

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 24TH SEPTEMBER, 2025

Morning Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA
THE DAILY HANSARD
WEDNESDAY, 24TH SEPTEMBER, 2025

The House met at the County Assembly Chamber at 9:30 a.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

ELECTION OF COMMITTEES' CHAIRPERSONS AND VICE CHAIRPERSONS

Reference is made to memo CAB/CC(6)V.2, dated 18th September, 2025 regarding the adoption of the Selection committee's report on the review of membership to the County Assembly committees.

Following this, elections for the positions of Chairperson and Vice-chairperson in the affected committees were held on 22nd September, 2025 in accordance with the notice issued by the Office of the Clerk of the County Assembly on 18th September, 2025.

The results of the elections for select committees are as follows;

1. Committee on Finance and Economic Planning.
 - i. Hon. Polycarp Wandabusi – Chairperson
 - ii. Hon. Godfrey Wanyama – Vice Chairperson
2. Committee on Education and Vocational Training
 - i. Hon. Jack Wambulwa - Chairperson
3. Committee on Roads, Transport, Infrastructure and Public Works.
 - i. Hon. Charles Nangulu – Vice Chairperson
4. Committee on Lands, Urban, Physical Planning and Housing.
 - i. Hon. Johnston Ipara – Chairperson
 - ii. Hon. Orize Kundu - Vice Chairperson
5. Committee on Implementation
 - i. Hon. Timothy Chikati – Chairperson
 - ii. Hon. Jeremiah Kuloba – Vice Chairperson
6. Committee on Budget and Appropriations

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- i. Hon. Benjamin Otsiula – Chairperson
- ii. Hon. Caleb Wanjala – Vice Chairperson

Honourable members, that takes effect immediately.

We wish all the new chairpersons and vice chairpersons well as they discharge their duties in various committees.

PAPERS

SPECIAL AUDIT REPORT ON AUDITOR-GENERAL ON PAYROLL MANAGEMENT FOR BUNGOMA COUNTY EXECUTIVE

Hon. Joseph Juma (Leader of Majority): Thank you, Mr. Speaker. I rise to table the Special Audit Report of the Auditor-General on Payroll Management for the Bungoma County Executive.

Mr. Deputy Speaker: Thank you, the Leader of Majority. Honourable members, this Special Audit Report on the Auditor-General on Payroll Management for the Bungoma County Executive, having been tabled stands committed to the Committee on PAIC, which is now reconstituted. They should handle it and report back to this House.

A REPORT OF THE SECTORIAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE YEAR 2022 AND 2023

Hon. Catherine Kituyi: Thank you, Mr. Speaker. I rise to table a report on Implementation Status of House Resolutions for the year 2022-2023 on the Committee on Youth Affairs and Sports.

Mr. Deputy Speaker: Thank you, the Ho. Catherine Kituyi. Members, this report having been tabled becomes the property of this House.

Next item,

NOTICES OF MOTION

REPORT OF THE SECTORIAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE YEAR 2022 AND 2023

Hon. Catherine Kituyi: Thank you, Mr. Speaker Sir. I rise to issue a notice of motion that the House adopts the report of the Sectorial Committee on Youth Affairs and Sports on Implementation of House resolutions for the year 2022 and 2023.

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Mr. Deputy Speaker: Thank you, Hon. Catherine Kituyi. Honourable Members, the notice of motion having been issued, I therefore direct that the same be circulated to Honourable Members, so that you can have enough time to peruse through and understand. It will form part of business to be considered by this House after ratification by the House Business Committee.

Next item,

QUESTIONS AND STATEMENTS

HOUSE BUSINESS FOR THE WEEK COMMENCING WEDNESDAY 24TH TO THURSDAY 25TH SEPTEMBER 2025

Hon. Cornelius Makhanu: Thank you, Honourable Speaker. I stand here to table the tentative weekly programme of the Business of the County Assembly pursuant to Standing Order No. 42 for the week commencing Wednesday 24th to Thursday 25th September, 2025.

Deputy Speaker: Kindly just present to us the afternoon and tomorrows, please.

Hon. Cornelius Makhanu: Thank you Speaker.

Wednesday, 24th September, 2025 2:30 p.m.

1. Questions and statements

A member from Namwela Ward, Hon. Charles Nangulu MCA to get response from the Chairperson, Sectorial Committee on Health Services. This is in relation to medical misinformation that is majorly put across by one, Dr. Namaswa, from BF Summa Company across the County.

Mr. Deputy Speaker: Members, consult in low tones kindly, please.

2. Motion

Report of the Sectoral Committee on Public Administration and ICT on the Status of Implementation of the Bungoma County Flags, Emblems and Names Protection Act, 2015

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Thursday, 25th September, 2025 at 2:30 p.m.

1. Questions and statements

Member from Namwela, Hon. Charles Nangulu MCA to get a response from the Chairperson, Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development in relation to Sibumba, Kikai and Menu Coffee Factories mismanagement in Namwela Ward.

2. Motion

Report of the Committee on Delegated County Legislation on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act 2017

That is the end Honourable Speaker

Mr. Deputy Speaker: Thank you, Hon. Makhanu Cornelius, for giving us the tentative weekly programme for today afternoon 2:30p.m and tomorrow Thursday, the 25th day, September 2.30 p.m.

Next item,

**STATEMENT IN RELATION TO THE STATE OF KANDUYI DEB AND
MUKHAWELI ECDE CENTRES**

Mr. Deputy Speaker: Yes, the Hon. Cornelius, proceed.

Hon. Cornelius Makhanu: Pursuant to the provisions of Standing Order 47(2), I hereby seek for a statement from the Chairperson, Committee on Education and Vocational Training in relation to the status of Kanduyi DEB and Mukhaweli ECDE Centres.

In the statement, let the chairperson inquire and elaborate on the following,

1. Seek the production of the respective evaluation reports, professional opinions, awards, acceptance and contracts for;
 - a) Repair of the two Centres of ECD at Kanduyi DEB and Mukhaweli
 - b) Supply of children's chairs and tables
2. Let the Department provide the following:
 - a) The CR-12 of the awarded companies
 - b) The bills of quantities for both repairs and supply
 - c) What percentage of the works have so far been done in respect to the same
3. Let the Department provide the following:

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- a) What amount has so far been paid to the contractors?
 - b) What is the outstanding balance due to the contractors
4. What measures has the Department put in place to ensure completion of the works.

Mr. Deputy Speaker: Yes Honourable Chairperson, Hon. Jack Wambulwa, member for Kimaeti Ward

Hon. Jack Wambulwa: Thank you, Mr. Speaker, I request to be given 21 days.

Mr. Deputy Speaker: Hon. Makhanu, you seem to be having something

Hon. Cornelius Makhanu: Yes, I don't know if it can be 14 days because by 21 days, we shall have adjourned the House.

(Loud consultations)

Mr. Deputy Speaker: Hon. Jack Wambulwa, The owner of the statements requests that you may be looking forward to enabling the House to be on recess by then. Can you reduce the days? Can you work with 14 days?

Hon. Jack Wambulwa: Reducing is not a problem, but as you are aware currently the House is interrogating documents that are supposed to be processed and by the time they finish that, we are also supposed to break and go for CASA games. So that's why I was looking for sufficient time so that I give a credible response to this House.

(Applause)

Mr. Deputy Speaker: Honourable members, I think the member has very sufficient reasons to request for the 21 days. So that will be on Wednesday 15th of October at the 2:30 p.m. session. We shall expect the responses from the department.
Next,

STATEMENT IN RELATION TO PAYMENT OF STIPENDS TO COMMUNITY HEALTH WORKERS

Hon. Jack Wambulwa: Thank you, Hon. Speaker. My statement is on payment of stipends to community health workers. I wish to request for a statement under Standing Order No. 47(2) © of Bungoma County Assembly Standing Orders from Chairperson, Committee on Health and Sanitation. The statement is in respect to the payment of stipends to the community health workers.

In the statement, let the Chair inquire into and report on the following;

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1. How much was allocated to pay stipends to community health promoters in the financial year 2024-2025?
2. What caused the delay in the payment of stipends to CHBs whereas there was budget for the same?
3. Now that the financial year 2024-2025 has closed, without the stipend being paid, explain how they are going to be paid their arrears?
4. Measures put in place by the Department to pay stipends to the CHBs on time?
5. Any other information deemed necessary.

Mr. Deputy Speaker: Thank you. Hon. Jack Wambulwa. Chair Health or Member Health to respond to that so that we have the time. Or any member? Hon. Tony Khaoya.

Hon. Tony Barasa: Hon. Speaker for us to be able to get all answers kindly give us 21 days.

Mr. Deputy Speaker: How many days? I didn't get you. 21 days?

(Laughter)

Hon. Tony Barasa: Mr. Speaker, we are requesting for 21 days.

(Laughter)

Honourable Members are laughing because I think you understand.

What is it Hon. Jackson?

Hon. Jack Wambulwa: Thank you, Hon. Speaker. This is a delicate matter, as you are aware that these are volunteers who are working on behalf of this County. This is a matter of the last financial year; their payments must have been approved by the Controller of Budget before they close the year. I request that they give seven days so that they can respond for our Community Health Workers to access these funds so that they can pay school fees for their children.

Mr. Deputy Speaker: Honorable Members, this is attracting a lot of requests to speak. Let's have the Member of Health Committee because he has to give us enough reasons to have the timelines for the same. The Hon. Tony.

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Hon. Tony Barasa: Aware of the delicate matter raised by Hon. Makhanu and also concerning the issues that we are also going for CASA Games and whatever for us to give sufficient answer, we require 21 days.

(Applause)

The Hon. Ipara, before I make my ruling.

Hon. Johnston Ipara: Thank you, Hon. Speaker. I want to appreciate Hon. Tony for the good response. The issue is about money that was utilised during the previous financial year. So they should reconcile their books of accounts to see whether these monies are there, and if not, it will be a very serious issue. If today Hon. Tony said he requires seven days and will bring here half-baked statement, as a House we don't want.

We want to get detailed report, was that money available? Was it released by the Controller of Budget? And if it was released where did it go to? So 21 days is sufficient for that committee.

(Applause)

Mr. Speaker: Hon. Jackson, I hope now you understand and appreciate that we need 21 days, so that we can have in-depth response to satisfy this House. Again that will be on the 15th of October 2025, at 2:30 p.m. We expect a sufficient response from the Department of Health.

We proceed,

**STATEMENT IN IN RELATION TO BUNGOMA COUNTY REFERRAL 300 BED
CAPACITY HOSPITAL WHICH WAS OFFICIALLY COMMISSIONED BY HIS
EXCELLENCY THE PRESIDENT DURING THE LAST YEAR'S MADARAKA DAY**

Hon. Tony Barasa: Can I read from here?

Mr. Deputy Speaker: Hon. Tony Barasa, proceed.

Hon. Tony Barasa: Hon. Speaker, a report by the Committee on Health Services on statement raised by Hon. Charles Nangulu in relation to BCRH 300 bed capacity. I want to believe that the Honourable Member is in.

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The Committee on Health Services received a statement by Hon. Charles Nangulu in this House on the 1st July, 2025 and defied the Committee for a reply pursuant to Standing Order 47(2)© of Bungoma County Assembly Standing Orders.

The statement was in relation to Bungoma County Referral 300 bed capacity Hospital which was officially commissioned by His Excellency the President during the last year's Madaraka Day.

The Committee interrogated the matter on 25th August, 2025 and hereby provides a report as follows;

1. As regards to the list of equipment that are in the hospital.

Response: The hospital has assorted plant machinery and equipment installed for service provision. A list was provided and interrogated by the Committee.

2. What has hindered the hospital to be in operation despite being commissioned by the President almost one year ago.

Response: The operationalization of the hospital delayed for a while due to a range of challenges which include,

- a) Inadequate staffing
- b) Shortage of equipment
- c) Finishes and delay in the provision of utilities that is water and power connection.

3. **When the facility is going to be opened.**

Response: The facility was partially operationalized on 29th July, 2025. However, there shall be more effort directed to ensuring adequate staff, equipment and supplies to fully utilise the facility.

4. How much was allocated to the project in the current budget.

Response: The project has not been allocated any funds in the budget of the current financial year.

The owner of the settlement was satisfied with the responses provided by the Department and therefore and the matter was put to rest.

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The Committee also has been following up on the matter and visited the facility to ascertain the condition and the equipment after its operationalization in early August 2025.

The report is signed by Hon. George Makari – Chairperson, Committee on Health Services.

I beg to report.

Mr. Deputy Speaker: Thank you, Hon. Tony for reporting back on behalf of the Chairperson. The owner of the statement Hon. Nangulu.

Hon. Charles Nangulu: Thank you, Hon. Speaker. Indeed I raised a statement on the said date and on two occasions I attended the Committee meetings when we were doing interrogations and I am satisfied with the response but that building has been lying there for so long and we hope as a Committee, let them fast track the process so that we can decongest our old hospital. Those 300 beds, only 40 have been placed and 260 are remaining.

Let the Committee try and push the department so that it can put more funds on that facility so that the people of Bungoma County can get services.

Mr. Deputy Speaker: Thank you, Hon. Nangulu Charles for that concurrence. The Hon. Sudi, you have something?

Hon. Sudi Busolo: Having listened to Hon. Tony, the response is saying that it is partially operationalized and there is no allocation towards the same in this financial year. Then when will it be fully operationalized without allocation? As much as we want to decongest as the owner has put it, let me hope the Committee has questioned the leadership in health and have assured them that will be captured in the Supplementary Budget. They have less than 50 beds, we still need around 250, and they said that staffs are not enough. Do we now have enough staff?

Mr. Deputy Speaker: Thank you, Hon. Isaiah Sudi. Hon. Tony Barasa.

Hon. Tony Barasa: Thank you, Hon. Speaker. As a Committee we are aware of such a challenge that is there and the Department and the House is alive to it. The Member who has just raised that concern, I believe with his wisdom and the Members of the Budget, I am sure that when we are going to do our supplementary, the Member will be in forefront so that we can also sort out this issue.

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(Loud Consultations)

Mr. Deputy Speaker: Order Members! We have Hon. Sudi,

Hon. Sudi Busolo: Hon. Speaker, I will just forgive him because he is not the Chair because you see the Honourable Member who has just left the stage, the Budget we are talking about he participated. I didn't participate. When I question where was the allocation then you refer me that you are now a Member of the Budget, how do you relate the two? You cannot transfer your mistake to another Honourable Member who didn't participate.

I forgive him because he is not the Chair but that is what I am saying. He didn't allocate money and he is telling me to go and allocate, I allocate from where? Are we doing the Budget now?

Mr. Deputy Speaker: Thank you, Hon. Sudi. He doesn't mince his words. Well, he has gotten it and accepted your opinion and observations. So that it can be worked on. Hon. Ipara Okasida,

Hon. Johnston Ipara: Thank you, Hon. Speaker. The issue is not about who is in Budget and who is not. The issue is we are talking about the life of our people and as we are seated here, we are here courtesy of those who are healthy and they went to vote and don't forget we have used substantial amount of money putting up that structure. We have completed it and it is being wasted. Are we celebrating that project being wasted?

The owner of the question has said it is only 40 and it is confirmed by the responder. That it is only 40 beds that are available. We have a shortage of around 260 beds. I think this is a calling that we should move with speed and give priority to that particular facility that is being underutilised.

People will never forgive us for saying that there is no money. Who approves the Budget from the Executive? It is the Honourable Members. So let's get our acts right. As we now start for 2026/27 let's get our facts right. I also think the First Supplementary Budget consideration should move to that facility. If that is done then we shall be forgiven by history.

Mr. Deputy Speaker: Thank you, Hon. Ipara and all other Honourable members for raising concerns, because that's a very delicate and important department not only to the people that we represent but even ourselves. So therefore it's a very delicate issue that has to be looked into deeply and with the urgency required. So the members of the committee having been led

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by the chair and every other member, be proactive so that we can get information and action taken so that we can avert any issues that may arise out of such inaction.

Next item,

MOTION

RESUMPTION OF DEBATE ON THE REPORT OF THE AD HOC COMMITTEE ON COLLECTION AND UTILIZATION OF AGRICULTURAL RESOURCES IN BUNGOMA COUNTY SINCE SEPTEMBER 2022 AND MARCH 2025

Mr. Deputy Speaker: This is a resumption of debate. Online we have the Hon. Jackson Wambulwa,

Hon. Jack Wambulwa: Thank you, Honourable Speaker, for giving me an opportunity to comment on the Ad Hoc report. We gave our colleagues enough time to go and investigate and bring the feedback to this Assembly on how CESS funds have been utilized. Having listened to the report and read through, I find it that as much as they made recommendations, they are blank. The recommendation before us cannot lead us anywhere and as you are aware starting from the MoU that was an illegality that did not deserve to be just left blank like that. Funds were utilized in an illegal way. Funds were received by Officers in the County Government of Bungoma.

Whereas the report is not surcharging anybody who is responsible in receiving those funds, these funds were never accounted for. How do they just leave that report blank like that? As a House, we need to be awake. Remember what the Executive told us that we are sleeping on our job. We don't seem to understand what we are doing.

Looking at the MoU that was written between the department and West Kenya; West Kenya is a company that has corporate responsibilities. It does not require them writing an MoU between them and the government using CESS funds that were supposed to be released to the County Government for it to independently implement programmes within Bungoma. I'm not against them preparing those reports, but that's their corporate responsibility to do roads in Tongaren and other areas that they harvest sugarcane.

What is the role of Naitiri Sugar, when it comes to harvesting cane within our region? They are supposed to be using their own machines, not the County Government machines. So here

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there is collusion between the County Executive and the West Kenya Company to swindle the money meant to do development for the people.

As a House we need to go beyond and resolve over the same. I think it's time we came up with a CESS Committee in this House so that it can oversee how these funds are being utilized. In many Counties that are having agricultural harvests, they have a CESS Committee. What went wrong in Bungoma County? You look at how the Committee on CESS that was appointed is being mistreated by the CECM Finance. Ever since it was appointed, they have never been shown the statements of CESS accounts. They have never been told how they are utilizing CESS funds.

I request that the Committee on Ad Hoc to give us a report that gives a way forward but approving this report the way it is, I'm opposing it.

Mr. Deputy Speaker: Thank you, the Hon. Jack Wambulwa. We now have the Hon. Caleb Wanjala.

Hon. Caleb Wanjala: Thank you, Honourable Speaker. I want to echo the sentiments by my colleague Hon. Wambulwa. I come from an area where we have a Sugar factory and all our roads are dilapidated. Some of us when we try to approach the Member of Parliament, they always refer us that the County Government is collecting CESS from the sugar millers. The County Government is supposed to repair these roads.

So as a House, we expect strong recommendations from the Ad Hoc Committee, so that it can serve as a lesson to the officers who are just taking this County for a ride. Otherwise, if we continue this way we will continue to suffer. Some of us in our areas people are very bitter. All the pressure is directed to MCAs. When we have people who are just sharing the loot, without any fear, we expect the Ad Hoc Committee to be strong and to have strong recommendations, so that we can end this game.

Mr. Deputy Speaker: Thank you, Hon. Caleb. The Hon. Isaiah Sudi,

Hon. Isaiah Sudi: Thank you, Honourable Speaker, for giving me also an opportunity to add my voice on our report before us. I'm not disputing the report but I request that we pass it with amendments especially on the recommendations.

Having done budget twice or thrice, there was not a single provision indicating that this is CESS money. From what the report explained, most companies have been remitting money.

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We want to know where this money has been going, so that those respective officers who are involved are charged.

Mr. Deputy Speaker: Consult in low tones Members, so that the debate on the floor can be heard.

Hon. Isaiah Sudi: We don't just go and blame the MoU alone because CESS is not just Sugar factories alone. We have even Coffee factories and quarries that pay CESS, so let us widen the scope, so that we have recommendations that will stop stealing of public funds

We cannot say that the report is bad, but let us strengthen the recommendations and approve the report with the amendments. We should have written recommendations that deal with surcharging. Even before the MoU, CESS was being collected but it has never been factored in our budget. Who has been taking it? Where has the money been going?

We must have objectives and discuss constructively so that we recommend and surcharge those who are in charge and that one will make us move forward. People will stop stealing this CESS money or using it the way they want. Let us as Honourable Members, not concentrate on the MOU. Supposing it was in Bumula, we could be celebrating. Just because it is in Tongaren, let us not take that direction. Let us see the best option. Let us strengthen our recommendations so that those who were involved are investigated by DCI or EACC and the money recovered from them. That is the duty of this House and that is our responsibility..

Mr. Deputy Speaker: Hon. Sudi, as you proceed, may I guide you kindly?

Hon. Isaiah Sudi: Yes.

Mr. Deputy Speaker: That as you take that trajectory, you must also be ready that you move because if we have to adopt with amendments, then you know the procedure on how we can adopt the report with amendments. Please, you are taking a very good trajectory yes, but I hope you are going in that direction with the required procedures.

Kindly, proceed.

Hon. Isaiah Sudi: Honourable Speaker with your indulgence, you guide us so that we pass this report with amendments. You guide us because we are not in the woods.

(Laughter)

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You guide us if possible, I am proposing that we pass the document with amendments and adopt it wholesomely.

Mr. Deputy Speaker: Hon. Sudi, I do not want you to end before you do something. I do not like interjecting when a Member is moving because I do not want to disrupt your flow of thought. But I cannot guide that you do this and that.

Members, close to Hon. Sudi, you can also try to assist, so that if you indeed support that we adopt this report with amendments, then it has to go through certain procedures and you understand how to go about that.

Hon. Isaiah Sudi: I want to call a seconder that we pass the report with amendments. My seconder is none other than Hon. Chikati. We pass it with amendments. Hon. Chikati to second the proposal.

Mr. Deputy Speaker: Hon. Chikati just a moment. We know when the leadership, when the Honourable Majority Leader comes on line, he is given preference. So let us have him before you.

Hon. Joseph Nyongesa: Sorry Speaker, mine was just to contribute. Maybe wait for the seconder before I have to contribute.

Mr. Deputy Speaker: Hon. Timothy Chikati,

Hon. Timothy Chikati: Thank you, Honourable Speaker. Before I second, I think the issue is because West Kenya factory is domiciled in Tongaren constituency. Hon. Caleb has just mentioned Nzoia Sugar Factory in his Ward. He has to tell us how much CESS Nzoia is remitting to this County. I'm sorry to say that Bumula we have a garbage collection center. They also have to tell us how much revenue they are remitting to this County through garbage collection.

Otherwise, I second what Hon. Sudi has said.

Mr. Deputy Speaker: Hon. Chikati, you should take the direction of seconding the item but when you go to other issues then it loses meaning because we don't now understand what you are seconding.

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Hon. Timothy Chikati: Honourable Speaker, I second that the report be passed with amendments.

Mr. Deputy Speaker: Honourable members, it's just a tradition of the House and procedures that when a member we don't understand, we don't know. Maybe they have and we cannot curtail them to move that we adopt the report with amendments because where you sit, you don't understand what they are having. So therefore members allow me now to propose the question to the House.

This is a debate within a debate that this House adopts the report of the Ad Hoc Committee on Collection and Utilization of Agricultural Sales in Bungoma County since September 2022 and March 2025 with amendments. I propose to the House for debate.

(Question proposed)

And members, it means you must have those amendments so that we adopt them after debate. Hon. Sudi!

Hon. Isaiah Sudi: Honorable Speaker, maybe you will allow us to move out and do a write up or we adjourn the whole motion because the document at hand is very key and we want to support so that it passes as it is. I want to request members of Ad Hoc, don't just celebrate on a document that is half-baked because in the same document, you had written somewhere that money was being remitted and if we look at our budget, is there anywhere we have money from CESS?

We have never had money from CESS and companies admitted having been paying the same. Who has been taking it? That is why we need a recommendation that agencies like DCI and EACC take up the matter and unlock this case. It is not in bad faith because even before we became MCAs, since inception of Devolution, CESS has been paid but it has never been factored in the budget. Where has this money been going that is why we want people to take responsibility?

We are not against the report but we just want to strengthen it by making it actionable. Let us direct that the DCI or EACC takes up the matter for those who swindled money because Mumias and Nzoia have been remitting. No matter how little it was, it was public funds, so we want to know where this money has been going. That is my point.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Isaiah Sudi. Honorable Leader of Majority,

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Hon. Joseph Nyongesa: Thank you, Hon. Speaker. First, allow me appreciate the members of the Ad hoc committee for the report they have brought in this House and I also want to appreciate those members who are also pushing for amendments. In fact I am also seeing there is a lee way and we are lucky that the new Chair elected for implementation is Hon. Chikati and if possible they can also pick it up from there so that at least they do some panel beating for us to get what other members are after.

If we treat it as an eye-opener because we have gone through it and seen gaps where the County Government has been losing some money and it's not the final, that is why I am saying; if the newly elected Chair for Implementation Committee could now pick it up, do some beefing up then we could get the results because one, we have seen most of the factories do not also pay, so it is a long way that we need to handle as a House. We have all seen that the MoU was illegal, so the committee is showing us that in future we should also follow up.

There is this issue of Social Corporate Responsibility from those companies, though I have not seen it in this County, where Companies that utilize agricultural products should give back to the community through construction and repairs of roads. And MoU never considered the issue of corporate work to the society, so when the implementation committee picks it up, they have told us that within 60 days after passing and we also have a regulation to guide us.

I am agreeing with the report and if we follow it in the right way so that it does not die today, at the end of it we shall save more as a County. I have about two issues; the issue of regulations, law and remittance to the County Government of Bungoma. If we could make a follow up as a House instead of stagnating the way it is then we may end up not achieving what we intended to. But to me, there is some way out and I am just urging this House to follow the recommendations because surcharging is the only way, the best way is that moving forward as a County we put in place some regulations which will guide and regulate the issue of remittance and again if the treasury will also be open enough then the potential that we have as a County in this current Financial Year, we can have some great improvement.

So, let me urge and request humbly that we agree with what the report is having then the Implementation Committee to pick it up and ensure that we achieve what we intended as a House. In fact I want to appreciate the owner of the statement which necessitated us to have such a report because we were not aware of what was happening. Otherwise, I support.

Mr. Deputy Speaker: Thank you our Leader of Majority. Members, may I guide now that what we are doing is actually a report within a report. We have to finish this then go back to

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the main report so what we are doing now, we are debating the report within a report to support amendment. So, if you are supporting amendment or not so that after that we vote on it, then we go back to the report so that we finish. So members as you speak, kindly be guided. Hon. Joseph Nyongesa,

Hon. Joseph Nyongesa: Mr. Speaker, as we speak because my contribution was on the first report not the second one because the second motion we have not seen the amendments but what I was proposing so that if we could have given Hon. Sudi and Chikati time to give us the amendments then we could see which way we are moving as a House, because we are just saying we are having amendments. That is why I said basing on the first report, and then we hand it over to the Committee on Implementation to ensure that they fill the gaps.

Mr. Deputy Speaker: Hon. Milliah, before you come up with that information, I want to say that as we approach this debate within a debate, of course we cannot pass a report or a motion without the substantive contents of amendment and I say that I do not want to lock out any member. We have to be impartial and fair so that you are heard but as we do that, you have to see the contents at the end of the motion. Hon. Milliah, what is your point of information?

Hon. Milliah Masungu: *(On a point of information)* Thank you, Mr. Speaker. I am rising on the same, that it's in your capacity to guide about the amendments that the Hon. Member has suggested and maybe give time on the same motion so that it remains in a state of progressive report as we wait for the amendment's to be provided. So you are at liberty to allocate time for the members who suggested the amendments, so that they can come up with amendments on the same report.

Mr. Deputy Speaker: Order members! We have to live within a House of rules, regulations and procedure. This is a motion within a motion. Remember that we have timelines on everything we do here. This is a motion within a motion and at the onset I said I do not want to lock any member out. Every member has to be heard and we have to be fair enough to every member and that is why I allowed the motion and said at the end of this debate, we must have a verdict on the same. The major motion is on-going but when a member moves that then we have the amendments in place Hon. Milliah, we cannot leave it in abeyance.

Hon. Millie Masungu: Hon. Speaker, now that they had proposed...

Mr. Speaker: We give them chance because you are not the one who proposed. The proposer who knows everything is there.

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Hon. Milliah Masungu: I know that the proposer is there, but I am just requesting that now that they have proposed, what do you advise in your capacity? Should you allow them to give us the amendments right now or what do you advise?

Mr. Deputy Speaker: Order members! I actually said unfortunately Hon. Milliah was not in when I gave out this guidance. Order members, we have to be orderly. When we move amendments, they are normally prepared so that at the end of the same debate we adopt them and we go back to the main debate and that is the procedure. Let us not try to circumvent and do other things apart from what is done. Members, I beseech you to understand and I have given, I did not lockout. Therefore, we proceed with the new motion and we were on Hon. Waiti. Kindly, let us move.

Hon. Wafula Waiti: Thank you, Hon. Speaker. You know I was almost getting confused because of what has been going on. Otherwise, I want to support the motion on amendments. When the committee went out to work for this House, you know already there is a law in place. I do not know if that law was considered so that the report comes up in the manner it is. When you look at Agricultural Act CAP 318, section 192 (a) that talks about the CESS collection; it is very clear that and if I may read that the Agricultural produce CESS usage is spelt out and specifically on roads that the 80 % goes back to that area that CESS has been collected for leaving 20% to the authority that is collecting the same. It is very clear and it spells out particularly in Bungoma County, Finance Act. It is there, so when you look at that, you may wonder how the resolutions came about and to my understanding, you know you cannot collect CESS from Sugar harvest, bring the same to the pool and go and maintain roads for Tobacco farmers and the law is very clear that it has to go back to the area with Agricultural produce...

(Applause)

So, we have to amend and this House must come up with a CESS Committee to cure this. The Assembly CESS Committee like these other committees will now assist in overseeing how this money is collected and remitted back. Is it within the framework of the law or is it just there as a cash cow for some members?

I sat there with my Majority Leader, when the committee was interrogating the officers concerned. And it was drama inside here, because some people just went there from the Finance Department, just to go there and share out money. For example my Ward was a beneficiary Ward.

While I was crying with the people over the same roads that had been earmarked to be worked upon, people were out dishing out money. There was drama here, and every person

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was blaming another. So I want to support the amendments, Honorable Speaker, that we amend the resolutions of this report, so that we strengthen the report. Thank you, Honourable Speaker.

Mr. Deputy Speaker: Thank you, Hon. Waiti, Member for Naitiri Kabuyefwe for your contribution, Hon. Allan Nyongesa.

Hon. Allan Nyongesa: Honourable Speaker, I also had some comments on the main report, but as you have guided, I reserve them for a motion to proceed.

I want to support, Hon. Sudi's motion, that actually we adjourn this motion and Honourable Speaker, using your wisdom, you give us time to go and enhance this resolution, so that we can tighten the recommendation made by this committee. Two weeks ago, Majority Leader raised some concerns about the Health report and Honourable Speaker, allowed the House to adjourn the motion, and we had time to make some new recommendations over the same report. So I beseech you, with your wisdom that you allow us to adjourn this motion. We have time to come up with new amendments, and we pass the report. I support.

Mr. Deputy Speaker: Thank you, Hon. Allan. Hon. Milliah Masungo

Hon. Milliah Masungo: Thank you, Honourable Speaker. I rise to support the amendment on the report. We have heard and read through the report, and seen the lapses in the report. It's clear from the interrogation that there was mismanagement of the CESS money, and mismanagement and utilization of that money has not come out clear.

I equally want to walk the talk with my colleagues who have supported the amendment, that this House is a House of Rules and Procedure. Any pronouncement on this House is a law in its own. We have to tighten the loopholes on the misuse of CESS, because some of us have suffered with these trucks passing on our road all the time, transporting cane to the factory, and we have not benefited with anything. The roads are in bad conditions, because whenever we complain, these factories have always told us that they pay CESS. So let us beef up that report properly, come up with rules and regulations that these members should follow, and even if there is that enactment of any law, we just support it with necessary requirements, so that these people can adhere to, and the CESS that comes to our County be utilized properly. We are in need of those roads, remember we are only using the little CESS monies to repair those roads, but whenever these roads have been misused, nobody cares to repair those roads.

On corporate responsibilities, there is no way we can walk around and even find a toilet only, or a boda boda shed from these factories that are using our roads. So I want to support the amendments that the report should be amended and put clear directives to these factories.

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Mr. Deputy Speaker: Thank you, Hon. Milliah Nanyokia. Leader of Majority,

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I also rise in support of the amendments. I remember when this report was being moved, the House was almost empty, and I want to thank Hon. Jack Wambulwa who requested that actually we postpone this, so that at least members can go through, and now I'm seeing some seriousness, so through your own wisdom, members are now alert, and they are seeing the need of maybe sitting in the House and going through the report. Kindly give us time so that in the afternoon, we see those amendments.

If this House continues this way, at least the County will change. But I'm again worried, because maybe we may end up having only five people in the House. So Members, kindly, let us also be serious, as this it will help our County.

Mr. Deputy Speaker: Thank you, Leader of the Majority. Hon. Benjamin Otsiula.

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I was restraining myself, because it is very embarrassing when a Member purports to propose an amendment, which is already captured in the report. So, as they are being given time, let them go and read the report, you cannot say we are amending and you don't have an amendment. When I moved this motion last week, my Members were here, we moved the motion at around 5:30 p.m. they sought to adjourn this debate. We felt very bad. Today morning, we have come back here, the very, House again is adjourning the motion. Honorable Speaker, that is very unfair to Members of the Ad Hoc Committee.

And let me point out this, Hon. Allan and Chikati are members from Tongaren. They were supposed to be seated in this House, because the problem emanated seriously from Tongaren, when they don't sit in the House and then they now come back here today to push us ahead. We're also getting tired.

Therefore, as we come back in the afternoon, if they don't have amendments, allow us to proceed with our report. If members want to throw out the report, they can do it. But at the end of the day, let them read the report, internalize, understand, because I see a situation whereby they have not gone through the report.

And as the majority leader says, we can give them a final chance to look at it, and I agree with our recommendations. Otherwise, I don't know at 2:00 p.m. whether Hon. Isaiah Sudi will now be there with the recommendations or not.

Mr. Deputy Speaker: Hon. Sudi, you are the mover, you will respond. Hon. Milliah,

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Hon. Milliah Masungo : *(On a point of information)* Mr. Speaker, I just want to ride on what the Honourable Chair of Ad Hoc Committee has just put across. We must understand that if an Honourable Member is not in this House, he might be out on official duty to service this County.

Secondly, as Honourable Members here, we have to give service to the community. We cannot come here, and just stamp a report just because Members have tabled and all that. We have to give substantive service to our community, back on the voters who have voted us. On that issue which is a thorn in the flesh and at 2:30 p.m, I have to promise that we will be full House because of this matter.

Mr. Deputy Speaker: Hon. Leader of the Majority,

Hon. Joseph Nyongesa: Honourable Speaker, I just want to inform the senior member from the floor that actually, when any member is out on official duty, it is always communicated by the Speaker. But when this report was being moved, we were very few, and there was no communication from the Speaker that members are out on official duty. We are here on behalf of our people who elected us here. So, we won't say that I'm here representing them, then I'm at home. It won't work, so members let's just be serious; we are all set.

Mr. Deputy Speaker: Hon. Milliah, you are shouting, please just relax. Hon. Milliah, you are a senior member.

Hon. Joseph Nyongesa: Mr. Speaker the moment the report of the Selection was read and approved, all members moved out. So there's no way we can come here and claim that actually we were out on official duty, when people moved deliberately out.

Mr. Deputy Speaker: Honorable Members, I may not give any other chance for information, because it's like we are oscillating around one thing. I want to make this directive; it's unfortunate that sometimes motions are moved inside here, on the floor of the House, and some of us are not in the Plenary, not because we have sought for permission, but because we are absent. Let us also accept that. Let us be fair and be present to attend to the call by the people whom we represent. So Members, this report has been around from last week, and I expected...

Order Members! We have to seek for Solomonic wisdom here. Members, this report has been here since last week, and we expect that even the amendments are ready. Nevertheless, they are not ready, and by the wisdom that we may have, I'm going to be fair to the House and to every Member here, that we adjourn the motion. Standing Order No. 108 that we adjourn so that Members who feel we have to beef up the report, can bring the amendments as required

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by the procedures of this House. Members, it's not a leeway; we must be responsible Members of this House. So as we do that, we expect that the Members will be present and want to see the House full during that time, so that we can move and debate these amendments, and we can go back to the original motion so that we proceed, I direct.

Honourable Members, that being our last item on the Order Paper, we adjourn and resume at 2.30 p.m. We adjourn.

COMMUNICATION ON THE ELECTION OF ELECTION OF CHAIR AND VICE CHAIR OF PAIC

Sorry Honorable Members, return the Mace, I'm getting confused because of the pressure. I want to do an addendum to my earlier communication concerning the Chairpersons and elections in various committees.

We left out the PAIC committee, and it's important that we also make it clear that there was election in PAIC Committee, and there was a Chairperson elected and Vice Chairperson elected.

On Public Accounts and Investment Committee, elections were done and results were as follows;

1. Hon. Everton Nganga-Chairperson
2. Hon. Job Mukoyandali- Vice Chairperson.

It has to be noted as an addendum of earlier communication made by this Chair, so, let it be known and taken care of.

We communicate them and congratulate the PAC leadership as they discharge their leadership of that committee.

ADJOURNMENT

We adjourn accordingly.

The House rose at 10:56 a.m.

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