THIRD COUNTY ASSEMBLY **FIFTH SESSION**

(NO. 376) **Afternoon Sitting (265)**

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – FIFTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
TUESDAY 16TH JUNE, 2026 AT 2:30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers *(As listed in the Appendix)*
6. Notices of Motion *(As listed in the Appendix)*
7. Questions and Statements *(As listed in the Appendix)*
8. **BILLS** – **THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT BILL, 2025**

(Chairperson, Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

A Bill for an Act of the County Assembly of Bungoma to provide for the development and management of the Agriculture Institutions and for connected purposes

(Second Reading)

9. **COMMITTEE OF THE WHOLE HOUSE**

(THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT BILL, 2025)

(Chairperson, Committee of the Whole House)

(NO. 376) **Afternoon Sitting (265)**

APPENDIX

ORDER NO 5 - PAPERS

Report of the Budget and Appropriations Committee on the Annual Budget Estimates FY 2026/2027

(Chairperson, Budget and Appropriations Committee Committee)

ORDER NO 6 - NOTICES OF MOTION

THAT, this House notes the report of the Budget and Appropriations Committee on the Annual Budget Estimates FY 2026/2027

(Chairperson, Budget and Appropriations Committee Committee)

ORDER NO 7 - QUESTIONS AND STATEMENTS

It is notified that pursuant to S.O. 47 (2) (c), the Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing will respond to the following Statement;

Statement No	Statement
Statement No. 4/2026	Member for Chesikaki Ward (Hon. Jacob Psero -MCA) to get a response from the Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing. This is in relation to the land designated for Kapchepkui ECDE Centre in Chesikaki Ward. In the response, let the Chairperson inquire and elaborate on the following: 1. When was the said land purchased? 2. What is the total acreage of the said land? 3. What is the total cost of purchase of the said parcel and how much had been allocated for the purchase? 4. What are the reasons for failure to procure title in the names of the County Government? 5. What is the status of registration of the same? Is it in the County Government's name or not? If not reasons thereof be stated. 6. If title thereto has not been obtained by the County Government then when is the same expected to be acquired?

ORDER NO. 9: COMMITTEE OF THE WHOLE HOUSE

(THE BUNGOMA COUNTY AGRICULTURE INSTITUTIONS DEVELOPMENT BILL, 2025)

TAKE NOTICE THAT, the Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development intends to move the following amendments on the Bungoma County Agriculture Institutions Development Bill, 2025 as follows;

CLAUSES AS PRINTED

CLAUSE 3

That Clause 3 of the Bill be amended ad follows;

That Sub-Clause 3(c) be amended by inserting the words *"and sustainability"* immediately after the word *"Funding"*

So as to read

"Provide a framework for funding and sustainability of the activities of the Agriculture Institutions"

Justification: to embrace continuity of the corporation.

By Inserting the following new sub clauses;

i. *3(d) enable the institutions to undertake public private partnerships and joint ventures in areas that are beneficial to the County;*
ii. *3(e) enhance competitiveness of the institutions for enhanced development and management; and*
iii. *3(f) provide for mobilization of resources for investments.*

Justification: to strengthen object and purpose of the Act by capturing the aspect mobilization of more resources for the corporation.

CLAUSE 5

That clause 5 of the Bill be amended as follows;

That sub-clasue 5(a) be amended by inserting the words *"Spatial and Sector Plans"* immediately after the word *"plan"*

So as to read

"the promotion of socio-economic development in line with the Bungoma County Integrated Development Plan, Spatial and Sector Plans"

Justification: to incorporate all plans required to be prepared by County Governments in compliance with the County Governments Act Public Finance Management Act, and other related laws.

CLAUSE 6

That clause 6 of the Bill be amended by deleting the entire clause and substituting therefor the following clause:-

"*Establishment of the Corporation*

6(1) There is established a Corporation to be known as the Bungoma County Agriculture Institutions Development Corporation in accordance with provisions of Section 182 of Public Finance Management Act 2012 and Regulation 202 of Public Finance Management Regulations 2015.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

a) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

b) borrowing money or making investments;

c) entering into contracts; and

d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate."

Clause 7

That clause 7 of the Bill be amended by deleting the entire clause and substituting with the following clause;

"Functions of the Corporation

7(1) The Corporation shall be responsible for—

a) holding property and assets of agriculture institutions on behalf of the County for the purposes of investment and development;

b) undertaking investments in agriculture institutions on behalf of the County for the purposes of generating revenue;

c) undertaking any development initiative in institutions for the County with a business or social purpose;

d) undertaking business ventures solely or in partnership with other entities or persons for the benefit of the County;

e) advising and facilitating the County on investment opportunities for the institutions;

f) advising the county executive committee member on necessary policies and programs;

g) collaborating with other national government institutions on agricultural development; and

h) carrying out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the county executive committee Member"

CLAUSE 8

That clause 8 of the Bill be amended by deleting the entire clause and substituting therefor with the following clause:

"Power to admit institutions into Corporation

8. The County Executive Committee Member with the approval of the County Executive committee and the County Assembly may, by order in the Gazette, admit one or more Agriculture Institutions to be part of the corporation within the County."

Justification: To give power the County Executive Committee member to admit institutions.

CLAUSE 9

That Clause 9 of the Bill be amended by deleting the entire clause and therefor replacing with the following clause:-

"Existing Agriculture Institutions

9. County Agriculture Institutions shall include;

a) *Mabanga Agriculture Training Center*
b) *Agricultural Mechanization Centre*
c) *Soil Laboratory Centre*
d) *Chwele Fish Farm*
e) *Any other Institution that may be established as need arises"*

CLAUSE 10

That Clause 10 of the Bill be amended by deleting the entire clause and therefor replacing with the following clause:-

"Functions of the Agriculture Institutions

10. The County Agriculture Institutions shall;

a) *Be an innovation hub for development and dissemination of agricultural innovations and adaptive on-farm trials.*
b) *Offer residential and non-residential training (including outreach) on appropriate technologies on agricultural value chains to farmers and stakeholders.*
c) *Serve as a bulking center for plant materials and multiplication of livestock or fingerlings for farmers.*
d) *Protect and manage gene bank for domesticated fish species and commercialization*
e) *To offer quality competency-based training to agricultural value chain actors for enhancing agricultural development.*

f) *To provide facilities for training on relevant agricultural technologies and other ancillary subjects.*
g) *To promote commercialization of agricultural enterprises and value addition.*
h) *To promote agricultural mechanization services for sustainable agriculture in county*
i) *To offer laboratory testing, analysis and advisory services to farmers on soil and other relevant inputs*
j) *To offer capacity development assistance on agricultural mechanization through practical training, technical assistance, technology transfer and human resource development*
k) *To collaborate with the National Government, the private sector and non-governmental organizations in development of agricultural training and research.*
l) *Promote adoption of small mechanized equipment and machinery*
m) *To carry out such other functions as may be necessary or incidental to the implementation of the objects and purposes of this Act and performance of such other functions as may from time to time be assigned by the County Executive Committee Member."*

Clause 11:

That clause 11 of the Bill be amended by deleting the entire clause and substituting with the following clause:

"Agriculture Institutions Development Corporation Management

11.The Agriculture institutions Development Corporation management shall include;

a) *The CECM*
b) *Board of directors.*
c) *Chief Executive Officer*
d) *Staff of the institution."*

Justification: To enhance good governance

CLAUSE 12

That clause 12 of the Bill be amended by deleting the entire clause and substituting with the following clause;

"Board of the Corporation

12(1) Subject to this Act and in order to regulate the governance, administration and management of Agriculture Institutions Development Corporation in the County as contemplated by this Act;

a) there shall be established a Board of corporation to assist in the overall governance and management of the corporation.

b) The County Executive Committee Member through open, transparent and competitive recruitment processes, appoint suitably qualified person to constitute the Board of Directors.

(2) The Board of Corporation shall consist of—

(a) A non-executive chairperson who shall be elected at first sitting and appointed by the County Executive Committee Member

(b) The Chief Officers in the Department for the time being responsible for matters relating to Agricultural institutions;

(c) The Chief Officer in the county for the time being responsible for matters relating to the County treasury;

(d) 9 professionals who shall be of mixed expertise and experience for the purpose of providing policy direction and guidance to the management of the Corporation appointed by the County executive Committee member through a competitive process;

(e)The Chief Executive Officer Agriculture institution who shall be the secretary to the Board and an ex-officio member."

3. The appointments under 2 (d) shall be drawn from the existing sub- counties within the county.

4. In making appointments under 2 (d) consideration shall be made to the two third gender rule, Persons Living with Disability, youth and the provisions of Article 27 of the Constitution of Kenya

Justification: to enhance good Governance.

Clause 13

That clause 13 of the Bill be amended by deleting the entire clause and substituting therefor with the following;

"Eligibility for appointment of Directors of the Board

13 (1) A person shall be qualified for appointment as Chairperson under section 11 (2) (a) if the person –

(a) Is a Kenyan Citizen;

(b) Holds a bachelor's Degree from a recognized university;

(c) Has experience in management of not less than ten years of which five must have been in senior management;

(d) Meets the requirement of chapter six of the constitution; and

c) Has had a distinguished career in their respective field.

(2) A person shall be qualified for appointment as a member under section 11 (2)(e) if the person –

(a) Is a Kenyan Citizen;

(b) holds a minimum of degree from a recognized institution of higher learning;

c) Has practical experience in their field of practice of not less than five years;

(d) Meets the requirement of chapter six of the constitution."

Justification: To establish criteria for a competitive recruitment process in accordance with Article 232 of the Constitution.

Clause 14

That clause 14 of the Bill be amended by deleting the entire Clause and replacing with the following;

"Co-option of members

14(1) The Board may co-opt a person whose knowledge and expertise are necessary to assist it effectively discharge its functions under this Act.

(2) The number of co-opted members shall not exceed three (3) at any particular board meeting and such members shall have no voting rights."

Justification: To enable the co-option of experts to assist in executing the Board's mandate

Clause 15

That clause 15 of the Bill be amended by deleting the entire Clause and replacing with the following;

"Functions of the Board

15(1) Subject to this Act, the Board shall;

a) *ensure proper and efficient exercise of the powers, functions of the corporation under section 7;*
b) *advise the management of the Corporation generally on the functions of the corporation;*
c) *perform human resource functions including recruitment of staff;*
d) *approve the estimates of the revenue and expenditure of the Corporation; and*
e) *perform such other functions as are provided for under this Act or any other written law."*

Justification: To clearly outline the functions of the Board

Clause 16

That clause 16 of the Bill be amended by deleting the entire Clause and replacing with the following;

"Tenure of the Board

16.Members of the board appointed under section 11 (2) (a) and (e) shall hold office for a term of 3 years from the date of their appointment and shall be eligible for reappointment for a further and final term of 3 years."

Justification*:* To stipulate the tenure of Board

Clause 17

That clause 17 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Vacation from office for members of the board

17. The office of a member of the Board shall fall vacant if;

(a) the member resigns in writing to the County Executive Committee Member;

(b) the Board is satisfied that the member is, by reason of physical or mental infirmity, unable to execute the functions of his/her office;

(c) if the member has been absent without leave for three consecutive meetings of the Board;

(d) the member violates provisions of Chapter six of the constitution of Kenya;

(e) a member is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;

(f) the member is adjudged bankrupt;

(g) the term of the board expires; and

(h) the member dies."

Justification: To establish the grounds for board members to vacate office

Clause 18

That clause 18 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Filling of the vacancy on the board

"18(1) Where the office of a member of the Board falls vacant under section 17, the Secretary shall notify the County Executive Committee Member within two weeks upon occurrence.

(2) Where a notification has been made as per the provisions above, the County Executive Committee Member shall fill the vacancy within one (1) month after occurrence and such persons shall meet the qualifications specified in this Act."

Justification: To provide for the filling of vacancies on the Board

Clause 19

That clause 19 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Remuneration of members of the Board

19. The Directors of the Board shall be paid such allowances in line with relevant guidelines issued by the Salaries and Remuneration Commission."

Justification: To provide for the remuneration of Board members

Clause 20

That clause 20 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Conduct of the business and of affairs of the Board

20(1) The conduct of the business and affairs of the Board shall be as stipulated in the First Schedule of this Act and any regulation that the County Executive Member for agriculture may provide from time to time.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure."

Justification: To provide for the Conduct of business of affairs of the Board

Clause 21

That clause 21 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Chief Executive officer

21.There shall be a Chief Executive Officer for the Agriculture institutions Development Corporation."

Justification: to provide for the Accounting officer of the corporation

CLAUSE 22

That clause 22 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Functions of the Chief Executive Officer

22.The Chief Executive officer for Agriculture Institutions Development Corporation shall;

a) be the Secretary of the Board;

(b) be the accounting officer of the Corporation;

(c) be responsible for—

(i) carrying into effect the decisions of the Board;

(ii) day-to-day administration and management of the affairs of the Corporation;

(iii) supervision of the staff of the Corporation; and

(iv)perform such other duties as may be assigned by the Board."

Justification: to provide for roles of the chief Executive officer

Clause 23

That clause 23 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Appointment of the Chief Executive Officer

23.The Board of Corporation shall, through open, transparent and competitive recruitment processes, appoint suitably qualified person to be the Chief Executive Officer of the Agriculture Institutions Development Corporation."

Justification: to provide transparent and competitive in recruitment process Chief Executive officer pursuant to Article 232 of the constitution of Kenya 2010

Clause 24

That clause 24 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Qualifications for Chief Executive Officer

24(1) A person shall be qualified for appointment as Chief Executive Officer if the person –

(a) Is a Kenyan Citizen;

(b) Holds a Bachelors degree from a recognized university;

(c) Has experience in management of not less than ten years of which five must have been in senior management;

(d) Meets the requirement of chapter six of the constitution; and

e) Has had a distinguished career in their respective field.

2) The Chief Executive Officer shall hold office for a period of five years on such terms and condition of employment as the board of corporation shall determine."

Justification: To set the minimum qualifications for the Chief Executive Officer

Clause 25:

That clause 25 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Vacation of Office for Chief Executive Officer

25.The office of the Chief Executive Officer shall fall vacant if;

(a) the Chief Executive Officer resigns by issuing one (1) months' notice in writing to the Chairperson of the Board;

(b) the Chief Executive Officer is removed from office by the County Executive Committee Member on the recommendation of the Board for;

i. *violation of the Constitution;*
ii. *gross misconduct;*
iii. *abuse of office;*
iv. *physical or mental incapacity to perform the functions of the office;*
v. *incompetence;*
(vi) *the member is adjudged bankrupt; and*
(vii) *the member dies."*

Justification: To provide grounds for Vacation of Office for Chief Executive Officer.

Clause 26

That clause 26 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Staff of the Corporation

26(1)The Chief Executive Officer in consultation with the board shall determine the staff establishment and obtain approval from the County Executive committee member.

(2)The Chief Executive Officer shall through open, transparent and competitive recruitment processes fill the vacancies of staff from among Officers in the county public service who shall be seconded to the corporation.

(3)Section 26 (2) above notwithstanding, in the event that internal filling of the position is not feasible, the Board of the corporation may externally fill the position competitively.

(4)The Board will determine the terms and conditions of service."

Justification: To establish the staff of the Corporation

Clause 27

That clause 27 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Funds of the Corporation

27(1) The funds of the Corporation shall consist of-

a) *Ksh. 230million as initial capital and operational cost for the first year requested by the county Executive Committee Member through the County executive committee and approved by the county assembly.*
b) *such moneys as may be appropriated by county assembly for the purposes of the*

Corporation;

c) *revenues realized from investments undertaken by the Corporation.*
d) *such gifts, grants or monies received from any lawful source;*
e) *all monies borrowed from securities, market or received as loans to the Corporation.*

(2) The Corporation shall apply the money provided under this section for the furtherance of its purpose and performance of the functions of the Corporation and as prescribed under this Act."

Justification: To provide for the funds of the Corporation and provide for the seed money/ initial capital for the corporation to start and sustain itself.

Clause 28

That clause 28 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Financial year

28.The financial year of the Corporation shall be the period of twelve months ending on the thirtieth June in each year."

Justification: To define the financial year of the Corporation

Clause 29

That clause 29 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Annual Estimates

29(1)At least three months before the commencement of each financial year, the Corporation shall cause to be prepared annual estimates of the Corporation for that year.

(2)The annual budget shall make provision for all estimated expenditure of the Corporation for the financial year and in particular, the estimates shall provide for the-

(a) *allocations for investments related to each business venture;*
(b) *debt repayment schedule;*
(c) *payment of the salaries, allowances and other charges in respect of the staff of the Corporation;*
(d) *payment of allowances and other charges in respect of members of the Board;*
(e) *payment of pensions, gratuities and other charges in respect of members of the Board and staff of the Corporation;*
(f) *proper maintenance of the buildings and grounds of the Corporation;*
(g) *maintenance, repair and replacement of the equipment and other property of the Corporation; and*

(h) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(3)The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the County Executive Committee for final approval.

(4)No expenditure shall be incurred for the purposes of the Corporation except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the County Executive Committee member."

Justification: To provide for the annual estimates

Clause 30

That clause 30 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Accounts

30(1) The County Executive Committee Member shall, subject to Section 119 of the Public Finance Management Act, 2012, facilitate the opening and maintenance of a bank account for the effective management of this corporation.

(2)The Board shall cause to be kept proper books of Accounts, Records of accounts and assets of the Corporation."

Justification: compliance with PFMA 2012

Clause 31

That clause 31 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Financial reports and Audit

31(1)Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General, the accounts of the Corporation together with-

(a) a statement of financial position as at the thirtieth day of June;

(b) a statement of comprehensive income;

(c) a statement of cash flow for the year ended;

(d) a summary of significant accounting policies and other explanatory information;

(e) other financial statements applicable to similar institutions.

(2) The accounts of the Corporation shall be audited and reported upon in accordance with the provisions of the Public Audit Act"

(3)The Board shall submit quarterly financial statements and reports to the County Assembly

pursuant to section 166 of the PFMA 2012.

Justification: to comply with the constitution of Kenya 2010, PFMA 2012 and PFMA Regulations 2015 on reporting of Public Finance.

Clause 32

That clause 32 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Assets of the Corporations

32(1)The county executive committee shall identify property or assets owned by the institutions in section 9 and hand over to the corporation for implementing this Act.

(2)The assets of a County Corporation may be acquired or disposed of subject to the provisions of the Public Procurement and Asset and Disposal Act, 2015."

Justification: To authorize the County Executive Committee to identify and hand over assets to the Corporation for seamless operations

Clause 33

That clause 33 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Investment

33(1)Subject to any written law on governance of public investments, the Corporation shall have powers to-

(a) *establish subsidiaries, holding entities or joint ventures for undertaking any business venture for the purposes of realizing its objectives;*

(b)invest in agriculture related value chains and any investment venture approved by the County Executive Committee Member."

Justification: To empower the Corporation to invest in related value chain ventures

Clause 34

That clause 34 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Investment strategy and plan

34(1)The Corporation shall prepare a five-year corporate investment strategy and plan within four months after the Board is constituted which shall be forwarded to the county executive committee for approval.

(2)The County executive committee member shall, within fourteen days of the approval of the corporate strategy and plan by the County executive committee, transmit it to the county

assembly for consideration and approval.

(3)The investment strategy and plan shall provide among others for-

(a) source of investment capital;

(b) targeted investment opportunities;

(c) investment portfolio;

(d) expected return on capital or investment;

(e) specific investment projects and their respective projects appraisals including rate of return on investment or capital employed;

(f) estimated cost of the investments;

(g) any other matter as the executive member may prescribe.

(4) The Corporation shall not undertake any investment unless it is in accordance with the investment strategy and plan.

(5) The Corporation may review the investment plan or strategy after each year in order to align it with prevailing market and investment trends.

(6) The Corporation shall prepare annual plans for implementing the investment plan and strategy which shall be forwarded to the County executive Committee member for onward transmission to the county assembly for approval by December each year."

Justification: To empower the corporation to develop and implement an investment strategy and plan.

Clause 35

That clause 35 of the Bill be amended by deleting the entire Clause and substituting therefor with the following clause;

"Investment or project appraisal and financial analysis

35.The Corporation shall not undertake any investment or project unless it has undertaken an *investment or project appraisal and financial analysis in accordance with the prescribed guidelines."*

Justification: To enable the corporation evaluate the viability of a potential investment before committing funds

Clause 36

That clause 36 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Sustainability, profitability and competitiveness

36(1)The Corporation shall institute measures to ensure that—

(a) its operations and investments are sustainable and profitable;

(b) it is competitive in all its investment ventures.

(2)The Corporation shall undertake an assessment after every two years to measure the sustainability, profitability and competitiveness of each investment venture.

(3)Notwithstanding sub section (2), the County executive committee member may require at any time the Corporation to undertake the assessment stipulated under sub section (2) in relation to any investment venture where the county executive committee member is of the opinion that the venture does not meet the required threshold for sustainability, profitability and competitiveness.

(4) The county executive committee member may in consultation with the Board require the assessment under subsection (3) to be undertaken by an independent person or entity.

(5) Where an investment venture ceases to be sustainable, profitable or competitive, the Corporation may -

(a) restructure the investment;

(b) merge the investment with other investments; or

(c) terminate the investment by way of sale, disposal, transfer or liquidation where the investment was carried out by a subsidiary as the sole business."

Justification: To support long-term sustainability and profitability

Clause 37

That clause 37 of the Bill be amended by deleting the entire Clause and substituting therefor with the following;

"Financial sustainability

37.The Corporation shall maintain the prescribed—

(a) asset base to enable it realize its objectives;

(b) liquidity ratios;

(c) debt service plan; and

(d) any other information that the county executive committee member may from time to time prescribe."

Justification: To support long-term sustainability and profitability

Clause 38

That clause 38 of the Bill be amended by deleting the entire Clause and substituting therefor with the following ;

"Partnership

38.The Corporation may enter into partnership or collaboration with any entity for the purposes of carrying out the objectives of this Act."

Justification: To enable the corporation to enter into partnerships or collaborations to mobilize additional capital

NEW CLAUSES

Clause 39

That clause 39 of the Bill be amended by inserting a new clause to read as follows:

"Dividend policy

39(1)The Corporation shall, in consultation with the county executive committee establish a dividend policy, which shall be reviewed annually.

(2)The dividend policy shall stipulate among others for-

(a) the prevailing business conditions under which dividend may be paid out;

(b) minimum percentage of annual dividend payout to the county government; and

(c) any other matter as the county executive committee member may prescribe."

Justification: To provide guidance on the utilization of profits

Clause 40

That clause 40 of the Bill be amended by inserting a new clause to read as follows:

"Charges for goods and services

40(1) The Corporation may charge such user charges or fees for the services rendered.

(2) the user charges and fees payable for the goods and services rendered by each Agriculture Institution shall be as prescribed by the Regulations"

Justification: To ensure fees and charges are established through regulations or County Acts approved by the County Assembly

Clause 41

That clause 41 of the Bill be amended by inserting a new clause to read as follows:

'Transition Clauses

41(1) All funds, assets and other property, both movable and immovable, which immediately before such date were vested in existing institutions established under section 9 shall by virtue of this paragraph, vest in Bungoma county agriculture institutions development corporation.

(2) All rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against existing institutions shall, by virtue of this paragraph, be deemed to be vested in, imposed on or enforceable against the Bungoma county agriculture institutions development corporation,

(3) Any reference in any written law or in any document or instrument to existing institutions established under section 9 shall on and after the appointed day, be construed to be a reference to the Bungoma County Agriculture Institutions Development Corporation."

Justification: To define the transition framework for assets and funds from existing Bungoma County agricultural institutions to the corporation

Clause 42

That clause 42 of the Bill be amended by inserting a new clause to read as follows:

"Protection from liability

42.A person shall not be personally held liable for any act or omission done, in good faith for the purpose of carrying out the provisions of this Act."

Justification: To protect officers of the corporation from unfair personal liabilities

Clause 43

That clause 43 of the Bill be amended by inserting a new clause to read as follows:

"Common Seal

43(1) There shall be a common seal for the Corporation.

(2) The common seal shall be kept by the Corporation and shall be used in the manner authorized by this Act.

(3) The common seal of the Corporation shall be kept in such custody as the Board shall direct, and shall be used upon the order of the Board.

(4) The common seal of the Corporation shall be authenticated by the signature of the secretary to the board or any other authorized person in the service at the Institution

(5) The common seal of the Corporation affixed on a deed, instrument, contract or any other document and duly authenticated under sub-section (4) shall be binding to the Corporation and its successors and can be discharged in the same manner as that in which it was executed.

(6) The common seal of the Corporation, when affixed to any document and duly authenticated under sub-section (4) shall be binding, and unless the contrary is proved, the necessary order or authorization of the Board under this section shall be deemed to have been duly given."

Justification: To prevent the forgery of corporate documents

Clause 44

That clause 44 of the Bill be amended by inserting a new clause to read as follows:

"Dissolution of the Bungoma County Agriculture institutions Development Corporation

44 (1) Bungoma county agriculture institutions development Corporation may be dissolved only with the prior approval of the County Executive Committee and the County Assembly in *accordance with this Act.*

(2) Subject to the provisions of this Act, Bungoma county agriculture institutions development Corporation may be dissolved—

(a) upon expiry of the duration of the Corporation as may be defined in the instrument of establishment;

(b) where a Corporation has carried out the mandate for which it was established;

(c) upon reorganization of the Corporation and associated government functions; and

(d) upon a merger of the Corporation with another.

(3) The accounting officer responsible for the Corporation in question shall follow-up implementation of the findings and eventual recommendations for dissolution to ensure compliance.

(4) The County Executive Committee Member for Finance may by notice in the Gazette prescribe guidelines for dissolution and mergers of County corporations.

(5) Upon approval by County Executive Committee and the County Assembly of the recommendations to dissolve or merge a Corporation, the responsible County Executive Committee Member shall cause the dissolution or merge the corporation with another.

(6) Upon dissolution of the Corporation, the funds corresponding to County Government equity in the Corporation shall be deposited into the County Revenue Fund.

(7) Upon dissolution of the Corporation, the responsible County Executive Committee Member shall vest all the assets and liabilities of the Corporation concerned to the responsible County Government entity

(8) A Corporation shall not vest its assets in any other entity without prior approval of the County Executive Committee Member for Finance"

Justification: To establish a framework for the dissolution of the corporation.

Clause 45

That clause 45 of the Bill be amended by inserting a new clause to read as follows:

"Power to make regulations

45(1) The County Executive Committee Member shall make regulations and guidelines for the better carrying out of purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

(a) prescribe for the guidelines for undertaking investment or project appraisal;

(b) prescribe the matters related to dividend policy;

(c) prescribe matters related to investment plan and strategy.

(d) the establishment of Departments of the Institutions;

(e) the requirements for the award of certificates or other awards of the Agriculture institutions and relevant assessment bodies;

(f) conduct of examinations;

(g) prescribing fees and other charges;

(h) prescribing criteria for admission, assessment, examination evaluation, discipline, and dismissal of trainees; and

(i) any other information relating to its functions that the Board considers necessary."

Justification: To confer regulation-making powers upon the CECM.

SCHEDULES

FIRST SCHEDULE

That the First schedule of the bill be amended as follows;

That the title of the first schedule be amended by deleting the word "*management*" appearing immediately after the words "*Board of*" and substitute with the word "Corporation"

So as to read

"CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARD OF CORPORATION"

Justification: To provide for the aspect of a Corporation

Inserting a new paragraph 1(7) to read;

"Subject to number(6), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof"

CLAUSE 2: INTERPRETATION

That, Clause 2 of the Bill be amended as follows;

By Deleting the word "*Administrator"* and the definition thereof;

Justification: To remove the provision for the creation of a Fund within the Bill.

By Deleting the definition of the word "*Board"* and substituting therefor with the following new definition.

So as to read

"Board" means the Board of the Corporation established under section 12 of this Act;

Justification: To formally provide for the establishment of a Board of the Corporation.

In the definition of "*Chief Officer*" insert the word *"Agricultural"* immediately after the words "*relating to the* "

So as to read

"Chief Officer means the Chief Officer for the time being responsible for matters relating to the Agricultural Institututions'

Justification: To provide clarity on the specific Chief Officer responsible for matters relating to the Agriculture institutions.

In the definition of *"County Executive Committee Member"* delete the words "*the department*" appearing immediately after the words" *relating to"* and substitute with the words *"Agriculture, livestock, Fisheries, Irrigation and Cooperative development"*.

So as to read

"County Executive Committee Member means the County Executive Committee Member for the time being responsible for matters relating to Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development"

Justification: To clearly identify the specific County Executive Committee Member responsible for Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development.

Insert the definition of the *"Corporation" means the Agriculture Institution Development Corporation established under section 6 of the Act*"

Justification: Bring in the aspect of a corporation

Insert the definition of the word *"County Executive Committee" means the County Executive Committee, established in accordance with Article 179 of the Constitution of Kenya, 2010"*

Justification: to provide for the County Executive Committee.

Delete the word *"Fund"* and its definition thereof

Justification: Because the Fund has been removed from the Bill.

Delete the words *"Officer in charge"* and its definition thereof and replace with the words *"Chief Executive Officer" means a person appointed to be the secretary to the Board and the accounting officer of the Corporation"*

Justification: "**officer in charge"** has been replaced with **"Chief Executive Officer"**

CLAUSE 1

That, Clause 1 of the Bill be amended by inserting the word "*Corporation*" immediately after the word "*Development***".**

So as to read

"This Act may be cited as the Bungoma County Agriculture Institutions Development Corporation Act, 2025 and shall come into operation upon publication in the Gazette"

Justification: To align the short title with the proposed corporate status and autonomy of the institutions.

LONG TITLE

That, the Long Title of the Bill be amended by inserting the word "***Corporation***" immediately after the word ***"Development***".

So as to read

"The Bungoma County Agriculture Institutions Development Corporation Bill, 2025"

Justification: To incorporate the aspect of a County Corporation and ensure the autonomy of Agricultural institutions within Bungoma County.

Justification:

SHORT TITLE AND COMMENCEMENT

That the short title be amended by deleting the word "Development *" appearing* immediately after the word "*Agriculture"* and further insert the words "*Development Corporation"* immediately after the word "*Institutions"*

So as to read

'This Act may be cited as the Bungoma County Agriculture Institutions Development Corporation Act, 2025 and shall come into operation upon publication in the Gazette"

Justification: To capture the aspect of establishment of a corporation.