

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 4TH JULY, 2024

Afternoon Sitting

3rd County Assembly

3rd Session



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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY, 4TH JULY, 2024

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

STUDENTS IN THE PUBLIC GALLERY

Hon. members, in our public gallery we do have pupils from Moyokwe SA Secondary School accompanied by four teachers and importantly, it's a mixture form one, form two, form three and form four. I will ask the students of Moyokwe secondary school to be upstanding. All of you be upstanding.

(Students in the public gallery stand)

(Applause)

Kindly be seated.

They are accompanied by the following teachers;

1. Miss Sarah Aderi
2. Mr. Gibeti Bramwel
3. Miss Violet Wamuu
4. Mr. Sammy Sichangi

Kindly be seated

(Applause)

Hon. Members from the information here, they are History students who have come to learn about the operations in running and the work of the County Assembly. They will also learn from our side, the major work of the County Executive, in execution of its office mandate.

Hon. Members, at appropriate time I will allow honourable members to make a few remarks towards the visitors we have in the public gallery from Moyokwe SA secondary school. Let's proceed!

PAPERS

REPORT BY THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE HALF YEAR FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER, 2023

Mr. Speaker: Chair, Hon. Kikechi, I'm not seeing you online, proceed!

Hon. Bernard Kikechi (Chairperson Trade): Thank you, Hon. Speaker. I rise to table a report by the Sectoral Committee on Trade, Energy and Industrialization on the half year financial statement for the period ended 31st December 2023

(Hon. Bernard Kikechi tabled the Paper)

Mr. Speaker: Hon. Members, the report by the Sectoral Committee on Trade, Energy and Industrialization on the half year financial statement for the period ended 31st December 2023 is hereby tabled and formally it becomes the property of the House accordingly.

Next,

**REPORT BY THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES,
IRRIGATION AND COOPERATIVE DEVELOPMENT ON THE HALF YEAR FINANCIAL
STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER, 2023**

Mr. Speaker: Hon. Waiti Wafula, proceed!

Hon. Waiti Wafula (Chairperson Agriculture): Thank you, Hon. Speaker. I rise to table a report on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the half year financial statement for the period ended 31st December 2023 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development.

(Hon. Waiti Wafula tabled the Paper)

Mr. Speaker: Hon. Members, the report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the half year financial statement for the period ended 31st December, 2023 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development is hereby tabled and it now becomes the property of the House accordingly.

Next,

**NOTICES OF MOTION
REPORT BY THE SECTORAL COMMITTEE TRADE, ENERGY AND
INDUSTRIALIZATION ON THE HALF YEAR FINANCIAL STATEMENT FOR
THE PERIOD ENDED 31ST DECEMBER, 2023**

Hon. Bernard Kikechi: Thank you, Hon. Speaker. I rise to issue a notice of motion that this house adopts the report by the Sectoral Committee Trade, Energy and Industrialization on the half year financial statement for the period ended 31st December, 2023.

Mr. Speaker: Hon. Members, a notice of motion has been dully issued by the Sector Committee on Trade, Energy and Industrialization on the half year financial statement, I do urge the Clerks at the Table to share the report with the honourable MCAs, the same will be coming up on our Order Paper as a motion accordingly in the course of next week once the same is scheduled by HBC accordingly.

**REPORT BY THE SECTOR COMMITTEE ON AGRICULTURE, LIVESTOCK,
FISHERIES, IRRIGATION AND CO-OPERATIVE DEVELOPMENT ON THE
HALF YEAR FINANCIAL STATEMENT FOR THE PERIOD ENDED 31ST
DECEMBER, 2023**

Hon. Wafula Waiti: Thank you, Mr. Speaker, I rise to issue a notice of motion that this House adopts the report by the sector committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development on the half year financial statement for the period ended 31st December 2023 in respect to the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development.

Mr. Speaker: Thank you, Hon. Waiti. Hon. Members, equally the Sectoral committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative development has duly issued its notice on its report of the half year financial statement for the period ending 31st December 2023, I do urge the Clerks at the Table to share the report with honourable MCAs. The same will be coming up on our Order Paper in the course of next week once scheduled by HBC as a motion accordingly.

QUESTIONS AND STATEMENTS

BUSINESS OF THE WEEK COMMENCING TUESDAY 9TH TO THURSDAY 11TH JULY, 2024

Mr. Speaker: Hon. Hentry on behalf of the HBC you have the honour of sharing the tentative weekly program of next week of this House.

Hon. Hentry Nyongesa: Thank you, Hon. Speaker. I stand to issue a tentative weekly programme of the business of the week commencing Tuesday 9th to Thursday 11th July 2024 of the County assembly of the third session.

Tuesday 9th July, 2024 at 2p.m.

Papers

1. Report by the Sectoral committee on Lands, Urban, Physical Planning and Housing on half year financial statement for the period ended 31st December 2023 with respect to the department of Lands, Urban, Physical Planning and Housing and Municipalities. The report will be moved by the Chair
2. Report by the Sectoral committee on Youth and Sports on half year financial statement for the period ended 31st December 2023, it will also be moved by the Chair.

Notices of motion

1. That this House adopts a report on the Sectoral committee on Lands, Urban Physical Planning and Housing on half year financial statement for the period ended 31st December 2023 with respect to the department of Lands, Urban Physical Planning, Housing and Municipalities. It will be moved by the Chair
2. That the House adopts the report by the Sectoral committee Youth and Sports on half year financial statement for the period ended 31st December 2023. It will be moved by the Chair

Questions and statements

1. A member Hon. Kennedy Wanyama MCA to seek a response from the Chairperson Roads, Transport, Infrastructure and Public Work in relation to business owners parking and obstruction of the trucks and lorries along Kanduyi-Sang'alo junction Dual Carriage road and its current status. The chairperson to respond...

Mr. Speaker: You just end there it will be sufficient, go to the next item please.

Hon. Henry Nyongesa: The next item is:

Motions

1. Report by the Sectoral committee on Education and Vocational Training on the status of the scholarship and bursary program financial year 2021/2022 and financial year 2022/2023.

On Wednesday July, 2024 at 9:30 a.m.

Papers

1. Report by the Sectoral committee on Education and Vocational Training on the half year financial statement for the year 2023/2024, moved by the chair
2. Report by Sectoral committee on Roads, Transport, Infrastructure and Public Works on the half year financial statement for the period 31st December, 2023

Notices of motion

1. That this House adopts the report by the Sectoral committee on Education and Vocational Training on the half year financial statements financial year 2023/2024 moved by the Chair
2. That this House adopts the report by the Sectoral committee on Roads, Transport, Infrastructure and Public Works on the half year financial statement for the period ended 31st December 2023, it will also be moved by the chair.

Wednesday 10th July, 2024 at 2:30 p.m.

Motion

1. Report by the Sectoral Committee on Finance and Economic Planning on the receiver on revenue quarterly report and financial statement for the period ended December 31st 2023

Thursday 11th July, 2024 at 2:30 p.m.

Motion

1. Report by the Sectoral Committee on Gender Culture and Social Welfare on the Bungoma County Government participation in the 9th And 10th KICOSCA Games Editions

I table.

Mr. Speaker: Thank you Hon. Henry on behalf of HBC. Hon. Members that is our tentative Order Paper for next week starting on Tuesday to Thursday next week, I said tentative because it may be subjected to some adjustments.

At this juncture I will allow Hon. Members make some few comments about our visitors in our public gallery that is a school from Bokoli ward specifically Miendo sub location Machaga village called Moyokwe SA secondary school.

Hon. Kawa, please proceed.

Hon Jack Kawa: Thank you, Hon. Speaker for the opportunity. First, allow me applaud the teachers of SA Moyokwe secondary school and the students who actually thought it wise to come and learn some more from this House. The said school comes from Bokoli Ward, Miendo sub location Bokoli division in Webuye West. I am a happy man that if tomorrow I will be called by God, have history that people will have to remember, when I was elected as MCA for Bokoli ward in 2013 ,this is the school I started.

(Applause)

I say I have history and is always happy to see Moyokwe because it is in my heart.

(Laughter)

(Applause)

I want to applaud the teachers, students and subordinate staff for the good work. I have big schools in Bokoli Ward that started long time ago but have not thought of coming here to learn with their students. So I cannot take it for granted I love Moyokwe and also without missing any word, you see in a successful man always there is a woman behind him. I always appreciate mine...

Mr. Speaker: Not always,

(Laughter)

Hon. Kawa Jack: I always appreciate my wife that she stood with me when I started this school and indeed...

Mr. Speaker: Hon Kawa, I am hearing people seek clarification

(Laughter)

Kindly is it your wife or wives who stood with you

Hon Kawa Jack: Hon. Speaker...

(Laughter)

Mr. Speaker: Order members. Order members Order members.

(Applause)

It appears you know more than what I know, so let Kawa proceed. Order members Hon. Kawa you are protected please proceed.

Hon Kawa Jack: Thank you, Hon Speaker for the protection. Education is paramount and now that you came from around that area, I want also to applaud you. I want also appreciate Hon. Dan Wanyama, after registering this school he stood with this school. He bought some land for the school and the school is growing very fast. Around there we have a TVET that is Webuye West, I want to urge the students around there especially my good students who are seated here today; that after your fourth form, whichever grade you will come with it, kindly utilize that TVET institution for the benefit of your life.

Let's us forget that Bukusu terminology that when you are...

Mr. Speaker: Hon. Kawa

Hon. Jack Kawa: That when you are near you always miss a lot. When you are near then take that an advantage so that somebody coming from far he will get you already seated in that institution.

(Applause)

Last week I'm very sure a cheque was written to Moyokwe SA for some students who benefited with the bursary and I want to promise that will continue supporting that school because it is like my school.

In 2017, I started another school that is Namatondoi Primary School, which means I always value education. To my beloved students, utilize your time appropriately; time wasted will not be recovered.

This is a House of rules and procedure, you have seen how we conduct ourselves when we are here, kindly, and when you come from this institution you must have learnt something.

Have respect to your teachers, you know when our Speaker enters, we always are upstanding, we bow to him showing respect. Nowadays, you can find our students talking to a teacher while pocketing, that is not fair, and respect is two way, kindly respect yourself, mould yourself for tomorrow's benefit. Destiny is in your hands, you either destroy it or you make it better.

I want to end there so that I leave other Hon. Members to contribute but that is my school. Thank you welcome and I will continue supporting you.

Mr. Speaker: Thank you Hon. Kawa, I will have Hon. Milliah Masungu because I know some of the students come from her Ward

Hon. Milliah Masungu: Thank you, Hon. Speaker for allowing me to also welcome Moyokwe Secondary school students in our County Assembly. Moyokwe from the area

MCAs speech is a school in my neighborhood; we are only separated by a river called Kuywa and most of my children from my Ward school at Moyokwe Secondary School.

Hon. Kawa has told us that there is a cheque already signed for the beneficiaries of Moyokwe Secondary School from his Ward and equally, I have also written a cheque for the students who go to Moyokwe Secondary School.

I want to laud the teachers of Moyokwe Secondary School to have thought it wise that these children must come here to learn. This is an extension of their class work and by them coming here they have come to learn. From what you have told us, they are students of History so equally they are benefiting from what they have come to learn from the Assembly.

I won't say much because when I came in today for the programme, I saw the Searjant at Arms taking them round to this precincts and I think most of our House procedures have been shred with them. I just want them to learn from what they have been told and tell them that education is the only equalizer; they are here because they are in school and they have come here because they have come to learn. I want to advise them that despite that they are in a day school in the local areas; they are just equal to other students in good boarding schools because they also come here to bench mark and learn what we normally do in this House.

To Moyokwe Students, I just want to encourage you that whatever you learn in school, take it up and know that with your seriousness in studies you are equal to the task.

As we are here, we fight equally, both men and women who are here are just equal, when anything comes here, we are able to argue and bring change in our County equally. It is not necessarily that a male MCA or a female MCA is different so we are all equal to the task because we went to school and that is why we are here.

As I finish, I also want to say that when we have the students we have to prioritize matters of County importance so that they are able to see how the House conducts its business for instance approving our annual budget. We need this generation to come and hear and know what we are doing in this House so that they can be ambassadors to us outside there. By that Mr. Speaker, we can avoid these misleading statements in the public because when they come here they carry a message home on the ground because they are future generation Z. I want to end there and tell my girls and boys that we are here and you can also be here at the opportune time. Thank you.

Hon. Ali Machani: Ahsante ndugu Spika. Kwanza, nataka nichukue fursa hii niwashukuru wanafunzi wa shule ya upili ya Moyokwe ambayo inatoka eneo la Bokoli. Nataka nishukuru mheshimiwa Kawa kwa sababu ni nadra sana kufaulu kuleta wanafunzi wa shule ya upili kuja hapa ili wapate mambo mawili au matatu yanayohusu elimu ya Historia.

Pia nashukuru walimu kwa kupata nafasi kuleta wanafunzi hapa. Naswaha yangu kwao ni kwamba mnao wakati maalum kushughulikia elimu na pia kujihusisha na jambo lolote lenye manufaa kwa maisha yenu. Ndugu muzungumzishi, jumba hili wengi wetu hatukuweza kulifikia wakati tulipokuwa shuleni, ilikuwa si rahisi sana utoke hapa uende Nairobi ili

ujihusishe na mazingira yaliyoko Nairobi lakini sababu ya ugatuzi, tumeweza kuwa na jumba hili ambalo watoto wetu pia wanaweza kujihusisha waone vile hili jumba linaendeshwa, waone jinsi wawakilishi wao wanavyochangia maswala muhimu yanayohusu uchuni na maisha yao katika jumba hili la Bungoma.

Kiasi ya mazungumzo tunayoyachukulia hapa, wanafunzi yafaa pia waelewe kwamba yanahusu maisha yao ya leo na ya kesho kwa sababu hili jumba ni la kuweka sheria maalum ya kuchunga mali yao na pia kuinua uchumi wa maeneo hii.

Mheshimiwa Kawa bila kuweka dosari ni mtu ambaye ameweza kung'ang'ana sana ndipo afike mahali alipo na mara nyingi katika jumba hili kuna mrembo wa wengi na mrembo wa walio wachache. Katika historia ya maisha yake kisiasa ameweza kujihusisha na vyama vingi sana, mwanzo wake mwaka wa 2007, aliweza kuwania kwa chama cha ODM, mwaka wa 2013 aliwania kwa chama cha KANU, 2017 aliweza kuwania kwa chama cha Ford Kenya, mwaka wa 2022 na ndugu yetu aliweza kuwania kwa chama cha raisi cha UDA. Ni nini ninachojaribu kueleza wanafunzi, hapa unaweza wania kwa chama chochote ili mradi wale watu unowawakilisha wana imani na wewe.

Hawa waheshimiwa wote si kwamba vyama tu ndivyo viliwaleta lakini wana imani na watu wao na watu wao wana imani nao. Zaidi ya hayo pia ni kwamba wengi huchukulia kwamba wale wanaopatikana katika jumba hili hawana chochote cha kufanya katika maisha, hawa wengi wana taaluma mbali mbali, kuna watu wenye tajriba kubwa katika biashara, kuna wengine walikuwa walimu, kuna madaktari kama ndugu yetu Makari na zaidi ya hayo pia kuna wale ambao pia katika mambo ya uchumi wao wanahusika sana na biashara. Ninachojaribu kusema sana ni kwamba chochote kile unachofanya na ukawa na bidii unaweza jikuta ukiwa na nafasi kubwa labda ya kuwakilisha watu au ya kuchangia ili uboreshe maisha ya wengine pia.

Nikimalizia ni kwamba jumba hili linayo historia pia, nayo historia ni...

Mr. Speaker: Hon. Members, those watching clips while we are in the House, I think we need to have some order or if you want me to invoke Standing Order 120, it is not far away from me.

Hon. Ali Machani: Zaidi ya hayo pia tushukuru mheshimiwa Kawa kwa kuweka maanani mambo ya Elimu, dada yangu ambaye ametoka ambaye ni kinara wa walio wachache katika Bunge Mheshimiwa Milliah amesema kwamba kuna *cheque* ameziwachilia kutoka katika afisi yake, ni kitu muhimu sana unapolipiwa pesa mzazi pia aongezee na usisahau wale ambao wamekulipia pesa zile. Kesho utakapofaulu kumbuka mkono wa yule ambaye alikubariki maishani mwako. Shida tunayopata na ndugu yangu kiongozi wa wengi amekuwa katika jumba hili katika awamu tatu anafahamu ni kwamba watoto wengi tunaowalipia hela kutoka kwa mfuko wa Elimu inapofika wakati wa kura ndo hugeuka viongozi kwa sababu wengi wako katika vidato vya nne, wengine vidato vya tatu. Kesho wao ndiyo watakuwa wapiga kura kuchagua kiongozi wao, sisi tulipokuwa wadogo hata mtu kukupa tu vyazi kwa sababu hatukuwa na hela za kuweka mfukoni; ungebeba vyazi ama uchukue mahindi, ndugu yangu ananiambia *Makhalange* lakini kwa kiswahili si *Makhalange* kwa kiswahili sanifu nitaongea

na ndugu mzungumzushi anitafutie katika...kile ninachojaribu kuweka mbele ya wanafunzi ni kwamba kwa ule uchache kiongozi aliye mamlakani amekubariki nacho unapo faulu kumbuka mkono uliokusaidia na wale ambao hawajabarikiwa katika jamii.

Unapopata kazi wasaidie wale unaowadhamini kwa kuchangia katika mafanikio yako.

Hon. Anthony Luseneka: Thank you, Hon. Speaker, for giving me this chance. I also want to echo the sentiments made by my colleagues and appreciate Hon. Kawa for organizing for these students and teachers to visit the County Assembly of Bungoma. Hon. Speaker, one of the teachers at Moyokwe is my resident and he really supported me. Wherever he is, he's a hardworking guy. I know even at school, at Moyokwe, his performance is not questioned. He works hard to make sure that those students perform well.

I also take this opportunity to appreciate the parents and residents of Bokoli for electing the Hon. Kawa three times running. It's not easy, Honorable Speaker. For us, some of us have been here twice yet he has been re-elected three times on different parties. That is a history he has made in this County Assembly. Therefore, residents of Bokoli don't look for a political party rather an individual meaning his performance is unquestionable.

I therefore request him to continue serving his people the way he has done. You don't know what God has planned for him. In this County Assembly, he has also performed well. He has been cooperative on matters of development. I think the residents of Bokoli did make a mistake of electing him to this County Assembly.

I also want to inform the students that they should take their studies seriously. That is the only equalizer in life. That is the only place you can get students from the rich families and poor families sharing a desk. I just want to request them that wherever they are, they should take their studies seriously. So that in the future, they may also be counted and join the leadership of this county and country. Thank you, Hon. Speaker.

Hon. Hentry Nyongesa: Thank you, Hon. Speaker. I rise to echo the sentiments of Honorable Members on the school called Moyokwe. Through social media I have heard about this school Moyokwe. Mr. Speaker, I associate myself with this school first virtue of the church the Salvation Army. In Salvation Army we cherish our schools which are few in Bungoma County.

In that regard, I take this opportunity to thank Hon. Kawa, who has had the highest opportunity to be in this House throughout unlike myself who has been in and out. Equally, I thank the people of Bokoli who have maintained the Hon. Kawa in this House for all this time. He has indicated to this House that some schools were started under his leadership and he was passionate that today when he rests history will be written on the wall for his achievements including the school visiting us today.

As rightly mentioned by a Member we have 48 governments in this country; comprising of 47 counties and the National Government. Secondly, we have three Assemblies in this

country; the National Assembly, the Senate and the County Assemblies which are fruits of the Constitution of Kenya, 2010.

Most of us we were not privileged to shake hands of elected members from our area. Secondly, those days we used to elect leaders who are old but not like Hon. Mulongo and you could not imagine getting closer to such a leader. Today, our students have the opportunity even to reach us and even greet us. This is civic education and I am sure if such questions appear in their exams they will handle comfortably having come for this learning spree to this House. I have faith in Salvation Army sponsored schools.

I urge our students in a school that is grounded on Christianity by giving three things to them; that they should respect God and God the creator will assist them to sail through their life. Secondly, they have to respect their parents. They should understand that the immediate parents as they are sited here are their teachers. As Member alluded to earlier, the respect we have accorded these students is the same respect they should accord to their teachers.

Lastly, they have to respect the government. Hon. Ali Machani mentioned about various political parties including UDA Party....

Mr. Speaker: Hon. Waiti, you want to inform under which Standing Order? Proceed.

Hon. Wafula Waiti: Mr. Speaker, I need a clarification in this House on the sentiments by the Hon. Member who has just left the floor; do we have three Assemblies in this country? Because to the best of my knowledge; we have the National Assembly with an Upper House and Lower House and 47 County Assemblies.

For instance, this is one County Assemblies and we have 46 others, therefore, 47 County Assemblies. I need a clarification on this because the students are here to learn.

Mr. Speaker: Thank you, Hon. Waiti. Hon. Nyongesa, we are being informed by Hon. Waiti.

Hon. Hentry Nyongesa|: I you thank Hon. Speaker. Learning is a continuous process. The Member has rightly stated that we have two Houses at National level plus this one making it three...

Mr. Speaker: Hon. Waiti made it clear that we have 47 County Assemblies. I think we should not mislead. Proceed and wind up your contribution.

Hon. Hentry Nyongesa: I was talking about faith and hierarchy, that we have a government that must be respected by all generations. There will always be change in governments but all in all we need to accept that we have a government. Our children must be told that; they must respect God, their parents and the Government. That is my simple submission Mr. Speaker by wishing Moyokwe Secondary School best wishes and if wishes were horses I could have

offered myself to them but they have to struggle to make the best out of themselves Mr. Speaker.

Hon. Stephen Wamalwa: Thank you Hon. Speaker, for according me a chance also to make a remark following the visit by the school. First of all may I appreciate the Hon. Zakayo Kawa for establishing and founding this school because education is the greatest equalizer, they say. In the words of Nelson Mandela, that it is actually the equalizer of our time. And it is through education, students that you'll be able to dine with the sons and daughters of the mighty in this country. Without proper education, then you remain in the village, you'll not know even where the capital city of this country. Because of education, you can interact with many people, powerful and low in society. You make the environment feel you because you are educated. I want to appreciate the Hon. Zakayo for founding this school.

Hon. Speaker, I also want to commend the person, man or woman who came up with the name Moyokwe. They say that there is a lot in a name and Moyokwe in Bukusu dialect means something close to the heart. As the Hon. Kawa said that this school is close to the heart, then I believe. I don't know if he's the one who coined the name, or there was another person, I don't understand. Students and teachers, as we say, there is a lot in a name. May you live to the aspirations of the founding fathers of the school to prove that actually the school is as it is in the name?

I want to appreciate the teachers for choosing to come to this assembly to learn. I know you are students of History and Government, I happen to also have been a student of History and Government. I know that when you came here, you extended your class to this place. You have to go back to school knowing well that in the Count Assembly, we have two arms; the Executive Arm, which is led by the Governor and the Assembly headed by the Speaker.

As you go back to school, also realize that in the Count Government, there are only two officers who fly the flag the Governor and the Speaker as opposed to the national level, where we have three levels; Executive, Legislature, and the Judiciary. As you go back, bear in mind and know that this is just an extension of your class. Without much ado, I want to now advise that this is the generation. One speaker has spoken here and said Generation Z or whatever it is. I want to ask of you, students of Moyokwe, do not be moved by the euphoria, be independent. You are born alone. When you will die alone and you won't be buried together with your mother or father or your sibling. You'll be alone. And therefore, each day in your life, ask yourself at school, what new thing have you learned that's going to empower you to change your life for the better? So, while in school, avoid euphoria.

Avoid this thing called Gen Z. And I want to urge the teachers that let us teach our children, let us make them responsible, let us make them understand that destruction of property is not the way to go. Even God does not love that. God is calm. And therefore, I want to urge that as you go back to school, make proper use of every time that you are in that school because out of the gate, you will go alone. You won't go in a group. You won't go by emotions. You will

be alone as you leave that school. And even if the school has done very well and posted the greatest results ever, they will not employ you or place you anywhere based on the performance of the school, but based on the performance of yourself as an individual.

So I want to urge the students that work smart. Apart from working hard, work smart. Time has changed. We are working with different times, emerging issues, and contemporary times. And we are saying, these students, that a long time ago, we had settlement schemes where our grandfathers, our fathers, our uncles, our mothers had land. Today, the settlement schemes or land, ancestral land or whichever land is diminished, is no longer there.

The only land that we have today is education. And it is the best form of land and settlement that a parent can give to his son or daughter. I want to urge you that make proper use of this settlement that your parents and teachers are giving you today because it is a form of settlement that you can even work with it in your bag, in your handbag, in your suitcase and settle anywhere around the world.

So as you go back to school, I know the entire government may not be here. For those of you who are here, going to be good ambassadors, spread the good news, gospel, what you learned here to others back in school and tell them that you love them, want you to be good children, obey your teachers because God loves those who are humble. As you go back to school, I wish you well. Thank you so much.

(Applause)

Mr. Speaker: Thank you, our Deputy Speaker, for your closing nice words to our students before us here. Members, before I close, I also have to declare my interest in this school. This school is basically at most 900 meters away from my parents' home. It is a school that I have to confirm to you here. The founder members or the pioneer members of that school were Hon. Kawa Zakayo and the MP for Webuye West Hon. Dan Wanyama.

As late as last week, Kawa and other team members were in that school buying more land for that school. And just to confirm again also, when we were preparing for the visit of Madaraka Day in Bungoma County or Bungoma here, he said the president was in that neighbourhood, and he gave that school 2 million to buy more land. So it is a school which is growing.

At my level in that school, I was able to fit two classes with 10 windows and two doors, plus windowpane.

(Applause)

So it's a school that is basically in our village. For students before us in the gallery here, I will say the following to you. Be disciplined, respect your teachers and parents, and work extra hard. I know you all come from your village. In our village there, land is becoming scarcer. The only land that you can be able to talk about now going forward is having good education. And once you have good education, you can stay where you want in this country and how

you want to lead your lifestyle. So wish you all the best. Once again, for teachers, you have done so well bringing these children from Moyokwe to come and learn from this assembly. Thank you. Wish you well.

(Applause)

We proceed. Next item on the Order Paper

MOTION

REPORT BY THE SECTORIAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND COOPERATIVE DEVELOPMENT ON AGRICULTURAL INPUTS AND SERVICES SUPPORT GUIDELINES 2023 AND THE BUNGOMA AGRICULTURAL LAND LEASE GUIDELINES 2023

Mr. Speaker: Yes, I don't know whether it is Hon. Kikechi going out or coming.

(Laughter)

It's okay. Because equalizer I saw Hon. Chemion Standing up, I was wondering who is who? So Hon. Kikechi, you proceed.

Hon. Bernard Kikechi: Thank you, Hon. Speaker. Actually, I was standing on behalf of the Chairperson of the Sectorial Committee on Agriculture, Livestock and Fisheries and Irrigation and Cooperative to read a report by the Sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on Agricultural Inputs and Services Support Guidelines 2023 and the Bungoma Agricultural Land Lease Guidelines 2023.

I will ask for your indulgence to skip the page on contents and Chapter 1, that is the preface of the Committee. We have the mandate of the Committee. I also indulge that I skip that one.

Committee Membership

The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development is currently constituted, as currently constitutes, comprises of the following members;

- | | |
|----------------------------|-------------------|
| 1. Hon. Wafula Waiti- | Chairperson |
| 2. Hon. Idd Owongo- | Vice Chairperson. |
| 3. Hon. Sudi Busolo- | Member. |
| 4. Hon. Evelyn Mutiembu- | Member. |
| 5. Hon. Simotwo Frankline- | Member. |

6. Hon. Jerusa Aleu-	Member.
7. Hon. Alfred Mukhanya-	Member.
8. Hon. Caleb Wanjala-	Member.
9. Hon. Edwin Opwora-	Member.
10. Hon. George Tendet-	Member.
11. Hon. Bernard Kikechi-	Member.
12. Hon. Martin Chemorion-	Member.
13. Hon. Metrine Wilson-	Member.
14. Hon. Allan Nyongesa-	Member.
15. Hon. Alice Kibaba-	Member

Legal framework

The provision of Article 185 of the Constitution of Kenya 2010 on legislative authority, County Assemblies are very clear and the same states that the legislative authority of a County Assembly is vested in and exercised by its County Assembly.

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. 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.

The Constitution obligates the states and all state organs to ensure adequate public consultation on all public policies, legislation, or any decision that is likely to impact on the people of Kenya.

Failure to factor in the mandatory requirement of public participation exposes the legislative instrument or policy framework to constitutional challenges of legitimacy, hence making it actionable for unconstitutionality in a court of law. The requirement of the Committee to conduct public participation on the policy is constitutional, imperative from Article 196.1b of the Constitution, which provides that the County Assembly shall facilitate public participation and involvement in legislative and other business of the Assembly and its committees.

In compliance with the above laws, the Committee sought for views from the public through notice on the Standard Newspaper on Thursday, 22 February 2024, and it is annexed, where members of the public were invited to submit their written memoranda on the guidelines on or before Thursday, 29 February 2024.

By close of business Thursday, 29 February 2024, the Committee had not received any memoranda from the Public Consideration of the agricultural inputs and services support guidelines.

Background

The County Government of Bungoma, through the Department of Agriculture, Livestock, Fisheries, Irrigation, and Cooperatives, has been implementing agricultural input support programs since 2013. Honourable Speaker, this support includes free issuance of fertilizer and maize seed to vulnerable farmers, coffee seeds, seedlings, equipment, and infrastructural support to farmers, groups, and cooperative societies, improved poultry, dairy cows, goats, and pasture seed distribution to farmer groups, irrigation kit support to farmer groups, fingerlings and fish feeds, support to aquaculture farmers, routine vaccinations, and artificial insemination subsidy programs, amongst others.

The county subsidy programs have faced critical challenges, key being inadequate framework for implementing subsidy programs, lack of farmers registration database, and poor beneficiary targeting, poor coordination, lack of performance tracking to ascertain impact and sustainability concerns since most inputs are issued freely to beneficiaries.

This guideline is expected to provide the county government of chief officer and implementers with a roadmap for the Bungoma agricultural sector input subsidy implementation. We have a table there, key targeted inputs and services. Of course, sub-departments of agriculture, which are crops, input services, mechanization services, fertilizer, seed and seedlings, sprayers, equipment, pesticide, and chemicals and insurance.

We have also a sub-department of irrigation, whereby we have irrigation kits, water harvesting, and storage equipment. We have a sub-department of livestock and veterinary, whereby we have artificial insemination vaccines or vaccination, pasture seed, improved livestock breeds and feeds, poultry, dairy cows, dairy goats, pigs, etc. We have the sub-department of fisheries, whereby we have fingerlings, pond liners, fish feeds, fishing gear, and equipment. Lastly, we have the sub-department of cooperative development, whereby we have a seed and seedling subsidy, support to cooperative societies, coffee, dairy, aquaculture, cereals, etc.

Rationale for the guidelines

It is the role of government to provide an enabling environment for the growth of agriculture sector and, when necessary, provide agricultural input subsidies in case of market failure, including price fluctuations, poor input distribution and availability, and provide livelihood support to vulnerable and resource-poor farmers, mostly as a form of social protection.

The National Agriculture Policy 2021 and the County Agriculture Sector Policy 2023 tasks national and county governments to facilitate targeted subsidies for crops, livestock and fisheries production, while ensuring that these subsidies are monitored regularly for efficacy and impact. Further, it directs County Governments to support the subsidy initiatives through effective extension and capacity building of both staff and value chain players. where a subsidy program is introduced, there must be a functioning distribution mechanism in place to make the subsidy available to farmers at the local level.

Potential mismanagement in the supply chain also needs to be addressed to prevent leakage or subsidy diversion. Where subsidies are made available at the local level, farmers must be aware of their eligibility to access them and recognize the value of the subsidized inputs and services to make use of them. Markets also need to be able to provide for any additional demand for inputs that subsidies may stimulate.

Efforts have been made by the national government to create a farmers registration database through the farmer registration process done by the NCPB for the purpose of fertilizer distribution. The county has inadequate and disintegrated data on existing farmers, among the existing subsidy programmes, only maize had a vetting committee while the other subsidy programmes were staff-led. There exists a county monitoring and evaluation directorate and a departmental monitoring unit. However, they lack effective mechanisms for tracking performance and impact of subsidy programmes.

Implementation of the agricultural subsidy programmes involves many stakeholders, and there is a need to establish a sustainable mechanism which provides for beneficiary targeting, selection of service providers and identification of delivery platforms. Operating subsidy programmes without proper guidelines can result in malpractices and lack of accountability, hence failure to meet the intended purpose. There has been a lack of clear guidelines for design and implementation of input subsidy programmes.

The County Government of Bungoma has been implementing several subsidy programmes. There exists maize subsidy, Agricultural Mechanisation Service and AI subsidy guidelines. However, these guidelines were inadequate for implementation, while the other subsidy programmes have no guidelines.

We now go to agricultural input subsidy implementation. These guidelines are expected to provide implementers with a roadmap for the Bungoma agricultural sector input subsidy implementation. To implement the subsidy programmes, a hybrid system is proposed where two approaches will be used and I want the Honourable Members to be keen here as I read this one. Vulnerable and universal subsidy programmes. The vulnerable approach involves a social protection mechanism which targets beneficiaries who are disadvantaged members of the community.

Another one is the universal approach targets all beneficiaries to promote inclusivity with a focus on increasing production and productivity. The two approaches will apply to both subsidised agricultural input which are commodities and for critical subsidised agricultural services.

Reporting

Reporting on implementation of subsidy programmes shall be as per existing county government reporting framework and channels. Reporting shall be based on the coordination framework indicated in Figure 1, which is in the report.

Monitoring, Evaluation, Accountability and Learning (MIL)

County and departmental M&E units will coordinate MIL and knowledge management for agricultural input subsidy programmes. Knowledge gained will guide subsequent selection of value chains, subsidy packages and specifications for the subsidy programmes and platform.

Exit and Sustainability strategy

The exit and sustainability strategy defines the gradual process of phasing out subsidies in the agricultural sector. The agency offering subsidies is required to adopt a smart approach on the design of the subsidy programme with the clear objectives, targets and source of funding and a framework for ending the subsidy when the intended objectives are achieved.

Upon completion of a subsidy programme an evaluation report is prepared by the relevant technical teams and shared accordingly to the coordination framework for final decision on the concluded subsidy programme. Agricultural inputs targeting the vulnerable and resource poor will be prioritised on need basis until the intended objectives are achieved. Again, this is a very key point, which I hope Hon. Members are following keenly.

The universal subsidies shall be determined by the prevailing policies and directives. There will be a gradual transition of the vulnerable approach beneficiaries to the universal approach in subsequent years to achieve 100% universal approach in subsidy delivery with clear targets.

Committee observations

The committee, having scrutinised the guidelines, made the following observations;

1. That the guidelines are categorised as statutory instruments under Section 2 of the Statutory Instruments Act 2013.
2. That the Bungoma County Input and Support Services Guidelines are not anchored on any County or National Act and therefore in the absence of enabling legislation to delegate powers to the executive to make the guidelines reduces the document from a statutory instrument to a mere administrative tool of the executive.
3. That the guidelines are provided for substantive issues which ordinarily should be provided for in a policy or an Act of The County Assembly.

Committee's Recommendations.

1. That the committee recommends that this House rejects these guidelines since they do not meet the prerequisite of guidelines as provided in the Statutory Instruments Act of 2013.

2. That the department should develop the Bungoma County Agricultural Inputs and Services Support Policy and subsequently come up with an act capturing all the substantive issues in the guidelines therefore for consideration by this House within 60 days from the adoption of this report.

THE BUNGOMA LAND LEASE GUIDELINES

Justification and purpose of the guidelines

Land leasing has operated in Bungoma for a long time and it has mostly been done informally and in formal settings such as the road, in churches or marketplaces without clear guidelines and regulations. Some leasing arrangements are done without the involvement of key parties such that the House, mostly the wife and other family members.

In many cases, there are neither written agreements nor witnesses to the land lease agreement. This exposes the parties involved to risks such as premature termination of leases and planned prolonged leases or even conflict over sharing of produce or resources on the leased land. There exists a Land Act 2012 which provides general guidelines on leasing of land however Bungoma County has not domesticated the said legislation.

In view of the above risks and conflicts, the County Government of Bungoma decided to develop their own guidelines to manage land leasing arrangements. The guidelines will provide arrangements that are robust to deal with all eventualities hence; both the land owner and the tenant can confidently enter into a lease agreement.

PURPOSE OF THE GUIDELINES

These land lease guidelines are developed to provide a structured way for leasing agricultural land for farming in Bungoma County. The guidelines lay a basis for anchoring a framework for land access through leasing within the county.

OBSERVATIONS

The committee having scrutinized the guidelines made the following observations.

1. That at the national level there exist similar applicable legislations in respect to leasing of agricultural land among them, the Land Act No. 6 of 2012 and Land Regulations 2017. The Law of Contracts Cap 23 Laws of Kenya Land Registration Act 2012 and Addendum Regulation.

Therefore, the committee notes that informal leasing of agricultural land and Bungoma County has been adequately addressed by the above legislations.

2. That the committee has reservations on the technical soundness of the guidelines in that there is no administrative mechanism laid down to implement the guidelines and thus enforceability of the guidelines is not guaranteed.

3. That there is no civic education or awareness on the existing legislations on leasing of agricultural land in Bungoma County which explain why leasing of agricultural land is being done informally without involving the key stakeholders.

COMMITTEE RECOMMENDATIONS

Arising from the above observations, the committee recommends that

1. That this House rejects these guidelines since land leasing is not a fully devolved function of the County Government and that the department should liaise with National Government agencies before coming up with any legislation on land leasing.
2. That the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development, in collaboration with the Department of Land, Urban and Fiscal Development, to carry out civic education on existing legislations on agriculture land leasing in the county such as the Land Act 2012, Law Contract Cap 23 of Law of Kenya, Land Registration Act 2012, National Land Policy and any other legislation providing for the same and report back to the Assembly.

We have an adoption schedule whereby the following undersigned members of the sectorial committee on Agriculture, Livestock, Fisheries, Irrigation, and Co-operative Development affixed their signatures adopting this report with the contents they are in.

That is the Chair, Hon. Wafula Waiti and Hon. Idd Chamawi, the Vice-Chair. Members who signed are Hon. Busolo Sudi, Hon....

Mr. Speaker: You don't require to expose the signatories there because now suppose he has not signed, will you say he did not sign. Just say there is an adoption schedule then you are done.

Hon. Benard Kikechi: Thank you, Hon. Speaker for the correction. I'm well guided. So, the report was signed and we have the signed annexure there.

Then we have annexures; the adoption minutes, the gazette publication attached. Number three, we have copies of the following;

1. The Bungoma Agricultural Land Lease Guidelines of 2023
2. The Agricultural Inputs and Services Support Guidelines of 2023.

They are well attached in this report.

On that note, I request Hon. Martin Chemorion, who is a member of this committee, to second this report!

Mr. Speaker: Hon. Martin Chemorion, you have the honour of seconding the committee report. Please, proceed.

Hon. Martin Chemorion: Thank you, Mr. Speaker sir, for giving me this chance to second the motion. To begin with, I want to appreciate my fellow member, Hon. Kikechi, for taking us through or for moving the motion well capturing all the issues that were raised during the committee sitting. I want also to appreciate even the executive for trying to come up with the guidelines that can assist in a smooth implementation of activities within their department. However, in as much as they are trying, they did miss a point or some issues.

This house being a legislative house, things are done within the legal framework and that's why we have raised these issues and I am raising up to second the rejection of this report on the farm inputs guidelines. The guideline being an item of execution of a certain power that has been conferred by an Act of Parliament.

In the farm input guideline, we see that this guideline is not anchored in any law. There's no parent Act that is delegating this function or these powers to the regulatory making authority so that it can function. So, under the statutory instrument, these are the powers which are supposed to be conferred, they are powers that should be delegated to the CECs to come up with this statutory instrument, however, in this guideline we don't have that parent Act that can enable us to facilitate the formation of this guideline.

At the same time the issues that are raised are so substantive, they are so weighty, which can only be captured within a policy, a policy captures all of the issues and the proposed solutions meant to certain functions that maybe the county executive has to maintain. So, in that, because there is lack of the mother law that this guideline is anchored, we have no choice but to reject the firm input guideline.

In addition, on the issue of the land lease guideline, I think the Committee had an opportunity to interact with this guideline, together with the executive; there are some weighty issues that were raised by this committee especially the existence of legislation. We know that the land lease issue is not fully devolved to the counties, the National Government has that mandate of coming up with the lease, so we had a candid discussion, even to a point whereby one of the legal person and the members here said that this land lease agreement is an extract from a deliberation by an NGO with other participants. So, we said that the legislations are enough but the counties have not domesticated the national laws so that we can come up with an Act where we can generate these guidelines.

I beseech this House to reject in total these guidelines and of course, there was also an observation, that this County Executive staff or the County staff who were mandated with development of this legislation, have not conducted adequate civic education themselves and they were not even aware about the existence of these laws, so how do we expect a common

mwanauchi out there to know? That's why; we are recommending that proper public or civic education should be conducted by the executive so that we are aware about it. Finally, in conclusion, a guideline being, it should meet certain standards for its effectiveness and clarity to the users. So it falls short on that. I second this motion.

(Applause)

Mr. Speaker: Thank you, Hon. Martin Chemorion for your contribution on the seconding of this report. Hon. Members, allow me now proceed and propose a motion for the House to debate it.

(Motion proposed)

Hon. Members, there being no contributions to the same, I won't be inviting the mover to respond because there is nothing to respond to.

(Laughter)

Hon. Bernard Kikechi, so what are you responding to?

(Applause)

(Question put and agreed to)

The Committee's observations and recommendations are hereby adopted accordingly by this House.

ADJOURNMENT

Hon. members, that is the last item on our Order Paper, so we will adjourn our sitting for now and resume next week on 9th July 2024 at 2:30 p.m. in our normal sitting of our House calendar, we adjourn accordingly.

The House rose at 4:00 p.m.