you.

Hon. Johnstone Ipara: Thank you, Sir.

STATEMENT PURSUANT TO STANDING ORDER 47.2(C). RESPONSE FROM THE CHAIRPERSON, SECTOR COMMITTEE ON TOURISM, ENVIRONMENT, WATER, AND NATURAL RESOURCES

Mr. Speaker: Yes, I'm seeing it is signed by Hon. Martin.

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Hon. Martin Chemorion: Yes. Thank you, Honourable Speaker. On behalf of the Committee on Tourism, Environment, Water, and Natural Resources, I wish to give a progress report on the statement raised by Hon. Jack Wambulwa in relation to the...

Mr. Speaker: Hon. Jack. You are aware that I'm giving you a progress report?

Hon. Jack Wambulwa: Yes Mr. Speaker.

Mr. Speaker: But concentration is a problem.

(Laughter)

Hon. Jack Wambulwa: Thank you, Honourable Speaker.

Mr. Speaker: Let's proceed. I want you to be keen.

Hon. Jack Wambulwa: Honourable Speaker. I'm aware I have a copy.

Mr. Speaker: Yes. Proceed, Hon. Martin. Let me give you a microphone, please. Proceed.

Hon. Martin Chemorion: Thank you, Honourable Speaker. Pursuant to Standing Order Number 54(a) of the County Assembly of Bungoma Standing Orders, the Committee on Tourism, Environment, Water, and Natural Resources hereby presents a progress report on the statements sought by Hon. Jack Wambulwa concerning the utilization of climate change funds within Bungoma County.

In considering the statement, the Committee held a consultative meeting with the Chief Officer for Tourism and Environment and the Director of Climate Change on, Monday 12th, May 2026 at 2:00 p.m. in Committee Room 1 within the County Assembly precincts to respond to concerns raised in the statement.

Following deliberation and review of the information provided, the Committee made the following observations;

1. A majority of the climate change projects remained incomplete, with some projects recording zero percent implementation.

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2. The Committee was not furnished with Monitoring and Evaluation (M&E) reports to verify the progress, implementation status and challenges encountered in the execution of the projects.

Arising from the above mentioned observations, the Committee resolved to undertake a fact-finding exercise to establish the actual status of climate change fund projects implemented during the financial year 2023/2025.

I wish to report that the Committee tasked the County Assembly Research Department with undertaking the fact-finding exercise. Upon completion of the exercise and consideration of the findings by the Committee, a comprehensive report shall be tabled before the Honourable House for deliberation.

Thank you. It is signed by Hon. Martin Chemorion, on behalf of Hon. Edwin Opwora, MCA, Chairperson Committee on Tourism, Environment, Water, and Natural Resources. Thank you.

Mr. Speaker: Hon. Jack, they are seeking for more time.

Hon. Jack Wambulwa: Thank you, Honourable Speaker.

As much as they are seeking for more time, I am getting concerned. For one, if they were to use the researchers of the County Assembly to go out there and establish the status of most of the projects and you remember we've been away for almost two weeks while working on the budget.

I expected that by now they would have responded. My worry is about time because I need to be given this report before we end the financial year.

This is an issue that has been pending for quite some time; I request for your intervention so that they are given the shortest time possible to respond on the issues I raised. Thank you.

Mr. Speaker: Hon. Martin, this response is supposed to come from the Executive. Am I right?

Hon. Martin Chemorion: Yes, Sir.

Mr. Speaker: Then you want to use the Assembly researchers to go and do the work of the Executive and give us a feedback...

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Mr. Speaker: Who is going to fund their transport and fueling of the vehicles up to Brigadier, Ndalu/Tabani, Tongaren and the lower part up to Khasoko because its money to be spend? If your department, the committee is going to give us funding for that purpose, I'll allow them to go but if they're going to spend the money for the Assembly, I'll decline.

Yes, Hon. Kawa. Sorry, Hon. Meshack Museveni before I come back to.

Hon. Meshack Simiyu: Asante Mheshimiwa Spika, mimi ni mwanakamati wa Tourism. Tuliomba *research* kutoka kwa *Assembly* yetu ili tupate jinsi ya kujibu Mheshimiwa Jack. Tukisema tuwape wale watu wa *Executive*, watatuletea ile isiyo nzuri. Ndiposa tukaomba kwa hiari na heshima yako ya kwamba tuwatumie watu wetu ili tupate majibu sahihi

Mr. Speaker: Hon. Martin, you know if you do not have M and E report from the Executive, how are you going to engage our people to go and verify for you? Look at your point 2, the committee was not furnished with M and E report to verify the progress.

Hon. Martin Chemorion: Honorable Speaker, the committee noted grey areas when engaging Hon. Jack Wambulwa and he was very much willing even to go to the field to ascertain some of the facts about the project.

In fact, the Executive had presented their report but we were not convinced that was the exact report from the ground and that's why we wanted to use now the department and even some of us, the members of that committee could even accompany the research officers so that we can actually get the real facts. Because the issues that were raised by Hon. Jack Wambulwa were weighty and of course, he's a seasoned politician, you know, he doesn't take half-baked information. That is why we are tasking the researchers and you've indicated that the staff of this assembly is top-notch.

Mr. Speaker: They are top-notch, that one I can confirm for you. If you bring your request formally to the Office of the Clerk and I am having enough researchers and enough attachees, numbering 80 if you're not aware. They'd be assigned work to go with the officers in the field and do what's supposed to be done. Once I have the requisition of your requests, I'll give you staff as soon as next week.

Hon. Martin Chemorion: Thank you.

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Mr. Speaker: They'll be shared among the Honourable members, researchers and committee clerks. We are also having attachees in the committee services department. That is part of learning so that they go to the field and find out. Hon. Jack, at least give us more time so that we are able to ... My clerk is away and he will be in the office on Monday. I will give him enough people to go to the field; they will be in all the 45 wards.

Hon. Jack Wambulwa: I will appreciate Hon. Speaker if we do it as early as yesterday because as you always say, as an Assembly we are top notch and the Office of the Clerk has no vacuum. I am sure he has able deputies.

One of them, if you give the orders, they can move out there with the team, so that they can give us an answer that is appropriate to this House. Thank you.

Mr. Speaker: It's okay. I'll give you two weeks' time up to 17th of June.

Hon. Jack Wambulwa: Thank you.

Mr. Speaker: Next item, please.

A STATEMENT PURSUANT STANDING ORDER 47(2) (C), RESPONSE FROM THE CHAIRPERSON,
SECTOR COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE, AND PUBLIC WORKS

Mr. Speaker: Yes, Hon. Simotwo. Last time I spoke to Hon. Simotwo, he said he was offering prayers in the forest to appease forefathers, so I don't know how long he is going to do it. Proceed, Honorable Simotwo.

Hon. Franklin Simotwo: Thank you, Mr. Speaker. I rise to...

Mr. Speaker: Can I confirm who's standing in, Hon. Psero? You are standing in for Honorable... Be on HANSARD.

Hon. Jacob Psero: Mr. Speaker Sir, I am standing in for Hon. Christine Mukhongo.

Mr. Speaker: It's noted. Hon. Simotwo, proceed.

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Hon. Franklin Simotwo: Thank you, Mr. Speaker. I rise to issue a statement raised by Hon. Christine Mukhongo in relation to the status of the implementation of various roads in Kimilili Ward. This statement was committed to the Chairperson of Committee on Roads, Transport, Infrastructure, and Public Works regarding the maintenance of the various roads in Kimilili Ward, pursuant to Standing Order No. 54.

Honourable Speaker, on Wednesday, 8th April 2026 at 2:30 p.m., Hon. Christine Mukhongo (Member for Kimilili Ward) sought a Statement from the Chairperson of the Committee on Roads, Transport, Infrastructure and Public Works concerning the aforementioned road.

In the Statement, the Chairperson was tasked to inquire into and report on the following roads in the said Ward;

1. Wepukhulu Junction-Murunga-Mafumbo Gabriel Junction Road: Awarded to M/S Sla Co. Limited
2. Pasipalam-Kambini Road: Awarded to M/S Local Engineering
3. Misikhu Main Primary-Chelekei Secondary School Road: Awarded to M/S Ocean Drop

In the Statement, the Chairperson was to inquire into and report on the following:

1. The specific reasons why the Wepukhulu Junction-Murunga-Mafumbo Gabriel Junction Road remains incomplete despite being budgeted for in the FY 2022/2023, and the immediate measures the department is taking to ensure the contractor returns to the site.
2. The official timelines for the completion of the Pasipalam-Kambini Road (FY 2024/2025), considering the contractor had already received an award letter and signed the contract; further, explain what the department is doing to ensure strict adherence to the contractual timelines to avoid the delays witnessed in previous cycles.
3. The glaring discrepancy regarding the Misikhu Main Primary-Chelekei Secondary School Road, where official records indicate the project is “complete” yet on the ground, works have not even commenced. Provide the payment status of the said project, including any interim payment certificates (IPCs) processed to date.

Honourable Speaker, pursuant to Standing Order No. 52(a), the committee was directed to liaise with the relevant department and provide a response to the Honorable Member through the House. Accordingly, the Committee deliberated on the Statement in the presence of the owner and resolved to invite the Chief Officer for Roads, Transport, Infrastructure and Public Works to appear before the Committee and provide written and oral responses.

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Honourable Speaker, the Chief Officer for Roads, Transport Infrastructure and Public Works appeared before the Committee on 12th May, 2026 and responded as follows;

1. The specific reasons why the Wepukhulu Junction–Murunga–Mafumbo Gabriel Junction Road remains incomplete despite having been budgeted for in the FY 2022/2023

The department acknowledged that the road remains incomplete to date, with works at 62% completion. The project was awarded on 16th March, 2023 with a contract period of three months, which extended into the subsequent financial year. By the close of the financial year, the contractor had executed works valued at Kshs. 5,882,970.00, which was paid through an Interim Payment Certificate which was submitted to the Committee. However, upon issuance of further instructions and warning letters in the new financial year, the contractor failed to honor the instructions and did not resume works on site.

The contract sum for the project was Kshs. 9,557,005.22, while the amount paid to date is Kshs. 5,882,970.00.

Honorable Speaker,

Following the above response, the owner of the statement requested the department, under the Own Machinery Programme, to grade and compact the remaining section of the road, which is currently in a very poor condition. The Department committed to undertake the works and ensure completion by 20th June 2026.

2. The Timelines for the completion of the Pasipalam- Kambini road under the financial year 2024/2025

The Department acknowledged that the road was awarded on 13th December, 2024 and the contract was subsequently signed on 6th January, 2025. An order to commence works was issued on 15th January, 2025; however, the contractor failed to commence the works despite several reminder letters from the department, and no substantial progress was made before the contract period elapsed. The correspondences were submitted to the Committee.

The department committed to ensure that contractors with such history will not be allowed to bid tenders in subsequent projects.

Further, the department committed to use their own machinery to grade and compact the road by 30th June, 2026.

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3. The apparent discrepancy regarding the Misikhu main Primary-Chelekei Secondary School road, where official records indicate that the project is complete, yet on the ground, works have not been done.

The submitted list of roads from the Finance Department through the Office of the Ward Development Fund Coordinator described the road as Misikhu Main Primary–Chelekei Secondary School Road. However, during the inventory process, officers failed to capture the “Misikhu Main Primary” section and instead identified the Chelekei Secondary School road section, which was subsequently procured and executed to completion. Further, the available budgetary provision was insufficient to cover the entire road project; consequently, only a section of the road was undertaken as stated above.

The works executed on the road are as follows:

- Culverts installation 32m
- Grading of 2Km
- Spot gravelling 2Km

The contract sum for the project was Kshs. 2,645,593.44, while the amount paid was Kshs. 2,644,800.00.

Honourable Speaker, the owner of the statement submitted that she had not been informed that only a section of the road would be implemented due to limited budgetary allocation. She expressed concern that the department proceeded with the work without prior consultation and urged the department to ensure that responsible members are consulted wherever such adjustments become necessary. She noted that this would help ensure that the projects ultimately undertaken aligns with the priorities and needs of the citizen. Nevertheless, she expressed satisfaction with the department's commitment to complete the works using its own machinery.

In conclusion, the committee urged the department to ensure timely procurement processes to facilitate implementation of the projects before the close of the financial year. Further, the committee emphasized the need for strict project supervision to ensure that all works are executed to completion.

I submit Speaker, signed by the chairman. Thank you, Mr. Speaker.

Mr. Speaker: Yes... the only challenge I am having is that the report is being read by you, but signed for by Charles Nangulu...he is the Vice Chair of the Committee?

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Hon. Frankline Simotwo (Chairperson - Committee on Roads, Transport, Infrastructure and Public Works): Yes.

Mr. Speaker: It is okay. Hon. Psero we are back to you.

Hon. Jacob Psero: Mr. Speaker Sir, I want to report that I am satisfied with the report presented by the Chair Roads. Thank you, Sir.

Mr. Speaker: It is okay, thank you. We go to the next item. Thank you.

MOTION

REPORT OF THE SECTOR COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND
COOPERATIVE DEVELOPMENT ON THE BUNGOMA COUNTY AGRICULTURAL INSTITUTIONS BILL
2025 FOR NOTING

Mr. Speaker: Who is moving the report? Yes, Hon. Kikechi.

Hon. Bernard Kikechi: (*Mover*) Thank you, Honourable Speaker. I am standing here on this floor of this Honourable House to move a report on the Bungoma County Agricultural Institutions Bill 2025.

Honourable Speaker, this is a report on behalf of the committee of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development. Honorable Speaker...

Mr. Speaker: Let me confirm if the quorum is attained...the quorum is attained and based on that, they must sit in throughout this motion. Let's proceed.

Hon. Bernard Kikechi: Thank you, Honourable Speaker.

(Loud consultations)

Mr. Speaker: Honourable Members, Hon. Wafula Waiti is present, Hon. Idi Chemawi is present, Hon. Meshack Simiyu is present, Hon. Allan Nyongesa is present, Hon. Simoto is present, Hon Kikechi is present, Hon. Martin Chemorion is present, Hon. Alice Kibaba is present. Those are eight people.

I was expecting Hon. Chikati to shout but I heard that he was stung by bees when he was trying to take honey from a wild beehive.

(Laughter)

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Hon. Bernard Kikechi: Thank you, Honorable Speaker. I will go straight to Chapter 1, Honorable Speaker.

CHAPTER ONE

PREFACE

Hon. Speaker,

Pursuant to the provisions of Standing Order 139 of the County Assembly of Bungoma Standing Orders, the Bungoma County Agriculture Institutions Development Bill, 2025 was read a first time on Tuesday 29th April, 2025. After the First Reading, the Bill was Committed to the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development for consideration and reporting to the House pursuant to the provision of Standing Order 141(1) of the County Assembly of Bungoma Standing Orders.

Pursuant to the Provisions of article 196(1)(b) of the Constitution of Kenya, 2010 and Standing Order 140(2) of the County Assembly of Bungoma Standing Orders, the Committee through an advertisement placed in the *Standard* Newspaper on Monday 21st July, 2025 invited members of the public to submit memoranda on the Bill. In addition, the public was invited to participate in public hearings on the Bill held at the County Assembly on 28th July 2025.

The Committee received public views in the form of written memoranda and oral submissions, which were subsequently analyzed and considered, as detailed in Chapter Four of this report.

Hon. Speaker,

The Bungoma County Agriculture Institutions Development Bill, 2025 seeks to provide for the development, functions and management of Agricultural Institutions; a legal and institutional framework for anchoring Bungoma Agricultural Institutions to effectively perform their functions and a framework for funding of the activities of the Agricultural Institutions.

MANDATE OF THE COMMITTEE

Hon. Speaker,

The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development is constituted under Standing Order 217 (1) of the County Assembly of Bungoma Standing Orders and whose mandate is pursuant to standing order 217(5)

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COMMITTEE MEMBERSHIP

Hon. Speaker,

The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development as currently constituted comprises the following Members:

1. Hon. Wafula Waiti	Chairperson
2. Hon. Idd Owongo	V. Chairperson
3. Hon. Meshack Simiyu	Member
4. Hon. Busolo Sudi	Member
5. Hon. Everlyne Mutiembu	Member
6. Hon. Allan Nyongesa	Member
7. Hon. Simotwo Franklin	Member
8. Hon. Jerusa Aleu	Member
9. Hon. Edwin Opwora	Member
10. Hon. Benard Kikechi	Member
11. Hon. George Tendet	Member
12. Hon. Alfred Mukhanya	Member
13. Hon. Caleb Wanjala	Member
14. Hon. Martin Chemorion	Member
15. Hon. Alice Kibaba	Member

ACKNOWLEDGEMENT

Hon. Speaker,

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to it during its sittings.

The Committee further wishes to thank all stakeholders who submitted memoranda on the Bill.

Finally, I wish to express my appreciation to the Members of the committee and the secretariat who made useful contributions towards the consideration of the Bill and production of this report.

The report is signed by Hon. Wafula Waiti, the Chairperson and MCA Naitiri/Kabuyefwe.

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CHAPTER TWO

OVERVIEW OF THE BILL

The Bill seeks to provide for the development, functions and management of Agricultural Institutions; a legal and institutional framework for anchoring Bungoma Agricultural Institutions to effectively perform their functions; and a framework for funding of the activities of the Agricultural Institutions.

The Bill has Thirty Eight Clauses divided into Five Parts and one schedule.

SUMMARY OF CLAUSES

PART I (Clause 1-5) Provides for the short title and defines words and expressions used in the Bill. The part further provides for the objectives of the Bill, application of the Bill and the guiding principles.

PART II (Clause 6-8) 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 Agriculture Institutions and their functions. The Agricultural Institutions shall include; Mabanga Agricultural Training Centre; Agricultural Mechanization Service Unit; Soil Laboratory Unit; Chwele Fish Farm and any other Institution that may be established as need arises.

PART III (clause 9-20) 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 institution.

PART IV (21-33) Provides for the financial provisions including the Funds, assets and liabilities of the Institutions; Strategic plans, budget and annual report; and Accounts and audit. For sustainable management of Agriculture Institutions Commercial Enterprises, there shall be established a Fund to be known as the Agricultural Institutions Enterprise Fund in accordance with section 116 of the Public Finance Management Act, 2012.

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PART V(Clause 34-38) This part provides for miscellaneous provisions including powers of the County Executive Committee Member to make Regulations and Guidelines for the 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.

OBJECTS AND PURPOSE OF THE ACT

The object and purpose of this Act is to —

- (a) provide for the development, functions and management of Agricultural Institutions;
- (b) provide a legal and institutional framework for anchoring Bungoma Agricultural institutions to effectively perform their functions; and
- (c) provide a framework for funding of the activities of the Agricultural Institutions.

BACKGROUND ON THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT BILL, 2025

Agriculture remains the cornerstone of Kenya's economy, contributing twenty seven percent to the National Gross domestic Product and employing forty percent of the total population. The sector encompasses diverse activities ranging from traditional tea and coffee production to innovative maize and sugarcane farming, dynamic horticultural enterprises and modernizing livestock rearing operations.

The Bungoma County Agriculture Institutions Development, Bill 2025 presents a strategic move for the comprehensive transformation of Bungoma Agriculture Institutions into a multi-value chain agricultural innovation hub. This initiative is aligned with Kenya's medium term plan IV (2023-2027) , Bungoma County Integrated Development Plan III(2023-2027), Global and Regional Frameworks Including Sustainable Development Goals.

The department has four Agriculture Institutions which includes; Mabanga Agriculture Training Centre, Chwele Fish Farm, Agriculture Mechanization Centre and Soil Lab.

The Bill presents a compelling case for investment and support by combining development impact, institutional sustainability and financial performance so that the Agriculture Institutions

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are able to sustain themselves to improve Bungoma Cizitens livelihoods and even contribute to own source revenue to the County.

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CHAPTER THREE

LEGAL FRAMEWORK

- Article 185 of the Constitution of Kenya, 2010 states that;
 1. The Legislative Authority of a County is vested in and executed by its County Assembly
 2. A County Assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.
 3. A County Assembly, while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs.
 4. A County Assembly may receive and approve plans and policies for: The management and exploitation of the counties resources; and the development and management of its infrastructure and institutions.

CHAPTER FOUR

PUBLIC PARTICIPATION IN CONSIDERATION OF THE BILL

Article 196(1)(b) of the Constitution of Kenya, 2010 provides that a County Assembly shall facilitate public participation and involvement of the public in the legislative and other business of the assembly and its committees.

Standing Order 140 (2) of the Bungoma County Assembly Standing Orders. It provides that the committee, to which a Bill is committed to, shall facilitate public participation on Bill through inviting submissions of memorandum, holding public hearings, consulting relevant stake holders in the sector and consulting experts on technical subjects. Hon. Speaker Standing Order 40(3) of the Bungoma County Assembly Standing Orders further provided that the committee shall take into; accounts, views and recommendations from the public in its report to the House.

Pursuant to the provisions of Article 196 of the Constitution of Kenya 2010 and Standing Order 140(2). The Committee through an advertisement in the Standard newspaper of Monday 21st July 2025 invited the public to submit memorandum on the Bungoma County Agricultural Social Development Bill 2025. They invited the public for a stakeholder's forum in the County Assembly present it on 28th July 2025. There is an advert annex at the end of this report, submission by stake holders the committee receives from the following stake holders;

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1. CSRG Kenya
2. The Institute of Certified Public Accounts Of Kenya i.e. (ICPAK).
3. Namonyi Committee Organization.
4. Bungoma Civil Society Forum.

Hon. Speaker, the committee considers stake holder's submission to the Bungoma County Agricultural Institution Bill 2025 as outlined below;

Hon. Speaker, am I allowed to go through this?

Mr. Speaker: I t's part of your report, go through it.

Hon. Allan Wanyama: Thank you.

Mr. Speaker: Hope your members are sitting here, because if they are going to be below the number that is required i will adjourn this matter. We can't keep speaking and you have five members in the House.

Hon. Allan Wanyama: Sargent kindly assist the whipping this Members to come back in the House.

Mr. Speaker: You know the issue here is that you are in that position as a whip. You should be telling where your members are not me. Go look at your mandate and duties as a whip not me, proceed.

Hon. Allan Wanyama: Thank you, Hon. Speaker....

Mr. Speaker: If they are less in quorum of the House, you know the Standing Orders you can read and we adjourn right away.

Hon. Allan Wanyama: Honourable Members of the committee, I am seeing the Chairperson is around. Kindly make sure our members are in so that we finish this report. This table have been divided into five sections that is;

The organization which is the...

Mr. Speaker: That table is referred to, just move on.

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Hon. Allan Wanyama: Thank you, Hon. Speaker so we have the CSRGK, Bungoma civil Society Forum and the Institute of Certified public Accounts of Kenya. Allow me to move to chapter five, those are the observations from what was presented by those organizations .The committee made the following observations;

1. The Bill provide for the development, functions and management of agricultural institutions.
2. It provides a legal and institutional frame work for anchoring Bungoma Agricultural Institutions to effectively perform their functions
3. The Bill provides a frame work for funding of activities of the agricultural institutions.

On the same, this are the recommendations that the committee having consult the Bungoma County Agricultural Institutions Bill 2025.It recommends that the House proves the Bill with the amendments as proposed below. This is the proposed amendments of Bungoma County Agricultural Institutions Development Bill 2025. We go as per clauses;

Clause 1

Clause one of the Bill be amended by inserting the word corporation immediately after the word development. So as to read this Act decided as Bungoma County Institutional Development Corporation Act 2025 and it should come in to operation upon publication in the gazette. Justification was to allow the short title with proposed status and autonomy of the institutions.

Clause 3

That Clause 3 of the Bill be amended ad 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 embrace continuity of the corporation.

By inserting the following new sub clauses;

- i. *3(d) enable the institutions to undertake public private partnerships and joint ventures in areas that are beneficial to the County;*

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- ii. *3(e) enhance competitiveness of the institutions for enhanced development and management; and*
- iii. *3(f) provide for mobilization of resources for investments.*

Justification: to strengthen object and purpose of the Act by capturing the aspect mobilization of more resources for the corporation.

Clause 5

That clause 5 of the Bill be amended as follows;

That sub-clause 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.

Clause 6

That clause 6 of the Bill be amended by deleting the entire clause and substituting therefor the following clause:-

“Establishment of the Corporation

6(1) There is established a Corporation to be known as the Bungoma County Agriculture Institutions Development Corporation in accordance with provisions of Section 182 of Public Finance Management Act 2012 and Regulation 202 of Public Finance Management Regulations 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;*

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- b) borrowing money or making investments;
- c) entering into contracts; and
- 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.”

Clause 7

That clause 7 of the Bill be amended by deleting the entire clause and substituting with the following clause;

“Functions of the Corporation

7(1) *The Corporation shall be responsible for—*

- a) *holding property and assets of agriculture institutions on behalf of the County for the purposes of investment and development;*
- b) *undertaking investments in agriculture institutions on behalf of the County for the purposes of generating revenue;*
- c) *undertaking any development initiative in institutions 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 institutions;*
- 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”*

Clause 8

That clause 8 of the Bill be amended by deleting the entire clause and substituting therefor with the following clause:

“Power to admit institutions into Corporation

- 8. *The County Executive Committee Member with the approval of the County Executive committee and the County Assembly may, by order in the Gazette, admit one or more Agriculture Institutions to be part of the corporation within the County.”*

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Justification: To give power the County Executive Committee member to admit institutions.

Clause 9

That Clause 9 of the Bill be amended by deleting the entire clause and therefor replacing with the following clause:-

“Existing Agriculture Institutions

County Agriculture institutions include:

- a) Mabanga Agricultural training center
- b) Agricultural mechanization center
- c) Soi laboratory center
- d) Chwele fish farm
- e) Any other institution that may be established as need arises.

Clause 10

Hon Speaker it talks the two stones of the Bill be amended by deleting the entire clause and therefore replacing with the following Clause;

Functions of the agricultural institutions

10) The county agricultural institutions shall;

- a) Be an innovation hub for development and dissemination of agriculture innovations and adaptive on farm trials.
- b) Offer residential and non-residential training including outreach on appropriate technologies on agriculture 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) To offer quality competency training to agricultural value chain and actors for enhancing agricultural development.

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- f) To provide facilities for training on relevant agricultural technologies and other ancenary subjects.
- g) To promote commercialization of agricultural enterprises and value addition.
- h) To promote agricultural mechanization services for sustainable agriculture in county.
- i) To offer laboratory testing analysis and advisory services to farmers on soil and other relevant inputs.
- j) To offer capacity development assistance on agriculture mechanization through practical training technical assistance technology transfers and human resource involving.
- k) To collaborate with national government, private sector and non-governmental organizations in development of agricultural training and research.
- l) To promote adoption of small mechanized equipment and machinery.
- m) To carry out such functions as maybe necessary intended to the implementation objects and purposes of this acts and performance of such other functions may be time to time be assigned by the county executive committee members.

Clause 11

That clause 11 of the Bill be amended by deleting the entire clause and substituting with the following Clause:

Agricultural institutions development corporation management.

11) The Agriculture Development Corporation Management include:

- i) The CECM
- ii) Board of directors
- iii) Chief Executive Officer
- iv). Staff of the institution

That is to enhance good governance.

Clause 12

The clause 12 of the Bill be amended by deleting the entire clause and substituting it with the following clauses;

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Board of the corporation.

1). Subject to this Act and in order to regulate governance administration and management of agriculture institution's development corporation in the county as contemplated by this Act;

a) There shall be established board of corporation to assist in the overall governance and management of the cooperation.

b) The County Executive Committee Member through open transparent and recruitment processes appoint equitably qualified person to constituted board of directors.

2). The board of directors consist of;

a) A non-executive Chair Person who shall be elected at 1st sitting and appointed by the County Executive Committee Member.

b) The chief officers in the department for the time, being responsible for matters relating to agricultural institutions.

c) The chief officer in the county for the time, being responsible for the matters relating to the county treasury.

d) Nine professionals who shall be of mixed expertise and experience for the purpose of providing policy direction and guidance to the management of corporation appointed by the county executive committee member through a completing process.

e) The chief executive officer agriculture institutions who shall be the secretary and an ex-official member.

3). The appointments under 2(d).shall be drone from the existing sub-counties within the county.

4). In making appointments under 2(d).considerations were to be made from the two third gender rule, persons living with disabilities, youth and the provision of Article 27 of the constitution of Kenya.

Hon. Speaker this is to enhance good governance.

Clause 13

That clause 13 of the bill be amended by deleting the entire clause and substituting therefore with the following;

Eligibility for appointment for appointment of directors of the board

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1. A person shall be qualified for appointment 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 in management of not less than ten years of which 5 must have been in senior management

d) Meets the requirements of chapter 6 of the Constitution

e) Has had a distinguished career in their respective field

2. A person shall be qualified for appointment as a member under Section 11.2(e) if the person;

a) Is a Kenyan citizen

b) Holds a minimum degree from the Institution of higher learning

c) Has a practical experience in the field of practice of not less than 5 years

d) Meets the requirements of chapter 6 of the constitution

Honourable Speaker this is to establish the criteria for competitive recruitment process in accordance with article 232 of the constitution.

Clause 14

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 functions 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 is to enable the co-option of the experts to assist in executing the board's mandate.

Clause 15

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That clause 15 of the bill be amended by deleting the entire clause and replacing it with the following functions of the board.

15.1. Subject to this act the board shall,

- a) Ensure proper and efficient exercise of the powers, functions of the cooperation under Section 7
- b) Advise the management of the cooperation generally on the functions of the cooperation.
- c) Perform human resource functions including recruitment of staff
- d) Approve the estimates of the revenue and expenditure of the cooperation
- e) Perform such other functions as provided under this act or any other written law; this is to clearly outline the functions of the Board.

Clause 16

The clause 16 of the bill be amended by deleting the entire clause and replace it 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 appointment and shall be eligible for re appointment for further and final term of three years this is to stipulate the tenure of the board

Clause 17

That clause 17 of the bill be amended by deleting the entire clause and substituting it with the following;

Vacation from office for members of the board

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

- 1) The member resigns in writing to the County Executive committee member or
- 2) The board is satisfied that the member is by reason his mental infirmity unable to execute function of his or her office
- 3) If the member has been absent without leave for three consecutive meetings of the board

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- 4) The member violates chapter 6 of the constitution of Kenya
- 5) A member is convicted of a criminal offence and sentenced to a term of imprisonment of not less than 6 months
- 6) The member is bankrupt
- 7) The term of the board expires
- 8) The member dies.

Justification is to establish the ground for board members to vacate office

Clause 18

The clause 18 of the bill amended by deleting the entire clause and substituting 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 not file the County Executive 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 person shall meet the qualifications specified in this act

Justification is to provide for the filling of vacancies by the board

Clause 19

That clause 19 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Remuneration of members of the Board

19. The Directors of the Board shall be paid such allowances in line with relevant guidelines issued by the Salaries and Remuneration Commission.”

Justification: To provide for the remuneration of Board members

Clause 20

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That clause 20 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Conduct of the business and of affairs of the Board

20(1) the conduct of the business and affairs of the Board shall be as stipulated in the First Schedule of this Act and any regulation that the County Executive 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

That clause 21 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Chief Executive officer

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

Justification: to provide for the Accounting officer of the corporation

Clause 22

That clause 22 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Functions of the Chief Executive Officer

22. The Chief Executive officer for Agriculture Institutions Development Corporation shall;

a) be the Secretary of the Board;

(b) be the accounting officer of the Corporation;

(c) be responsible for—

(i) carrying into effect the decisions of the Board;

(ii) day-to-day administration and management of the affairs of the Corporation;

(iii) supervision of the staff of the Corporation; and

(iv) perform such other duties as may be assigned by the Board.”

Justification: to provide for roles of the chief Executive officer

Clause 23

That clause 23 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

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“Appointment of the Chief Executive Officer

23.The Board of Corporation shall, through open, transparent and competitive recruitment processes, appoint suitably qualified person to be the Chief Executive Officer of the Agriculture Institutions 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

That clause 24 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

“Qualifications for 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 Bachelors degree from a recognized university;*
- (c) Has experience in management of not less than ten years of which five must have been in senior management;*
- (d) Meets the requirement of chapter six of the constitution; and*
- e) Has had a distinguished career in their respective field.*

2) The Chief Executive Officer shall hold office for a period of five years on such terms and condition of employment as the board of corporation shall determine.”

Justification: To set the minimum qualifications for the Chief Executive Officer

Clause 25

That clause 25 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

“Vacation of Office for Chief Executive Officer

25.The office of the Chief Executive Officer shall fall vacant if;

- (a) the Chief Executive Officer resigns by issuing one (1) months’ 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;*
 - iii. abuse of office;*

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- 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 visible. The board of the cooperation shall externally fill the position competitively.

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

Justification: To establish the staff of the Cooperation.

Clause 27

Hon. Speaker, that clause 27 of the Bill be amended by deleting the entire clause and substituting therefore with the following;

Funds of the cooperation

27 (1) The funds of the cooperation consist of;

a) Ksh. 230 million 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) Search monies as may be appropriated by County Assembly for the purpose of the Cooperation

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c) Revenues realized from investment undertaken by the cooperation

d) Such gifts, grants or monies received from any lawful source

e) All monies borrowed from securities, market or received as loans to the cooperation

(2) The Cooperation shall apply the money provided under this section for the furtherance of its purpose and performance of the function of the cooperation and as prescribed under this Act.

Justification: To provide for the funds of the cooperation and provide for the seed money or initial capital for the Cooperation to start and sustain itself.

Clause 28

THAT Clause 28 of the bill be amended by deleting the entire clause and substituting therefore with the following;

Financial year

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

Justification: To define the financial year of the Cooperation.

Clause 29

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

Annual Estimates

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

29 (2) The annual budget shall make provisions for all estimated expenditure of the cooperation for the financial year and in particular, the estimates shall provide for the following;

a) Allocation for investment related to each business venture;

b) Debt repayment schedule;

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- c) Payment of the salaries, allowances and other charges in respect of the staff of the Cooperation
- 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 Cooperation
- f) Proper maintenance of buildings and grounds of the Cooperation
- g) Maintenance, repair and replacement of equipment and other property of the Cooperation
- h) Creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment all in respect of such other matter as Board may deem appropriately.

29 (3) The annual estimate 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 estimate shall be submitted to the County Executive Committee for final approval

29 (4) No expenditure shall be incurred for the purposes of the Cooperation except in accordance with the annual estimates approved under subsection (3) or in pursuant 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 therefore 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 the bank account for the effective management of this cooperation

30 (2) The board shall cause to be kept proper books of accounts, records of accounts and assets of the Cooperation.

Justification: Compliance with the PFMA 2012.

Clause 31 of the Bill be amended by deleting the entire clause and substituting therefore the following;

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31(I) within a period of three months, after the end of each Financial Year, reports are submitted to the Auditor General, accounts of the Cooperation together with;

- a) a Statement of financial position as at the 30th day of June.
- b) a statement of Comprehensive income.
- c) a statement of cash flows for the year ended
- d) a summary of significant accounting policies and other explanatory information
- e) other Financial Statements applicable to similar institutions

(ii) the accounts of the cooperation shall be audited and reported upon in accordance with the Provisions of the Public Audit Act

(iii) the board shall submit financial Quarterly Statement Reports to the County Assembly Pursuant to section 166 of the BFMA 2012. This is to comply with the Constitution of Kenya 2010, BFMA 2012 and BFMA regulations 2016 on reporting of public Finance.

Clause 32 of the Bill be amended by deleting the entire Clause and substituting therefore with the following Assets of the cooperation's that is

(I) The Assets of the County Cooperation maybe acquired or disposed off subject to the Provisions of the Public Procurement and Asset under disposal act 2015. This is to authorize the County Executive Committee to identify and handover assets to the Cooperation for Civilized operations.

Clause 33 of the Bill be amended by deleting the entire Clause and substituting therefore with the following investment;

(I) Subject to any written law on Government of Public resources the Cooperation shall have powers to;

a) Establish subsidiaries, holding entities or joint ventures for undertaking any business venture for the purpose of realizing its objectives

b) Invest in Agriculture value related Chains and any investment venture approved by the County Executive Committee Members. Justifications to empower the cooperation to invest in related value chain ventures

Clause 34 of the bill be amended by deleting the entire clause and substituting therefore with the following investment Strategy and plan;

(I) The Cooperation shall prepare a five year cooperate 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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(ii) The County Executive Committee Member shall within 14 days have the approval of the Cooperate strategy and plan by the County Executive committee transmit it to the County Assembly for consideration and approval.

(iii)The Investment strategy and plan Shall be provided among others for

a) source of investment capital

b) Targeted investment opportunities

c) investment portfolio

d) Expected return on capital or investment

e) Specific investments projects and their respective projects appraisals and resource including the rate of return on investment or capital employed.

f) Estimated cost of Investment

g) Any other matter as Executive Members may prescribe.

(iv) The Cooperation shall not undertake any investment unless it is in accordance with the invest strategy plan.

(v) The Cooperation may resume the investment plan or strategy after each year to align it with prevailing market and investment trends.

(vi)The Cooperation shall prepare annual plans for implementing the investment plan and strategy which shall be forwarded to the County Executive Committee Members for onward transition to the County Assembly for approval by this December each year. Justification here is to empower the Cooperation to develop and implement an Investment Strategy and plan.

Clause 35 of the bill be amended by deleting the entire clause and substituting therefore with the following investment or project appraisal and financial analysis;

I) the cooperation 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 is to enable the Cooperation to evaluate the Viability of the potential investment before committing funds.

Clause 36 of the Bill Hon. Speaker be amended by deleting the entire clause and substituting therefore with the following;

Sustainability, profitability and Competitiveness

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(1) The cooperation shall constitute measures to ensure that;

a) Its operations and investments are sustainable and profitable

b) It is competitive in all its investment ventures.

Clause 36

(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;

(b) liquidity ratios;

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(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

NEW CLAUSES

Clause 39

That clause 39 of the Bill be amended by inserting a new clause to read as follows:

“Dividend policy

39 (1) The Corporation shall, in consultation with the 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 dividend may be paid out;

(b) minimum percentage of annual dividend payout to the county government; and

(c) any other matter as the county executive committee member may prescribe.”

Justification: To provide guidance on the utilization of profits

Clause 40

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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 Corporation may charge such user charges or fees for the services rendered.

(2) the user charges and fees payable for the goods and services rendered by each Agriculture Institution shall be as prescribed by the Regulations”

Justification: To ensure fees and charges are established through regulations or County Acts approved by the County Assembly

Clause 41

That clause 41 of the Bill be amended by inserting a new clause to read as follows:

“Transition Clauses

41(1) All funds, assets and other property, both movable and immovable, which immediately before such date were vested in existing institutions established under section 9 shall by virtue of this paragraph, vest in Bungoma county agriculture institutions development corporation.

(2) All rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against existing institutions shall, by virtue of this paragraph, be deemed to be vested in, imposed on or enforceable against the Bungoma county agriculture institutions development corporation,

(3) Any reference in any written law or in any document or instrument to existing institutions established under section 9 shall on and after the appointed day, be construed to be a reference to the Bungoma County Agriculture Institutions Development Corporation.”

Justification: To define the transition framework for assets and funds from existing Bungoma County agricultural institutions to the corporation

Clause 42

That 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 act or omission done, in good faith for the purpose of carrying out the provisions of this Act.”

Justification: To protect officers of the corporation from unfair personal liabilities

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Clause 43

That 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 at the Institution

(5) The common seal of the Corporation affixed on a deed, instrument, contract or any other document and duly authenticated under sub-section (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 sub-section (4) shall be binding, and unless the contrary is proved, the necessary order or 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 Agriculture institutions Development Corporation

44 (1) Bungoma county agriculture institutions 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 provisions of this Act, Bungoma county agriculture institutions development Corporation may 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; and

(d) upon a merger of the Corporation with another.

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- (3) *The accounting officer responsible for the Corporation in question shall follow-up implementation of the findings and eventual recommendations 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 County Executive Committee and the County Assembly of the recommendations to dissolve or merge a Corporation, the responsible County Executive Committee Member shall cause the 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.

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 provisions of this Act.

- (2) Without prejudice to the generality of subsection (1), the Regulations 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 requirements for the award of certificates or other awards of the Agriculture institutions and relevant assessment bodies;*
 - (f) conduct of examinations;*

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- (g) prescribing fees and other charges;
- (h) prescribing criteria for admission, assessment, examination evaluation, discipline, and dismissal of trainees; and
- (i) any other information relating to its functions that the Board considers necessary.”

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

SCHEDULES

FIRST SCHEDULE

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 proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof*”

CLAUSE 2: INTERPRETATION

That, Clause 2 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 therefor with the following new definition.

So as to read

“*Board*” means the Board of the Corporation established under section 12 of this Act;

Justification: To formally provide for the establishment of a Board of the Corporation.

In the definition of “*Chief Officer*” insert the word “*Agricultural*” immediately after the words “*relating to the*”

So as to read

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“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 Agriculture institutions.

In the definition of *“County Executive Committee Member”* delete the words *“the department”* appearing immediately after the words *“relating to”* and substitute with the words *“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

Insert the definition of the word *“County Executive Committee” means the County Executive Committee, established in accordance with 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”

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LONG TITLE

That, the Long Title of the Bill be amended by inserting the word “**Corporation**” immediately after the word “**Development**”.

So as to read

“THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT CORPORATION BILL, 2025”

Justification: To incorporate the aspect of a County Corporation and ensure the autonomy of Agricultural institutions within Bungoma County.

Justification:

SHORT TITLE AND COMMENCEMENT

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.

There is the adoption schedule, duly signed by the members of the committee and on the annexures we have one copy of the newspaper advertisement on public participation, we have memoranda from the public and stakeholders and we have a copy of the Bungoma County Agricultural Institutions Development Bill 2025, Hon. Speaker.

Mr. Speaker: You call your seconder in terms of noting.

Hon. Benard Kikechi: Thank you for the guidance. I was a bit stranded there, so at this juncture I call upon the vice chair of the committee....Oh, I call upon Hon. Allan Nyongesa who is a member of the committee to second this report as directed by way of noting. Thank you.

Mr. Speaker: Yes the seconder, Hon. Allan... trying to get the microphone for you.

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Hon. Allan Nyongesa: Thank you, Hon. Speaker, for according me an opportunity to second the report that has been moved by Hon. Kikechi. As I do that Hon. Speaker, first allow me to appreciate Hon. Kikechi alias Simba Mbakalo for reading the report loudly and his audibility has enabled us to follow the report keenly.

Hon. Speaker this report is about Bungoma County Agricultural Institutions Development Bill 2025 and as a committee we had a chance to go through the entire bill. We gave our input and we proposed our amendments to the bill as it has been ably moved by Hon. Kikechi.

I know the House will have an opportunity during the Committee of the Whole House to give in their input if any but Hon. Speaker, allow me to just say in summary this bill is about empowering the Agricultural Institutions to operate autonomously. So Hon. Speaker since the House will have an opportunity to go through it and give its input during that time, I will not belabour much. I therefore, second.

(Applause)

Mr. Speaker: Thank you, first and foremost for Hon. Bernard Kikechi kindly take water. Number two; allow me to appreciate Hon. Allan for seconding this motion for noting. Members as you have heard, this is a bill and I won't be putting a question for it to be approved or not approved because it will be going to the committee of the Whole House for Honourable members input on every item.

So let me propose a motion for debate but at the end of the session, I won't be putting that question. I'll be allowing that whatever you may want to propose or you may want to suggest, it will be brought up during the Committee of the Whole House maybe in the course of the next week.

Honourable members a motion has been moved and it has been seconded that this House notes the report of the Sector Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development of the Bungoma County Agricultural Institutions Development Bill 2025 laid on the table of the House on Thursday, 28th May, 2026. I propose for noting.

(Question proposed)

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Mr. Speaker: Thank you. Honourable members it appears you are reserving all your energy for the Committee of the Whole House. To that extent, I direct the same to move to the next stage where Members will be given opportunity to give their input to the bill.

ADJOURNMENT

Mr. Speaker: I am being informed by my officers; that was the last item on the Order Paper. We will adjourn this House and resume tomorrow, Thursday, 4th June, 2026 at 2:30 p.m.

The House rose at 4:30 p.m.

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