

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 4TH MARCH, 2025

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 4TH MARCH, 2025

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

Honourable Members, this is a communication being made by the Chief Whip of the Majority, a discharge of a member from a committee.

Reference is made to the Standing Order number 178 (1) (a). Hon. James Barasa Mukhongo has been discharged from the Committee of Power and Privileges, and replaced by Hon. Stephen Kaiser. Thank you in advance for your understanding and cooperation in this matter. We proceed.

PAPERS

The following papers were laid by the Leader of Majority Hon. Joseph Nyongesa

- i. Report of the Auditor General on Bungoma County Disaster and Emergency Management Fund for the year ended 30th June 2024
- ii. Report by the Auditor General on Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30th June 2024.
- iii. Report of the Auditor General on Bungoma County Youth and Women Empowerment Fund for the year ended 30th June 2024.
- iv. Task Force Report on Bungoma County Land Inventory.
- v. The Bungoma County First Supplementary Budget for the fiscal year 2024-2025.
- vi. County Fiscal Strategy Paper 2025.
- vii. Medium-Term Debt Management Paper 2025-2026 to 2027-2028.
- viii. Public participation report.

Mr. Speaker: Honourable Members allow me commit the following documents in the order that they have been read by the Leader of the Majority. The first document from the Office of

the Auditor General on the Bungoma County Disaster and Emergency Management Fund for the year ending June 30th 2024. Secondly, the report from the Auditor General's Office on Bungoma County Persons with Disabilities Empowerment Fund for the year ending June 30th 2024 and the report of the Auditor General for Bungoma County Youth and Women Empowerment Fund; these reports are committed to the Public Accounts and Investments Committee for processing and reporting back to the House.

The fourth report is a task force report on Bungoma County Land Inventory. That is the famous report of Hon. Lawrence Sifuna. This report is committed to the Committee of Lands, Urban and Physical Planning for processing and reporting back to the House.

The fifth report is basically the first supplementary budget for the financial year 2024-2025. I commit this report to the Committee on Budget and Appropriations.

The seventh document is the County Fiscal Strategy Paper. The same document is taken to the Committee on Budget and Appropriation Committee.

Lastly, the Medium Term Debt Management Paper for 2025-2026 to 2027-2028 is committed to the Committee for Budget and Appropriations for processing.

Lastly, we also have the report on public participation which always accompany the budget process the same is committed to the Committee on Budget and Appropriations.

IX. Report by the Sectoral Committee on Education and Vocational Training on the consolidated financial statements for the period ended 30th June 2024.

This paper was laid by Hon. Johnston Ipara.

Mr. Speaker: Honourable Members, the report by the Sectoral Committee on Education and Vocational Training on the Consolidated Financial Statements for the period ended 30th June 2024 is hereby laid on the floor of the House. The same becomes the property of the House.

X. Report by Sectoral Committee on Public Administration and ICT on the consolidated fourth Quarter financial statements for the period ended 30th June 2024.

This papers was laid by Hon. Tony Barasa the Chairperson of Public Administration and ICT Committee.

Mr. Speaker: Honourable Members, equally, the report by the Sector Committee on Public Administration and ICT on the Consolidated Fourth Quarter Financial Statement for the period ended 30th June 2024 is hereby tabled and the same becomes the property of the House.

XI. Report by Sectoral Committee on Trade, Energy and Industrialization on the consolidated financial statements for the financial year 2023-2024.

The report was laid on the Table by Hon. Benard Kikechi Chairperson of Trade, Energy and Industrialization Committee.

Mr. Speaker: Honourable Members, the report by the Sectoral Committee on Trade, Energy and Industrialization on the Consolidated Financial Statements for the Department of Trade, Energy and Industrialization for the financial year 2023-2024 is hereby laid on the Table of the and becomes the property of this House

NOTICES OF MOTION

I. Committee on Education and Vocational Training

Mr. Speaker: Hon. Ipara proceed and issue the notice, please.

Hon. Johnston Ipara: Hon. Speaker, sir, I rise to issue a notice of motion that this House adopts a report by the Committee on Education and Training on Consolidated Financial Statements for the period ended 30th June 2024.

Mr. Speaker: Honourable Members, a notice of motion has been duly issued by the Sectoral Committee on its report on the consolidated financial statements for the period ending 30th June 2024. The same will be shared with the honourable Members as it will come up as a motion on our Order Paper in the course of the week or once scheduled by the HBC.

II. Committee on Public Administration and ICT

Hon. Tony Barasa: Hon. Speaker, I give notice that this House adopts the report of the Sectoral Committee on Public Administration and ICT on Consolidated Fourth Quarter Financial Statements for the period ended 30th June 2024. Thank you.

Mr. Speaker: Thank you, Hon. Tony. Honourable Members, equally, the Committee on Public Administration and ICT has duly issued a notice on its report on the Consolidated Fourth Quarter Financial Statements for the period ending 30th June 2024. The same will be shared with the honourable Members. It is going to come up as a motion in the course of the week or once scheduled by the HBC on our Order Paper.

III. Sectoral Committee on Trade, Energy and Industrialization

Mr. Speaker: Hon. Kikechi, proceed.

Hon. Benard Kikechi: Thank you Hon. Speaker. I rise to give a notice of motion that this House adopts the report by the Sectoral Committee on Trade, Energy and Industrialization on the Consolidated Financial Statements for the Department of Trade, Energy and Industrialization for the financial year 2023-2024.

Mr. Speaker: Honourable Members, a notice of motion has been duly issued by the Sectoral Committee on Trade, Energy and Industrialization on the Consolidated Financial Statements for the Department of Trade, Energy and Industrialization for the financial year 2023-2024. The report will be shared with the honourable Members. It will come up on the Order Paper as a motion once scheduled by the HBC.

QUESTIONS AND STATEMENTS

Statement 1/2025 by a Member of the House Business Committee

Mr. Speaker: Yes, Hon. Cornelius

Hon Cornelius Makhanu: Thank you Hon. Speaker for this opportunity. I stand here to present the tentative Weekly Program of the Business of the County Assembly under Standing Order No. 42 for week commencing Tuesday 4th to Thursday 6th March, 2025.

Tuesday, 4th March, 2025, at 2.30 p.m.

Papers

- i. Reports of the Auditor General on Bungoma County Disaster and Emergency Management Fund for the year ended June 20, 2024
- ii. Report by the Auditor General on Bungoma County Persons with Disabilities Empowerment Fund for the year ended June 30, 2024.
- iii. Report of the Auditor General of Bungoma County Youth and Women Empowerment Fund for the year ended June 30, 2024.
- iv. Task force report on Bungoma County Land Inventory.
- v. The Bungoma County First Supplementary Budget for the fiscal year 2024-2025.
- vi. County Fiscal Strategy Paper 2025.
- vii. Medium-Term Debt Management Paper 2025-2026 to 2027-2028.
- viii. Public participation report. this was laid by the Leader of majority
- ix. Report of the Secretary Committee on Education and Vocational Training on the Consolidated Financial Statement for the period ended 30th June, 2024.

- x. Report of the Secretary Committee on Public Administration and ICT on the Consolidated Fourth Quarter Financial Statement for the period ended 30th June, 2024.
- xi. Report by the Secretary Committee on Trade, Energy, and Industrialization on the Consolidated Financial Statement for the Department of Trade, Energy, and Industrialization for the financial year 2023-2024.

Notices of Motion

1. That this House adopts the report by the Secretary Committee on Education and Vocational Training on the Consolidated Financial Statement for the period ended June 20, 2024.
2. That this House adopts the report by the Secretary Committee on Public Administration and ICT on the Consolidated Fourth Quarter Financial Statement for the period ended 30th June, 2024.
3. That this House adopts the report by the Secretary Committee on Trade, Energy, and Industrialization on the Consolidated Financial Statement for the Department of Trade, Energy, and Industrialization for the financial year 2023-2024.

Motion

1. Report by the Secretary Committee on Health Services on the report of the Health and Sanitation Task Force on Review and Amendment of Bungoma County Health Services Act No. 5 of 2019.
2. Report by the Secretary Committee on Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development on the Financial Statement for the Department of Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development for the period ended 30th June, 2024.

Bills

The Bungoma County First Supplementary Appropriation Bill Financial Year 2024-2025.
First reading.

Wednesday, 5th March, at 9.30 a.m.

Papers

- i. Report of the Auditor General on Bungoma County Climate Change Fund for the year ended 30th June, 20
- ii. Report of the Auditor General on Kimili Municipality for the year ended 30th June, 2024.

- iii. Report of the Auditor General on Bungoma Municipality for the year ended 30th June, 2024.
- iv. County Government of Bungoma Quarterly Report and Financial Statement for the period ended 31st December, 2024.
- v. County Government of Bungoma Receiver of Revenue Quarterly Report and Financial Statement for the period ended December, 2024.
- vi. County Government of Bungoma Revenue Fund Quarterly Report and Financial Statement for the period ended December, 2024. This will be led by the Leader of Majority.
- vii. Report of the Committee of Powers and Privileges on Conflict of Interest.

Notices of Motion

That this House adopts the Report of the Committee of Powers and Privileges on Conflict of Interest

Motion

- 1. Report by the Secretary of Committee on Youth Affairs and Sports on the Consolidated Statements for the period ended 30th June, 2024 with respect to the Department of Youth and Sports
- 2. Report by the Secretary of Committee on Finance and Economic Planning on the Fourth Quarter Financial Statement for the financial year 2023-2024

Wednesday, 5th March, 2025 at 2.30 p.m.

Papers

- 1. Report of the Auditor General, Bungoma County Trade Development Loans Fund for the year ended 30th June, 2024.
- 2. Report of the Auditor General on Bungoma County Education Support Scheme for the year ended 30th June, 2024. And the last one,
- 3. Report of the Auditor General on Nzoia Water Services Company Limited for the year ended 30th June, 2024. They will be laid by the Year of Majority.

Motion

- 1. Report by the Secretary of Committee on Tourism, Environment, Water and Natural Resources on the Fourth Quarter Financial Statement for the financial year 2023-2024

2. Report by the Secretary of Committee on Health Services on Consolidated Financial Statements and Report for the period ended 30th June, 2024.

Thursday, 6th March, 2025 at 2.30 p.m.

Papers

1. Report of the Auditor General on Bungoma County Assembly Employee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.
2. Report of the Auditor General on Bungoma County Assembly Member's Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.

Statement and questions

A member of the House Business Committee pursuant to the provisions of Standing Order 47 (2) (a) will present the weekly business of the County Assembly.

Motion

1. Report by the Secretary of Committee on Gender, Culture and Social Welfare on the financial statements for the Department of Gender, Culture and Social Services for the period ended 30th June, 2024.
2. Report by the Secretary of Committee on Labour Relations, Member Services and Facilities on the consolidated financial statement for the period ended 30th June, 2024 with respect to the County Public Service Board and the County Assembly Service Board

Hon. Speaker that is the end of the tentative weekly program. I lay before the House. Thank you Mr. Speaker.

Mr. Speaker: Thank you Hon. Cornelius. Members this is a tentative Order Paper of the week. It may have some adjustments as we move forward. Next

MOTION

REPORT BY THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE REPORT OF THE HEALTH AND SANITATION TASK FORCE ON REVIEW AND AMENDMENT OF BUNGOMA COUNTY HEALTH SERVICES ACT NO.5 OF 2019

Mr. Speaker: Hon. Tony, take us through the report

Hon. Tony Barasa : Thank you Mr. Speaker. Chapter 1

Introduction

The need for review of the Bungoma County Health services Act, 2019 is traced to the Judgement of the Hon. Justice Weldon Korir (pharmaceutical society of Kenya & another Vs the Hon. Attorney General & 3 others in the consolidated petition No.85 of 2018(2021 Elkr) In which some sections of the Health Act, 2017 were declared unconstitutional and the recommendations contained in the joint committees of Health Services and Justice, cohesion and Legal affairs with regard to the petition presented to the County Assembly by the Kenya National union of Nurses(KNUN), Kenya National union of medical Laboratory officers(KNUMLO) and the Kenya union of clinical officers(KUCO). It is worth noting that prior to enactment of the Bungoma County Health services Act 2019, some sections of the same were heavily borrowed from the national law.

The Health and Sanitation Taskforce

On the 21st of July 2023, H.E. Governor of Bungoma County, Hon. Kenneth Makelo Lusaka gazetted the name of the Chairman and Names of Members of the Health and Sanitation Taskforce. The general mandate of the task force was to conduct a comprehensive review of the Bungoma County Health Services Act, 2019, identify gaps in its implementation, and make appropriate recommendations for its reform and/or amendment.

Pursuant to the provisions of the law, and vide a Gazette Notice dated 6th July, 2023, HE Hon. Kenneth Lusaka, the Governor of Bungoma County appointed a thirteen (13) member Taskforce basically to undertake a comprehensive review and amendment

Mr. Speaker: Yes Hon. Majority what is the issue. Hon. Tony kindly take your seat.

Hon. Joseph Nyongesa: Thank you Speaker. Is it in order for the Honourable Member who is taking us through the report to do so because I have checked through the adoption schedule and realized that he was not part of the report? I don't know he is reading report from which perception when he never appended his signature.

Mr. Speaker: Hon. Tony, is that the true position? Because if you didn't participate in processing the report you cannot move it. Did you sign the report yes or no? The only evidence that you participated in report writing is by signing the adoption schedule. If you did not sign you cannot move the report. Equally, you can sign now because Members already have the report on their gadgets.

(Loud consultations)

(Laughter)

Members, this is a serious issue

(Applause)

Although I am on Hansard you are all aware that people who were in Kisumu, we are being called to individually sign the claim form and the evidence of the payment is the attendance register in Kisumu and the report we did. Now if you did not sign, they may pay other...

(Loud Consultations)

We need to be fair, the committee has a chairperson, vice chairperson and other members

(Loud consultations)

Hon. Kikechi keep quiet you share the same predicament with Hon. tony

(Laughter)

Where are other members? Hon. Jerusa that is your report you are the Vice Chairperson, proceed or we can give you time to go through and allow the next report to come up. Are you ready? Let us allow her.

Let us go to the next report. We will come back to it...

Hon. Tony Barasa: I can now sign

Mr. Speaker You cannot sign it. Next report

**REPORT BY THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES,
IRRIGATION AND COOPERATIVE DEVELOPMENT ON THE FINANCIAL STATEMENTS FOR THE
DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND COOPERATIVE
DEVELOPMENT FOR THE PERIOD ENDED 30TH JUNE, 2024**

Mr. Speaker: Hon. Cheseto you proceed

Hon. Martin Cheseto: Thank you Mr. Speaker sir...

Mr. Speaker: Members out of observation, it may look so simple, you may get the payment even finish your term and go home, they may come back asking for you to pay back this money. Take it seriously and not casually the way people are taking it.

Equally, the report you are holding some members have not signed and they now want to come and sign. I insist that they will not sign that report. Even CPA himself did not sign. Let us proceed.

(Laughter)

The CPA of PAIC did not sign it.

Hon. Martin Cheseto: Mr. Speaker I know people didn't sign the report but allow me to move a motion on the Financial Statements for the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development for the period ended 30th June, 2024.

CHAPTER ONE

PREFACE

The financial statements for the period ended 30th June, 2024 were tabled on 16th October, 2024 and committed to the committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development for interrogation and reporting back to this House.

The committee interrogated the department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on 4th November, 2024 and hereby submits its report with observations and recommendations.

This report contains the legal framework and objectives that guided the committee in analyzing the financial statements. It also highlights the department's expenditure analysis including the budget absorption for the department in the period under review and the budget execution by programme and sub-programmes.

COMMITTEE MEMBERSHIP

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. Busolo Sudi	Member
4. Hon. Meshack Simiyu	Member
5. Hon. Anthony Lusenaka	Member
6. Hon. Everlyne Mutiembu	Member
7. Hon. Simotwo Franklin	Member
8. Hon. Jerusa Aleu	Member
9. Hon. Alfred Mukhanya	Member
10. Hon. Caleb Wanjala	Member
11. Hon. Edwin Opwora	Member
12. Hon. George Tendet	Member
13. Hon. Benard Kikechi	Member
14. Hon. Martin Chemorion	Member
15. Hon. Nganga Sifuna	Member

ACKNOWLEDGEMENT

I take this opportunity to extend my gratitude to the office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee in the execution of its mandate.

Special gratitude goes to members of the Committee for dedicating their time to examine the Bungoma County Government financial statements for the period ended 30th June, 2024.

It is therefore my pleasant duty and privilege, on behalf of the sectoral committee on Agriculture, Livestock, Fisheries and Cooperative Development, to table this report and its recommendations for consideration and adoption.

The report is signed by Hon. Wafula Waiti, MCA- Naitiri/Kabuyefwe Chairperson Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development.

CHAPTER TWO

DEPARTMENTAL EXPENDITURE ANALYSIS

The department of Agriculture, Livestock, Fisheries Irrigation and Cooperatives Development had an approved 2nd Supplementary budget of Kshs.1,223,954,881 comprising of Kshs.369,277,553 recurrent and Kshs.854,677,328 for Development expenditure programmes.

At the end of period under review the recurrent expenditure was kshs. 389,169,441 and development of kshs.508, 102, 188.

Under recurrent the department over spent by kshs. 19,889,888.

The absorption for the department in the period under review is ksh. 897,269,629 representing 73% way below 100%.

1. Administrative and support services with a budget allocation of Kshs. 29,278,650 its expenditure is Kshs.28,643,591 leaving a balance of Kshs. 635,059 representing 98%.
2. The budget allocation for Human resource Management and development is Kshs. 325,690,920 and expenditure of Kshs.247, 935, 975 leaving a balance of Kshs. 77,754,945 and absorption rate of 76%.
3. Policy, Legal and Regulatory framework had a budget allocation of Kshs.847, 440 but expended zero. leaving a balance of Kshs.847,440 with an absorption rate of 0%
4. Planning and Financial management with a budget allocation of Kshs.2, 615,043 expended Kshs. 2,615,043 leaving a balance of zero representing 100% absorption rate.
5. The budget allocation for Sector coordination was Kshs.1, 100,000 with an expenditure of Kshs.1, 100,000 leaving zero balance at 100% absorption rate.
6. Sub-county Administrative costs budget allocation was Kshs.1, 400,000, the department expended 100% of the allocation leaving a zero balance.
7. Budget allocation for Agricultural extension and training services was Kshs. 5,000,000, the department spent Kshs.4, 500,000 leaving a balance of Kshs.500, 000 representing 90%.
8. Crop production and productivity with an allocation of Kshs. 154,850,000 had an expenditure of Kshs. 80,197,057 with a balance of Kshs.74, 652,943 representing 52% absorption rate.
9. Budget allocation for Irrigation infrastructure development and agricultural water storage was Kshs.10,000,000, the department spent Kshs. 9,230,257 leaving a balance of Kshs.769,743 representing 92%
10. Disease and Vector control Budget allocation was Kshs. 2,000,000 and expenditure of Kshs.2, 726,913 has a balance of Kshs. -726,913 representing 136% absorption.
11. Food Safety and quality control with an allocation of Kshs.5,000,000 had an expenditure of Kshs. 3,021,426 leaving a balance of Kshs 1,978,574.
12. Budget allocation for Veterinary Extension Services was Kshs.5,600,000 had an expenditure of Kshs.4,239,932 leaving a balance of Kshs.1,360,068 representing 76%

absorption rate.

13. Fisheries product value-chain development had an allocation of Kshs. 4,000,000 had an expenditure of Kshs. 3,000,000 leaving a balance of Kshs.1,000,000 representing 75%.
14. Cooperatives extension service and training expended 100% of the allocated budget of Kshs.2, 700,000 leaving a zero balance.
15. Cooperatives Audit services with a budget allocation Kshs.1, 300,000 had a 100% absorption rate with a zero balance.
16. Allocation for Production, Agro-processing value addition was Kshs.4, 982,125. The balance was zero representing 100% absorption rate. Institutional development and management- (Mabanga ATC) with an allocation of Kshs. 15,572,000 expended
17. Institutional development and management- (Mabanga ATC) with an allocation of Kshs. 15,572,000 expended 100% of the budget allocated to it leaving a zero balance.
18. Ward based projects with an allocation of Kshs.10,500,000 Has nil expenditure leaving a balance of Kshs. 10,500,000 representing 0% absorption rate.
19. NARIGP with an allocation of Kshs. 560,327,654 had an 82% absorption rate. The department spent Kshs. 461,865,179 leaving a balance of Kshs. 98,462,475.
20. ASDSP 11 had an allocation of Kshs.70,903,049, Kshs.22,240,130 was spent leaving a balance of Kshs. 48,662,919 representing 31% absorption.

2.2 OUTSTANDING IMPRESTS

- The department has no outstanding imprest in the period under review.

2.3 PENDING BILLS

- The pending bills for the department as stated by Treasury in the financial statement tabled in the house is **ksh.68,854,532** broken down as below;

Construction of Buildings	Ksh. 6,246,374
Construction of civil works	Ksh. 3,700,537
Supply of goods	42,905,766
Supply of services	Ksh. 16,001,855
Total	Ksh. 68,854,532

However the department submitted that the total pending bills for the department is Kshs. **228,741,839.27**. Under recurrent the pending bill was **Kshs.38, 331, 883** and under development the pending bill was **Kshs. 173,133,449.27** broken down as follows;

2.3.1 RECURRENT PENDING BILLS

Under Cooperative development the recurrent pending bill was Kshs.2, 496,396.

Livestock and Fisheries

The recurrent pending bill was Kshs. 2,355,104

Agriculture and Irrigation

Under Agriculture and Irrigation the recurrent pending bill was Kshs. 26,071,630.

Mabanga ATC and AMC

The recurrent pending Bill for the Institution was Kshs. 7,408,753.

2.3.2 DEVELOPMENT PENDING BILL

The total pending bill for development was **Kshs. 173,133,449.27** broken down as follows;

Livestock and Fisheries

Proposed construction and Completion of Milk Processing Plant in Webuye pending bill is **Kshs. 11,637,889.63**

Agriculture and Irrigation

- Renovation of Conference Hall And Dining At Mabanga ATC -
Kshs.2,424,980.00
 - Supply And Delivery Of Certified Maize Seed- Kshs.31,200,000.00
 - Supply and delivery of Certified Fertilizer –Kshs. 116,000,000.00
- Total Kshs. 149,624,980.00**

Cooperative Development

- Construction of Bumula DFCS Milk Cooler House-Kshs.4,390,579.64
 - Construction of chain-link fence and gate at Nanjikobe FCS in Namwela Ward-Kshs.1,880,000.00
 - Construction of ablution block, fence and gate at Bumula Dairy FCS in Kimaeti Ward Kshs.5,600,000.00
- Total Kshs. 11,870,579.64**

2.4 REVENUE REALIZED BY THE DEPARTMENT (EXCHEQUER, LOCAL REVENUE, AND GRANTS)

In the FY 2023/2024, the department realized the following;

S/NO	Description	Target FY 2023/2024	Actuals FY 2023/2024	Variance
1	Exchequer release	592,724,178	397,592,319	-195,131,859
	Recurrent	369,277,553	288,040,109	-81,237,444
	Development	223,446,625	109,552,210	-113,894,415

2	Local Revenue			
	Mabanga ATC	18,000,000	14,738,708	-3,261,292
	Mabanga AMC	3,000,000	657,740	-2,342,260
	Fisheries-sale of fingerlings at Chwele fish farm	100,000	165,950	65,950
	Cooperative Audit fees	450,000	322,960	-127,040
	Veterinary(meat inspection and movements permits)	3,507,000	3,305,305	-201,695
	Grants	631,230,703	398,549,978	-232,680,725
	NARIGP	560,327,654	382, 454,141	-177,873,513
	ASDSP 11 & KELCOP	70,903,049	16,095,837	-54,807,212

CHAPTER THREE

COMMITTEE OBSERVATIONS

Hon. Speaker,

The committee made the following observations;

1. **THAT**, at the end of period under review the recurrent expenditure was kshs. 389,169,441 and development of Kshs. 508,102,188. Under recurrent the department over spent by Kshs. 19,889,888 due to the removal of funds that had been committed in the 2nd Supplementary Budget.
2. **THAT**, human Resource Management and Development with a budget allocation of Kshs. 325,690,920 had an expenditure of Kshs.247, 935,975 leaving a balance of Kshs.77,754,945 representing 24% that was meant for salaries of workers and contractual staff for May and June 2024.
3. **THAT**, the absorption rate for the department was at 73% by the end of the period under review. The low absorption rate was due to the delay in exchequer releases and funds from development partners which were not released on time.
4. **THAT**, crop production and productivity with a budget allocation of Kshs.154,850,000 had an expenditure of Kshs.80,197,057 leaving a balance of Kshs.74,652,943 representing 52%. The low absorption was due to late disbursement of exchequer and the payment was at Internet Banking (IB).

5. **THAT**, the pending Bill for the department as reported by the County Treasury was ksh.68,854,532 however the department in its submissions stated that the total pending Bill was Kshs.228,741,839.27 including Kshs.116M for Supply and delivery of Certified Fertilizer.
6. **THAT**, the department of Cooperative Development expended 100% of the allocated budget of Kshs.2, 700,000 for Cooperatives extension services and training and that for Cooperatives Audit services with a budget allocation Kshs.1,300,000. The allocation was minimal hence utilized during the first quarter.
7. **THAT**, revenue targets for the department are low for instance Chwele Fish Farm realized Kshs.165, 950 while the set target was Kshs.100, 000.

3.2 COMMITTEE RECOMMENDATIONS

Hon. Speaker,

The following were the recommendations made by the committee:

1. **THAT**, the accounting officers should be guided by Regulation 39 (6) of the PFM, Regulations 2015 when preparing supplementary budgets to avoid the movement of funds that are already committed.
2. **THAT**, the department should initiate procurement process in the 1st quarter for the payment to be processed on time. Department to adhere to procurement plans.
3. **THAT**, the department should give pending Bills fast charge during the Supplementary budget and come up with a plan on how it will settle the pending bills.
4. **THAT**, the County treasury should liaise with the department when reporting on pending bills to avoid discrepancies.
5. **THAT**, the department of Cooperative development should be allocated adequate funds to carry out its mandate.
6. **THAT**, the department should set realistic targets and put in place strategies to improve its revenue performance.

ADOPTION SCHEDULE

We the undersigned members affix our signatures adopting this report with the contents as signed by the members in the adoption schedule. We have the annexures;

1. Submission of departmental expenditure details
2. Submission of Financial information for Financial Year 2023 and 2024
3. List of Pending Bills

Thank you Honourable Speaker. May I take this opportunity to invite Hon. Bernard Kikechi to second the motion!

(Applause)

Mr. Speaker: Thank you Hon. Chemorion. Hon. Kikechi, you have the honour of seconding the report.

Hon. Benard Kikechi: Thank you Hon. Speaker for giving me this chance to second this report of the committee of Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development.

First of all, I take this opportunity to congratulate my brother Hon. Chemorion for moving the report well.

As I second this report, I have some few observations to make; When you check on the revenue realised by the department that is; exchequer, local revenue and grants, I have a

concern on the issue of grants. The department set a target of Kshs. 632,230,703 but Kshs. 398,549,978 was realized with a variance of Kshs. 232,680,725. It is my considered opinion that the department should not include grants when setting their revenue targets because such huge variance in terms of grants affects the ceiling of the department.

Secondly, when you check at the end of the period under review, the recurrent expenditure was Kshs. 389,169,441 while development was Kshs. 508,102,198. Under recurrent the department overspent by Kshs. 19,889,898 due to the removal of funds that had been committed in the supplementary budget. It is duly noted in the recommendations that officers should be guided by regulation 39(6) of the PFM Regulation, 2015 when preparing supplementary budgets avoid such obvious gaps.

Another issue of concern is pending bills. The pending bills for the department as reported by the County Treasury is Kshs. 68,854,532. However, the department in its submissions stated that the total pending bill was Kshs. 228,741,839.27 including Kshs. 116,000,000 for supply and delivery of certified fertiliser. There is a discrepancy and going forward the department should give pending bills first charge during the supplementary and come up with to settle the pending bills.

Lastly, co-operative development section expended 100% of the allocated budget that is Kshs. 2,700,000 during the first quarter. This was a result of underfunding from the resource envelope. There is need to allocate more funds to this section because co-operative development is a crucial sector in the economy of the county and country at large.

With those few remarks, I second this report and urge the honourable Members to approve this report. Thank you Mr. Speaker Sir.

Mr. Speaker: Thank you Honourable Kikechi for seconding the report. Allow me be able to now propose motion for debate so that you can make your contributions.

‘Question proposed’

Hon. Stephen Wamalwa: (On a Point of Order) Hon. Speaker, something has happened and it is important that we take note. Because in any institution the Deputy is normally in charge of discipline and in any school or institution where the deputy is not accustomed to discipline, there is no discipline at all in the institution. I am your Deputy and I was looking around because our honourable ladies when they come here we look at them keenly and find out how they are. Today I was shocked and I call out the Sergeant-At-Arms department; our orderlies; for allowing an honourable Member to access the Chambers without a tie and secondly when the Speaker is on his feet.

We have to look into these issues and in future we need to be strict. Mr. Speaker, Hon. Nyongesa had no tie when he came. Equally, he walked in while the Speaker was on his feet which is not good practise.

(Applause)

Mr. Speaker: Honourable Members, we should take note of that. Normally whenever the Speaker is on his feet Members are not allowed to walk around or be standing at the same time. It's not my making, it's in the Standing Orders. Hon. Nyongesa being a senior Member of this House ought not to behave that way. Two years down the line, I for fairness walking into the Chamber as if he is going to Dunga Beach is not good. Thank you let's proceed now. Yes Hon. Joseph Nyongesa?

Hon. Joseph Nyongesa: Thank you Mr. Speaker. You mentioned Hon. Nyongesa and you are aware we are many here. It is important that you specify the Nyongesa you are talking about.

(Laughter)

Mr. Speaker: It's Hentry Nyongesa, the Chairperson Committee on Labour and Social Services. The one we are referring to walked out. Let's proceed! If there are no contributions on the motion, I will now put the question

(Question put and agreed to)

The ayes have it and the report is adopted.

(Applause)

Next!

MOTION

REPORT BY THE SECTORIAL COMMITTEE ON HEALTH SERVICES ON THE REPORT OF THE HEALTH AND SANITATION TASKFORCE ON REVIEW AND AMENDMENT OF BUNGOMA COUNTY HEALTH SERVICES ACT NO.5 OF 2019

Mr. Speaker: Yes, Hon. Jerusa Aleu!

Hon. Jerusa Aleu: Thank you Mr. Speaker Sir. I rise to move a motion by the Committee on Health Services on a report of Health and Sanitation task force review and amendment on Bungoma County Health Services Act NO.5, 2019.

CHAPTER ONE

Introduction

The need for review of the Bungoma County Health services Act, 2019 is traced to the Judgment of the Hon. Justice Weldon Korir (pharmaceutical society of Kenya & another Vs the Hon. Attorney General & 3 others in the consolidated petition No.85 of 2018(2021 Elkr) In which some sections of the Health Act, 2017 were declared unconstitutional and the recommendations contained in the joint committees of Health Services and Justice, cohesion and Legal affairs with regard to the petition presented to the County Assembly by the Kenya

National union of Nurses(KNUN),Kenya National union of medical Laboratory officers(KNUMLO) and the Kenya union of clinical officers(KUCO). It is worth noting that prior to enactment of the Bungoma County Health services Act 2019, some sections of the same were heavily borrowed from the national law.

1.2 The Health and Sanitation Taskforce

On the 21st of July 2023, H.E. Governor of Bungoma County, Hon. Kenneth Makelo Lusaka gazetted the name of the Chairman and Names of Members of the Health and Sanitation Taskforce. The general mandate of the task force was to conduct a comprehensive review of the Bungoma County Health Services Act, 2019, identify gaps in its implementation, and make appropriate recommendations for its reform and/or amendment.

Pursuant to the provisions of the law, and vide a Gazette Notice dated 6th July,2023, HE Hon. Kenneth Lusaka, the Governor of Bungoma County appointed a thirteen (13) member Taskforce basically to undertake a comprehensive review and amendment of the Bungoma County Health Services Act,2019 and more specifically under the following Terms of Reference;

1. Carry out a comprehensive review of the Bungoma County Health Services Act, 2019 in terms of its operationalization, achievements in attaining the Health & Sanitation Sector Goals and Departmental Objectives, especially in guaranteeing adequate and highest attainable standards of health care services to the residents of Bungoma, its environs and the Country at large;
2. Convene public participation and stakeholder consultative sessions with various stakeholders with the view of harnessing information, contribution, and input to the review and amendment of the Bungoma County Health Services Act 2019.
3. Review the petitions and memorandums submitted by the Unions and other Stakeholders to the County Assembly of Bungoma together with reports of the departmental committee(s) on the said Act.
4. Identify gaps and challenges affecting the implementation and operationalization of the Bungoma County Health Services Act 2019;
5. Identify existing knowledge, skills, and capacity gaps among the departmental staff, health management, and health workers in terms of health corporate governance and

management of health systems and units within the framework of the Bungoma County Health Services Act 2019;

6. Review the organogram of the Department to make proposals for amending and/or strengthening the existing management and implementation structures under the Bungoma County Health Services Act 2019;
7. Review and evaluate the effectiveness or otherwise of the current health management structure and systems in terms of public and stakeholders' participation, involvement, and consultation in decision-making and implementation of program and project activities in the County Department of Health & Sanitation;
8. Identify and review the effectiveness or otherwise of the existing mechanisms, systems, and procedures for prudent resource/financial management, transparency, accountability, and disclosure to the stakeholders in the health and sanitation sector;
9. Identify and review the role, relationship, and effectiveness of the collaboration national government and the County Government of Bungoma in the promotion and provision of adequate and quality healthcare services, including the attainment of Universal Health Care as stipulated in the Bungoma County Health Services Act 2019.
10. Identify major constraints/barriers hindering effective career development and optimum performance of health workers in the County.
11. Make appropriate legal, policy, and administrative proposals/amendments to improve the content and quality of the Bungoma County Health Services Act and its effective operation in the Health & Sanitation Sector.
12. Make overall and specific recommendations for effectiveness and efficiency in the Bungoma County Health Services Act.
13. Develop an appropriate implementation plan in a matrix format geared towards effective and efficient operationalization and implementation of the amended Bungoma County Services Act and Regulations.
14. Prepare and submit the final Report in hard and soft copy to the appointing authority through the CECM- Health and Sanitation.

It is on this basis that the committee on Health Services interrogated the Health and Sanitation Taskforce report and hereby presents its report and recommendations on the recommendations of the Health and Sanitation Taskforce report.

1.3 Committee Mandate

Hon. Speaker Sir,

The Sectoral Committee on Health was constituted pursuant to the provisions of Standing Order No.217 of the County Assembly of Bungoma and executes its mandate in accordance with Standing Order 217(5) which provides as follows:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any law requires the House to approve, except those under *Standing Order 204* (Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Committee Membership

Hon. Speaker Sir, the Committee as currently constituted comprises the following Members,

1.	Hon. George Makari	Chairperson
2.	Hon. Jerusa Aleu	Vice – Chairperson
3.	Hon. Meshack Simiyu	Member
4.	Hon. Tony Barasa	Member
5.	Hon. Jack Wambulwa	Member
6.	Hon. Orize Kundu	Member
7.	Hon. Wafula Waiti	Member
8.	Hon. Joan Kirong’	Member
9.	Hon. Vitalis Wangila	Member
10.	Hon. Jacob Psero	Member
11.	Hon. Anthony Lusenaka	Member
12.	Hon. Job Mukoyandali	Member
13.	Hon. Milliah Masungu	Member
14.	Hon. Grace Sundukwa	Member

1.5 Acknowledgement

Hon. Speaker, Sir,

On behalf of this Committee I wish to express gratitude to the Offices of the Speaker and the Clerk of the County Assembly for the support provided to the Committee.

May I take this opportunity to thank all Members of the Committee for their effort and commitment during the developing and writing of this report.

Hon. Speaker Sir, it is now my pleasant duty on behalf of the Committee to present this report to this Honorable House for adoption.

The report was signed by Hon. Jerusa on behalf of the Chairperson. Allow me, Mr. Speaker Sir to move to page 12 that is chapter 3 of the report.

CHAPTER THREE

Salient observations and Recommendations of the taskforce

The Taskforce Observations and Findings

Mr. Speaker Sir, the following are the Salient Taskforce Observations made by the taskforce;

1. The Taskforce established that the Bungoma County Health Services Act, 2019 was not compliant with the Constitution of Kenya, 2010, and other policy and legal instruments at global, regional, and national levels. It does not incorporate some of the devolved functions under Part 2 Clause 2 of the Fourth Schedule, particularly the aspects of Veterinary Services, Refuse Removal, Refuse Dumps, and Solid Waste Disposal.
2. The force observed that the petitions by some unions at the High Court of Kenya and the County Assembly of Bungoma were driven by factors such as discrimination and non-representation of some key cadres in leadership and governance structure of the health and sanitation, especially the County Health Management Team (CHMT). The CHMT was bloated and characterized by leadership wrangles, discrimination, suspicion, and mistrust, which negatively impacted departmental management and service delivery.
3. The current structure of the County Health Management Team and system were not effective in terms of public and stakeholders' participation, involvement, and consultation in decision-making and implementation of program and project activities in the County Department of Health & Sanitation.
4. The force observed that emergency medical services were not adequately covered in the Bungoma County Health Services, despite it being one of the socio-economic rights in Article 43 of the Constitution of Kenya, 2010. Indeed, emergency medical treatment and healthcare were not guaranteed in most health facilities across the County due to financial constraints, inadequate specialized workforce, lack of appropriate infrastructure, equipment, and health and sanitation products.
5. The Bungoma County Health Services Act, 2019 did not have significant provisions for modern health technology services except for Laboratory Tests. Indeed, such as EHealth and Sanitation Service Delivery and E-Health Governance, E- Monitoring and Evaluation were not addressed by the Act.

6. The task force identified and analyzed the constitutional, policy, legal, and administrative gaps in the Bungoma County Health Services Act, 2019 that hampered its effective operationalization and implementation.
7. Whereas the Human Resources / Workforce in the Department has steadily increased courtesy of the current regime, the number of doctors, nurses, and specialized personnel was still below the minimum of its targets, threshold, and standards required by the World Health Organization (WHO). The workforce in all cadres across the County health facilities was not adequate for optimal performance and effective delivery of health and sanitation services to the ever growing population.
8. The Health and Sanitation Taskforce observed that most of the health facilities are poorly equipped thus jeopardizing the delivery of quality health services.
9. The Taskforce observed that the current County Referral System is inefficient and the ambulance services lack central command, which undermines effectiveness in achieving the intended health outcomes.
10. The task force found that there was a large number of casual workers and some on fixed contracts providing services in various health facilities across the County. However, their recruitment process may not have been regular and/or sanctioned by the County Public Service Board as required under Sections 59 and 60 of the County Governments Act, 2012, and the Human Resource Manual of the County Public Service.
11. The Task force established that the Department of Health and Sanitation did not have an approved Organizational Structure (Organogram) that clearly illustrates entry, progression, career growth, and development of staff across the cadres based on their respective schemes of service. That there was a draft functional organogram that was yet to be approved by the County Public Service Board. The County Public Service Board did not also have an Organogram for all the 10 departments approved by the County Assembly of Bungoma.
12. The task force found that the Department of Health and Sanitation had a draft functional organogram as opposed to an approved staff establishment or organogram. The aforementioned draft organogram lacked clear indicators for *career entry, progression, and growth in each cadre*. The County Public Service Board (CPSB) of Bungoma does not have an approved integrated staff establishment/ organization structure (Organogram) for the entire county public service. The CPSB did not honor the invitation to meet the Taskforce despite receiving and acknowledging an official communication from the Taskforce.
13. The CPSB does not have specific approved organization structures/staff establishments for each of the Ten (10) Departments in the county Government of Bungoma. The Taskforce recommends that the CPSB should formulate urgently an

integrated county public service organization structure for all county government departments. The Board should formulate a specific one for the Department of Health and Sanitation, guided by the scheme of services for different cadres in the health and sanitation sector, in line with its mandate and functions stipulated in *Sections 59 and 60* of the County Governments Act, 2012.

14. The task force established that the Department of Health and Sanitation had great potential as a revenue stream through appropriation in aid but there were no proper mechanisms and revenue infrastructure to tap it. Some of the specialized healthcare services such as City Scan, and Intensive Care Unit inadequate at level 5 and level 4 facilities in the County.
15. The Taskforce established that the role, relationship, and effectiveness of the collaboration national government and the County Government of Bungoma in the promotion and provision of adequate and quality healthcare services, including the attainment of Universal Health Care is generally good. However, there was a lack of clarity on the role and responsibility of the County Government in the administration and management of some functions such as recruitment and payment of stipends for Community Health Promoters and the operation of the Social Health Insurance Fund (SHIF) and implementation of the Facility Improvement Financing and other recently enacted policies and legislations.
16. The review found that the Bungoma County Health Services Act, 2019 did not have any provision for alternative medicine, including Herbal Medicine and indigenous Health Knowledge.
17. The task force observed that despite the huge annual budgetary allocations for the Department of Health and Sanitation, compared to other departments, that amount was still inadequate to recruit adequate qualified personnel and commodities like medicine.

3.1. 2 The Taskforce Recommendations

- 1) The Taskforce strongly recommends that the Bungoma County Health and Sanitation Services Amendment Bill, 2024 should be compliant with various articles and provisions of the Constitution of Kenya, 2010. It should incorporate some of the devolved functions under Part 2 Clause 2 of the Fourth Schedule, particularly the aspects of Veterinary Services, Refuse Removal, Refuse Dumps, and Solid Waste Disposal. The Bill should also be formulated within the framework of Sustainable Development Goal (SDG3) Number Three, Vision 2030, Health Sector Policy 2014- 2030, and Universal Health Coverage Policy 2020-2030, among other national, regional, and global policy and legislative instruments governing the health and sanitation sector.
- 2) The task force recommends that the top leadership and management teams in the Department and health facilities should embrace dialogue, negotiation, and alternative dispute resolution mechanisms before petitioning the County Assembly and/or the courts of law.

- 3) The Department of Health and Sanitation should establish an Internal Dispute Resolution and Grievance Handling Mechanism to manage disputes and foster collective responsibility and unity of purpose in diversity. The Department should review, adopt, and implement the orders resulting from the various petitions and recommendations of the departmental committee reports and findings of this task force.
- 4) The appointment of the County Director of Health and Sanitation should be open for competition by the County Public Service Board to all qualified and competent health workers with at a Masters Degree and at least ten years of experience in management.
- 5) The composition of the new County Health and Sanitation Management Team (CHSMT) and the Sub County Health and Sanitation Management Teams (SCHSMTs) should be competitive, gender-responsive, and representative of all cadres in the Sector. The recruitment of the hospital boards and management committees of all health facilities and levels should also be competitive, gender-responsive, and representative of community diverse interests.
- 6) The Task force recommends the reduction of the number of members of the CHSMT from 22 to 15 while considering the issue contentious and delicate issue inclusion and representation of all essential service units/sections in the management. The reconstitution of CHSMT and SCHSMTs should be driven by the merit and significance of the services offered and not be based on programs and projects in the department, which are sometimes short-lived or temporal depending on interest and availability of funds from development partners. The term limit for the CHSMT and SCHSMT members should be 3 years renewable once based on satisfactory performance.
- 7) The Taskforce recommends that the health management structure and systems should be reviewed and restructured to make them effective in terms of public and stakeholders' participation, involvement, and consultation in the decision-making and implementation of program and project activities in the County Department of Health & Sanitation.
- 8) The Taskforce recommends that the County Government of Bungoma should invest more human, material, and financial resources in emergency medical services in line with the new national legislation on Emergency Critical and Chronic Illness Act, 2023.
- 9) The envisaged Bungoma County Health and Sanitation Amendment Bill, 2024 should provide for modern health technology services except for Laboratory Tests. Indeed, such as **E-Health** and Sanitation Service Delivery and **E-Health** Governance, **EMonitoring** and Evaluation were not addressed by the Act.
- 10) The Taskforce recommends the County Public Service in consultation with the Department of Health and Sanitation should recruit an adequate and competent workforce for effective delivery of service.
- 11) The Taskforce recommends that there is a need for the County Public Service Board in consultation with the Department of Health and Sanitation to review the issue of casual

workers and some on fixed contracted staff with a view of rationalizing and regularizing their continued employment across the health facilities across the County. The recruitment process should be guided by a county policy on casual workers formulated by the County Public Service Board and approved by the County Assembly of Bungoma.

- 12) The Taskforce recommends that the Department of Health and Sanitation should in consultation with the County Public Service Board, formulate a comprehensive Organizational Structure (Organogram), with clear guidelines for entry, progression, career growth, and development of staff across the cadres based on their respective schemes of service. The County Public Service Board should also urgently finalize the Master Organogram for all 10 departments and submit it for approval by the County Assembly of Bungoma.
- 13) The Task force established that the Department of Health and Sanitation had great potential as a revenue stream through appropriation in aid (AIA) but there were no proper mechanisms and revenue infrastructure to tap it. Some of the specialized healthcare services such as City Scan, and Intensive Care Unit inadequate at level 5 and level 4 level facilities in the County.
- 14) The Taskforce established that the role, relationship, and effectiveness of the collaboration national government and the County Government of Bungoma in the promotion and provision of adequate and quality health care services, including the attainment of Universal Health Care as generally good. However, there was a lack of clarity on the role and responsibility of the County Government in the administration and management of some functions such as recruitment and payment of stipends for Community Health Promoters and the operation of the Social Health Insurance Fund (SHIF) and implementation of the Facility Improvement Financing and other recently enacted policies and legislations.
- 15) The envisaged Bungoma County Health and Sanitation Services Amendment Bill 2024 should have provision for alternative medicine, including Herbal Medicine and indigenous Health Knowledge by domesticating what is provided for in Sections 75 to 78 of the National Health Services Act, 2017.
- 16) The Taskforce observed that there is a need to provide adequate budgetary allocations for the recruitment of human resources and the purchase of health products and technologies for all the health facilities in the County.
- 17) The Health and Sanitation Taskforce recommends that the envisaged Bungoma County Health and Sanitation Amendment Bill, 2024 should be structured around the Eight (8) Pillars of the World Health Organization (WHO) that have been domesticated in the Kenya Health Sector Policy 2014-2030 and Universal Health Coverage (UHC) 2020-2030.
- 18) The Taskforce observed that most of the programs in the department were donor-funded and not sustainable at all in the long run. There is a need for a sustainable own-source

revenue (OSR) framework for financing health and sanitation services to reduce overdependence on the national exchequer and donor funding for most programs.

- 19) There is a need for the Department to formulate Public Private Partnership (PPP) Policy Framework to enhance partnerships and linkages in the Sector through Memorandums of Understandings (MOUs) with strategic partners and development partners as a strategy for attaining Universal Health Coverage (UHC).
- 20) The County Public Service Board should take charge and full responsibility for the recruitment of all cadres of staff in consultation with the CECM, Chief Officer and Director of the Department of Health and Sanitation. The contracted technical staff should be considered for absorption on permanent and pensionable terms whenever vacancies occur in the Department based on the budgetary allocation for the recruitment of more health and sanitation personnel in order to reach optimal levels of the workforce across the facilities.
- 21) The Health and Sanitation Department should review and amend the BCHSA, 2019 to incorporate adequate and appropriate support measures geared towards the provision of equitable, affordable, and high-quality healthcare and sanitation-related services. The amendment should be in line with the recently enacted national legislations, such as the Facility Improvement Financing (FIF) Act, 2023, the Social Health Insurance Act, 2023, Digital Health Act, 2023, and Primary Healthcare Act, 2023.
- 22) The Task force found that some of the health and sanitation workers (frontline staff in the sector) were facing mental challenges, including severe mental illness, which required urgent intervention by relevant professionals and specialized mental health service providers. The Department of Health and Sanitation should invest in separate but equipped and staffed mental health care facilities, one specifically for the health & sanitation workers and another for clients /mental patients from the general public;
- 23) There is need to establish the Bungoma County Health and Sanitation Research and Development Committee that will be charged with the responsibility of approving all research proposals, projects and granting consent for data collection and sharing of information and reports. The said Committee should report directly to the Chief Officer of Health and Sanitation who will in turn update the CECM in charge on the Research Findings.
- 24) The Taskforce recommends the restructuring of the Health and Sanitation Services Bill, 2024 alongside the following Eight (8) Pillars: *Health & Sanitation Leadership and Governance, Organization of Service Delivery, Health & Sanitation Workforce, Health & Sanitation Financing, Health & Sanitation Products and Technologies, Health & Sanitation Information, Health and Sanitation Infrastructure, Research and Development in Health and Sanitation.*

CHAPTER FOUR

4.1 Committee observations and recommendations

Mr. Speaker Sir, the committee having gone through the report of the Taskforce and held consultative meeting with the department of Health and Sanitation on the Taskforce report hereby makes the following observations and recommendations for this honorable house to consider and adopt;

4.1.1 Committee observations

- 1) The Health and Sanitation on the Taskforce report is long overdue and will inform the formulation of a comprehensive Bungoma County Healthcare and Sanitation Services Bill, 2024 and eventual Act as recommended by the County Assembly Joint committees on Lands, Urban, Physical Planning and Housing and Committee on Justice, Cohesion and legal affairs.
- 2) The taskforce report together with the envisaged Amendment Bill if adopted and enacted into law and regulations will have far-reaching positive effects on the quest for the Highest attainable standards of health and sanitation in compliance with the provisions of Article 43 of the constitution of Kenya as well as guarantee Universal Health Coverage (UHC).
- 3) The recently enacted national laws including Social Health Insurance Act, 2023(SHI), Social Health Act, 2023(SHA), Facility Improvement Financing Act, 2023(FIFA) and Social Health Insurance Fund (SHIF) will have far-reaching implications to the envisaged County healthcare and Sanitation bill, 2024.
- 4) The County Executive Committee (Cabinet) meeting held on 21st August, 2024 at H.E the Governor's residence in Kamukuywa noted and approved Ksh. 4,913,000 being funds to cater for developing the Bill and Regulations and directed the CECM for health and Sanitation and Finance and Economic Planning to take necessary action.
- 5) The committee notes that the sole responsibility of policy formulation and discretion is vested in the department and the County Executive committee Member for health in liaison with the Executive Committee member for finance should fast-track the review of the Health Act, 2029.

4.1.2 Committee recommendations

1. The CECM, Health and Sanitation should move with speed to formulate a comprehensive Bungoma County Healthcare and Sanitation Services Bill, 2024 and eventual Act including all the perimeters identified and presented in the Taskforce report.
2. The CECM Health and Sanitation should take serious the recommendation by the County Assembly Joint committees on Lands, Urban, Physical Planning and Housing and Committee on Justice, Cohesion and legal affairs on deadlines for drafting and

developing regulations in regard to the reviewed Bungoma County Healthcare and Sanitation Services Bill, 2024.

3. The County Executive Committee Member for Health and Sanitation together with her counterpart for Finance and Economic Planning should appropriate in the first supplementary, the sum of Ksh. 4, 913,000 approved by the cabinet being funds to cater for developing the Bill and Regulations and report progress to the committee within 90 days from the adoption of this report.

Conclusion:

Mr. Speaker Sir, the committee on Health Service is in agreement with the recommendations of the health and Sanitation Taskforce report together with the departmental commitments made therein. The committee therefore, urges this honorable house to consider and adopt this report.

On the attachments we have the report by the taskforce on the review and amendments of Bungoma County Health Service Act number 5 of 2019.

Then we have the adoption schedule which was signed by all the members. Thank you Mr. Speaker Sir.

Mr. Speaker: Can you call the seconder of the report

Hon. Jerusa Aleu: I therefore call my able Chairperson to come and second this report

Mr. Speaker: Hon. George Makari, you have the honour to second this report.

Hon. George Makari: (Secunder) Thank you Hon. Speaker. First of all, allow me applaud Hon. Jerusa Aleu who is the Vice Chair of this committee. I want point to out that she is an able Vice Chair. You realize that most vice chairpersons given such an opportunity they cannot manage the way she has managed. We should applause her.

(Applause)

Honourable Speaker, I don't want to take a lot of time because she has ably gone through the report. If you look at the Health Services Act 2019 that we passed in this House, I cannot actually pin point the exact place but there is a High Court Judge that pointed out that some of the sections in that Act were unconstitutional.

Two, we wanted to model this Health Services Act to conform to the National Law that governs health sector. We wanted to improve the 2019 Health Act to be in conformity with the national law so that we don't go against the constitution of Kenya. I second and I urge Members to support by approving this motion. Thank you Mr. Speaker.

Mr. Speaker: Thank you Hon. George Makari, the chairperson of the committee for seconding the report as moved by Hon. Jerusa Aleu. Will proceed and propose the motion for debate.

(Motion proposed)

Hon. Joseph Nyongesa: Thank you Speaker. Allow me appreciate the Vice Chairperson of this committee. She looked undecided at first but she has done a good job. Other Members should be ready to do the same to justify the responsibility allowance.

(Laughter)

As I appreciate the committee I have few things to seek clarification from the committee basing on the recommendations from the committee.

In the first recommendation, how I wish the committee could give some timelines because in the second recommendation they have given a timeline of 90 days.

Lastly, I am wondering where the committee got this; that the resolution from the Cabinet to ensure that in the first supplementary we should have that Kshs.4 Million. They are basing on the resolution of the cabinet and I am wondering how they accessed the resolution of the Cabinet. I wish the basis of the recommendation could be on what we approved as a House. During reply, the Vice Chairperson should clarify why they based on Cabinet resolution instead on House resolution.

Hon. Johnston Ipara: Thank you Honourable Speaker. First of all, let me comment Hon. Jerusa for standing the test of time. For the period that I have been in this House, I want to say this taskforce has made good recommendations reason being for any organization to stand, it must have an organogram to guide and show people the line of reporting and how different departments operate.

The second reason is that the department is blotted with unnecessary employees with fixed contracts. Universally, contracts are renewable; renewable in a fact that you give a contract as you look for the right person to fill that position. Ours has become permanent and when it becomes permanent this person must be employed under the category of permanent and pensionable. I want to persuade honourable Members that if this report is adopted, the executive must implement it in totality. It will also help us to save money. Imagine a department that is not proactive; health department; they are not even able to see necessary issues that they should tap in as a source of revenue? I support the report. Thank you Hon. Speaker.

Hon. Martin Chemorion: Thank you Mr. Speaker sir. I want to laud the vice chairperson of the committee for reading a report that has captured what will help in the development of the Act. I was particularly impressed with the taskforce recommendation on the issue of alternative medicine. Traditionally, we have been having alternative medicine whereby our fore fathers and even us we have traditional knowledge, the indigenous knowledge of treating certain ailments within our community, this kind of programme or intervention should be embraced and I actually laud the taskforce for recommending the same.

On the issue of donor funding, the task force has done very well by encouraging reliability on alternative medicine. The recent fiasco involving the USAID fund where the president with his rallying call of American first, we have to think and adopt the report so that we can have our own resources to run our programmes.

There is this emerging issue, it has not been a profound issue before but it has now become very much pronounced, the issue of mental health which is now prevalent. We need to develop facilities that can handle the issues of mental health.

Finally, I don't know why the Public Service Board was invited by the taskforce to give their take on the structure of employment and they didn't raise any issue. Could it be that they have vested interests? With those many remarks, I support the motion.

(Loud consultations)

Mr. Speaker: Committee Members, what happens in normal cases is when a reply is supposed to come, you are supposed to put up a reply so that it is the committee's response not the chair's response, it is the committee speaking through the Chair, proceed.

Hon. Jerusa Aleu (Mover to reply): Thank you Mr. Speaker. First of all, I would like to thank those Members who have contributed to this report. I don't have much to respond to but I would like to respond on what our Leader of Majority raised about the Kshs.4Million. I think it came out after the interrogation with the department, Thank you Mr. speaker Sir.

Mr. Speaker: So how do we handle what was raised by the honourable Leader of Majority? We ignore it?

Hon. Jerusa Aleu (Mover to reply): I urge Members to support the report the way it is and we shall continue consulting. I hope the Leader of Majority will bear with us. Thank you for empowering me at my age.

(Laughter)

Mr. Speaker: Thank you. Honourable Members, a reply is given by the mover, if you were to assist her you could have gone to where she was sitting and you share the notes. Hon. Jerusa there is nothing called age here, tomorrow Hon. Mildred will also move a motion.

(Laughter)

Honourable Members, thank you to that extent. I wish to now put a question;

(Question put and agreed to)

The report and its recommendations is hereby adopted by the House. Next item?

BILLS

THE BUNGOMA COUNTY 1ST SUPPLEMENTARY APPROPRIATION BILL FINANCIAL YEAR 2024/25

Mr. Speaker: Read the long title

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BUNGOMA TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF THE REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICE OF THE YEAR ENDING 30TH JUNE 2025 AND TO APPROPRIATE THAT SUM AND A SUM VOTED ON ACCOUNT BY THE COUNTY ASSEMBLY FOR A CERTAIN PUBLIC SERVICE AND PURPOSE, *1st*

Reading

Mr. Speaker: Honourable Members, the Bungoma County 1st Supplementary appropriation Bill Financial year 2024/25 having been read has undergone the first reading and will be processed alongside the 1st Supplementary Budget.

ADJOURNMENT

That was the last item on our Order Paper. Thank you for keeping around being our first day after resumption. I also want to appreciate all those who went to Uganda to represent us in all spheres; social and cultural; we appreciate you. We will now adjourn and resume our sitting on 5th March, 2025 at 9:30 a.m.

The House rose at 4.50 p.m.