

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 24TH SEPTEMBER, 2025

Afternoon Sitting

3rd County Assembly

Version 00

4th Session

Revision 00

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 24TH SEPTEMBER, 2025

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

1. VISITING DELEGATION

Honourable Members, I have communication to make in relation to the visiting delegation. I am pleased to warmly welcome students and teachers from Shakaina School located in Kimilili. The purpose of this important visit is to enable the learners gain practical insights into the workings and structures of the County Government as part of their social studies curriculum. The visiting delegation comprises of 142 students and six teachers. I will call the name of the teacher and he or she will be upstanding.

1. Mr. Oscar Mwasame
2. Madam Lynette Bosse
3. Madam Irene Ann
4. Mr. Collins Mwakha
5. Madam Sharon Akoya
6. Madam Marthah Simiyu
7. Madam Leah Nambu

(Applause)

Teachers you may resume your seats. I want to ask the students to be upstanding so that the Members can applaud you.

(Applause)

Thank you so much Shakaina students, you can get seated. Honourable Members at the statement hour, I will allow Members to make comments and encourage the learners for coming to learn.

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We shall have at most five Members including the Chairperson - Education and Vocational Training Committee.

2. AMENDMENTS

Honourable Members I also have a communication that arises from our morning sitting. I have the amendments, therefore, at the right time we shall have the same undertaken. Thank you. Next order.

QUESTIONS AND STATEMENTS

1. COMMENTS ON THE VISITING DELEGATION

Mr. Deputy Speaker: Hon. Charles Nangulu hold on. Let's make some short remarks and comments about the students from Shakaina School, Kimilili who have come to learn from this Assembly. The area Member of County Assembly for Kimilili or is it Kibingei? In the absence of the Hon. Aggrey Mulongo, any Member from Kimilili sub-county? The neighbouring ward, Hon. Millia Masungo...

Hon. Millie Masungo: Thank you Hon. Speaker to have given me this chance to welcome the pupils from Shakaina Academy from Kimilili. I am standing in for Hon. Mulongo because as you know, he's on another assignment by this Honourable Assembly. He's not around but before we finish he might come in. Having said that, I want to take this opportunity to welcome those pupils and their teachers for coming here to learn.

We are here as Honourable Members and I want to say that inside this House, we don't come just to sit comfortably on these chairs. We do our mandate as legislators. We legislate; we pass bills on this floor of the House. I think you have been taken through all this by the Sergeant-at-Arms and coming here just confirms maybe what we normally do.

I want to thank the teachers and students for choosing Bungoma County Assembly as a benchmark for their studies. Lastly, I want to assure the teachers and the parents that you gave us an able leader Hon. Mulongo who is our Minority Whip in this House.

We are sitted here as the minority side and the government side. The government side sits at the other end where the majority sits and you have seen the labels on our seats. They have labelled the Majority Leader, the Minority Leader. So right now, Hon. Mulongo could be sitting on this

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seat next to the Minority Whip. Welcome and I know you have been taken through by our Sergeants on the operations of this Assembly. Sit, enjoy and follow the proceedings. Thank you.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Millie Masungu. Hon. Tony Khaoya Barasa?

Hon. Tony Barasa: Thank you, Hon. Speaker I am not the Leader of Majority but I am the body guard to Leader of Majority.

Mr. Deputy Speaker: You are not. It was...

Hon. Tony Barasa: Hon. Speaker I want to first associate myself with the school. I am a former parent of Shakaina Academy in Kimilili. I am saying so because three years ago my daughter by the name Doreen Precious Barasa schooled in this school for almost three years and she's currently at Lugulu High School as a Form 3 student.

I was blessed to take my kid in this particular school because it's a school that is God-fearing. It has the highest disciplinary measures and I want to thank the teachers from Kimilili Shakaina Academy having thought to bring the pupils to this particular Assembly.

We want to appreciate the teachers for shaping the minds of our kids and transforming them to be the leaders of today and tomorrow. We want to applaud you for coming to learn in this House on what we are doing as MCAs with regards to legislation, oversight and representation.

Before devolution and the promulgation of the Constitution of Kenya 2010, the mandate we are undertaking now was majorly done at the national level, that is, the national government. After the promulgation of the Constitution 2010, we are dispensing these issues on representation, oversight and legislation in our counties. The students should know that we have a Speaker, Clerks and Members of the County Assembly. We also have the majority and minority sides as well put by my colleague Hon. Millia. We have able men and women who articulate issues affecting the residents of this county.

Hon. Speaker I want to wish them well as they follow the proceedings in this Assembly and as they enjoy their stay here in Bungoma before they travel back to Shakaina Academy in Kimilili. Thank you.

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Mr. Deputy Speaker: Thank you the Hon. Tony Khaoya Barasa, Member for Luandanyi. Next on line is the Hon. Godfrey Wanyama Mukwana, Member for West Sang'alo.

Hon. Godfrey Mukhwana: Thank you Mr. Speaker for giving me this chance. I want to take this chance to welcome the teachers and students of Shakaina Academy in Kimilili Ward. Learning is a continuous process. These students have come to Bungoma County to access the County Assembly of Bungoma. It is because these are the fruits of devolution. Without devolution, these students would have gone to Nairobi which was next to impossible.

I want to appreciate the teachers and the parents who voted in the Honourable Member for Kibingei for a second term. How I wish Hon. Mulongo was in this House. Despite his age, I request teachers and parents to add him 10 years. Two terms is not enough because he is still young and energetic.

Students, we urge you to be disciplined. Once you are disciplined, you will succeed in your future. I want to take this chance to thank the students and teachers for deciding to come to the County Assembly of Bungoma. Thank you.

Mr. Deputy Speaker: Thank you, Hon. Godfrey Wanyama Mukhwana for your contribution. Before the immediate former Chairperson of Education and Vocational Training comes let's have the Hon. Angeline Rugut.

Hon. Angeline Rugut: Thank you, Hon. Speaker, for giving me this chance to welcome the students from Shakaina Academy to this House. To the students, I want to encourage them to always abide by the pieces of advice given to them by their teachers and parents and all the other adults in their lives for it's important for their future preparation. I want to encourage them to put God first. For without God, nothing is possible in this world.

To the teachers, this is a good thing that you did today to have found it important to bring these students here so that they learn. You must have noted a lot of order around here. There's a lot of decorum in this particular place and I know as students, they have observed and when they go back there is something they are going to put into practice. The world is changing and therefore as teachers, your assignment is even more difficult. It's not only the content that is now important to the students but more so on behaviour development. We are following what is happening even in our country especially this term.

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There's so much unrest in schools and you realise that it's not only excelling in academics that is important to our children. Let's build their character. Let's teach them the importance of kindness, honesty, trust, hospitality and especially let's make them understand that we should always care for one another. We should always take care of our environment. So that as they grow up, they grow up as responsible citizens.

To the teachers, you realise that much has been done also for the teaching fraternity and like those of us; I am a teacher by profession. Those of us who taught in the past, currently there is much that teachers are enjoying. Like recently, when your colleagues went to State House maybe we have some of you here. There are so many goodies that were promised to you and especially the 10% affordable housing that was promised by the President. You might be seeing your amount whatever you earn as a small amount it's not little. Start small for if you don't start then you can't accomplish anything. So begin small and finally you will reach there.

I want to encourage you to devote more time to these learners; especially introducing them to the world of careers for careers are changing. Let them understand at this early age so that as they grow up, they are geared towards something that will profit them in life.

Thank you and as you go back, take our blessings and remember Hon. Mulongo so that when 2027 reaches, the parents may find it in their hearts to bring him back here. Take our greetings and God bless you. Thank you.

(Applause)

Deputy Speaker (Stephen Wamalwa): Very well. Thank you the Hon. Angeline Rugut for your remarks and comments. The Hon. Benjamin Jeremiah Otsiula, Member for Khasoko.

Hon. Benjamin Otsiula: Thank you Honourable Speaker. I also wish to appreciate the parents of Kibingei, most of whom are parents to the pupils before the House for electing Hon. Aggrey Mulongo to serve for a second term. While serving as the Chairperson of the Committee on Education and Vocational Training, Hon. Mulongo was my Member in that committee.

Both Mulongo and Mukhongo from Kimilili served on the Education and Vocational Training Committee. I can attest to the fact that he is a Member who values education and all of us know how he fought hard for the scholarship and other educational programmes to be effected. Therefore they gave the House a serious and dedicated Member who is serving that particular ward with zeal and determination.

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I also appreciate the teachers for doing a wonderful job of nurturing our pupils. This is a school that is dear to me because one of the pupils in this school that is Michael Juma, grade 5P is my maternal cousin. The mother is the one who used to take care of me when I was a small boy. She used to wash me and walk me to school. Therefore, as teachers are taking care of these pupils, I am also proud that my cousin is part of that community and he is growing up well and I believe he is going to be a successful person in future.

Finally, I urge the pupils to be disciplined because discipline precedes success. For my former Members of the Education and Vocational Committee, I must say thank you for the period that we have served together for almost three years in the committee. Continue fighting for the rights of our people and our children as you continue to better their learning environment and standards. Thank you.

Deputy Speaker (Stephen Wamalwa): Thank you so much, the Hon. Benjamin Jeremiah Otsiula for your remarks. Members that is the last Member to make remarks because of other items before us.

May I take this time on behalf of the Assembly and every other Member to also say you are welcome and I believe you have gotten insightful information that is going to shape and help our learners back in school. Bishop Ademba was my teacher, a teacher of Biology, good man and God-fearing. He shaped us into what we are today.

I believe the community of Shekinah, you have a wonderful man at the helm of the institution together with the church that the school is associated with. Take back our greetings and especially to Bishop Ademba, tell him we are proud and we proudly associate with him. May God bless you as you travel back to school. Next item?

2. RESPONSE BY THE CHAIRPERSON, COMMITTEE ON HEALTH AS REQUESTED BY HON. CHARLES NANGULU

Deputy Speaker (Stephen Wamalwa): Yes, the Hon. Tony Khaoya Barasa, Member for Lwandanyi.

Hon. Tony Khaoya: Honourable Speaker, a Report by the Committee on Health Services on the statement raised in the House by Hon. Charles Nangulu.

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The Committee on Health Services received a statement by Hon. Charles Nangulu in this House on 30th July, 2025 and referred the Committee to reply to Standing Order 47 (2) (c) of the Bungoma County Assembly Standing Orders. The statement was in relation to medical information that is majorly put across by one, Dr. Namaswa from BF Zuma Company across the county and more so on Sulwe FM, leading to county residents selling their assets to seek medical treatment, which is barely helpful leaving them vulnerable. The committee interrogated the matter on 25th August, 2025 and hereby provides a progressive report as follows.

On the academic qualification of Dr. Namaswa, they indicated that the department is not in position to tell or confirm the academic qualification. They said Dr. Namaswa is not a member of staff therefore none of his particulars, testimonials and credentials exist in the staff records of the department.

As to whether Dr. Namaswa works under a registered body nationally or in the county, the department said it is not in position to tell or confirm whether said Dr. Namaswa works under a registered body nationally or in the county, for his particulars or credentials are not known or exist in the staff records of the department.

As to the operating guidelines and medical equipment that he uses to offer services to the people of Bungoma, the department is not aware of any operating guidelines and medical equipment that he uses to offer services to the people of Bungoma for they have not been availed for adoption, review or approval.

As to why Dr. Namaswa is misleading and misinforming the public to an extent of them selling their assets to seek the exclusive treatment from his works under a registered body nationally or in the county, they said Dr. Namaswa is not in the ranks and file of the department. However, the issue can be referred to the relevant authorities for investigation.

Lastly, as to whether the Dr. Namaswa can avail himself before the relevant committee to provide further clarification together with his academic/professional testimonials, the department responded that since they don't have control, supervise, guide, direct or regulate said Dr. Namaswa, they cannot confirm his appearance as demanded.

It was established that the matter was both cultural and of the public health, since his practice borders that of the herbalist. It was resolved that the Director of Culture and Arts, Chief Officer

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and the Director of Health and Sanitation appear before the committee to respond to the issues raised in the statement and avail the said Dr. Namaswa as well.

The committee therefore requests this House to allow it interrogate the two departments and report to the House in two weeks' time. Honourable Speaker, I beg to report. Thank you.

Deputy Speaker (Stephen Wamalwa): Thank you, Hon. Tony Khaoya for the report. The owner of the statement, the Hon. Nangulu Charles Simiyu, Member for Namwela.

Hon. Charles Nangulu: Thank you, Honourable Speaker. We have the response from the Committee of Health from the department. As you can, see all the questions asked none of them has been answered. This is a serious case. Titles are not just taken like that. For you to be a doctor, you have to go to university for six years. You have to be in a teaching and referral Hospital to work to become a Doctor.

We have one Dr. Namaswa who is always on local radio advertising on how he's healing and treating people. He has been seen and we've heard him say that he treats diabetes, cancer, HIV and on each and every market day. Tomorrow we have a market day in Kamukuywa; I think he'll be there. If you go to that marketplace, there's a long queue, people paying KShs 500 to be tested by a particular machine that he uses and he prescribes and gives people medicine.

Where I come from, that is Sirisia, Namwela Ward, we've lost lives. People have sold animals. I have a friend and neighbor who has sold a piece of land, one acre, to give Dr. Namaswa so that he can get treatment. They end up dying. We don't want a person masquerading in the county, in the name of a doctor and treating our fathers and our people, cousins, mothers and aunties and getting money from them yet we know this particular person is not a doctor.

From reliable sources, this is a driver who worked in this county. A mere driver and now he's masquerading as a doctor. Actually, we are letting him go around and treat people. My wish...

Deputy Speaker (Stephen Wamalwa): Hon. Nangulu, are you trying to mean that he was an employee of the County government?

Hon. Charles Nangulu: Yes, from reliable sources.

Deputy Speaker (Stephen Wamalwa): Which department Hon. Nangulu? We can find that later. Very well. Proceed

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Hon. Charles Nangulu: Honourable Speaker, this driver in the name of a doctor, what we want is for him to come and sit here. Let him explain to us where he went for training as a doctor. He's a herbalist. Where does he get those herbs that he gives people? The herbs that he uses are very cheap...

Deputy Speaker (Stephen Wamalwa): Order Members! what Hon. Nangulu is saying is important, kindly lets consult in low tones so that we get him.

Hon. Charles Nangulu: I personally happen to be a paramedic. I'm able to interpret a prescription. I've seen one of his prescriptions it is just written in shorthand where nobody else can get to know what it is apart from himself. My wish...

Deputy Speaker (Stephen Wamalwa): Hon. Nangulu, maybe you can explain to us what shorthand is. Because you've said its shorthand understood only by himself. We need to understand the paramedic language.

Hon. Charles Nangulu: Honourable Speaker, shorthand means you scribble things understood by yourself. Nobody else can understand. It cannot be shared with anybody else. I'm sure you have saved people on your phone with a shorthand. You are the only person aware of that person. Shorthand is something meant your own understanding.

Deputy Speaker (Stephen Wamalwa): Yes.

Hon. Charles Nangulu: Honourable Speaker, there are prescriptions that are not legible. You cannot understand what it is. There's no prescription that is below Kshs 20,000. They range up to Kshs 100,000 depending on the disease that you have and the money that you have. In that spirit, I wish that this House allows this doctor to come and bring his credentials here. We know which school he went to, which college he went to. To share if he's a herbalist, whether he has a certificate from the herbalist body that we have in the country, so that we can be able to interrogate and make sure that our people in Bungoma are safe.

The committee has recommended that they share with the Gender department and then also get to know exactly who we are talking about. As they do that also, let Dr. Namaswa not only be left at the committee level, let him also come to this particular House, sit here so that the Members can be able to interrogate him. Thank you.

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Deputy Speaker (Stephen Wamalwa): Thank you, the Hon. Nangulu, Charles Simiyu, for your reaction on the report given by the Hon. Tony Khaoya. We are having on line the Hon Leader of Majority because of seniority let's give him before we go to the whip. Honourable Leader of Majority proceed.

Hon. Joseph Nyongesa: Thank you, Speaker. In fact, I want to appreciate the owner of this statement, for being concerned about the lives that are being lost through this, the so-called doctor. I have gone through the response, but you can also see that indeed the department is a don't care department. It doesn't want to be committed on it and that's why they are saying so.

I'm agreeing with the last sentiments of the owner of the statement that this House has got the powers of the High Court. Let's summon this person in this House, we interrogate him, we have our researchers, so that we make a follow-up and see what this person is doing to our people in Bungoma. Because if we lose again another life for the committee to interrogate the department, it's just a waste of time, because the department has shown that actually they don't care.

My humble request is that let's use our powers to summon that person here and interrogate him ourselves to save lives. Thank you.

Deputy Speaker (Stephen Wamalwa): Thank you, the Hon. Joseph Nyongesa Juma, our Leader of Majority. Hon. Isaiah Sudi Busolo, Member for South Bukusu?

Hon. Isaiah Sudi: Thank you, Honourable Speaker. Leader of Majority has said what I wanted to say. For sure the kind of response that has come from the Executive is wanting. If you are asked if Sudi is a Member of this Assembly, at least there are better words to use. A whole department I'm sure they regulate health services and they must know who are operating clinics. They cannot run away from their responsibility. Can I start a clinic and they will not know? I start treating people and the Health Department of Bungoma doesn't know. We have a dangerous leadership in the Department of Health.

You remember when I said they produce two pay slips to people with the same qualifications; one gets Kshs. 150,000 salary and another one gets Kshs. 50,000 and they don't care. That is the department that we have. Surely, someone pretending to be a doctor and treating people and you see the rate at which our people are dying.

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We are burying people every day, which is unusual. Mheshimiwa Rugut you come from Uasin Gishu, do you also bury people as we do in Bungoma weekly, daily? It is unusual and this could be some of the reasons. This is like Shakahola.

(Applause)

Let us not have Shakahola here in Bungoma and we sit on it until people die. Then we start excavating them as if we were not there, as if the government was not there. Let us have Namaswa here, because he has been advertising Suma week. Let us establish what this Suma Week and the benefits it has to our people. Because people can be brainwashed and refuse to go to hospital imagining that Suma week is the best.

Hon. Speaker, I agree with the leader that instead of this House allowing the Gender Committee to interrogate, let's have them as a Whole House, we deal with him and give direction on what next. That is why we are here. We are elected to deal with such like cases. Let your office invite them and hear how beneficial they are to our people and those who are selling their farms. Many people have died in Shakahola because of illicit faith and being brainwashed.

I urge this House that we have Suma and interrogate him. He is a Kenyan, let us see what he will offer so that he openly tells us what he does, if he is a herbalist or a witchdoctor. You know witches are also called witch doctors or a true doctor who has gone through modern medicine and is qualified to be called a doctor because even in our clinics at home or dispensaries we know the word doctor is always misused.

A nurse is referred to as a doctor and yet she cannot manage certain ailments, so a patient might die in his or her hands because of assuming the role of a doctor. Let us apply titles correctly. I agree with what the Majority Leader has suggested that your office directs that he comes here within our convenience and shares how he manages patients. I will be a patient on that day and I will want him to treat me.

Mr. Deputy Speaker: Thank you Hon. Isaiah Sudi. Members, we have our Leader of Minority here, Hon. Vitalis Wangila Sifuna, Member for Kabula.

Hon. Vitalis Wangila: Thank you Mr. Speaker. Let me also add my voice to what the Majority Leader and Hon. Sudi have just put across on the floor. Just as the Majority Leader has said, let our researchers here go and dig deeper into this particular matter so that they come up with the evidence that will allow us to pin him in case he will be invited here. I am being told that this is a person who gives prescription. When you go there with a tie, he can charge Kshs. 150, 000. If you have a T-shirt, he charges Kshs. 20,000 and gives the same prescription. What I have heard from Hon. Nangulu is that three quarter of the patients he attends to die.

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We are losing many people who visit him convinced that they will be healed with what he prescribes but at the end of the day they have lost their lives and if we continue like this, we are going to lose many people in Bungoma.

I need your guidance because when we invite him, I tend to think the CECM and Chief Officer Health should accompany him because there are some issues we also want them to clarify. We want to know why they have given him permission to continue giving illegal services to our people.

Mr. Deputy Speaker: Thank you Hon. Vitalis. We are finishing. We had Hon. Korir on line but I think he has declined. Let us finish with Hon. Tony on that issue so that I give direction on the same. Hon. Tony!

Hon. Tony Barasa: Honourable Speaker, I want to thank Hon. Charles Nangulu for coming up with this noble statement. As mentioned by Honourable Members who have just contributed and I think in your ruling, we can invoke the Standing Order 154 (1) so that a member may give a three day notice for the motion requiring the House to summon a person to appear before the House pursuant to the provision of Article 195 of the Constitution which does not limit us.

I am replying and you do not need to inform me. I would wish that we summon Dr. Namaswa to appear before this House because this is a County matter and we are losing lives. Remember I have just googled this BF Suma, it is like a pyramid scheme, the way the GNLD was. In fact it is not treating, they are just giving us supplements and it is becoming worse to our people. I beg that you listen to the voices of what the Honorable Members have said to summon Dr. Namaswa.

Mr. Deputy Speaker: Thank you Hon. Khaoya. Today you are so aggressive. Don't ask for information now. We are done. Hon. Nanyokia is comfortable.

Honorable Members, under Standing Order 254 (1) a Member may give a three days' notice of motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 195 of the Constitution meaning this House can summon the very person called Namaswa here especially if the departments are reluctant. They are not willing to help us support and protect our people. This House has the powers to summon the person pursuant to the provisions of Article 195 of the Constitution which reads and I quote Article 195(1) states; '*A County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.*

2. For the purposes of clause 1, an Assembly has the same powers as the high court to

a) Enforce the attendance of the witnesses and examining them on oath, affirmation or otherwise.

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I stop there Honorable Members so that I give directions.

Honourable Members, I give directions therefore that this House will require to have the said Namaswa in "Doctor" because I cannot refer to him as Dr. Namaswa. The said Namaswa should appear in this House accompanied by the Director of Gender and Health so that they can respond to the questions raised by Hon. Nangulu. In essence I mean, both the department of Health and Gender are involved. So, the directors of those two departments should appear here in the company of the said Namaswa on 8th October without fail. I therefore direct.

(Applause)

Hon. Tony!

Hon. Tony Barasa: Hon. Speaker, now that you have ruled and it is a County matter, I wish that you also emphasize because you have declared it is now like a high court investigation. Dr. Namaswa is under investigation, why can't you also direct that he should stop advertising going forward until the matter under investigation is completed.

Mr. Deputy Speaker: Honourable Members, I have directed and in essence the outcome is going to be far reaching and you know the media is just in business and therefore we cannot enforce that. They may be having a contract, we do not know what it is. Let us deal with the matter as it is a primary matter to that effect. Hon. Millia, do you have something?

Hon. Milliah Masungu: Yes Mr. Speaker. I was also interested in the department of Trade because this man is licensed in his operations on these markets maybe if we also know who gave him the license to be trading with our people.

Mr. Deputy Speaker: Thank you Hon. Nanyokia. Your matter is much in order but let us deal with the primary aim of trying to understand his qualification as a doctor in the medicine supposedly that he is offering, that will cure. Members, I think we put it to rest. I have directed so. The Clerks-at-the-Table will ensure that this directive is submitted to the relevant offices for action. Next item?

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MOTION

1. RESUMPTION OF DEBATE ON THE REPORT BY THE AD HOC COMMITTEE ON COLLECTION AND UTILIZATION OF AGRICULTURE CESS IN BUNGOMA COUNTY SINCE SEPTEMBER 2022 TO MARCH 2025

Mr. Deputy Speaker: Honourable Members, we are now back to the morning motion and there was a promise that the House will be full. Order Members!

I want to capture the attention of Hon. Sudi. The surveyors are sitting close and they are intimate in talk about issues that we may not know. Well, I want to call upon the mover who is Hon. Sudi now to read the proposed amendments to the ad hoc committee recommendations so that we can propose the same for debate and adopt.

You can resume your seat first. Members, sorry. Hon. Nanyokia, do you have a problem?

Now they are consulting. Members, I think when I saw that the said Namaswa should appear here, it should be 2.30 p.m. not in the morning, 8th October 2025, 2.30 p.m. Hon. Sudi!

Hon. Isaiah Sudi: Thank you Hon. Speaker for giving me this opportunity. Before I read, the document is signed by my seconder. I want to request that he reads on behalf of those of us who proposed amendments.

Mr. Deputy Speaker: It's you who proposed so you read even if he signed for you maybe because you do not know how to sign. There is no problem, you just proceed!

(Applause)

For as long as you own up that actually it is your proposal?

Hon. Isaiah Sudi: It is my proposal.

Mr. Deputy Speaker: Very well Hon. Sudi. They are joint proposals with other Members of this House. The proposal to ad-hoc recommendations are as follows;

1. Accountability of the County Attorney

That the County Attorney be held accountable for failing to provide proper legal advice during the development, review and signing of the Memorandum of Understanding (MoU) between West Kenya and County Government of Bungoma particularly for not establishing a clear and legally binding framework thereby exposing the County to legal and financial risks.

2. They expedite formulation of cess regulations.

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That the County Executive Committee Members (CECM's) for Finance and Agriculture fast track the formulation and operationalization of the cess regulation as required under Agriculture Act 2017 within 60 days rather than the previously proposed 90 days to ensure timely compliance with legal requirements and improve revenue governance.

3. Reduction of gazette period for cess points

That the gazette period for cess collection points within Bungoma County be reduced from 90 days to 60 days to accelerate operational efficiency and revenue collection. The process should be jointly coordinated by the department of Finance and Economic Planning and the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operatives in strict adherence to applicable laws and policies.

4. Immediate recovery of Kshs. 13,000,000

That the receiver of revenue immediately commences the recovery of Kshs.13, 000,000 in question failure to implement this and other recommendations should result in personal surcharge of the responsible County Executive Committee Members for Finance, Roads and Agriculture in line with the Public Finance Management Act and other relevant accountability frameworks.

5. That the County Treasury takes immediate steps to open and operationalize dedicated cess collection accounts for each point of collection or sub county as may be deemed appropriate and ensure regular reconciliation and reporting in line with Public Finance Management Act and other applicable regulations.

Those are the amendments. Do I call a seconder? I will call again my brother, friend, and Honorable member for Ndalutabani to second.

Mr. Deputy Speaker: Thank you Hon. Sudi. Hon. Chitekei Chikati Timothy!

Hon. Timothy Chikati: Thank you, Speaker. The proposed amendment to the Ad hoc Committee recommendations, number one, as proposed, will boost stakeholders' confidence. Number two, will enhance revenue management.

Number three, will enhance transparency and accountability and number four, will abide by legal compliance of Section 12 of the Act, which mandates that all CESS collected on agricultural produce must be deposited into dedicated account managed by the County treasury. Failure to establish such accounts constitutes noncompliance with the law. I second, Honourable Speaker.

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Mr. Deputy Speaker: Thank you, Hon. Timothy Chikati. Honourable Members, allow me now to propose a debate that this House adopts the report with amendments as proposed by the Hon. Isaiah Sudi on the Ad hoc Committee on collection and utilization of Agricultural CESS in Bungoma;

(Question proposed)

(Question put and agreed to)

The recommendations are adopted and therefore we fall back to the main report. Resumption of the main report, now the Chair can give reply.

Hon. Benjamin Otsiula (Chairperson, Ad Hoc): Thank you, Honourable Speaker. First of all, I want to appreciate all Members who have contributed positively and otherwise towards this motion. Honourable Speaker, I normally stand by my word and I want to go on HANSARD. When Members were debating this motion, they termed this report as being flat. I expected Members coming up with recommendations, Honourable Speaker, to say that we are recommending that so and so should be arrested and charged for this particular offense. If you listen to the recommendations that have been brought forward Honourable Speaker, it is just a matter of semantics; they are saying exactly what is in this report.

For the sake of moving forward with everybody, as Members of Ad hoc, we are happy that they have paraphrased our recommendations and we are now moving forward because now everybody feels to be on board. Honourable Speaker, when I'm replying, I cannot be informed. Let them give me a chance to respond Honourable Speaker,

Mr. Deputy Speaker: Members, I kindly urge you, Hon. Isaiah Sudi, let me give you the mic.

Hon. Isaiah Sudi: The language is unparliamentarily, and we can't allow it Honourable Speaker, we better adjourn. Because you see, what we have done, Honourable Speaker, they recommended ninety, we have given sixty days, and you can't see that there is a change. There was no surcharging in the report, now we have put surcharging, how can you say that it is semantics? Surely, what is that? There are no fools in this House? You see, we are all professionals in different areas, if we go that way, the statement must be withdrawn Speaker,

Mr. Speaker: I think we have another motion ahead of us. It should not be on what Hon. Sudi has said?

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Hon. Timothy Chikati: When we were conversing here to do the proposed amendments. We were with the Hon. Benjamin Otsiula, and he was trying to tell us, don't surcharge and don't reduce the number of days from ninety to sixty.

(Laughter)

Honourable Speaker, now we have reduced the number of days from ninety to sixty and we have proposed a surcharge because the recommendations were blank and we have tried to tighten Honourable Speaker.

Mr. Deputy Speaker: Okay, Honourable Members, Hon. Benjamin Otsiula, kindly be parliamentary, use a palatable language that can be absorbed by each one of us because we are a family and we are a House of rules and procedure and a respectable House. Kindly use a language that is friendly to every other Member.

Hon. Benjamin Otsiula: Honourable Speaker, I would not wish to mislead the House and I urge these Members to look at the report. If they feel that the report is not okay, they know what to do. I want to remain and stand with the position of my Committee Honourable Speaker. I withdraw maybe a word that I used which was not palatable to some Members. I withdraw to that extent, but what I'm saying is that we are speaking the same language that is not a bad remark. We are speaking the same language and I want to draw the attention of Members to page five of the report.

That is the terms of reference, Honourable Speaker. I want Members to understand the reason we recommended and to respond to their issues. We had terms of reference and I believe in the report we have answered all the terms of references. When the motion was brought to the floor of the House, the Committee was specifically tasked to work and answer those particular questions.

All those questions have been answered, perhaps it will have been difficult for the Committee to start considering other matters which were outside the terms of reference. Honourable Speaker, there is a serious concern on the Act, that is the Agriculture Act 2017. That's why I said Members should be very attentive. We have not done regulations, and this House has not passed regulations to govern that Act.

I want the Honourable Speaker, to call upon the House to ensure that as far as we are saying, the department should comply, the relevant committee, because we have recommended that regulations should be in place within sixty days, it is already adopted by the House. Once the

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regulations are in place, it will be easier to operationalize the Act, even the three accounts that are supposed to be created, they cannot be created unless the regulations are put in place. This is what the House must take note of.

Issue of thirteen million Kenya shillings, I want Members to understand this; thirteen million Kenya shillings, we arrived at this figure after realizing that in the CFSP there was a declaration that twenty one million Kenya shillings was paid as CESS in kind. After our thorough investigations and due diligence, the department of Finance and the department of Roads unanimously agreed that there was no CESS paid in kind. So, when we investigated on the issue, we followed West Kenya Sugar Company, who appeared before the Committee and agreed that indeed that figure, they did not pay that CESS in kind.

Therefore, out of a total of thirty seven million Kenya shillings, which was due from West Kenya Company, they paid and left a balance which was coming close to eleven million Kenya shillings. West Kenya clearly stated that they owe the County government of Bungoma and they will pay that amount of money. We also computed money made for fuel, which was about one million, eight hundred million, for the works that the committee considered not done.

But later on, the department produced documents and one of the Members from that respective region confirmed that the extra works had been undertaken. To that extent, we came up with a total figure of thirteen million as per recommendation number five, which is now CESS due. There is no need therefore the Committee to recommend for surcharging the CECM Finance or the CECM Roads when West Kenya Sugar Company had owned up and said they will pay that debt.

Honourable Speaker, on the issue of sensitization, we also realized after a fact-finding mission that most of the coffee factories and other sectors, apart from the sugar sector, were not even aware that they are supposed to pay CESS. I think we have recommended well that the County government take up the initiative through the Department of Cooperatives and do a sensitization program in line with the Bungoma County Agricultural Producers Act 2017 to ensure that these entities start paying CESS.

Honourable Speaker, there was a question on whether Companies are paying CESS or not. I say that in our analysis, especially if you look from page number, forty one then you come to the Committee findings on page number forty seven, Honourable Speaker, you will realize that we tabulated the amount of CESS being paid by each respective Company. We have also attached

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on the report statements of how this CESS was being paid. It was very difficult because when we went to the ground, we also faced a challenge.

The companies were very difficult in giving us bank statements because we also realized that the finance department was communicating directly to those Companies. A case in study is the Busia Sugar Factory in Busia, where it was very difficult to obtain information. But later on, Honourable Speaker, we managed to get the little information that pushed us towards this report because we were also working with timelines Honourable Speaker.

Finally, I want Members to look at recommendation number one, which generated a lot of heat in the Committee because some Members were feeling like we were directly punishing the CECM Finance for failing to advice on matters of MOU and occasioning the county government losses. Honorable Speaker, I want to be open. Some Members sitted here were friends of the committee when we were interrogating the CECM - Finance, the Chief Officer - Finance, the CECM - Roads, the Chief Officer - Roads and the entire department. It was clear and it is on HANSARD that the CECM - Finance at the time never participated in the making of this MoU. It was admitted by the then acting Chief Officer - Roads that participated. Honourable Members, it was difficult for the committee now to go and pinpoint and lay blame on the CECM - Finance. That is the reason we had as a Committee now to take cumulatively the evidence that was available to see how we can frame our recommendations and bring before this House.

Another clarification about the surcharging, I want this Honourable House also to understand that we had allowances and CESS money. Members are confusing and saying maybe we surcharge for the CESS. Our CESS, as per the committee's report, we have not lost it because it is still unpaid.

The biggest elephant in the room was how the allowances were being spent by the officers on the ground. That was where we were feeling like it was not clear how people are being remunerated while doing the exercise. However, Honourable Speaker, and this is the final issue, in this Committee we also had Members from Tongaren who are Members serving on this Ad hoc Committee. Honorable Speaker, they were also part of this MoU. When we were analyzing the MoU, they were also giving us first-hand information on what transpired and that is why at the end of the day, ended up with this document. I took my time and requested Hon. Timothy Chikati to appear before the Committee and assist us with further information before we compile this report. He appeared and deliberately refused and said that unless he is paid, he cannot provide information. Honourable Speaker, it is dangerous for him now to come and start amending the document. How I wish that had he appeared at that time, he would have really

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assisted us because we were informed that he had good information that would have propelled us to have better understanding.

Otherwise, I want to urge the House that despite the challenges and maybe where the committee did not satisfy you one hundred percent, we believe we did a thorough work and if we adopt this report and push the department to implement our recommendations, I believe we shall have a head start. Together with the amendments, we shall have a head start to see how we can streamline the issue of CESS within the County. I want to urge Honourable Members to support and approve the report with amendments therein.

Mr. Deputy Speaker: Thank you, Hon. Benjamin Otsiula, Chair - Adhoc. Honourable Members, allow me now to put the question that the motion;

(Question put and agreed to)

The report is adopted with its recommendations as amended. Thank you.

2. THE REPORT OF THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

Hon. Tony Barasa (Chairperson, Public Administration): Thank you Honourable Speaker. Sectorial committee on Public Administration and ICT report on the status of implementation of the Bungoma County Flags, Emblem and Names Protection Act.

PREAMBLE

Honourable Speaker, I am pleased to present this report on the status of implementation of the Bungoma County flags emblem and names protection Act of 2015. The information contained in this report was gathered through oral submission, analysis of documents submitted by the County Executive department of Public Service Management and ICT.

Committee membership

Honourable Speaker, the composition of the committee...

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Hon. Millia Masungu: *(On a Point of Order)* Honourable Speaker, it was pronounced on the floor of this House by the Speaker that whenever any motion is tabled, we have to be sure of the quorum of the committee. If you could remind the mover of the motion to show us the Members on Public Administration so that we determine if they meet the quorum.

Deputy Speaker: Very well, let the Members of that committee be upstanding...

(Members to Public Administration and ICT stand)

(Loud consultations)

Okay Members, for confirmation purposes we have Hon. Tony, Hon. Caleb, Hon. Joseph Juma, Hon. Jack Wambulwa, Hon. Busolo, Hon. Sundukwa, Hon. Chemion, Hon. Kaiser, Hon. Ipara, Hon. Kimeta, Hon. Chikati, Hon. Makhanu, Hon. Kuloba, Hon. Simotwo and Hon. Mukoyandali. The number is sufficient, proceed.

(Loud consultation)

The numbers are there and we expect that they are sitted up to the end. Proceed Hon. Tony

Hon. Tony Barasa: Thank You.

Committee membership

Honorable Speaker, The composition of the Committee on Public Administration and ICT at the time of the preparation of this report was as follows:

- | | |
|----------------------------|------------------|
| 1. Hon. Tony Barasa | Chair person |
| 2. Hon. Caleb Wanjala | Vice chairperson |
| 3. Hon. Joseph Nyongesa | Member |
| 4. Hon. Jackson Wambulwa | Member |
| 5. Hon. Busolo Sudi | Member |
| 6. Hon. Francis Chemion | Member |
| 7. Hon. Simotwo Franklin | Member |
| 8. Hon. Grace Sundukwa | Member |
| 9. Hon. Johnston Ipara | Member |
| 10. Hon. Polycarp Kimeta | Member |
| 11. Hon. Cornelius Makhanu | Member |
| 12. Hon. Timothy Chikati | Member |

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13. Hon. Stephen Kaiser	Member
14. Hon. Jeremiah Kuloba	Member
15. Hon. Job Mukoyandali	Member

ACKNOWLEDGEMENT

Honorable Speaker,

I wish to thank all the Committee Members for their input, dedication and valuable contributions during the entire exercise.

The committee also appreciates the Offices of the Speaker and the Clerk to the County Assembly for the logistical support accorded to the committee in exercise of its mandate of oversight. The Committee further wishes to record its appreciation to the County Assembly secretariat attached to it for their dedication during the exercise.

Finally, the Committee appreciates the County Executive team led by CECM Public Administration for providing the requisite information and documents that eased the committee work.

It is therefore my pleasant duty on behalf of the committee to present this report for consideration and approval by this Honorable House.

The report is signed by Hon. Tony Barasa, the Chairperson.

CHAPTER TWO

LEGAL PROVISIONS

1. The Constitution of Kenya, 2010

Honorable Speaker, The Constitution provides the foundational legal framework for governance and devolution in Kenya, including the use and development of National and County symbols:

Article 9(2): Recognizes and protects national symbols such as the national flag, national anthem, coat of arms, and public seal, which represent the sovereignty, unity, and identity of the Republic of Kenya.

Article 186(3): Clarifies that any function not specifically assigned to county governments remains the responsibility of the national government, reinforcing the need for a clear delineation of roles.

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Fourth Schedule (Part 2, Paragraph 4): Assigns functions related to cultural activities, public entertainment, and public amenities to county governments. This provision enables counties to promote their unique identities, cultures, and heritage, forming the constitutional basis for counties to establish and regulate their own symbols, including county flags, coats of arms, and seals.

2. The County Governments Act, 2012

This Act operationalizes devolution and empowers Counties to establish governance structures, including legal authority over county symbols:

Section 4: Grants each County Government the power to enact legislation prescribing its own official symbols, such as the county flag, coat of arms, and public seal.

The Act requires that:

- a) The development of these symbols follow a **consultative process**, ensuring public-participation and cultural inclusivity.
- b) The symbols must be **approved by the County Assembly**, promoting accountability and legitimacy.
- c) The use of County symbols should be governed by county legislation that aligns with the national standards and values established under national law.

OVERVIEW OF THE BUNGOMA COUNTY FLAGS, EMBLEMS AND NAMES PROTECTION ACT 2015

Honorable Speaker,

This is an Act of the County Assembly of Bungoma to prevent the improper use of the County Flag and certain Emblems, Names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain Flags.

Section 1 outlines the short title and commencement of the Act. The Act was assented to on 1st July 2015.

Section 2 outlines the object and purpose of the Act which prevents the improper use of the County Flag, County Emblem and tile of the Governor.

Section 3 stipulates the interpretation of terms and phrases used in the Act.

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Section 4 declares the Bungoma County Flag, County Public Seal and the County Coat of Arms outlining their design and descriptions in Part 1 of the Second Schedule of the Act.

Section 5 of the Act outlines the penalty for insulting a County Flag, Emblem and name.

Section 6 stipulates the prohibitions of proper use of the County Flag, Emblem and name.

Section 7 outlines prohibition of display of county flags.

Section 8 stipulates the officials authorized by the Act to fly the County Flag, as the Governor, Deputy Governor and Speaker of the County Assembly.

Section 9 outlines the places and occasions where the County Flag shall be hoisted.

Section 10 gives power to the Chief Officer as the custodian of the County Flag, Emblems, Coat of Arms and all other symbols protected by the Act.

Section 11 gives the CECM power to amend the First Schedule

Section 12 gives the CECM delegated authority to make regulations outlining the specific areas of concern.

The First Schedule stipulates the County Emblems, Names and Words and the Offices and dignities recognized by the Act.

The Second Schedule provides the visual presentations and descriptions of the County Flag, the County Seal and the County Coat of Arms.

2.1.1. Objectives of the Act

Honorable Speaker,

The objectives of the Act is to provide a legal regime to prevent the improper use of the County Flag, County Emblem and title of the Governor for professional and commercial purposes.

Background Information.

Honorable Speaker,

In the first County Government, there was a tendency of flying the County Flag by the CECMs in their official vehicles. This was considered a misuse as members felt use of the flag was supposed to be a privilege of specific offices. It was therefore paramount that a legal framework

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is provided to prevent the improper use of the County symbols and have them used only for the intended purposes and by the authorized offices/officers.

Implementation Status of Act.

The Bungoma County Flag, Emblems and Names Protection Act , 2015 was enacted by the County Assembly in 2015 and its implementation commenced upon assent by H.E the Governor and publication in the Kenya Gazette.

Establishment of Implementing Agencies as outlined in the Act.

The Act is majorly self-executing. However, as provided under Section 12 of the Act, the CEC Member in-charge of Public Service and Administration may, make regulations for the better carrying into effect the provisions of the Act.

The Act established the Chief Officer of Public Service Management and Administration as the custodian of the County Flag and Emblems. Section 10 of the Act has been fully implemented with the appointment of the Chief Officer in charge of Public Administration. Enforcement of the provisions of the Act is a mandate of the County Enforcement Officers who are answerable to the Chief Officer and CECM Public Service Management and Administration.

Section 10 of the Act provides for the Chief Officer to be the custodian of the County Flag, County Emblem, Coat of Arms and all other symbols protected by this Act. The County symbols are currently under the custody of the Chief Officer and the committee emphasizes on the need to put measures in place to ensure their safety and security.

Design of the County Flag, public seal and coat of arms

Section 4 of the Act provides for the design of Bungoma County Flag, County public seal and the County coat of arms. The second schedule of the Act outlines the designs. The County Government has implemented and operationalized the County Flag, Coat of Arms and County Public Seal in the form and design outlined in the second schedule.

Persons authorized to fly the County Flag

Section 8 of the Act provides for persons authorized to fly the Bungoma County Flag as the Governor, Deputy Governor and the Speaker of the County Assembly. This provision has been fully enforced with the Governor, Deputy Governor and the Hon. Speaker flying the County Flag in their official vehicles.

Hoisting of the County Flags

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Section 9 of the Act outlines the places and occasions where the County Flag shall be hoisted. The County flag is usually hoisted at official functions attended by the Governor, the Deputy Governor. It is also routinely hoisted at the County headquarter offices and Sub-County Offices

The County flag is however not hoisted in the Ward Offices and Village units due to absence of operational offices at the village levels. The flags have also not been hoisted in the institutions of learning i.e the ECDE's and Vocational Training Colleges. In response, the department acknowledged that the flag has not been hoisted in the ward offices and institutions of learning majorly due to lack of awareness by the administrators. It was submitted that the department was in the process of issuing an advisory to the administrators and County institutions of learning to create awareness and to implement and adhere to the provisions of the Act.

Formulation of Regulations

Section 12 of the Act provides for formulation of regulations by the CEC Member of Public Service Management Administration. As at the time of production of this report, the relevant regulations were yet to be enacted and approved. In their submission, the department has prioritized the formulation of the regulations to fully operationalize the Act in the FY 2025/2026 annual budget in consultation with all relevant stakeholders.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

Honorable Speaker,

The Committee made the following observations.

1. The Act has been well implemented and achieved most of its objectives as outlined below:
 - a) The County has implemented and operationalized the use of the County Flag, Coat of Arms and County Public Seal in the form and design outlined in the second schedule as evidence in the official communication documents.
 - b) The County Flag is flown by the Governor, Deputy Governor and the Honorable Speaker in their official vehicles as per the provision of Section 8 of the Act.

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- c) The County Flag is hoisted at official functions attended by the Governor and Deputy Governor as provided for in Section 9(1) (a) of the Act.
 - d) The County Flag is hoisted routinely at the County headquarter offices and Sub-County Offices.
 - e) The County Flag is also hoisted at the County Assembly in accordance with Section 9(1) (e) of the Act.
- 2. Contrary to the provisions of Section 9 (c) of the Act, the County Flag is currently not hoisted in the Ward offices and Village Unit since operational offices have not been established at the village levels.
 - 3. Additionally, contrary to the provisions of the Section (d) of the Action, the County Flag is not hoisted in the ECDE centers and Vocational Training Centers within the County.
 - 4. The Act allows the relevant County Executive Committee Member to formulate Regulations for the better carrying into effect the provisions of this Act. However, there are no Regulations pursuant to the Act that have been submitted to the House for scrutiny and consideration.

COMMITTEE RECOMMENDATIONS

Honorable Speaker,

The Committee recommends as follows;

1. THAT the County Executive Committee Member for Public Administration should, pursuant to Section 12 of the Bungoma County Flag, Emblem and Names protection Act, 2015, formulate the necessary Regulations within 90 days after adoption of this report. The Regulations should provide for the following;

- a) Prescribe other occasions upon which other persons by whom and the manner in which the County flag may be flown or displayed subject to approval by the County Assembly.
- b) Any other place not outlined in the Act where the flag shall be hoisted or displayed.
- c) Prescribe the days and times during which the County flag shall be flown.

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- d) Prescribe the standard sizes, dimensions, proportions and colors of the County Flag for all or any purposes without detracting from the general design depicted in the Second Schedule.
- e) The conduct and etiquette to be followed in flying or other use of the County Flag.
- f) Prohibit, control or restrict the use of any specified emblem, specified likeness or specified name.
- g) Regulate the manner in which an application may be made to the office of the CECM for permission under Section 6 of this Act.
- h) Prescribe the form of any license by which such permission may be given and fix the fee for such application and license.
- i) Prescribe on the introduction of documents requiring the official use of the protected symbols.

2. THAT, that the County Executive Committee Member for Public Administration should ensure full compliance to the provisions of Section 9 of the Act by ensuring the County Flag is hoisted in the County in VTCs and ECD's ward, village and schools. There is need for sustained awareness to the administrators of the institutions to sensitize them on the provisions of the Act.

Adoption schedule

The members of the sectoral Committee on Public Administration and ICT hereby adopt and append their signature on this report with the contents therein. I will want to welcome Hon. Job to second the report

Hon. Job Mukoyandali: Thank you Hon. Speaker. Let me first of all laud my Chairperson for having eloquently moved that report. It is giving advice on how we are going to be using our County flags and emblem. Most of the time, these flags have been misused by some members in this County but the passing of this report will give a proper direction on how we can manage their use.

I just want to urge this House that we pass this report so that from today onwards, we get a proper direction on utilizing the flags and emblem. I second.

Deputy Speaker: Thank you Hon. Job for seconding the report. Allow me now to propose the same for debate;

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(Motion proposed)

(Question put and agreed to)

Clerks-at-the-Table to ensure that the report is transmitted to the relevant offices for action as recommended.

ADJOURNMENT

Honourable Members that was our last item on the Order Paper of the day. We shall adjourn and resume tomorrow at 2:30 p.m.

The House rose at 4.11 p.m.

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