

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 5TH NOVEMBER, 2025

Afternoon Sitting

3rd County Assembly
Version 00

4th Session
Revision 00

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 5TH NOVEMBER, 2025

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable Members, I wish to make some adjustments on our Order Paper for today; that motion on the Committee of the Whole House, under item number 10, will come immediately after item number 7. Then motion under 8 and 9 will come in that order. Therefore, when we finish with item number 7, will go to the Committee of the Whole House, because looking at item number 3 and 5, we will resume from where we had stopped. That will be the procedure of proceedings. Let's proceed.

MOTION

COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY LIVESTOCK BILL 2025. RESUMPTION OF BUSINESS

Mr. Speaker: I invite the Chairperson of the Committee of the Whole House to come over. Equally, I invite the sergeant to lower the Mace to move into Committee of the Whole House and resume from where we stopped. All will be upstanding!

(House collapsed into Committee of the Whole House)

COMMITTEE OF THE WHOLE HOUSE

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Temporary Chairperson (Committee of the Whole House): Honourable Members, you can have your seats and welcome to the Committee of the Whole House. We shall continue from where we stopped.

CLAUSE 40: GUIDELINES

Temporary Chairperson (Committee of the Whole House): Okay, clause 40, without amendments.

(Question that Clause 40 be part of the Bill, proposed)
(Clause 40 agreed to)

Temporary Chairperson (Committee of the Whole House): Hon. Johnston Okasida Ipara.

Hon. Johnstone Okasida: Honourable chair, I wanted us to revisit clause 39 because 14, 15 and 38 will come under amendments, even 39.

Temporary Chairperson (Committee of the Whole House): It's considered, sir.

Hon. Johnstone Okasida: Thank you, Honourable chair.

Temporary Chairperson (Committee of the Whole House): Next, Yes Chair

Hon. Benard Kikechi (Mover): Chair, you guide us because on clause 39, we had already voted on it before we adjourned. That was on clause 38 and 39, now, is it in order to bring an amendment on something that was already voted for? I just need some guidance.

Temporary Chairperson: (Committee of the Whole House) I thought we reached 38.

Hon. Benard Kikechi (Mover): No, we voted on it, Honourable chair.

Temporary Chairperson (Committee of the Whole House): Yes, 38.

Hon. Benard Kikechi (Mover): We voted?

Temporary Chairperson: Okay, we shall be guided. Let's finish what we are having and then as we go for amendments, we shall also come to 39 and then we shall be guided on what to do. Thank you.

Hon. Benard Kikechi (Mover): Thank you, chair.

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Temporary Chairperson (Committee of the Whole House): So, next

CLAUSE 41: REGULATIONS.

Temporary Chairperson (Committee of the Whole House): Chair.

Hon. Benard Kikechi (Mover): Thank you, Honourable chair, that Sub clause 41(4) of the bill be deleted in its entirety. Justification is the delegation of powers is already provided under the statutory instruments act.

Temporary Chairperson: Thank you, chair, Honourable members.

(Question for amendment proposed)
(Question put and agreed to)
(Question that Clause 41 as amended be part of the Bill, proposed)
(Question put and agreed to)

Go to the next one.

CLAUSE 42: SAVING AND TRANSITION

Temporary Chairperson: Chair?

Hon. Benard Kikechi (Chair - Trade): Thank you, Honourable Chair. On Clause 38, that Sub clause 38 (2) of the bill be amended by deleting the word 10.

Temporary Chairperson (Committee of the Whole House): I mean 38, really? We are on 42?

Hon. Benard Kikechi (Chair - Trade): Thank you, Honourable chair, we are on clause 42.

Temporary Chairperson (Committee of the Whole House): Yes.

Hon. Benard Kikechi (Mover): That clause 42 of the Bill be amended by inserting a new sub-clause (2) to read, the livestock sale yard in operation before this act comes into force shall continue to operate until such a time as the County government complies with the standard sale yard requirements set out in this Act. Justification is to allow seamless transition, Honourable chair.

Temporary Chairperson: Thank you chair, Honourable members.

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(Question for amendment proposed)
(Question put and agreed to)
(Question that Clause 42 as amended be part of the Bill, proposed)
(Question put and agreed to)

Next.

NEW CLAUSE 43

Temporary Chair (Committee of the Whole House): Chair?

Hon. Benard Kikechi (Chair - Trade): That a new clause 43 be introduced in the Bill to state as follows;

43. All fees and charges prescribed under this act shall be as set out in the eighth schedule.

Honourable chair, the justification is that the new clause provides a clear legal basis for all fees and charges under the Bill by linking them to the eighth schedule. And Honourable Chair, the new schedule, that is the eighth schedule, fees and charges, that is the clause 43, that's as indicated, I don't know whether I should go through it or?

Temporary Chairperson (Committee of the Whole House): Yeah, go through them.

Hon. Benard Kikechi (Chair - Trade): Thank you, so we have three, the description fee, unit measure and the charges. So on cattle in.

Temporary Chair: Okay, Chair, just a minute for consultation. Okay we just reached justification, let's consider the new clauses first and then later on we shall come to schedule.

Hon. Benard Kikechi (Chair - Trade): Well guided, chair.

Temporary Chair (Committee of the Whole House): Okay, thank you Honourable members.

(Question of amendment proposed)
(Question put and agreed to)
(Question that new clause be part of the Bill, proposed)
(Question put and agreed to)

SCHEDULES

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Schedule; First schedule, conduct of the business and affairs of the committee. Second schedule, conduct of the business and affairs of livestock marketing groups. Third schedule, livestock sales records. Fourth schedule, application for livestock sale, Livestock sale, yard license. Fifth schedule, livestock sale yard license. Sixth schedule, application for replacement of livestock sale yard license. Seventh schedule, livestock sale yard license review.

Temporary Chair (Committee of the Whole House): Okay, Honourable Members, we are on the schedules.

(Question of amendment proposed)

(Question put and agreed to)

(Question that Schedule 1-7 be part of the Bill, proposed)

(Question put and agreed to)

NEW SCHEDULE: THE EIGHTH SCHEDULE

Temporary Chairperson (Committee of the Whole House): Chair?

Hon. Benard Kikechi (Mover): Thank you, this is the eighth schedule, the fees and charges applicable under new clause 43

EIGHTH SCHEDULE

FEES AND CHARGES

Description of fee or Charge on Service	Unit of Measure	Charges
Stock Livestock Yard	Per head	
Cattle in (No sale)	Per head	50
Cattle Out (Sold)	Per head	100
Pigs/Sheep/Goat in	Per head	50
Pigs/Sheep/Goat out (sold)	Per head	70
Donkey/horse in	Per head	50
Donkey/horse out(sold)	Per head	100
Poultry	Per head	10
Stock Movement		
Cattle/ Donkey movement permit	1-20 Animals	50
	21-50 Animals	75
	Above 50 Animals	100

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Sheep/Goat/ pig movement permit	1-50 Animals	50
	51-75 Animals	
	Above 75 Animals	100
Private sale yard license		50,000 (Annually)

That is the eighth schedule, Honourable Chair.

Temporary Chairperson (Committee of the Whole House): Honourable members, are you looking at that schedule? Okay, it is on the Order Paper. I hope you've seen it that is what *Mheshimiwa* Chair of the committee is going through. The schedule that we are putting in there; what we are going through. So, I think we are done with that.

Now we want to go back to clauses that needed amendments, that is Clause 2

CLAUSE 2: INTERPRETATION

Temporary Chairperson (Committee of the Whole House): Chair, will you take us through the interpretation

Hon. Benard Kikechi (Mover): This is the interpretation of clause 2 Honourable Chair, that clause 2 of the bill be amended as follows. In the definition of committee, delete the phrase section 6.1, appearing immediately after the words pursuant to, and replace it with phrase section 7.1. So as to read, committee means the Bungoma County Livestock Sale Yard Management Committee established pursuant to section 7.1 of this Act. The justification is to correct a wrong citation.

In the definition of inspector, delete the phrase section 9, appearing immediately after the words pursuant to, and replace it with the phrase section 11, so as to read, inspector means a person designated as a Livestock Health Inspector pursuant to section 11 of this Act. The justification, Honourable Chair, is to correct a wrong citation.

In the definition of Livestock Sale Yard, delete the phrase section 5, appearing immediately after the words pursuant to, and replace it with the phrase section 6. So as to read, Livestock Sale Yard means a place designated as a Livestock Sale Yard pursuant to section 6 of this Act. Honourable Chair, the justification is again to correct a wrong citation. That is it on Clause 2, on interpretation.

Temporary Chair (Committee of the Whole House): Okay, thank you Chair.

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(Question of amendment proposed)
(Question put and agreed to)
(Question that Clause 2 as amended be part of the Bill, proposed)
(Question put and agreed to)

LONG TITLE, THEN WE HAVE THE CLAUSE 1, SHORT TITLE AND COMMENCEMENT

Temporary Chairperson (Committee of the Whole House): Honourable Members.

(Question of amendment proposed)
(Question put and agreed to)
(Question that Short Title and Long Title as amended be part of the Bill, proposed)
(Question put and agreed to)

Now we go back to Clause 14

CLAUSE 14: SALE OF LIVESTOCK

Temporary Chairperson (Committee of the Whole House): Chair, we are doing amendments, Hon. Johnston Okasida Ipara, you are the one to take us through.

Hon. Johnstone Okasida: Thank you, Honourable Chair. Honourable Chair, I want to draw your attention to Standing Order No.151 on the procedure upon the committal of a Bill. And it is alleged elsewhere that Clause 14 and 39 had earlier been addressed. And I want to believe, Honourable Chair, Clause 151

Temporary Chairperson (Committee of the Whole House): Did you talk about 14?

Hon. Johnston Okasida: I'm saying among the amendments that I'm bringing up, Honourable Chair, it will include 14, 15, 38 and 39.

Temporary Chairperson (Committee of the Whole House): We shall go one by one.

Hon. Johnston Okasida: I was only addressing some issues, where maybe some Honourable Members will feel that there's a challenge or a clause was earlier discussed. Honourable Chair, Standing Order No. 151 addresses that and cures it in totality, therefore, Honourable Chair, I proceed to Clause 14.

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Temporary Chairperson (Committee of the Whole House): *Mheshimiwa* Johnstone Okasida we are following the procedure, not doing as we want to make it happen, let us follow the procedure. So just go directly to that is Clause 14.

Hon. Johnston Okasida: Thank you, Honourable Chair, I proceed, Honourable Chair, Clause 14.

Temporary Chairperson: (Committee of the Whole House) Just a minute, Hon. Johnston Ipara. Let's listen to the Chair, maybe he has a concern.

Hon. Benard Kikechi (Mover): Honourable Chair, for us to move swiftly, I wish that you properly guide so that we go step by step and we move smoothly, so that we can dispense this Bill, we move to other issues, Honourable Chair. Instead of just going in a blanket form and we are not doing it procedurally Honourable Chair.

Temporary Chair (Committee of the Whole House): I think I've just said we go procedurally, we start with 14, do 14, finish that, and then I'll give you the next one, Okay, thank you, Hon. Everton Nganga, Chair

Hon. Benard Kikechi (Mover): You see, is it procedural for him to shut me down and I am the Chair of the Committee, Honourable Chair, I am the Chair of this Committee.

Temporary Chair (Committee of the Whole House): You are protected.

Hon. Benard Kikechi (Mover): Let him be called to order, Honourable Chair. Chair, can you be in charge? Honourable Chair, can you be in charge?

Temporary Chair (Committee of the Whole House): Honourable Nganga please.

Hon. Benard Kikechi: This is a House of Rules and Procedures, Honourable Chair

Temporary Chairperson (Committee of the Whole House): Okay, let us go step by step.

Hon. Benard Kikechi (Trade): Are they in order to shout at me, Honourable Chair?

Temporary Chairperson (Committee of the Whole House): Now, Honourable Chair Agriculture, bring your concern.

Hon. Benard Kikechi (Mover): I just wanted to inquire to your office Honourable Chair, is it in order?

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Temporary Chair (Committee of the Whole House): No he is the Chair.

Hon. Benard Kikechi (Trade): Yes.

Temporary Chairperson Committee of the Whole House): Where is your Chair? He is the Chair. Yes, he is the chair so.

My question is this.

Temporary Chairperson (Committee of the Whole House): Excuse me, we are dealing here with the Committee of Agriculture, and he is the Chair of Agriculture, that's why I'm addressing him as the Chair of Agriculture.

Hon. Benard Kikechi (Trade): Yes, that is it, thank you.

Temporary Chairperson (Committee of the Whole House): And he is giving us guidance, that is it, Chair.

Hon. Benard Kikechi (Trade) Thank you, Honourable Chair, mine was just a question about these amendments, because, Honourable Chair, this is a House of Rules and Procedures. Have the amendments been received procedurally or what are we doing, Honourable Chair?

Temporary Chairperson (Committee of the Whole House): They have been received procedurally and now, that's why we are moving, I think before we left the House and previously we said that it has to be done procedurally where Honourable Johnston Okasida Ipara had to put in writing and brought on the table of the Chair of the whole House. And now, here is when we are now discussing the matter. So, we are giving Honourable Member Johnston Ipara to come up and we are starting procedurally with the Clause 14. So, Hon. Johnston Ipara, you started with 14 and then you got to 38, those are the ones that you had suspended. 14 after that, then 38. Then, 15 will come later because that's what we are considering as new amendments there, Yeah.

Hon. Johnstone Okasida: Honourable Chair, I did sit down with the Hon. Joseph Juma Nyongesa the Majority, and we agreed that we consolidate our amendments as one. And he will be the one who will be seconding all these amendments.

Temporary Chairperson (Committee of the Whole House): But Clause by Clause,

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Hon. Johnston Ipara: Honourable Chair, as you've directed me, after completing 14, I will wait for your guidance.

Temporary Chairperson (Committee of the Whole House): Okay

Hon. Johnston Okasida: Honourable Chair, Clause 14, that Clause 14 of the Bill be amended by inserting a new Clause to be sub clause 14 (2) and renumbering sub clauses 14 (2) as sub clause 14 (3). To read as follows, Honourable Chair:

A person shall be admitted into designated Livestock Sale Yard upon payment of fees and charges as prescribed under Schedule 8 of this Act.

That Clause 14 (2) be amended by deleting the following words. Not exceeding Twenty Thousand shillings or an imprisonment term of one month or to both and substituting with five percent of the total value cost of the livestock.

So that it reads, Honourable Chair, Yes Clause 2.

A person who sells livestock outside the precincts of a designated Livestock Sale Yard commits an offence and shall, on conviction, be liable to a fine of five percent of the total value cost of the livestock. Honourable Chair, I want to call upon Hon. Joseph Nyongesa to second.

Temporary Chairperson (Committee of the Whole House): Yes, Hon. Joseph Nyongesa Majority to second

Hon. Joseph Nyongesa: Thank you Chair. I rise to second, and chair what...

Temporary Chairperson (Committee of the Whole House): *Mheshimiwa* Jeremiah Kuloba, can we have one meeting?

Hon. Joseph Nyongesa: What we thought of is that, and we can also give example; one five percent of the total value of what the animal has cost. For example may be a bull is costing One Hundred and Twenty Thousand, five percent of One Hundred and Twenty Thousand is six thousand and that one by so doing at least we shall be fair to that livestock seller. If may be a cork is costing one thousand five percent of one thousand is fifty shillings and by so doing we shall also be contributing to revenue of our County.

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We have also dealt with the issue of imprisonment. You know Chair as a County we don't have a Court, so we cannot imprison. Where shall we be imprisoning? So Chair. I second that the total value will be charged at five percent.

Temporary Chairperson (Committee of the Whole House): Honourable Chair Committee of Agriculture... Ok, I now propose.

Hon. Benard Kikechi (Mover): Before you propose Chair, you have allowed me to talk about...

Temporary Chairperson (Committee of the Whole House): Just sit down first Honourable chair. I will give you the way forward as per House of Rules and Procedures. Sit down *Mheshimiwa* Sudi first. I will give you the way forward. Honourable Members, I now propose Clause 14 to be amended as proposed. Now Hon. Isaiah Sudi you can now come up with your information or rather way forward.

Hon. Isaiah Sudi: It is just information Chair. When we say that the Counties don't have Courts, and you know is it true, because the Courts we have in Kenya are for both National and County government. You want to tell me a thief who has stolen a property that belongs to the County will not be taken to Court, so we have Courts only that may be, no we have a Court here and it has been jailing our people, it has been solving County issues.

So Chair, let's do a document for posterity. Let us not fear creating enabling environment for business. When you do a document where you don't imprison, what does that mean? We are putting there imprisonment not to imprison our people but to make them do business in a good way. If we go this way, the consequences are there but this consequences are not meant to harass our people. We are only creating an enabling environment, because you can find, like my cow has been stolen and it is sold outside, you see the person selling it has taken it illegally and is selling it outside the selling yard, how do you handle that?

Temporary Chairperson (Committee of the Whole House): That one will be handled differently. If somebody has stolen and has come to sell, now those are two issues, but let me give Honourable majority please.

Hon. Joseph Nyongesa: Chair, I think the Member should understand when we are talking in terms of revenue collection we are basically, like this Act is basically meant for people of Bungoma County. It doesn't exceed to Trans Nzoia, so as the County, we should have our own things, dealing with people of Bungoma not Busia or Trans Nzoia or Kakamega.

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That is why I said we don't have a Court to determine, we can have it to determine our issues basing on the how the layout of the County. So I want to urge Members of the Committee, you had time and went through. We have only had around eight hours going through, so be patient that at least we fine tune it for the betterment of our people. Imagine, Chair I have come to sell my livestock purposely for school fees, because that I sold outside the auction ring I am being jailed for a month. Will that student go to school? So let's also have some humanity in it.

Temporary Chairperson (Committee of the Whole House): That imagination, which is one option, so let's have Hon. Allan.

Hon. Allan Nyongesa: I like this debating. We are exchanging ideas, to fine tune this thing. We are not against amendment Chair, but chair they are saying five percent of total cost of the livestock. Chair remember this livestock has been sold outside the sale yard, between the willing buyer and willing seller now how will you determine the value of that livestock being sold? It was between the two of them. It is not within the sale yard, they are selling outside. How do we know the value of the livestock? The two Honourable Chair, how I wish that amendment could be the way it is but bit of imprisonment chair, should remain there Honourable Speaker.

Temporary Chairperson (Committee of the Whole House): When they sell, do they write a permit? Is it inclusive of the pricing of the animal?

Hon. Allan Nyongesa: Am not getting your question right chair.

Temporary Chairperson (Committee of the Whole House): Okay, Chair

Hon. Benard Kikechi (Mover): Honourable chair, I am in total agreement on the issue of five percent, I have no dispute on that one, but this is a scenario whereby we have passed this Law saying that if you steal outside the sale yard, you will be penalized five percent the value of the animal, and that same person who has broken the law refuses to pay, Honourable chair where will you take that person? If there is no other option of imprisonment, because if he/she refuses and matches away what will you do? You see we have to have another Clause in case you fail to pay, let's assume an animal is fifty thousand, you are selling outside you have ascertained it is fifty thousand, we are charging five percent of fifty thousand and that trader refuses to pay that fine, what is the other remedy Honourable chair? That is why there should be an option B Honourable chair. We cannot run away from this issue of imprisonment because we have Courts the way Hon. Isaiah Sudi said here, this is a Country of Laws. There are Courts, there are procedures and a person should be prosecuted Honourable Chair.

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Temporary Chairperson (Committee of the Whole House): Okay, before I say something, let me call in majority leader to give us some explanation and then Hentry Nyongesa will come in.

Hon. Joseph Nyongesa: Thank you Chair, you know Chair I am talking out of experience and the Honourable member's arguing...

Temporary Chairperson (Committee of the Whole House): Let's have one meeting. Yes

Hon. Joseph Nyongesa: Chair what normally happens in this Auction rings; one, we have leadership of that Auction ring. In every auction ring, we have a chairman, and his committee. We have the reinforcement officers of the County who ensures there is order in that Auction ring and Honourable Chair, nowadays when you are selling your animal, when you are being doubted they take your photo so that incase of anything, they know you. The issue of may be how much you sold, they are always open. There is no way it is a secret that I sold my animal at twenty and I am selling fifteen, no, that buyer will also be there and he/she will say the cash he gave you. Chair out of experience, there is no way, that it will be impossible for you to charge that fee of five percent basing that we have the leadership of that auction ring. Thank you Chair

Temporary Chairperson (Committee of the Whole House): I am just wondering Leader of majority, that this is outside the sale yard, how will they take you a photo?

Hon. Joseph Nyongesa: The person responsible for buying that animal will have to take a photo of you who is selling and the animal.

Temporary Chairperson (Committee of the Whole House): Okay, Hon. Hentry Nyongesa.

Hentry Nyongesa: I misplaced my card Honourable Chair, and I want to agree with the contributors. Honourable Chair, let me hope we are not doing laws that suits individuals. Honourable Chair, the Honourable leader of majority, happens to be a business person; let me hope he is not defending his entity. Honourable Chair we are selling animals to people who are not digital. My mother is not digital she has gone to buy an animal from the person who is not digital, so the issues of the photographs cannot happen, but we are saying Honourable Chair that we want to make a law that suites everybody, not what Leader of majority was alluding that we shall take photos. Where will my mother take the photograph with an analogue phone *mlika mwizi*. What we are saying Honourable Chair, that as other members are saying and leader, I think we need to be very serious on this.

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When you go to Nairobi County, Honourable Chair, when you are doing business with the County and you flop the rules within Nairobi County, you are taken to a Court within Nairobi County. So Honourable chair, we are saying that the percentage that is given here, we want to agree with it, that people who flop law must be charged within the percentage you are selling. We are talking about the livestock Honourable Chair, that if you are having an animal costing fifty thousand and you flaut the law, you pay the five percent of fifty thousand Honourable Chair, whether you are inside or outside and you have flauted the laws and Honourable Chair we want on this law, to say that the executive should have gone very fast after passing this law that we have our own Courts of Law apart from what Hon. Isaiah Sudi is suggesting that we are having existing Courts. Yes, but we must have Bungoma County Government Law Court, that charges people who flaut law within this County Honourable Chair, and this has to be supported immediately after passing this law Honourable Chair. We must have the Courts within Bungoma County Government. That we have the magistrate that charges people who flaut the law within the County Government Honourable Chair, so I support that we must have the percentage against the item being sold in terms of the livestock Honourable Chair. I support.

Temporary Chairperson (Committee of the Whole House): That is you are agreeing with five percent,

Hon. Hentry Nyongesa: Yes, I support Honourable Chair.

Temporary Chair (Committee of the Whole House): And the chair of the Committee are you agreeing with the five percent? *Mheshimiwa ngoja.*

Hon. Benard Kikechi (Mover): Honourable chair, I am fully agreeing with the five percent. Where I am differing Honourable Chair, is the issue of imprisonment, in case somebody fails to pay the five percent?

Temporary Chairperson (Committee of the Whole House): Okay, gotten it. Hon. Cornelius Makhanu

Hon. Cornelius Makhanu: Thank you Chair. As much as I agree with the five percent Honourable Chair, you know this is an offence that has been committed by two people, the seller and the buyer. Now this five percent is charged on the seller only? What about the buyer? because here there are people who will want to buy from outside there, then he takes the animal inside to make some profit. Here we are making these laws for posterity as Hon. Isaiah Sudi has said, then again the second one Chair, we must put may be the distance from the selling yard, because some will say, we were not even near that sale yard, may be a kilometer from the sale yard. How are we going to determine that you bought or sold

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outside the yard, the distance from the sale yard and where the animal was sold, we need also to factor in the distance, how are we...

Temporary Chair: Let the Committee go through it, *Mheshimiwa*

Hon. Francis Chemion: Honourable Chair, there are very many good angles coming up again which we were not anticipating. I just want to talk on the matter of procedure. Members are contributing and I don't know if they are amending or they are putting across a further amendment to what had been proposed, or how do we handle that bit now? Because members are saying, we want this, we don't want this part. How do we handle it because it is proposed that 5% and the issue of imprisonment is removed, but members are saying 5% remain, are they supposed to move another amendment within the other amendment? Or what do we do so that we find a common ground.

This other new dimension from Hon. Makhanu is valid and if we don't put it in paper, we will have issues. I've been seeing the livestock sellers; they can sell it two kilometers from the yard. How do we handle that? We must now be specific and say maybe 500 meters from the sale yard so that the distance is very clear.

Temporary Chairperson (Committee of the Whole House): It is noted honourable member. Hon. Otsiula and then the Chair you should be thinking about the new idea that has come in and then the mover will also be replying

Hon. Benjamin Otsiula: Chair, I have two things to say concerning this amendment. Number one is on the reasoning by Hon. Cornelius Makhanu. I was asking a question here, that what will happen if somebody has sold a cow or a goat and he realizes that they are coming for him, and he jumps on a motorbike and disappears. Does it mean that now that he has not paid the 5%, but jumped on a motorbike and disappeared we can now not follow up and enforce and get the 5%? Then it becomes very tricky. My understanding is that we reduce the sentence or the fine, but the penalty clause should be there, in that if for example, I am outside the precincts and I realize that they are coming for me and I don't want to pay the first 5%, and I jump on a motorbike and disappear, there has to be something that will ensure that if I can get caught later on, an enforcement should be done on me to pay that 5% fine.

Number two on the issue of Hon. Cornelius Makhanu, it is very funny, you see, if I am coming with my cow to sell and I have sold, it means I have passed that interest in the property to the person who has purchased. I want to give you a perfect scenario. You are selling your land today and Hon. Sudi is a surveyor, who pays the stamp duty? It is the buyer Honourable chairperson. So, in this scenario, whoever buys animals outside the precincts is the one who is supposed to pay that fine and penalty. That is according to my understanding.

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Temporary Chairperson (Committee of the Whole House): Honourable Chair of Agriculture, be orderly. Yes Hon. Nganga.

Hon. Everton Nganga: Thank you Hon. Chair. All the suggestions that are being made by honourable Members are valid but what is very important here is the procedure on how those suggestions or amendments can be made. Just the same way Hon. Chemion has mentioned, for an amendment to be accepted on this floor, it must go through the due process, for instance, they must have been submitted in time. It is my request that we either accept the amendments that have already gone through the correct procedure or we reject.

Honorable Chair, from my view, it was the work of the committee to go through the Bill and make what is required but from what is coming up now...Chair I am not annulling what members are saying but if we go like this, we will take a lot of time. It is my suggestion that we can defer this so that we can have enough time because this is a law that will affect the Bungoma County citizens. It is my suggestion.

Temporary Chairperson (Committee of the Whole House): It is all right and because this is a Committee of the Whole House, it is allowed that a written amendment can be brought just here as we continue so that we consider it. Hon. Okasida.

Hon. Johnston Ipara: Honourable Chair, after listening to both sides and the intention of the law was to bring all of us together and make sure that we are the beneficiaries in the county and the people that we are making for this law, it includes also we who are seated here, Honourable Chair. It is my feeling that we approve as amended and because this is still the property of this House, we can still apply both written and unwritten law. Honourable Chair, you remember we heavily borrowed from the British law and when you go to Britain, they normally have what is called common law.

Common law is what happens on an everyday basis and is not written and I wanted to plead with both sides that because majority have agreed that 5% is okay and they are saying suppose maybe this person fails to pay then we can add the issue of imprisonment. I am just saying we add the words 'or imprisonment for a period not exceeding one month'. Honourable Chair, within the courts, and Hon. Otsiula will say this, there are offenses normally categorized as petty offenses and under petty offenses, offenders can even be jailed on the terms that they report to the chief, clean the chief's office for two days when they come from home. I wanted to plead that let us not take the long way to do some other amendments for posterity and agreement. Let's agree that the amendment now should read like this, Honourable Chair.

‘A person who sells livestock outside the precincts of a designated livestock sale yard commits an offense and shall, on convictions, be liable to a fine of 5% of the total value cost of the livestock or imprisonment for a period not exceeding one month’ and this can even mean two days. I submit.

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Temporary Chairperson (Committee of the Whole House): That was a reply now we want to vote for the Clause as amended. There is an amendment that has been made again and it has to be seconded.

Hon. Johnston Ipara: The final amendment should now read as follows.

‘A person who sells livestock outside the precincts of a designated livestock sale yard commits an offense and shall, on conviction, be liable to a fine of 5% of the total value cost of livestock or imprisonment for a period not exceeding one month.’

I call upon Hon. Juma Nyongesa to second.

Temporary Chairperson (Committee of the Whole House): I wish you could have made it ‘who sells and buys outside the sale yard’.

Hon. Johnston Ipara: Thank you, Honourable Chair, for that guidance. Thank you, Honourable Chair.

‘A person who sells or buys livestock outside the precincts of a designated livestock sale yard commits an offense and shall, on conviction, be liable to a fine of 5% of the total value cost of the livestock or imprisonment for a period not exceeding one month.’

I call upon Hon. Juma Nyongesa to second.

Hon. Joseph Nyongesa: Chair, I second.

Temporary Chairperson (Committee of the Whole House): Thank you Leader of Majority. Honourable Members, I now propose the question

(Question proposed that Clause 14 be amended as proposed)

(Question put and agreed to)

(Question proposed that Clause 14 as amended be part of the Bill)

(Question put and agreed to)

CLAUSE 38:

Hon. Johnston Ipara: That Clause sub-clause 38(1) be amended by adding the following words in between the word 'person' and the word 'who' with words 'operating a private sale yard' so as to read:

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38(1) a person operating a private sale yard who has been issued with a license under this Act shall display or cause to be displayed in a conspicuous place within the livestock sale yard in respect of this as it is issued.

That sub-clause 2 of the Bill be amended by deleting it entirely and substituting with the following words.

So as to read,

38(2) A person who fails to display a license, pursuant to subsection one, commits an offense and shall on conviction be liable to a fine of 5 percent of the total cost of the license issued as per the 8th schedule of this Act.

Honourable Chair, I want to draw the committee to the 8th schedule and the chair should go back to the 8th on the yellow booklets you have and on the white paper you have.

Temporary Chairperson (Committee of the Whole House): Is it on the Order Paper?

Hon. Johnston Ipara: On the Order Paper, the last one. It is you yourself who wrote it. That the license will cost 50,000 so we are saying five percent of 50,000 because this is a corrective measure.

I call upon Hon. Juma Nyongesa to second.

Hon. Joseph Juma: Honourable Chair, I second.

Temporary Chairperson: Thank you. I now propose

(Question proposed that Clause 38 be amended as proposed)

Hon. Isaiah Sudi: I agree with the amendment, Chair, but I request that we retain the one month imprisonment just like the previous amendment that we have done, Chair.

Hon. Bernard Kikechi: Honourable Chair, the amendment for clause 38(2) as proposed by Hon. Johnston Okasida, I don't see a big difference with what we have written here. Here we are saying that a fine not exceeding KShs.10, 000 and what he is proposing, if you calculate, it is KShs. 2,500. It is not exceeding KShs.10, 000.

Where is the difference, Honourable Chair?

Hon. Francis Chemion: It is on HANSARD that the mover of the amendment has said that they are deleting sub clause 2 in its entirety, which is not correct. In fact, you are putting very small information.

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You are not deleting in entirety because you have not taken out all of it, you have just changed a very small bit.

It should not be on HANSARD that it has been deleted in its entirety. There is just an amendment.

Then on sub clause 1, I wanted Hon. Otsiula to be very active here, because if we mess and you are here, it will be very bad. I have looked at sub-clause 1 where they say a person who has been issued with a license under this Act shall display or course to be displayed in a conspicuous place within the livestock sale yard in respect of which it is issued.

To me, there is something which is missing in all of it...it has been put. Okay. If it has been inserted then we can take it, because I was seeing there is something missing. Okay. Thank you.

Hon. Everlyne Anyango: Chair, I am coming here to say that let's have one meeting. The Chair has said that there is no difference between KShs.10, 000 and 5% of the total sum not exceeding 10,000. I want to tell the Honorable Chair, that there is a difference, because it will only depend on who is charging you that day. Not exceeding KShs.10, 000, it means he can charge you KShs.10,000, KShs.9,900 or even KShs.1,000 so the issue of 5% here comes out very strongly, so that it can give the exact sum to be charged.

Temporary Chairperson: Hon. Okasida, can you reply? Yes. Let's continue.

Hon. Johnston Ipara: Honourable Chair, I hope that the whole House is in agreement with 5% and the corrections that we have made to bring fairness and equity. I want to plead with the honourable members that we pass that amendment, because if you looked in the Act, it was totally omitted and that means that we are passing a law that is not applicable because private sale yard was absent.

Temporary Chairperson: Are we deleting or are we are amending?

Hon. Johnston Ipara: No, I'm saying it was absent in the initial so we have only brought in some sense and that's why we've called for that correction. I want to ask the Hon. Joseph Juma Nyongesa...

Temporary Chairperson: No, you were just to reply by telling us what now you've come up with.

Hon. Johnston Ipara: Honourable Chair, clause 38(2) be amended so as to read;

38(2) a person operating a private sale yard who has been issued with a license under this Act shall display or request to be displayed in a conspicuous place within the livestock sale yard in respect of this Act. I call upon Honorable...

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Temporary Chairperson (Committee of the Whole House): It had already been seconded so you were just replying. Thank you Hon. Ipara, I now want to put a question...he had already moved...what have you added again?

Hon. Johnston Ipara: Thank you, Honourable Chair. At the end of these proceedings please ask Hon. Kikechi to learn to appreciate when he's being assisted. Honourable Chair, let me proceed.

38(2) a person who fails to display a license, person to sub-section 1, commits an offense and shall, on conviction, be liable to a fine of 5% of the total cost of the license issued as per the 8th schedule of this Act or imprisonment of a period not exceeding one month.

I call upon Hon. Joseph Juma Nyongesa to second.

Hon. Joseph Nyongesa: Thank you Chair. I second.

Temporary Chairperson (Committee of the Whole House): Thank you.

(Question proposed that Clause 38(b) be amended as proposed)

(Question put and agreed to)

(Question proposed for Clause 38(b) as amended to be part of the Bill)

(Question put and agreed to)

CLAUSE 15 AND 39:

Temporary Chairperson (Committee of the Whole House): So before we go to Clause 15 and 39, we are recommitting because we had already considered the two. So pursuant to our Standing Order 149, re-committal procedure, which says a member who decides to amend or delete a provision contained in a Bill reported from the Committee of the Whole House or introduce a new provision in the bill may propose an amendment to add at the end of the motion for agreement with the Committee of the Whole House. So we go to 15. You can take us through that. Yes Hon. Ipara.

Hon. Johnston Ipara: Honourable Chair, Clause 15, that sub clause (a) be amended by deleting the words prevailing market prices or and substitute with the following words 'owner of livestock or agreement between the owner and the prospective buyer' so as to read:

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15(a) Regular sale where the price of livestock shall be determined by the owner of the livestock or agreement between the owner and the prospective buyer.

I call upon Hon. Joseph Juma Nyongesa to second.

Hon. Joseph Juma: Thank you, Chair, as I second, we were looking at the issue of the bargaining power. So Madam Chair, I second.

Temporary Chairperson (Committee of the Whole House): Thank you, Hon. Juma Nyongesa, let me now propose the question

(Question put that Clause 15 be amended as proposed)

(Question put and agreed to)

(Question proposed that Clause 15 (a) as amended be part of the Bill)

(Question put and agreed to)

CLAUSE 39:

Hon. Johnston Ipara: Honourable Chair, we are saying that clause 39 be deleted in its entirety because it is too punitive and I want to read the clause as it appears on the Act;

39 A person who contravenes any of the provisions of this Act commits an offence and shall be liable to a conviction of a fine not exceeding KShs.50, 000 or imprisonment for a term not exceeding 6 months.

If you looked into that Act and I want to take you quickly to Clauses that we have just amended, they provide penalties and this law is just like somebody who signs a blank cheque and gives somebody to walk to the bank and it is upon you to decide how much you want. This law is already in conflict; it lacks clarity. If I were the preparer of this Bill, I could have first of all identified the clauses that we have already addressed the issue of contravention by providing a penalty remedy and come out with clauses that remedy is not provided so that this clause could have excluded. Left as it is, it is ambiguous and it will create confusion to the application and enforcement of this law and that is why we are saying let it be done away with so that we can come up with an amendment where we now come up with clear clauses that we want.

At this juncture, I want to call Hon. Joseph Juma Nyongesa to second.

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Hon. Joseph Nyongesa: Thank you madam Chair. We were just trying to be considerate to our people because somebody may misuse it and do away with what we have passed as law and capitalize on that one and exploit our people, so I second.

Temporary Chairperson (Committee of the Whole House): Thank you Honourable Leader of Majority,

(Question proposed that Clause 39 be amended as proposed)

(Question put and agreed to)

Hon. Francis Chemion: I have been passed by the circumstances because I am late but I will just say. I have looked at the title, Clause 39 at the table of contents, part IV; Clause 38 is offences and penalties and on that page 19 offences and penalties is clause 39, I don't know if the committee had already...

Temporary Chairperson: Honourable member, are you checking the Bill or table of contents

Hon. Francis Chemion: Both, I wanted the committee to clarify because it looked at this document

Temporary Chairperson: We can work with the table of contents later, what we are considering is the Clauses the way they are captured. So we continue.

(Question proposed that Clause 39 as amended be part of the Bill)

(Question put and agreed to)

Hon. Isaiah Sudi: What I don't understand chair is that because the whole of 39 has been deleted, we have done away with it, why should we amend it again? Even now we are going to re-number the document because where 39 is we have done away with it, the numbering is also going to be affected.

Temporary Chairperson (Committee of the Whole House): The re-numbering will be done because some of the clauses you find have been done away with

Hon. Isaiah Sudi: But 39 cannot be amended because we have removed it from the document.

Temporary Chairperson (Committee of the Whole House): That is an amendment by removing it; we have done an amendment to that document so the renumbering will be done. Chairperson.

Hon. Bernard Kikechi (Mover): Thank you honourable Chair of the session, it has been a lively debate and at this juncture, pursuant to Standing Order 145 (16) I beg to move that the committee now do report to the House its consideration of the Bungoma County Livestock Sale Yard Bill 2025.

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I call upon Hon. Allan Nyongesa to second.

Hon. Allan Nyongesa: Thank you Chair, I second.

Temporary Chairperson (Committee of the Whole House): Honourable members, I now put a question that the committee does report to the House its consideration to the Bungoma County Livestock Sale Yard Bill 2025

(Question put and agreed to)

Thank you for attending and for your contribution

RESUMPTION OF HOUSE

(Honourable Speaker ushered in)

(MR. SPEAKER [HON. EMMANUEL SITUMA] IN THE CHAIR)

Mr. Speaker: Let us be seated Honourable members. Allow me be able to invite the Chair of the Committee of the Whole House to be able to report to the House so that we are able to proceed.

Hon. Christine Mukhongo (Chairperson, Committee of the Whole House): Thank you Honourable Speaker, under Standing Order 147, report of the Committee of the Whole House.

Mr. Speaker Sir, the Committee of the Whole House considered the Bungoma County Livestock Sale Yard Bill 2025 as follows

Clause 3: Objects and purpose of the Act was approved without amendments

Clause 4: Application was approved without amendments

Clause 5: Guiding principles was approved with amendments

Clause 6: Standard livestock sale yard was approved with amendments

Clause 7: Bungoma County Livestock Sale Yard management committee was approved with amendments

Clause 8: Vacation of office of member of management committee was approved with amendments

Clause 9: Development and management of a livestock sale yard was approved with amendments

Clause 10: Functions of the committee was approved with amendments

Clause 11: Livestock health inspectors was approved without amendments

Clause 12: Powers of an inspector was approved without amendments

Clause 13: Search and entry was approved without amendments

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- Clause 14: Sale of livestock was approved with amendments
Clause 15: Types of sale: Was approved with amendments
Clause 16: Sales by auction was approved without amendments
Clause 17: Electronic trading was approved with amendments
Clause 18: Transportation of transport for sale was approved with amendments
Clause 19: Temporary livestock sale yard was approved with amendments
Clause 20: Livestock marketing groups was approved with amendments
Clause 21: Functions of the livestock marketing groups was approved without amendments
Clause 22: Vacation of office by members of livestock marketing group was approved without amendments
Clause 23: Livestock marketing data manager was approved without amendments
Clause 24: Records to be kept was approved with amendments
Clause 25: Application for a license was approved with amendments
Clause 26: Issuance of a license was approved without amendments
Clause 27: Grounds for refusal to grant a license was approved with amendments
Clause 28: Revocation or suspension of a license was approved without amendments
Clause 29: Application for review or appeal was approved with amendments
Clause 30: Establishment of fund was approved with amendments
Clause 31: Administration of the fund was approved with amendments
Clause 32: Revenue and expenditure of fund was approved with amendments
Clause 33: Accounts of the fund was approved with amendments
Clause 34: Financial year was approved with amendments
Clause 35: Annual estimates was approved without amendments
Clause 36: Reporting was approved with amendments
Clause 37: Audit of the fund was approved with amendments
Clause 38: Display of license was approved with amendments
Clause 39: Offences and penalties was approved with amendments
Clause 40: Guidelines was approved without amendments
Clause 41: Regulations was approved with amendments
Clause 42: Savings and transition was approved with amendments

NEW CLAUSES

Clause 43 was introduced.

SCHEDULES

1st schedule: conduct of the business and affairs of the committee was approved without amendments

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2nd schedule: Conduct of the business and affairs of the livestock marketing groups was approved without amendments

3rd Schedule: Livestock sales record was approved without amendments

Fourth schedule, Application for livestock sale yard licenses was approved without amendments.

Fifth schedule, Livestock sale yard license was approved without amendments.

Sixth schedule, Application for replacement of livestock sale yard license was approved without amendments.

Seventh schedule, Livestock sale yard license review was approved without amendments.

New schedule, the eighth schedule was introduced.

Second clause, Interpretation was approved with amendments.

Long title was approved without amendments.

First clause, Short title and commencement was approved without amendments.

That is the report of the Whole House Hon. Speaker.

Mr. Speaker: Thank you Hon. Christine, the chair of the Committee of the Whole House. To that extent, Honourable members pursuant to section 148, I do invite the owner of the statement, the Hon. Kikechi to proceed in order to confirm and equally invite your seconder to allow me put a question accordingly.

Hon. Bernard Kikechi: Thank you, Hon. Speaker. Pursuant to Standing Order 148-1, I beg you to move that the House does agree with the committee in the said report. I hereby request the Hon. Allan Nyongesa to second.

Hon. Allan Nyongesa: Thank you, Speaker, I second.

Mr. Speaker: Honorable members from the Committee Chair, that arising out of the report from the chair of the Committee of the Whole House and the Committee Chair having moved that this House do agree with the report arising from the Committee of the Whole House and properly seconded, I ask that the House do agree with the said report.

(Question put and agreed to)

The Ayes have it. The House does agree with the report of the Committee of the Whole House accordingly.

(Applause)

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So that means the report with those amendments are properly captured in the bill accordingly. Next

MOTION

REPORT OF THE LIAISON COMMITTEE ON CONSIDERATION AND ADOPTION OF THE REPORT OF THE AUDITOR
GENERAL ON THE COUNTY GOVERNMENT OF BUNGOMA FINANCIAL YEAR 2023-2024.

Mr. Speaker: Yes, Hon. Deputy Speaker you proceed. First, before we proceed just confirm that you have the quorum on site of the membership of the committee. When you are doing that you don't count the chair of the session. He is not part of the quorum. Proceed and confirm.

(Loud consultations)

Honorable members, can I give guidance? The report... Honourable members whenever we are doing verification of the chairs or the membership of the committee, it's at the time of preparing that report. That means Hon. Nganga is not part of this report because you didn't sign it. So can I confirm the membership? So as you do so, you know I hold five chairs. So remove those five chairs and count the remaining people.

(Laughter)

(Applause)

I am the chair of the Speaker's Panel, Rules, Powers, HBC and Appointment. So I am five chairs in one. So remove those five, then do the... How many are you? How many are you?

(Laughter)

(Loud consultations)

You don't count me. Remove me.

Hon. Stephen Wamalwa: Hon. Speaker. Hon. Speaker.

Mr. Speaker: Which one?

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Hon. Stephen Wamalwa: Hon. Speaker. May I say something?

Mr. Speaker: Honorable Members, you must know that the first panelist, Hon. Christine is the automatic vice-chair of Liaison. Yes. So you count her as part of us.

Hon. Stephen Wamalwa: Hon. Speaker. May I say something? Hon. Speaker, we were 19, we were 19 at the time of writing this report. So therefore, of the 19 one is deceased by then Hon. Mukhongo. So therefore, out of 18, we should have now 8 plus 1. But we are overflowing already.

Mr. Speaker: Can I be able to verify that position first? Yes Hon. Stephen Wamalwa.

Hon. Stephen Wamalwa: I am present, Sir.

Mr. Speaker: Yes, Christine. We remove Mukhongo. He's not a... Yes. Makari, Kawa, Hon. Joseph Nyongesa, Simotwo, Tony, Hentry, Chemion, Kikechi, Otsiula, Violet, Psero. I think the quorum is there. Proceed.

(Laughter)

Hon. Stephen Wamalwa: Thank you, Sir.

(Loud consultations)

Mr. Speaker: Hon. Sudi! Hon. Sudi you know, you are basically saying you are failing in your duties. You are the chief whip of that coalition. So what are you telling the Speaker? Hon. Sudi you are out of order. You are the one who do the whipping of that coalition, not us.

Hon. Stephen Wamalwa: Hon. Speaker allow me proceed. This is a report on consideration and adoption of the report of the Auditor General on the County Government of Bungoma, financial year 2023-2024.

CHAPTER ONE

Preface

On behalf of the Members of the Liaison Committee and pursuant to the provisions of Standing Order No. 209 and in accordance with Article 227(8) of the Constitution of Kenya, 2010, it is my pleasure and

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duty to present to this Assembly, the Committee report on the consideration and adoption of the report of the Auditor General on the County Executive of Bungoma FY 203/2024.

POWERS

In light of the dissolution of the Public Accounts and Investments Committee following on 17th April 2025 as under standing order 209(2), the Liaison Committee mandated to guide and coordinate the operations, policies, and mandates of all committees in accordance with the Constitution of Kenya, relevant statutes and the Standing Orders of the County Assembly pursuant to Standing Order No. 216 (2) (a), assumed the care-taker role to execute the mandate of Public Accounts and Investments Committee.

The Committee pursuant to the provisions of Article 185(3) shall exercise oversight over the County Executive Committee and any other County organs and also to examine special reports of the Auditor-General on County Government Funds in respect of the appropriation of sums granted by the County Assembly to meet the public expenditure, and to enforce adherence to the fiscal responsibility principles as provided under *Article 201 of the Constitution of Kenya, 2010*. The Committee hereby executes this mandate on the basis of annual and special audit reports prepared by the Office of the Auditor-General (OAG)

GUIDING PRINCIPLES

AUDIT OF PUBLIC ACCOUNTS

According to Article 229(4) (b) of the Constitution of Kenya, within six months after the end of each financial year, the Auditor General is required to examine the Financial Report on the Accounts of all funds and authorities of the National and County Governments and express an opinion on the report on whether money appropriated by Parliament or the relevant County Assembly and disbursed;

Has been applied for the purpose for which it was appropriated or raised;

Was expended in conformity with the authority that governs it; and was expended economically, efficiently and effectively.

The Audit reports shall then be submitted to Parliament or the relevant County Assembly for debate and consideration.

OBLIGATIONS OF ACCOUNTING OFFICERS

Section 149(1), of the PFM Act, 2012 stipulates that: *“An accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is lawful and authorized; effective, efficient, economical and transparent.”*

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DIRECT PERSONAL LIABILITY

Article 226(5) of the Constitution is emphatic that “If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

Section 116(1) of the Public Finance Management Act provides that, the County Executive Committee Member for Finance may, with the approval of the County Executive Committee and the County Assembly, establish Public Funds.

Section 116 (7)(a) (b) (c) of the same Act directs that “The administrator of a County Public Fund shall prepare accounts for the fund for each financial year and not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General and the County Assembly.”

Furthermore, the *Public Audit Act, No. 34 of 2015* stipulates that;

- 1) All reports of an Audit shall be submitted to Parliament or the relevant County Assembly.
- 2) Within seven days of receiving the report, Parliament shall publicize it on its official website and other public spaces.
- 3) Within fourteen days after submitting the report to Parliament or the relevant County Assembly, the Auditor-General shall publicize the report on the official website and other public spaces.

Further, Section 35 of the same Act stipulates that, the Auditor-General shall conduct audits of financial statements under Article 229 of the Constitution for State Organs and public entities and report annually to Parliament and the relevant County Assembly.

Section 36(1) states provide, that the Auditor-General shall conduct performance audit to examine the economy, efficiency and effectiveness with which public money has been expended pursuant to Article 229 of the Constitution.

The Liaison Committee strongly holds the view that these provisions of the law were meant to ensure prudent and responsible use of public funds. The Committee has accordingly applied these provisions to recommend varying actions. The committee also places a premium on these principles, among others, and has been guided by them in the entire process that has culminated to this report.

CONFIDENTIALITY UNDERTAKING BY THE COMMITTEE

To enhance the integrity of the Committee and its work, Members of the Liaison Committee have observed a confidentiality undertaking in accordance with Bungoma County Assembly Standing Order No 98. In relation to the provisions of the said Standing Order; Members have undertaken that in relation to this report, no Member of the Committee shall refer to the substance of the proceedings touching on the subject matter which shall include any evidence or documents presented to the Committee and any information under discussion or deliberation at its meetings before it is tabled in the County Assembly.

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MEMBERS OF LIAISON COMMITTEE

- | | |
|----------------------------|---|
| 1. Hon. Stephen Wamalwa | Chairperson – Liaison |
| 2. Hon. Christine Mukhongo | Vice chairperson – Liaison |
| 3. Hon. Emmanuel Situma | Member-Chairperson-HBC, Appointments, Rules, Speakers Panel and Powers. |
| 4. Hon. James Mukhongo | Member - Chairperson – Finance |
| 5. Hon. George Makari | Member - Chairperson – Health Services |
| 6. Hon. Jack Kawa | Member - Chairperson – Gender and Culture |
| 7. Hon. Joseph Nyongesa | Member -Chairperson – Selection |
| 8. Hon. Franklin Simotwo | Member -Chairperson – Roads |
| 9. Hon. Tony Barasa | Member-Chairperson–Public Administration |
| 10. Hon. Hentry Nyongesa | Member – Chairperson -Labour Relations |
| 11. Hon. Francis Chemion | Member – Chairperson – Lands, |
| 12. Hon. Benard Kikechi | Member – Chairperson – Trade, Energy |
| 13. Hon. Benjamin Otsiula | Member – Chairperson – Education & VT |
| 14. Hon. Violet Makhanu | Member – Chairperson - Youth Affairs |
| 15. Hon. Waiti Wafula | Member – Chairperson – Agriculture |
| 16. Hon. Edwin Opwora | Member – Chairperson – Tourism |
| 17. Hon. Jacob Psero | Member – Chairperson – Justice |
| 18. Hon. George Tendet | Member – Chairperson – Delegated |
| 19. Hon. Aggrey Mulongo | Member –Chairperson - Implementation |

ACKNOWLEDGMENT

the Committee wishes to express its gratitude to your office for allowing us sit outside the precincts of the County Assembly to prepare this report, further our great thanks goes to the office of the Clerk for facilitating the committee to execute its mandate.

on behalf of the Liaison Committee, I now wish to move and urge this Honorable House to adopt the this report with the recommendations therein..

SIGNED.....DATE.....

**HON. STEPHEN WAMLWA MCA- MITUA SOYSAMBU WARD
(CHAIRMAN, LIAISON COMMITTEE).**

CHAPTER TWO

THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF
BUNGOMA COUNTY GOVERNMENT FOR THE YEAR ENDED 30TH JUNE 2024

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Qualified Opinion

Basis for the opinion

Unreconciled Variance on Compensation of Employees

The statement of receipts and payments reflects compensation of employees payments amounting to Kshs.4, 859,170,763 as disclosed in Note 3 to the financial statements. However, the supporting payrolls data revealed expenditure amounting to Kshs.5, 452,051,258 resulting to an unreconciled and an unexplained variance of Kshs.592,880,495.

In the circumstances, the accuracy and completeness of compensation of employees amounting to Kshs.4,859,170,763 could not be confirmed.

Committee Observations

The committee noted that the management did not provide any explanation or reconciliation to support the unreconciled variance of Kshs.592,880,495.

Committee Recommendations

The committee recommends that

1.The CECM Finance and Economic Planning to provide a status report on the reconciliation of the accuracy on compensation of employees to the County Assembly within (60) days from the date of adoption of this report.

2.The EACC to investigate the unsupported payments with a view to cause prosecution of responsible officers in accordance with Section 62(2) of the Public Audit Act,2015 for failure to provide the documents to the auditors and provides a status report to the office of the Auditor General within sixty(60) days preceding adoption of this report.

Unreconciled Variances on Transfers to Other Government Entities

The statement of receipts and payments reflects transfers to other Government entities

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amounting to Kshs.647,969,990 and as disclosed in Note 5 to the financial statements. However, comparison of the amounts reported in the financial statements of the entities shown in the table below revealed that the amount received was different from the amount indicated as transferred by the County Executive. The variances were not explained or reconciled;

No.	Details	Amount Transferred by County Executive (Kshs)	Amount Received by Entity - (Kshs)	Variance Amount (Kshs)
1	Kimilili Municipality	20,754,740	60,402,326	(39,647,586)
2	Bungoma Municipality	-	80,665,133	(80,665,133)
3	Bungoma County Climate Change Fund	411,612,194	422,612,194	(11,000,000)
4	Scholarships and Other Educational Benefits	195,000,000	165,000,000	30,000,000

In the circumstances, the accuracy and completeness of transfers to other Government entities amounting to Kshs.647, 969,990 could not be confirmed.

Committee Observations

The committee observes that the acknowledgement of funds by Bungoma Municipality should have been accompanied by the bank statements of Bungoma Municipality.

Committee Recommendations

The submission of bank statements should always form the basis of acknowledgement of funds during auditing as material evidence.

Unaccounted for Other Grants and Transfers

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The statement of receipts and payments reflects other grants and transfers amounting to Kshs.681, 048,669 and as disclosed in Note 6 to the financial statements. However, the supporting documents for the payments were not provided for audit.

In the circumstances, the accuracy and completeness of other grants and transfers amounting to Kshs.681, 048,669 could not be confirmed.

Committee Observations

The committee noted that the supporting schedule totaling to Kshs.681, 048,669.00 was availed. However, payment vouchers totaling to the amount were not availed for audit.

Committee Recommendations

The CECM Finance and Economic Planning should undertake administrative action against the responsible officer(s) who failed to provide documents to the Auditors at the time of audit, in accordance with the provisions of Section 156 of the Public Finance Management Act, 2012 and provides a status report to the County Assembly within sixty (60) days from the date of adoption of this report.

Budgetary Control and Performance

The statement of comparison of budget and actual amounts (recurrent and development combined) reflects receipts budget and actual on comparable basis amounting to Kshs.12,948,647,400 and Kshs.10,773,422,692 respectively, resulting in under-funding of Kshs.2,175,224,708 or 17% of the budget. However, the County Executive spent Kshs.10, 451,325,600 against an approved budget of Kshs.12, 948,647,400 resulting in under-utilization of Kshs.2, 497,321,800 or 24% of the actual receipts.

The under-funding and under-utilization affected the planned activities and may have impacted negatively on service delivery to the public.

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Committee Observations

The committee noted that the matter was beyond the control of the management

Committee Recommendations

- 1.The National Treasury should ensure the timely release of funds to County governments in line with the cash disbursement schedules approved by the Senate
2. The County Executive should put in place measures to enhance its own generated to meet its revenue targets and address revenue shortfalls
3. The County Executive should set revenue targets that are realistic

Pending Accounts Payable

Increase in Pending Accounts Payable

Note 17.1 under other important disclosures and as disclosed in Annex 2 to the financial statements reflects pending accounts payable totaling Kshs.3, 339,153,758. However, the pending accounts payable increased by an amount of Kshs.2,094,647,077 or 168% from a balance of Kshs.1,244,506,681 reported in the previous year's financial statements. In addition, the dates Invoiced or contracted, original amounts or contract sum and balance at the beginning of the financial year were not stated for several outstanding pending bills. Further, the Controller of Budget indicated in County Government Budget Implementation Review Report for the financial year 2023/2024 that the County Executive had a high level of pending bills, which amounted to Kshs.3, 506,516,486 as of 30 June, 2024 since the County Treasury did not adhere to the payment plan for the pending bills.

Committee Observation

The committee observes that the response from the National Treasury has not been received. Additionally, there is a lack of evidence demonstrating engagement with the treasury. Furthermore, the management plan for pending bills has not been made available for audit

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purposes.

Committee Recommendation

- 1.The National Treasury should ensure the timely release of funds to county governments in line with the cash disbursement schedules approved by the Senate; and
2. The County executive puts in place measures to enhance its own generated revenue to meet its revenue target and address revenue shortfalls.

Unreconciled Lapfund Pending Bills

Included in Annex 2 to the financial statements are Local Authorities Provident Fund (LAPFUND) pension deductions balance of Kshs.566, 828,951 in relation to principal and accrued interests. However, third party confirmation revealed that the County Executive owed Lapfund a total balance of Kshs.31, 354,376 as at 30 June, 2024 resulting in an unreconciled variance of Kshs.535, 474,575.

Committee Observations

The committee noted that the matter was still outstanding

The committee further observed that the supporting documents were not provided at the time of the audit

Committee Recommendation

The CECM Finance to provide the status of remittances of pension deductions to LAPFUND for the financial year 2023/24 to the County Assembly within 60 days from the date of adoption of this report.

Unresolved Prior Year Matters

As disclosed under the progress on follow up of auditor's recommendations section of the financial statements, some of the prior year audit issues remained unresolved as at 30 June, 2024. Management had not provided satisfactory reasons for the delay in resolving the issues.

Irregularities in Human Resource Management Practices

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Non-Adherence to One-third Basic Salary Rule

Review of the Integrated Payroll and Personnel Database (IPPD) as at 30 June, 2024 revealed that an average of eight hundred and eighty-six (886) employees were earning net salaries that were less than one-third of their basic salaries per month during the year under review. This was contrary to Section 19(3) of the Employment Act, 2007 which provides that total deductions from salaries of employees shall not exceed two-thirds of the respective basic salaries.

In the circumstances, Management was in breach of the law.

Committee Observations

The committee observed that;

Currently, there has been a significant reduction in the number of officers earning less than one-third of their basic pay, decreasing from 886 to 265.

However, this indicates that the issue is only partially resolved.

Committee Recommendations

The committee recommends that;

1. The management should provide to the County Assembly within sixty (60) days preceding adoption of this report, a plan of the measures put in place to mitigate on the issue as well as comply with the requirements of the law provided for under section 19(3) of the Employment, 2007.
2. The management should also configure its IPPD system such that it is able to lock out commitments beyond the allowable thresholds; and
3. The office of the auditor General should continuously monitor the progress in subsequent financial years.

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Lack of Ethnic Diversity in Staff Recruitments

The County Executive recruited three hundred and twenty-eight (328) new employees. However, out of this number, two hundred and sixty-five (265) employees or 81% were from the dominant ethnic community in the County. This was contrary to Section 65(1) (e) of the County Governments Act, 2012 which provides that in selecting candidates for appointment, the County Public Service Board shall consider that at least thirty (30) percent of the vacant posts are not from the dominant ethnic community in the County.

Committee Observations

The committee made the following observations;

1. There was no ethnic diversity among the County Executive employees.
2. That due to the homogeneous ethnographic in most counties, it may not be feasible for the county to attain the threshold provided under Section 7(2) of the National Cohesion and Integration Act, 2008 which states that, no public establishment shall have more than one-third of the staff from the same ethnic community.

Committee Recommendation

1. The county executive should work progressively towards attaining the requirements of the provisions of Section 65(1) (e) of the County Governments Act, 2012 on ethnic inclusivity.

Excessive Wage Bill

The statement of receipts and payments reflects total expenditure amounting to Kshs.4,859,170,763 in respect of compensation of employees which represents 47% of the total receipts for the year amounting to Kshs.10,375,865,875, contrary to Regulation 25(1)(b) of the Public Finance Management (County Governments) Regulations, 2015 which provides that the total expenditure on the wage bill for County Governments should not exceed thirty-five (35) percent of the County Government's total revenue.

Committee Observations

The committee noted that the high wage bill may take time to be addressed due to the absence of a functioning staff establishment.

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Committee Recommendations

1. The management should provide to the County Assembly the measures it will put in place to contain the high wage bill within sixty (60) days from the date of adoption of this report.
2. The management should strictly adhere to the provisions of section 25(1)(b) of the Public Finance Management (County government) Regulations, 2015 which stipulate that the County wage bill should not exceed 35 per cent of the county total revenue; and
3. The county government should also put in place measures to enhance its own source revenue collection to address the wage bill gap.

Engagement of Temporary Workers

Review of the casuals' payroll revealed that six hundred and seventy (670) casual staff were engaged for more than three (3) continuous months without conversion of casual employment to term contract. This was contrary to Section 37(1) (a) and (b) of Employment Act, 2007 which requires that where a casual employee works for a number of working days amounting in the aggregate to the equivalent of three months or more, the contract of service of the casual employee shall be deemed to be one where wages are paid monthly.

Further, employment of casual employees was done at Departmental level without a written authority by the County Public Service Board contrary to Section 74 of the County Governments Act, 2012, which provides that the County Public service Board shall regulate engagement of persons on contract, volunteer and casual workers. In addition, there was no policy document to guide on the selection criteria, terms of engagement, and remuneration of casuals. Similarly, the employment files for casuals engaged during the year were not provided for audit review.

Committee Observations

The committee observes that the implementation of the policy regarding employees on short-term contracts is currently ongoing, indicating that the issue is partially resolved.

Committee Recommendations

The committee recommend that;

1. The management should put in place measures to prescribe and design an efficient human

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resource management system to be used by the county executive and its entities.

2. The management should also ensure that casual workers are engaged in line with the relevant laws and the approved staff establishment.

3. A status update report on (1) and (2) above to be submitted to the County Assembly within sixty (60) days preceding adoption of this report.

Employees on Long-Term Probation

Verification of the payroll data for the month of June, 2024 revealed that six hundred and seventy-two (672) employees were serving on probation periods of up to sixteen (16) Years. Management did not explain the reasons for failing to confirm the employees to permanent and pensionable terms in accordance with Section 42(2) of the Employment Act, 2007 which provides that a probationary period shall not be more than six months but it may be extended for a further period of not more than six months with the agreement of the employee.

Committee Observations

The committee notes that the management has made progress in confirming officers on a permanent basis

However, the issue is partially resolved.

Committee Recommendations

1. The office of the Auditor General to continuously monitor the matter in the subsequent audit cycles
2. The management to adhere to the provisions of Section 42(2) of the Employment Act, 2007, which provides that the probationary period shall not exceed six months.
3. The committee urges the management to expedite the process of confirming employees to permanent terms to ensure compliance with the law.

Lack of an Approved Staff Establishment

Review of June, 2024 payrolls revealed that the County Executive paid six thousand, three hundred and eighty-three (6,383) employees through the Integrated Payroll and Personnel

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Database (IPPD) payroll. Out of this number, one hundred and ninety-nine (199) staff were promoted while three hundred and twenty-eight (328) were recruited during the year. However, the County Executive did not have an approved staff establishment and therefore the optimal staffing levels for all cadre of staff had not been established in accordance with Section 5(f) of the County Governments Act, 2012 which provides that a county government shall be responsible for establishing and staffing its public service as contemplated under Article 235 of the Constitution. Further, Management did not explain or specify the mechanisms it relied upon to identify existence of vacancies that were filled in the circumstances, Management was in breach of the law.

Committee Observations

The committee observed that the management has not provided a draft staff establishment, indicating that this issue remains unresolved.

Committee Recommendations

1. The management should expedite development and approval of its staff establishment, and a status report should be submitted to the County Assembly within sixty (60) days from the date of adoption of this report.
2. Further, the management should submit a status report on the progress of the audit on staff establishment, the payroll and its measures to ensure compliance with the law to the County Assembly within sixty (60) days from the date of adoption of this report.

Irregularities in Procurement and Award of Contracts

Verification of several project files of the County Executive revealed that key information was lacking in the contracts which includes the contract dates, commencement dates, current status, expected completion dates and revised completion dates. Further, Management did not provide monthly progress reports of all the procurement contracts. The project implementation team also failed to provide the updated records relating to each contract in accordance with Regulation 140 (1) of the Public Procurement and Asset Disposal Regulations, 2020 which provides that the head of procurement function shall prepare a monthly progress report of all procurement contracts and submit the same to the accounting officer in accordance with Section 152 of the Act and Regulation 140(2) which provides that the report referred to in paragraph (1) shall include— (a) contract description; (b) contract number; (c) value of contract; (d) commencement

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date; (e) current status; (f) the amount of money paid; and (g) the expected completion date.

Committee Observations

The monthly progress reports and implementation reports were submitted and reviewed.

The committee notes that the issue has been partially resolved.

Committee Recommendations

The committee hereby recommends that;

Responsible accounting Officers to be providing the necessary documents at the time of audit to forestall audit queries

Irregularities in Construction of Ward Administrator Offices

A local contractor was paid an amount of Kshs.1, 834,683 on 5 March, 2024 for proposed erection and completion of ward administrator's offices at Misikhu and Bokoli wards which were started in the financial year 2014/2015 at a contract sum of Kshs.17, 921,926.

During the year under review, an interim certificate No.5 showed a revised contract sum of Kshs.21, 362, 240 and works done at 85% complete. However, the procurement file, contract documents, extension of the contract duration documents and the current status of the project were not provided for audit.

In the circumstances, value for money may not have been realized in respect of the variation and implementation of the project.

Committee Observations

The committee observed that the request for contract variation and extension was submitted. However, the same did not include the revised contract.

The committee notes that the issue has been partially addressed.

Committee Recommendations

The committee recommends that;

The Kenya institute of Supplies Management (KISM) undertakes disciplinary action(s) against the responsible procurement officer(s) pursuant to Section 23(1) (c) and (d) of the supplies practitioners Management Act CAP 537 for gross negligence in the conduct of their professional duties which constitutes professional misconduct.

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Irregularities in Completion of Masinde Muliro Stadium

The County Executive contracted a local company for construction of Phase 1 of Masinde Muliro Stadium at Kanduyi at a contract sum of Kshs.679, 386,379 for a twenty-four (24) months contract period from 14 June, 2019 with an end date of 31 January, 2021. During the year under review, the scope of works was expanded to include construction of office block, arena stand, perimeter wall, renovation of football pitch, external works and civil works, mechanical and electrical works amounting to Kshs.128, 078,424 which lead to a revised contract sum of Kshs.807, 464,803 and an end date of 15 June, 2024 as approved by the contract implementation team. However, the contract period was extended without renewal of liability insurance cover and performance security bond.

Further, as at 30 June, 2024, the works were approximately 90% complete and contractor had been paid an amount of Kshs.746, 164,872 which is approximately 92% of the contract sum. However, the schedule of remaining works from project manager was not provided for audit.

An audit inspection conducted in September, 2024, revealed that the works had stalled and the contractor had abandoned site. Further, the title deed for the land on which the stadium is built was not provided for audit.

In the circumstances, the public may not realize value for money spent on the project.

Committee Observation

The committee observes that the contractor's performance bond has been submitted and reviewed. However, the contract addendum agreement expired on June 15, 2024, and the works remain incomplete, according to the status report dated March. Additionally, while the stadium land has a URN number, the title deed has not been provided. The committee notes that the issue has not been resolved.

Committee recommendations

1. The County Executive establishes a project management and monitoring System to help in proper project conceptualization, planning, execution and timely completion of projects as well as realization of value for money as provided for in the Public Finance Management Act, 2012 and the Public Finance Management (County Government) Regulations, 2015 within 60 Days from the date of adoption of this report.
2. The Ethics and Anti-Corruption Commission to cause the investigation of the accounting officer and the responsible officers for the possible loss of public funds with a view to instituting the prosecution of the culpable officer(s) for the offences.

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The Office of the Auditor General to keep the matter in view in the subsequent audit cycle.

Irregularities in the Construction of Kanduyi-Sang'alo Junction to Dual Carriage

The statement of receipts and payments reflects acquisition of assets and Note 8 to the financial statements amount of Kshs.2,083,889,103 which includes payments totaling Kshs.102,500,000 made for construction of 6.7 Kilometers Kanduyi- Sang'alo Junction Road (C33) to dual carriage way. The contractor had received payments amounting to Kshs.1, 341,481,891 as at 30 June, 2024 following award of contract and addendum for construction of the road on 27 December, 2018 at a contract sum of Kshs.1, 573,728,108 ending on 21 July, 2022.

Review of the project's Resident Engineer status report dated 14 November, 2023 indicated that the road was 98% complete. However, verification of the project established that bituminous mix bases - a 50mm asphalt concrete wearing course, concrete works, a foot bridge costing Kshs.50,000,000, road furniture's, and round posts street lights amount of Kshs.24,286,000 had not been done. Further, the round pole street lights were not installed as the National Government installed in their place concrete poles streetlights during Madaraka day celebrations.

An inspection done in September, 2024 revealed that 1.7 meters wide shoulders were not marked or identified for use by pedestrians on both sides and poor drainage observed in middle sections of the road which retained flood water. Further, the road was being used by motorists and pedestrians and the contractor was not on site thereby posing a great danger.

In the circumstances, value for money may not have been realized by the public in respect of the project.

Committee Observations

The committee observed that;

1. A price variation resulting in a reduction of thickness was recorded
2. The delays in the completion of the project were caused by covid-19, which increased administrative costs, which led to the decision to eliminate variations for the foot bridge
3. Instructions for the remaining works have since been issued to the contractor
4. It was also noted that the issue has been partially resolved

Committee Recommendations

The committee recommends that;

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1. The management establishes a project management and monitoring system to help in proper project conceptualization, planning, execution and timely completion of projects as well as realization of value for money as provided for in the Public Finance Management Act, 2012 and the Public Finance Management (County Government) Regulations, 2015 within sixty (60) days preceding adoption of this report.
2. The Ethics and Anti-corruption Commission to cause the investigation of the accounting officer and the responsible officers for the possible loss of public funds as provided for in Article 226(5) of the Constitution of Kenya, 2010 with a view to instituting the prosecution of the culpable officer(s) for the offences.
3. The office of the Auditor General to follow up the matter in the subsequent audit cycle.

Irregularities in the Construction of Misikhu – Naitiri – Brigadier Road

The County Executive contracted a construction company for upgrading of 39 kilometers Misikhu-Naitiri-Brigadier Road to Bitumen standards on 21 November, 2016 at a contract sum of Kshs.1,115,939,198 with a completion date of 17 June, 2024.

During the year under review, the contractor was paid a total amount of Kshs.169, 002,876 which resulted in a total payments amounting to Kshs.928, 007,956 or 83% of the contract sum. However, status report dated 31 March, 2024 indicates the overall works were at 76% and that the contractor was overpaid by an amount of Kshs.91,053,557 which was attributed to interests on late payments.

After the award and commencement of the project, 19 Kilometers section of Misikhu to Naitiri road was taken over by the National Government leaving 20 Kilometers from Naitiri to Brigadier Road under the County Executive. As a result, the County Executive re-advertised and awarded a contract to completion of 20 Kilometers Naitiri to Brigadier Road to the same contractor at a contract sum of Kshs.525, 999,390 on 8 April, 2024. However, the County Executive has not provided any documentary evidence demonstrating how the former contract was closed and transfer of two (2) 4WD 2800cc motor vehicles estimated at Kshs.16, 500,000 which were to revert back to the County Executive at the close of the project. In addition, there did not appear indications that ten (10) publicity sign boards costing Kshs.750, 000 were erected as provided in the contract.

Further, the audit inspection done in October, 2024 revealed that the road works had stalled and the contractor was not on site and the construction of National Government Road had not started.

In the circumstances, value for money may not have been realized by the public in respect of the

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project.

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Failure to Transfer Functions to Kimilili and Bungoma Municipalities

The statement of receipts and payments and Note 4 to the financial statements reflects use of goods and services amount of Kshs.2, 083,889,103 which includes other operating payments amounting to Kshs.628, 461,613, which in turn comprises payments for garbage collections totaling Kshs.320, 560,000. However, garbage collection is a function of Bungoma and Kimilili Municipalities as required by Urban Areas and Cities Act, 2011 (Amended in 2019) and charters for the two municipalities. Further, as reflected in the financial statements of Kimilili and Bungoma Municipalities, the County Executive procured and made payments totaling Kshs.39, 647,586 and Kshs.79, 470,574 respectively on their behalf. No explanation was provided for the failure by County Executive Management to give the two Municipalities operational autonomy.

In the circumstances, Management was in breach of the law.

Committee Observation

The county was undertaking functions meant for Municipalities and that transfer of functions has not been completed, and Management has not provided evidence that any of the four key functions have been successfully transferred.

Committee recommendations

That the County Executive promptly transfer the roles and functions specified in the Urban Areas and Cities Act, 2011, This action is essential for legal compliance and to grant the municipalities the operational autonomy needed to manage their responsibilities effectively and other services within 60 Days of the adoption of the report.

The OAG to keep the matter in view and provide a status update to the Committee in the subsequent audit cycle.

Lack of a Risk Management Policy

The County Executive had not developed a Risk Management Policy and there was no indication that risk assessments were conducted in the financial year under review.

In the circumstances, the effectiveness of management in evaluating risk arising from fraud could not be confirmed.

Committee Observation

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The committee observes that the risk management policy and the risk register have not been developed and were not availed to the auditors.

Committee Recommendation

The County Government as per Regulation 158 (1) of Public Finance Management (County Governments) Regulations, 2015 put in place a risk management policy and disaster recovery plan within sixty (60) days from the adoption of this report and submit the same to the Auditor General. The Auditor General to closely monitor the development, documentation and communication of these policies within the county entity in the subsequent audit cycles.

Lack of an ICT Policy

Review of ICT internal controls revealed that Management had prepared a draft ICT policy but it had not been approved for operation. As a result, Disaster Management and Recovery Policy, business and ICT Continuity Plan, ICT Strategy Committee and ICT Steering Committee had not been formulated.

In the circumstances, the effectiveness of ICT internal controls could not be confirmed.

Committee Observation

The committee observes that the County Government has not yet provided a draft ICT policy.

Committee Recommendations

1. The committee recommends that the process be fast tracked and the policy be implemented within sixty (60) days from the adoption of this report and submit the same to the Auditor General.
2. The Auditor General to closely monitor the development, documentation and communication of these policies within the

Failure to Provide Project Implementation Status Report

The County Executive did not provide for audit the project implementation status report as at 30 June, 2024. Therefore, it was not possible to ascertain the number of projects approved for implementation, how many were completed, how many were in progress, how many had not started and how many had stalled. In the circumstances, the effectiveness of projects' implementation management could not confirmed.

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Committee Observation

The committee observes that the issue has not been adequately addressed, as Management has failed to provide the project implementation status.

Committee Recommendation

The County Executive establishes a project management and monitoring Committee to help in proper project conceptualization, planning execution and timely completion of projects as well as realization of value for money as provided for in the Public Finance Management Act, 2012 and the Public Finance Management (County Government) Regulations, 2015; and The Auditor General to audit the status of stalled projects and provide a status update to the Committee in the subsequent audit cycle.

Weakness in the Internal Audit Function

Lack of Performance Appraisal of the Internal Audit Function

The Audit Committee did not carry out annual review of the independence, performance and competency of the Internal Audit Unit and comment on their effectiveness in the annual report. Further, the internal audit unit did not go through a professional assessment on its effectiveness done by a professional body or recognized institution which should be done once every three (3) years but not more than five (5) years. This was contrary to Regulation 159(1) (2) and (3) of the Public Finance Management (County Governments) Regulations, 2015.

Committee Observation

The committee observes that Management has not clearly indicated which issues raised by the auditor have been fully implemented and which have only been partially addressed. Additionally, the letter communicating full implementation to the relevant departments has not been provided. The committee notes that this issue has not been adequately addressed.

Committee Recommendation

The audit should Committee conduct the required annual review of the internal audit unit and its effectiveness, ensure a professional assessment is completed, and that the accounting officer submits a response and action plan to the audit committee chairperson within fourteen days, in compliance with relevant regulations.

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Failure to Act on Internal Audit Reports

The Internal Audit Unit conducted audit assignments and reported on their findings. However, there was no evidence that the issues raised were acted upon by the Management in accordance with Regulation 165(1) of the Public Finance Management (County Governments) Regulations, 2015 which requires that the Accounting Officer of the concerned entity shall be responsible for the implementation of the recommendations made in the audit reports and shall develop responses and action plan which they shall submit to the chairperson of the Audit Committee within fourteen days.

In the circumstances, the effectiveness of Internal Audit Unit could not be confirmed and Management was in breach of the law.

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Committee Observations

The observes that;

1. While the management made attempts to implement several issues raised by the internal audit department, the implementation was not satisfactory
2. The issue is partially resolved

Committee Recommendations

1. The responsible accounting/relevant officer(s) should take immediate action to implement the recommendations made in the internal audit reports.
2. A response and action plan must be developed and submitted to the chairperson of the audit committee within fourteen (14) days from the date of adoption of this report
3. Furthermore, the committee expects that this process be completed within a period of sixty (60) days from the date of adoption of this report to ensure compliance with Regulation 165(1) of the Public Finance Management (County Government) Regulations, 2015, and to enhance the effectiveness of the internal audit function.

COMMITTEE GENERAL OBSERVATION

The Committee observes that most of the audit issues raised were as a result of failure to provide information and supporting material evidence by relevant officers at the time of audit which constitutes an offence of financial misconduct punishable under part vii of the PMF Act, 2012 in addition to the provisions of Article 226(5) of the Kenyan Constitution, 2010.

COMMITTEE GENERAL RECCOMENDATION

The Committee directs that the Accounting Officers to undertake administrative action against the responsible officer(s) who fail to provide documents to the Auditors at the time of audit, in accordance with the provisions of Section 156 of the Public Finance Management Act, 2012.

Mr. Speaker: Yes Hon. Otsiula you have the chance to second the report.

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Hon. Benjamin Otsiula: Thank you Honourable Speaker. First of all let me laud the Deputy Speaker and the chair Liaison committee on moving the report eloquently and well enough for all of us to comprehend the contents therein.

First of all while seconding this report, I also want to remind Honourable Members. I know they are wondering why the liaison committee today they are talking about audit and other issues. This is a function that was bestowed upon the liaison committee during the period when the Public Accounts Committee and the budget committee were not properly constituted. Audit of Public Accounts as per this motion, the mandate is derived under article 229(4) of the constitution which mandates that audit must be conducted six months at the end of each financial year.

A key analysis of this report you will realize that there is non-compliance which clearly stems from non-provision of the relevant information required by the auditors. Where information is not provided, then it means generally that the reporting or rather the audit process will always be incomplete or will lead to submission of partial reports.

The law is clear under section 149(1) of the PFM Act that an accounting officer is always accountable to the County Assembly for ensuring that the resources of the entity of which the officer is designated are used efficiently and effectively.

If you look at the first issue that this report was addressing, unreconciled variance on the compensation of employees. If you look at the figures that were provided, there is a figure which is unexplained that is Kshs 592,880,495. This shows that the CECM Finance was unable to provide information as to how the figure is in excess of what is supposed to have been paid. There is no support of proper documentation, the statements were not provided to support why the huge variance.

The recommendation there is very specific that within 60 days the CECM must provide a status report on the reconciliation of the accuracy on compensation of the sums of these employees to the County Assembly. The report has also implored upon the EACC to investigate the unsupported payments. I laud the committee to this end that as far as you observed that there was variance in payment or rather unreconciled variances, we have clearly stated out the measures that are supposed to be undertaken to ensure that the public funds are not being misused.

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There is an issue also about transfers to other government. Monies being channeled to Municipalities. If you look at the submissions, again statements were not availed to support these disbursements we wonder why was it difficult for the department of Finance or rather the respective officers concerned in failing to submit these statements so that they can support the disbursements to the municipalities. This is a serious anomaly and the report is clearly providing recommendation that the submission of bank statements should always form the basis of acknowledgement of funds during auditing material evidence because we now wondered how the audit was being conducted without this statements.

There is an issue which is sensitive on budgetary control and performance. Here the committee observed that this was an issue which was even beyond the control of the management. There are key recommendations here that the National Treasury should ensure the timely release of funds to County Governments in line with the cash disbursements schedule approved by the senate.

However we agree even at the moment right now we are still complying with the new issues of EGP and telling us that it has moved from this and that. Which also was a key factor in that report coming up showing incomplete figures. There is a problem on disbursement; it is affecting even the County Assemblies.

Key issue in this report, I know members have followed and after each particular item a recommendation is tamed therein. It will be wrong for me to start copy pasting the recommendations the way they appear. My work is to open up this motion to enable members' debate. We are sent to article No. 226(5) of the Constitution and that article read together with the section 156 of Public Finance Management Act puts emphasis on Public Officers that is, officers who fail to submit documents as per the law.

As far as this report is concerned, it is an offense which is punishable by the law and matters audit you cannot say that you are conducting an audit if you don't have the primary materials or rather the primary evidence and therefore as a committee, we recommended that all those officers that failed to produce this statements leading to partial preparation of reports and partial conducting of the audit of the accounts must face the law because it is explicit.

This report is explicit. I have already pointed out that it is immaterial for me as a seconder of the motion to reread the recommendations but put emphasis that in future once this committee has

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approved such recommendations because if you look at the nature of the report, you cannot say that we shall wait for somebody to comply because now this is something that has already happened. An audit for 2023/2024 means that somebody floated the law in 2023/2024, he did not submit statements. A report was prepared and based on that, we might have lost a lot of funds through half and non-submission of materials.

Therefore without much ado, I wish to support the report. Thank you. I second.

Mr. Speaker: Thank you Hon. Otsiula for seconding a report that was ably moved by our Deputy Speaker and the Chair of the liaison committee.

Honourable Members, allow me be able to propose a motion for the House to debate;

(Motion proposed)

Occasionally members when such reports are brought here, I expect the committee of Implementation to be very keen to implement what we are discussing here. So at times it is very tricky, Hon. Nga'nga you're the first one to go.

Proceed.

Hon. Everton Nga'nga: Thank you Honourable Speaker for giving me a chance to make my contribution towards this report. First I would like to laud the mover of the motion; he has moved the motion eloquently. When such reports are brought on the floor, these are reports that actually provide proper oversight to the Executive.

I have noted two issues here, two audit queries. Number one is the issue of the Misikhu-Brigadier road and also the Musikoma-Kanduyi. We discovered that the Misikhu-Brigadier road is a road that was began in the first regime that is from 2013-2017 with the purpose of linking up Tongaren-Misikhu and Brigadier areas. This is a project that has taken time to be completed. We discovered that in the first contract, the work that was paid those officers who went to the site or the works officers, they came up with a huge percentage of 83%. They showed that the road is complete at 83% but when the auditor went to the site he discovered that it was at 76%.

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At 83% you discover that Kshs 169,002,876 sum of money was paid. This resulted to a loss of 91M which is a huge figure and to make it worse, after the county loosing that 91M again they re-advertised and awarded the same contractor. This is a loss of public money and this project every year when we prepare our budget; we also allocate money to this project. I am again suspecting because this project is not ending, it's like there is a specific percentage that has not been completed. It may spill over to 2027 up to 2032.

It is absurd; it is very bad. It is like we the County Government of Bungoma are treating this project as a milking cow. When this cow dried up the contract was renewed to make it live so that further milking can continue. That is very wrong.

Again, I am looking at Musikoma Kanduyi road. This project was terminated and you discover that from the issues that the auditor flagged out, actually it was not properly completed. I remember Hon. Jack Wambulwa raised a statement in this House that the road is not complete but you discover that the contract for this road, was terminated.

I am looking at this recommendation, that the Office of the Auditor General to follow up the matter in the subsequent audit cycle. This recommendation is not actionable, just to follow up in the subsequent now to do what?

The work of the auditor is just to flag out issues to sensitize us as the Honorable Members who should oversight the Executive to do the work. His work is just to unfold things that happened so that we as the Honorable Members of Bungoma County can make sure that the recommendations we make are implemented within the specified time. Most of the recommendations that have been given out here stating that the Office of the Auditor General to monitor in the subsequent cycle, that recommendation is not actionable.

I am looking at the unresolved prior year matters. These are matters that are actually recurring; they appeared in the previous year. The mover of the motion, you will check. You did not make any recommendation on that. There is no recommendation on unresolved prior year matters. You will respond to that. The report is good. I support it.

Mr. Speaker: Thank you. Hon. Ipara then Sudi.

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Hon. Johnston Ipara: Thank you Hon. Speaker for the opportunity. Let me begin by commending the mover of the report, the seconder and the committee in question. The reason why I want to comment them is one, for identifying the unreconciled amount and departments that were involved.

On the outset, this informs you that when you find that there are unreconciled records on funds, it shows that they never kept any record of any expenditure they were spending and if they have then it means that that expenditure was never authorized. It was wrong. The issues that we need to ask is; what were the specific causes of the variances and reconciled accounts because here we are talking about 592,000,000 and above and this money is for workers which they were saving so that at the end of their service, this money is paid back by their scheme provider.

The second thing that we need to know is the cause of the delay of remittance because if we applied the method of check off when money is collected immediately it's transferred to the respective schemes but this never happened. As you directed the committee for implementation, these are the questions that you are supposed to come up with when you are establishing why it was not implemented.

The other thing that we also need to know is who was responsible for the failure to reconcile because reconciliation is supposed to be done after every receipt and use of that money so that what you have in the account is what is the actual balance but this never happened. Then we need to be told why was it not done at the right time.

The other thing that is critical that has never been done, the action the treasury has taken to reconcile those records because they have been flagged out. What action have you taken that you are now reconciling them or you wait until when you are forced to and the very optimal is plans to settle the arrears of the employees contribution to their pension schemes because actually this is their money and they were saving so that it can save them during the sunny and the rainy season but this has not happened because 592 stands unreconciled.

In most of the organizations, we normally have what we refer to as internal auditors. Internal auditors are whistle blowers who could inform that this is a wrong thing that you are doing. Was it flagged out in one of their works. If it was not flagged, whose failure was that?

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The second issue, I want to talk about is Misikhu Brigadier road. For us who come from that region, we do not even nowadays like to talk about it because when it is mentioned, people say that we were the beneficiaries of that road. If you look into it, there is nothing that we benefit as the people who come from that region other than the shame it has brought us. You heard that there was overpayment of 91,000,000 and I want to agree with Hon. Nganga this is a white Elephant and we should stand firm and make sure that it comes to an end and we stop it from being a milking cow for some people.

You remember we appropriated so much on this road but there is nothing to show and it takes you nowhere and we have nothing to be proud of.

The worst thing is about transfer of roles and functions for municipalities. The law particularly the constitution is very clear and other supporting laws. This undermines the purpose of devolution

The second thing that we are also doing is weakening urban governance and the third thing it causes duplication of roles. What is supposed to be done by the municipality is done by a different department and if you ask why, there is nothing they will tell you and in addition to this, we have denied residents efficient services and development funds. I am saying this because if we did transfer these functions to respective municipalities that we have, we could stand the following benefits;

One, donors could have come running to partner with us in some programs within the municipalities and the beneficiaries are the local residents of those areas and those who have refused to transfer these functions are doing it for selfish interests and even if you look at the end there is nothing they stand to benefit. They make all the people lose and we should stand and I stand to support this report because of the recommendations and the sentiments the Honorable members are saying right now. I submit.

Mr. Speaker: Thank you. Hon. Sudi Busolo!

Hon. Isiah Sudi: Thank you Hon. Speaker for allowing me also to make my remarks on a report well read by the Deputy Speaker who is also the Chair of Liaison committee. It's like Hon. Nganga and Hon. Okasida were having the same views but all in all I had the report on the

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stadium that we have in Kanduyi. There is a highlight on it and it touches on the perimeter wall. For those who are here, during the Madaraka day we saw how the National Government hurried to make up the perimeter wall. Little did we know that what the report has highlighted, the budget for the perimeter wall was double because as a county, we had also budgeted for it and it was done by the National Government.

There is a lot of loss of money in the entire report and another area which is like a scheme where people just plan that when the auditors come in this County, people welcome them and when they exit they do not have an exit meeting because on the issue or maybe we have employed a lot of unskilled manpower and forget about the skilled labor like CPA because some issues are direct and it's all just reconciling variances.

You had the Governor saying today morning that they are sometimes called at the Senate and when they reach there, the figures are reconciled very easily but here at home the figures have refused to reconcile. What is the problem? This is the Government that we have. Why do we forget about skilled labor? Whoever created formal education was not a fool and they gave so many pathways; you can be a lawyer, an accountant an engineer, a teacher. So we have put people in the office who are not competent enough that we see the shame because what they are doing is just planning to loot the County. All that they can manage is to loot the County.

The 91,000,000 is lost, 124 including the perimeter at the stadium is lost. Who has been taking all these money? Like the worst part is for someone to say that the dual was at 98% complete. Surely if those who have an opportunity to pass on that road, can it be 98% complete and as the mover was moving the motion, you see 50 million meant for pedestrian crossing marks were removed. They are also camouflaging the 24, 000,000 that was meant to light the same road. Surely history will judge us very harshly including myself. This report is an eye opener that when the Executive brings here a budget on some issues, let us be critical and analyze because even the supplementary budget that is coming, you will see money on Brigadier.

Brigadier will not miss and you have seen that 91,000,000 was lost and we shall mobilize members to pass. Are we doing service to our people; Sudi and others?

This is an eye opener. There is so much stealing in the County. The Governor might not be in the know but there is so much wastage. When we talk of pending bills, you can see if we recoup this

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money, it can go to pay pending bills. Those who come from rural areas are so much affected because even if the dual is not completed, it is in a ward somewhere. What about South Bukusu which does not have the dual or Brigadier, then the small money that is meant for the ward is now being recovered to cater for pending bills. Sudi where are you? Can you relinquish some vote heads to take care of pending bills?

Some areas are so much disadvantaged because of non-prudent usage of public funds. We are entrusted my colleagues, it is a privilege to be here. That we now wake up and do our oversight so that we set the records right otherwise we shall be judged. I am very sure for those who have offices here, you will go and practice and you will be hearing because the trend and what is happening now as I support the report, let the implementation committee even if they have recommended 60 days, do a follow-up so that they also come up with a report and highlight on what has been improved where they have corrected.

Implementation is our savior and I am happy you have also recommended the DCI. All the recommendations should have touched on DCI and EACC because there are a lot of criminal elements in all the observations. I do not see why you omitted the DCI and EACC. It was so fertile and very direct that the DCI must do something on some of these. These are the people who are making the public to see devolution as if corruption was devolved. We want to change that perception. Let's not allow a few elements to tarnish the purpose. Devolution has done so much but the issue of corruption should be addressed by this House. You are elected and nominated, you are equal...

(Applause)

Don't allow a few people to make us be a laughing stock out there. Let us stand our ground.

(Applause)

Mr. Speaker: Hon. Cornelius then I will have Hon. Joseph Nyongesa.

Hon. Cornelius Makhanu: Thank you Honorable Speaker...

Mr. Speaker: Order members! Order Chief Whip!

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Hon. Cornelius Makhanu: First of all Hon. Speaker, I would also like to congratulate the mover of this report our DS and the seconder. First, I will start with the dual road. My colleague has just mentioned that it falls into a ward and that is my ward. At the inception of this road, we were even told that it will have a footpath where the motorbike riders will be passing and all that but today when you look at that road, there is no such thing and it has taken a lot of our resources as our County.

This road opened up our town; it has reduced congestion that was there previously. We have complained on that road that is not yet finished. It used to have even protruding man holes but recently they were chipped out so that it looks like its complete yet it's not.

This road collects all the rain waters from Township ward. Part of Musikoma and even Tuuti Marakaru. It ends in Khalaba. I even asked who designed these roads without considering drainage. I was told they were nine sections that were supposed to have drainages but it never happened so as people of Khalaba ward we have been suffering and we are still suffering but all the same as Honorable Sudi has said, sometimes you look at these reports you feel like Bungoma County is a crime scene. Sorry to say that but that is where we are. You look at the figures that we have paid on that road and wonder. When it comes to Bungoma, the prices of some projects, I do not know, maybe as my colleague has said, it's high time as a House the implementation committee should take that matter seriously and maybe invite as the report says the EACC to investigate.

Secondly, on Masinde Muliro Stadium, I have been there several times. I had an opportunity to go through some of the BQ's. You look at the pricing of that stadium phase 1 and what is in the ground you feel like crying. People have made Masinde Muliro stadium to be there cash cow.

There is only the perimeter wall that has been mentioned here but when you look at the BQ and the variation that came later on, there is also a chain-link fence that is not there but it is paid for. That money has just gone in the air like that. There is a chain link when you look at that stadium.

The pitch of that stadium even today as we speak was supposed to have underground sprinklers. They are not there and yet it's paid for. Initially the pitch was costing around 18,000,000 but because of that variation, it went up to 53,000,000 the playing pitch only. We have been there several times, it's not even playable yet we are paying 53 million.

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Even the running track is just dust but if you look at the money that we are paying, you will cry. We were told here by the Governor one time that Phase one is complete; today we are being told it is almost complete. I was there three weeks ago, I moved around in those office blocks. The second floor is not yet done, the floor is dusty. Some of our departments have moved in there. Tiling has been done on the first floor but the second floor we are seeing our workers sitting in the dust and yet when you look at the percentage, that phase one is complete.

I do not know about our public works department unless we do not have competent officers there; that is where the problem is. When the variation came not 128 million then sometimes you feel like it has been a deliberate way of making money because they delay in honoring payment and it attracts penalties. As we speak, we are paying penalties amounting to 45, 000,000. It is not captured but we are paying penalties amounting to 45, 000,000. How many projects can that money do to our County?

These flagship projects is a way of people just making money. They are eating in this County left, right and center. We have like one and a half years for our term to end but I urge the House maybe for this remaining time to make recommendations that are going to save this county. Otherwise, I support this report. It's very nice but we invite other agencies to get people to return our money. Money has just been stolen.

(Applause)

Hon. Jeremiah Kuloba: Thank you Hon. Speaker. I have two issues that I have observed. One, do you want me to speak in Kiswahili?

Mr. Speaker: Hon. Jeremiah, it can only come from the Speaker, nobody else.

Hon. Jeremiah Kuloba: Yes. Thank you Mr. Speaker.

Mr. Speaker: If he wants to hear your Kiswahili let him look for you outside there or at your headquarter with Hon. Chikati, you know it. Proceed!

Hon. Jeremiah Kuloba: Hon. Speaker, mine is just a concern over poor works that were done with the taxpayers money where we are not realizing value for our money especially the stadium as earlier alluded by colleagues. There is poor work that was done but something that surprises

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me is that even the public makes noise and the DCI and EACC do not listen to that. So, there must be a hand somewhere that is trying to block these investigations which should just come up.

Two, the beautification of this town where this House allocated 25 million pains me very much. When I move from Kanduyi to Musikoma, I see no green grass on that road, no flowers, nothing going on but when our county goes to the Senate, I get that they are doing very well. They should come and maybe improve on ABCD. Something should be done by this Assembly to show that we are also concerned about the theft of public funds.

Mr. Speaker: Thank you. Hon. Joseph Nyongesa!

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First, allow me also appreciate the mover of this report and more so the seconder of this report because he really opened it up. As I support the report and agree with the sentiments of my colleagues, I want also to say the following because one, every department has got a sector committee and every sector committee has got powers to make a follow-up on what the department is doing so that they can at least report in this House.

We are now lucky that Liaison Committee has opened it up and I thank God that even the Chair PAIC having now had the training, I think the reports coming forward will be somehow touching so that they follow suit of the Liaison Committee. Because if we can now compare these two reports; the budget and PAIC report that was done by the Liaison Committee, you can see now some sense that actually there was no twisting but things were clear. So Chair PAIC, how I wish that you can also come strongly. Do not twist anything so that at least we have some touching report like this one.

We want also to urge chairs of sectoral committees to be making a follow up and report in this House because we won't wait until things have gone wrong. We have a sectoral committee of youth which is in charge of that stadium and they normally defend the budget of that sector but at what point do you now follow up and ensure that what is being implemented is right.

As much as we are saying, let's go back to our committees and ensure that if it means Roads department, what have we done as a sector committee as much as we normally protect the budget

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of our sectors. Let us also ensure that implementation is rightly done. Otherwise, it's just an eye opener and I think we shall not have any more twisting of reports.

Mr. Speaker: Yes, Hon. Stephen, now you have the honor of responding to the report accordingly!

Hon. Stephen Wamalwa (Mover to reply): Thank you Hon. Speaker. I want to take this opportunity first of all to appreciate the input, remarks and contributions from each and every member who has been on his or her feet to make contributions towards this report that we moved on the floor of the House today.

Liaison committee undertook this activity as a caretaker committee for a very limited period of time. We stepped in just to take care of that area and just like any other document therefore this report is subject to the House to look at and we realize that yes we may have done and like any examiner, every member here is like an examiner; you examine it and give recommendations and opinions that you feel and I am happy that you have been giving out exactly that.

I want to tell the House that we did our best as you have seen and you as an examiner you have also looked at it and given it the remarks that are really going to help improve our County going forward.

This report is talking about critical issues and some members who are affected by what this report is giving are not in this House. This is one area that we need to improve Member's. I pray that in future when such a report is coming, the House can be full. That every member can be here so that each one of us can take what belongs to you. This report is talking about the County. I wish that we are here and each one of us looks at it, we debate and give input that will go a long way in helping improve our County going forward.

Also the issue of prior years was mentioned but the position of the Liaison Committee was and is emphatic that the Office of the Auditor General keeps tabs on it so that we can have the issues resolved. The Liaison Committee stands but any unresolved issue, the OAG keeps tabs on it because it has to be resolved. Anything that is not resolved off course will keep popping up as a query. So, it is the onus on the officers given responsibility to act on it and the stand of the Liaison Committee is that.

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I want to urge that this House adopts this report as it is so that we can push the officers to work even more perfectly and to give value for money for the people of Bungoma.

I beseech the House to adopt this report.

Mr. Speaker: Thank you the mover of the motion for the response to the report as moved and seconded and debate having taken place, Honorable members, allow me go ahead and be able to put a question;

(Question put and agreed to)

The ayes have it!

The report plus the recommendations of the committee are hereby adopted by the House accordingly. We proceed!

Hon. Nganga you are not supposed to be done, it's not the work of the Speaker, proceed!

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

Mr. Speaker: Yes, the chair of the committee! Honorable you move forward then you must start by confirming the issue of the quorum.

Hon. Violet Makhanu (Chairperson - Youth Committee): Thank you members, thank you Hon. Speaker. Maybe may I request the members of the committee to...

Mr. Speaker: Yes, can you be upstanding! Jeremiah, Catherine, Allan. How many are you? Those ones standing. Do not count my sergeants and commissionaires. You do not have the quorum, wait first! Hon. Chemion, you are in this committee, why are you pretending that you are not part of the committee? You are number 4!

(Loud Consultation)

No, the committee at the time they prepared this report, you were part of it so, proceed Chair!

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(Loud Consultation)

Number 12 is Everlyne Anyango, she signed, she is here. Hon. Otsiula, look for valid excuses. Let's proceed!

Hon. Violet Makhanu(Chairperson, Youth): Hon. Speaker, I am really willing to read this report but...

Mr. Speaker: Honorable members, having gone through the first committee of the Whole House, the second one the report of PAIC committee, you know the Speaker cannot move himself, why can't Hon. Chemion and Nganga move me appropriately so that you are able to go away.

(Loud Consultation)

Yes, let me hear Hon. Chemion!

Hon. Francis Chemion: Thank you Hon. Speaker. Under Standing Order 34, this is a report that is coming before the House, it is a critical report; it touches on very critical issues of this County and looking at the membership and the sugar levels, these members may not be able to grasp very well this critical report that is coming before the House. I move that we adjourn and even move that report to the next sitting if you will agree with us so that members can go and refresh themselves, when they come back here they are able to handle this report from the Youth committee. Under 34, I move that...

Mr. Speaker: You are out of order. I have been telling you 34 you cannot survive, you go to 64(2) (b).

Hon. Francis Chemion: Thank you Mr. Speaker. You know it is good to have a Speaker who knows these Standing Orders offhead. 64 (2) (b), motion for the adjournment of the House or debate. That is the Standing Order that I am standing on to move for the adjournment of this House today so that the sugar levels can be replenished. I now call upon Hon. Nganga to second the adjournment.

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Hon. Everton Nganga: Thank you Hon. Speaker for giving me a chance to second the motion of adjournment that has been moved by Hon. Chemion. I second.

Mr. Speaker: Unfortunately, none of you has been able to say why you are adjourning. The sugar level cannot be an excuse.

(Loud consultation)

Members, when you talk about time you ought to move at 6.30 for extension and it is not yet 6.30.

(Laughter)

Honorable members, a motion has been moved and seconded that this House adjourns its sitting under Standing Order 64(b). I propose.

Honorable members, having had your sentiments that this House adjourns its sitting pursuant to Standing Order 64(b)

(Question put and agreed to)

The ayes have it.

ADJOURNMENT

The House will adjourn and the motion that has been taken out of today's Order Paper will be the first motion on our Order Paper tomorrow at 2.30 p.m. Thank you for being patient up to this Hour. We will adjourn for today and resume tomorrow at 2.30 p.m.

Equally, I will urge Members of this committee to be available in good numbers because if it does not proceed, you know the consequences. If you are having a planned retreat, it will be cancelled until you come to the House first. Thank you, have a good evening

The House rose at 18.23 p.m.

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