



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SIXTH SESSION)**  
**THE SENATE**  
**ORDER PAPER**

**THURSDAY, JUNE 16, 2022 AT 2.30 P.M.**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - ADOPTION OF THE FOURTH REPORT OF THE PROCEDURE AND RULES COMMITTEE ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE**  
(The Vice-Chairperson, Procedure and Rules Committee)

**THAT**, pursuant to Standing Orders 254 and 255, the Senate **approves** the Fourth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Wednesday, 15<sup>th</sup> June, 2022, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 255 and 257-

- i.) Resolves to amend its Standing Orders as contained in Appendix 1 to the Report; and
- ii.) Orders that the amendments to the Standing Orders as contained in Appendix 1 to the Report come into effect at the commencement of the 13<sup>th</sup> Parliament.

...../Bills

9. **\*\*THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)**

(The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 8<sup>th</sup> June, 2022)***

***(Division)***

10. **\*\*\*THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 15<sup>th</sup> June, 2022)***

***(Division)***

11. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022 AND APPROVAL OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022**

(Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 and approval of the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 laid on the Table of the Senate on Wednesday, 8<sup>th</sup> June, 2022, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Additional Allocations Cash Disbursement Schedule for Financial Year 2021/2022.

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)***

***(Division)***

12. **MOTION - APPROVAL OF THE REVISED DEBT CEILING FOR THE NATIONAL GOVERNMENT**

(Chairperson, Sessional Committee on Delegated Legislation)

**THAT**, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the consideration of the Public Finance Management (National Government) (Amendment) Regulations, Legal Notice No. 89 of 2022, laid on the Table of the Senate on Tuesday, 14<sup>th</sup> June, 2022, and that pursuant to the provisions of section 50(2) of the Public Finance Management

Act, the Senate **approves** the amendments to the Public Finance Management (National Government) Regulations, 2015 (Principal Regulations), as effected through Legal Notice No. 89 of 2022, thus varying the Public Debt Ceiling to an amount not exceeding ten trillion shillings.

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)***

***(Division)***

13. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON CONSIDERATION OF REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES AND COUNTY ASSEMBLIES FOR FINANCIAL YEARS 2018/2019 AND 2019/2020**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, the Senate adopts the Reports of the Sessional Committee on County Public Accounts and Investments on consideration of Reports by the Auditor General on Financial Statements of the following Counties laid on the Table of the Senate on Tuesday 14<sup>th</sup> June, 2022-

- i.) County Executives of Nyeri, Tharaka Nithi, Murangá, Kitui, Lamu, Siaya, Busia, Meru, Nyamira, Turkana, Makueni, Bungoma, and Elgeyo Marakwet for the for the Financial Year 2018/2019 as contained in Volume I of the Report;
- ii.) County Assemblies of Bomet, Taita Taveta, Kilifi, Nyamira and Garissa for the Financial Year 2018/2019 as contained in Volume II of the Report;
- iii.) County Executives of Narok, Kajiado, Kwale, West Pokot, Trans Nzoia, Turkana, Kericho, Busia, Kilifi, Machakos and Kisii for the Financial Year 2019/2020 as contained in Volume III of the Report; and
- iv.) County Assemblies of Kilifi, Kwale, Taita Taveta, Garissa, Mandera, Kisumu, Mombasa, Kisii and Wajir for Financial Year 2019/2020 as contained in Volume IV of the Report.

***(Resumption of debate interrupted on Wednesday, 15<sup>th</sup> June, 2022)***

***(Division)***

...../Motions

14. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2022/2023 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2022/2023.**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement (Equitable Share) Schedule for Financial year 2022/2023, laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate **approves** the County Governments Cash Disbursement (Equitable Share) Schedule for Financial Year 2022/2023.

15. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE EFFICACY OF THE INTEGRATED FINANCIAL MANAGEMENT INFORMATION SYSTEM (IFMIS) AND ITS APPLICATION IN DISBURSEMENT OF FUNDS**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022.

16. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET CONCERNING THE APPROVAL FOR THE NATIONAL GOVERNMENT TO GUARANTEE LAIKIPIA COUNTY GOVERNMENT TO BORROW BY ISSUANCE OF KSHS.1.16 BILLION INFRASTRUCTURE BOND.**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget concerning the approval for the National Government to guarantee Laikipia County Government to borrow by issuance of Kshs.1.16 billion infrastructure bond laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022 and pursuant to Section 58 of the Public Finance Management Act **approves** the request by the Cabinet Secretary for the National Treasury to guarantee the County Government of Laikipia to borrow Ksh.1.16 billion for infrastructure bond.

17. **COMMITTEE OF THE WHOLE**

**\*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 – Morning Sitting)*

*(Division)*

18. **COMMITTEE OF THE WHOLE**

**\*THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)**

(Sen. Abshiro Halake, MP)

*(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

19. **COMMITTEE OF THE WHOLE**

**\*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**

(Sen. Abshiro Halake, MP)

*(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

20. **COMMITTEE OF THE WHOLE**

**\*THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**

(Sen. (CPA). Farhiya Haji, MP)

*(Resumption of debate interrupted on Tuesday, 1<sup>st</sup> March, 2022)*

*(Division)*

21. **COMMITTEE OF THE WHOLE**

**\*THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**

(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)

*(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> March, 2022 – Morning Sitting)*

*(Division)*

...../Bills

22. COMMITTEE OF THE WHOLE

\*\*\*THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Wednesday, 4<sup>th</sup> May, 2022)*

*(Division)*

23. COMMITTEE OF THE WHOLE

\*\*\*THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)*

*(Division)*

24. COMMITTEE OF THE WHOLE

\*\*\*THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday 14<sup>th</sup> June, 2022)*

*(Division)*

25. COMMITTEE OF THE WHOLE

\*\*\*THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 32 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)*

*(Division)*

26. COMMITTEE OF THE WHOLE

\*\*\*THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)*

*(Division)*

27. COMMITTEE OF THE WHOLE

\*\*\*THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 22 OF 2021)

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> June, 2022)*

*(Division)*

...../Bills

28. COMMITTEE OF THE WHOLE  
\*\*\*THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL  
(SENATE BILLS NO. 2 OF 2022)

(The Chairperson, Standing Committee on Finance and Budget)

29. COMMITTEE OF THE WHOLE  
\*\*\*THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)

(The Senate Majority Leader)

30. COMMITTEE OF THE WHOLE  
\*\*\*THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Senate Majority Leader)

31. MOTION – ADJOURNMENT OF THE SENATE SINE DIE

(The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 28 and 29, the Senate do adjourn *Sine Die*.

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...../Notice

**NOTICE**

- 1. **NOTICE** is given that, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A (4).
- 2. **NOTICE** is given that on 9<sup>th</sup> February, 2022, the Senate resolved –

**THAT**, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

**KEY**

- \*\*\*\*- Denotes a Majority /Minority Party Bill
- \*\*\*- Denotes a National Assembly Bill
- \*\*- Denotes a Committee Bill
- \*- Denotes any other Bill

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**A. \*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2021 (SENATE BILLS NO. 37 OF 2021)**

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

**i.) NOTICE** is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, 2021, at the Committee Stage –

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new paragraph immediately after the proposed paragraph (n) –

(na) conditions for the termination of the agreement.

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by inserting the following new section immediately after the proposed section 26F –

Role of Technical Committee in transfer or delegation of powers, functions and competencies .	<b>26G.</b> The Technical Committee shall, in undertaking duties under this Part – (a) witness the execution of a transfer or delegation of a power, function or competency; (b) provide administrative support to the parties to the transfer agreement during the transfer process; and (c) prepare and maintain an inventory of assets and liabilities of the transferred functions.
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**ii.) NOTICE** is given that the Senator for Nyamira County (Sen. Erick Okong’o Mogeni,MP) intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, Senate Bills No. 37 of 2021, at the Committee Stage —

**NEW CLAUSE 1A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 1 –

Amendment of section 2 of No. 2 of 2012.

**1A.** Section 2 of the Intergovernmental Relations Act, hereinafter referred to as the “principal Act”, is amended by inserting the following new definition immediately after the definition of the word “Council” —

...../Amendments

“Council Secretariat” means the Secretariat to the Council of County Governors established under section 23A.

**NEW CLAUSE 1B**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1A –

Amendment of section 12 of No. 2 of 2012.

**1B.** The principal Act is amended by deleting section 12 and substituting therefor th following new section –

Functions of the Technical Committee.

- 12.** The Technical Committee shall—
- (a) be responsible for the day-to-day administration of the Summit and in particular—
    - (i) facilitate the activities of the Summit; and
    - (ii) implement the decisions of the Summit;
  - (b) take over the residual functions of the transition entity established under the law relating to transition to devolved government after dissolution of such entity; and
  - (c) perform any other function as may be assigned to it by the Summit or any other law.

**NEW CLAUSE 1C.**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1B –

Amendment of section 14 of No. 2 of 2012.

**1C.** Section 14 of the principal Act is amended in paragraph (b) by deleting the words “and to the Council” appearing immediately after the words “to the Summit”.

**NEW CLAUSE 1D**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1C –

Amendment of section 15 of No. 2 of 2012.

**1D.** Section 15 of the principal Act is amended in subsection (5) by –

- (a) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (a);
- (b) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (e); and
- (c) deleting the words “the Council” appearing immediately after the words “by the Summit” in paragraph (f).

**NEW CLAUSE 1E**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1D –

Amendment of section 17 of No. 2 of 2012.

**1E.** Section 17 of the principal Act is amended by deleting the words “the Council” appearing immediately after the words “the Technical Committee”.

**NEW CLAUSE 1F**

**THAT** the Bill be amended by inserting the following new clause immediately after the new clause 1E –

Insertion of new section 23A in No. 2 of 2012.

**1F.** The principal Act is amended by inserting the following new section immediately after section 23

—  
The Council Secretariat.

**23A.** (1) There shall be a Secretariat of the Council of County Governors to be known as the Council Secretariat.

(2) The Council Secretariat shall be headed by a chief executive officer and comprise such other staff as may be determined by the Council.

(3) The chief executive officer shall be competitively recruited and appointed by the Council.

(4) A person is qualified to be appointed as a chief executive officer if that person-

- (a) holds a degree from a university recognised in Kenya;
- (b) has at least five years relevant professional experience;

...../Amendments

- (c) has demonstrable competence of not less than five years in an administrative position; and
- (d) satisfies the requirements of leadership and integrity provided for under Chapter Six of the Constitution.

(5) The chief executive officer shall be –

- (a) the secretary to the Council;
- (b) the accounting officer of the Council Secretariat; and
- (c) responsible to the Council for the day-to-day administration of the affairs of the Council Secretariat and the implementation of the decisions arising from the Council.

(6) Without prejudice to the generality of the provisions of subsection (5), the chief executive officer shall be responsible for-

- (a) the implementation of the decisions of the Council;
- (b) the establishment and development of an efficient administration of the Council Secretariat;
- (c) the organisation, control and management of staff of the Council Secretariat;
- (d) maintaining accurate records of all affairs of the Council, including records on financial matters and resource use;
- (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Council;
- (f) providing technical support to the sectoral working groups or committees of the Council; and

...../Amendments

(g) performing such other functions as may be assigned by the Council, this Act or any other legislation.

7) The chief executive officer shall be appointed for a single term of six years and shall not be eligible for reappointment.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting the introductory clause and substituting therefor the following new introductory clause —

**2.** Section 26 of the principal Act is amended —

**B. \*THE LAW OF SUCCESSION (AMENDMENT) BILL, SENATE BILLS NO. 15 OF 2021**

(Sen. Abshiro Halake, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Law of Succession (Amendment) Bill, Senate Bills No. 15 of 2021, at the Committee Stage —

**CLAUSE 2**

**THAT** the Bill be amended by deleting clause 2 and substituting therefor the following new clause –

Amendment of section 3 of Cap 160.

**2.** Section 3 of the Law of Succession Act, hereinafter referred to as the “principal Act”, is amended —

(a) in subsection (1) by inserting the following new definitions in their proper alphabetical sequence —

“child” includes an adopted child and a child who is conceived during the lifetime of a deceased person and is subsequently born after the death of the deceased person;

“intermeddling” means —

(a) taking possession of, disposing off, charging, receiving, distributing, leasing or using property of a deceased without authority under this Act or any other applicable law;

(b) ejecting a surviving spouse or child from the matrimonial home; or

(c) any unlawful dealing with a deceased person’s estate;

“matrimonial home” means any property that is owned or leased by one or both spouses and occupied or utilized by the spouses as their family home, and includes any other attached property;

(b) by deleting subsection (2); and

(c) by deleting subsection (3).

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3.

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4 and substituting therefor the following new clause —

Repeal of section 32 of Cap 160.

**4.** The principal Act is amended by repealing section 32.

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

Repeal of section 5. The principal Act is amended by repealing section 33.  
33 of Cap 160.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended —

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph —
- (b) by inserting the following new subsections immediately after subsection (1)—

(1A) The interest of the surviving spouse under subsection (1)(b) shall determine upon remarriage.

(1B) Notwithstanding subsection (1), —

(a) where the surviving child is not a child of the surviving spouse—

- (i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely and a life interest in one-half of the whole residue of the net intestate estate; and
- (ii) the surviving child shall be entitled to one-half of the whole residue of the net intestate estate which shall be held in accordance with section 41, and if there be more than one child they shall share equally;

(b) where the surviving children include a child who is not a child of the surviving spouse —

- (i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely;
- (ii) the net intestate estate shall, in the first instance, be divided equally amongst the surviving spouse and all the surviving children;
- (iii) the surviving spouse shall have a life interest in his or her share and that of his or her children under subsection (1B)(b)(ii); and
- (iv) the share of the surviving child who is not a child of the surviving spouse under subsection (1B)(b)(ii) shall be held in accordance with section 41, and if there be more than one child they shall share equally.

...../Amendments

(b) by inserting the following new paragraph immediately after paragraph (b)

—

(c) by deleting subsection (5) and substituting therefor the following new subsection -

(5) Subject to the provisions of sections 41 and 42 and to any appointment or award made under this section, the whole residue of the net intestate estate shall, on the death or re-marriage of the surviving spouse, devolve upon the surviving child, if there be only one, or be equally divided among the surviving children.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph —

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) father and mother in equal share; or, if either is dead;

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9.

**INSERTION OF NEW CLAUSE 8A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 8 —

Amendment of section 40 of Cap 160.

**8A.** Section 40 of the principal Act be amended by inserting the following new subsection immediately after subsection (2) —

(3) Notwithstanding subsection (1), where any of the surviving children is not a child of any of the wives of the deceased, that child shall —

(a) be considered a house in determining the share of dependants in the net intestate estate under subsection (1); and

(b) the share of such child shall be held in accordance with section 41, and if there be more than one child they shall share equally.

...../Amendments



**C. \*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**

(Sen. Abshiro Halake, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 21 of 2021), at the Committee Stage —

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended –

- (a) by deleting paragraph (e); and
- (b) in paragraph (g) by deleting the word “for” appearing at the beginning of the paragraph and substituting therefor the word “the”.

**CLAUSE 4**

**THAT** clause 4 be amended in paragraph (c) by deleting the words “the marginalised” appearing immediately after the words “and in particular” and substituting therefor the word “vulnerable”.

**HEADING TO PART II**

**THAT** the Bill be amended by deleting the heading to Part II and substituting therefor the following new heading –

**PART II – OBLIGATIONS OF THE NATIONAL AND COUNTY GOVERNMENTS**

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended –

- (a) in subclause (1) –
  - (i) by deleting paragraph (e) and substituting therefor the following new paragraph –
    - (e) put in place measures that target vulnerable persons to ensure the realisation of their economic and social rights and that such persons have access to goods and services that are of acceptable standards;
  - (ii) by deleting paragraph (g) and substituting therefor the following new paragraph –
    - (g) create awareness and build capacity of citizens to enable them develop their understanding, skills and capacity for equitable and effective participation in the formulation, implementation and monitoring of policies, strategies or programmes aimed at realising their economic and social rights;

...../Amendments

- (b) in subclause (2) by –
  - (i) deleting paragraph (d) and substituting therefor the following new paragraph –
    - (d) prioritise the allocation of resources to ensure the realisation of economic and social rights while taking into account the special needs of vulnerable persons within the respective counties;
  - (ii) deleting paragraph (g) and substituting therefor the following new paragraph –
    - (g) identify factors that impede the realisation of economic and social rights and their causes and institute corrective measures.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended –

- (a) in subclause (1) by deleting the word “oversee” appearing immediately after the words “The Commission shall” and substituting therefor the words “monitor and report on”; and
- (b) in subclause (2) by inserting the words “of governance” immediately after the words “national values and principles”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (1) –

- (a) by deleting paragraph (d) and substituting therefor the following new paragraph –
  - (d) identify factors that impede the economic development of, and access to, essential financial services by vulnerable persons and make recommendations to the Cabinet Secretary on policies and strategies necessary to address those factors;
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph –
  - (g) make recommendations to State entities responsible for the delivery of social assistance programmes at the National and county level of government on measures necessary for the effective delivery of the programmes;
- (c) by deleting paragraph (h) and substituting therefor the following new paragraph –
  - (h) in collaboration with relevant stakeholders, create awareness on the realisation of economic and social rights.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended –

- (a) by deleting subclause (1) and substituting therefor the following new subclause –
  - (1) In preparing a county integrated development plan provided for under section 108 of the County Governments Act,

each county government shall prepare a county strategic plan for the realisation of economic and social rights as a component of the county integrated development plan.

(b) in subclause (2) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) programmes and policies aimed at social protection and the promotion of economic and social rights of vulnerable persons within the county;

(c) in subclause (3) by –

(i) deleting paragraph (c) and substituting therefor the following new paragraph –

(c) adopt strategies and plans that enhance the availability, accessibility, acceptability and adaptability of goods and services aimed at facilitating the realisation of economic and social rights;

(ii) deleting paragraph (g); and

(iii) deleting paragraph (h) and substituting therefor the following new paragraph –

(h) formulate strategic plans that respond effectively to issues affecting the realisation of economic and social rights within the county and provide such safety nets as may be necessary.

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9 and substituting therefor the following new clause –

Objectives of a county strategic plan. **9.** The principal objective of a county strategic plan prepared under section 8 shall be to enhance the ability of a county government to secure access, availability, acceptability, adaptability and quality of goods and services necessary for the realisation of economic and social rights.

**CLAUSE 12**

**THAT** the Bill be amended by deleting clause 12 and substituting therefor the following new clause –

Approval of county strategic plans by the county assembly. **12.** (1) The respective county governor shall, within fourteen days of the preparation of a county strategic plan, submit a copy of the plan to the county assembly for approval. (2) The county governor shall, upon the approval of the county strategic plan, publish the plan in the respective county gazette and publicise it within the county through such means as provided for under section 95 of the County Governments Act.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

(1) A person aggrieved by the decision to implement or refrain from implementing a recommendation under this Part may make an application to court in accordance with Article 22 of the Constitution.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended by deleting the expression “20(5)” appearing immediately after the words “right under Article” and substituting therefor the expression “22”.

**CLAUSE 17**

**THAT** the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

County Fiscal Strategy Paper to contain measures on social economic rights.

**17.** The respective county treasury shall include in the County Fiscal Strategy Paper –  
(a) measures aimed at ensuring the realisation of economic and social rights and associated activities for that year; and  
(b) any progress made in the realisation of economic and social rights.

**HEADING TO PART V**

**THAT** the Bill be amended by deleting the heading to Part V.

**CLAUSE 18**

**THAT** the Bill be amended by deleting clause 18.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subclause (1) by inserting the word “annually” immediately after the words “section 13(2), prepare”.

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended by –

(a) deleting the marginal note and substituting therefor the following new marginal note –

Public awareness framework.

(b) deleting paragraph (c) and substituting therefor the following new paragraph –

- (c) collaborate with relevant agencies and stakeholders in each county in enhancing the capacity of residents to effectively participate in county affairs aimed at the delivery of goods and services for the realisation of economic and social rights.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) –

- (aa) in section 126(1) by inserting the words “including for the realisation of economic and social rights” immediately after the words “strategic priorities” in paragraph (a).

**CLAUSE 24**

**THAT** the Bill be amended by deleting clause 24.

**CLAUSE 25**

**THAT** the Bill be amended by deleting clause 25.

**INSERTION OF NEW CLAUSE 21A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 21 –

Regulations.

**21A.** (1) The Cabinet Secretary shall, in consultation with the county executive committee members responsible for finance and the Commission and within twelve months from the commencement of this Act, make regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations –

- (a) to provide a framework for collaboration between the National and county governments, and monitoring by the Commission on the implementation of this Act;
- (b) to provide for the procedures for the conduct of public participation under this Act; and
- (c) on the conduct of awareness programmes and the publication and dissemination of information under this Act.

(3) For the purposes of Article 94(6) of the Constitution –

...../Amendments

- (a) the power of the Cabinet Secretary to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and
- (b) the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013 in relation to subsidiary legislation shall apply to regulations made under this Act.

Cap. 2.  
No. 23 of 2013.

**INSERTION OF NEW CLAUSE 21B**

**THAT** the Bill be amended by inserting the following new clause immediately after the new clause 21A –

Amendment to  
No. 17 of 2012.

**21B.** The County Governments Act is amended in section 107(1) by inserting the following new paragraph immediately after paragraph (d) –

- (e) county strategic plans for the realization of economic and social rights under Part IV of the Economic and Social Rights Act.

**SCHEDULE**

**THAT** the Schedule to the Bill be amended –

- (a) in the introductory clause by inserting the words “the National Government and” immediately after the words “the effort of”;
- (b) in paragraph (a) by deleting the words “different levels of government” appearing immediately after the words “to the different” and substituting therefor the words “respective departments, agencies and institutions”;
- (c) by deleting paragraph (h) and substituting therefor the following new paragraph –
  - (h) whether or not it has put in place sufficient social safety nets such as cash transfers to vulnerable persons;
- (d) in paragraph (i) by deleting the words “and those in crisis situations” appearing immediately after the words “of the vulnerable” and substituting therefor the words “persons”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended –

- (a) in the definition of the word “access” by deleting the words “persons in need” appearing immediately after the words “every person including” and substituting therefor the words “vulnerable persons”;

...../Amendments

- (b) in the definition of the word “Council of County Governors” by deleting the expression “18” appearing immediately after the words “established under section” and substituting therefor the expression “19”;
- (c) by inserting the following new definition immediately after the definition of the word “county executive committee member” –
  - “county integrated development plan” means the five-year plan developed by a county government in accordance with section 108 of the County Governments Act;
- (d) by deleting the definition of the word “Equalisation Fund”;
- (e) by deleting the definition of the word “subsidy programme”;
- (f) by deleting the definition of the word “person in need”;
- (g) by deleting the definition of the word “vulnerable persons” and substituting therefor the following new definition –
  - “vulnerable persons” include children, pregnant and nursing mothers, older members of society, internally displaced persons, persons with disability, the sick, persons with chronic illnesses, victims of conflict, persons living in marginalised areas, and members of marginalised communities or groups provided that such persons or groups are unable to meet their economic and social rights, and such other groups as may be identified by the Cabinet Secretary or the respective county governor from time to time.

**THE TITLE**

**THAT** Bill be amended by deleting the Long Title and substituting therefor the following new Long Title –

**AN ACT** of Parliament to establish a framework for the realisation of economic and social rights; for monitoring and reporting on the realisation of economic and social rights; and for connected purposes.

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by deleting the words “Preservation of Human Dignity and Enforcement of” appearing immediately after the words “be cited as the”.

...../Amendments

**D. \*THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**

(Sen. (CPA). Farhiya Haji, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Lifestyle Audit Bill, Senate Bills No. 36 of 2021, at the Committee Stage—

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(3A) An accounting officer who fails to comply with the requirement under subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in subclause (1) by deleting paragraphs (a) and (b) and substituting therefor the following new paragraph (a)—

(a) there are reasons to believe that a public officer is living beyond the officer’s lawfully obtained and reported income and is unable to account for the source of their additional income;

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by deleting the words “apply for a search warrant to be issued against” appearing immediately after the words “by such officer” in the introductory clause and substituting therefor the words “issue a notice to explain for”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended —

(a) in subclause (1) by —

(i) inserting the words “*ex parte*” immediately after the words “it may apply”; and

(ii) deleting the word “High” appearing immediately after the words “officer from the” and substituting therefor the word “Magistrates”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) When making an application under subsection (1), the Commission shall—

(a) specify the grounds on which the application is made and if material relevant to the lifestyle audit is likely to be found on the premises specified in the application;

(b) specify the information and material being sought in the intended search; and

...../Amendments



(c) substantiate to the Court that the material sought could not be reasonably obtained anywhere else other than in the premises specified in the application.

(c) by inserting the following new subclauses immediately after subclause (4)—

(5) The Commission shall deposit the material obtained in the execution of a search warrant with the respective Court within three days of the execution.

(6) A person aggrieved by the issuance of a search warrant under this section may apply to the High Court for a review of the decision—

(d) at any time before the execution of the search warrant; and

(e) within thirty days after the execution of the search warrant.

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended—

(a) in subclause (1) by inserting the words “*ex parte*” immediately after the words “make an application”; and

(b) in subclause (3) deleting the word “three” appearing immediately after the words “shall not exceed” and substituting therefor the word “six”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended—

(a) in subclause (1) by inserting the words “*ex parte*” immediately after the words “Commission may apply”; and

(b) in subclause (4) deleting the word “three” appearing immediately after the words “shall not exceed” and substituting therefor the word “six”.

**CLAUSE 21**

**THAT** the Bill be amended by deleting clause 21.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended in subclause (3) by deleting the words “Director of Public Prosecutions may, in consultation with the Commission” appearing immediately after the word “The” and substituting therefor the words “Commission may”.

**CLAUSE 25**

**THAT** the Bill be amended by deleting clause 25.

...../Amendments

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 2 —

Application  
of the Act.

**2A.** This Act shall apply —

- (a) to public officers; and
- (b) in the case of a person who has ceased being a public officer, the period of ten years immediately after the person has ceased to be a public officer.

**CLAUSE 2**

**THAT** clause 2 be amended in the definition of the word “Commission” by inserting the word “Commission” immediately after the words “Ethics and Anti-Corruption”.

**E. \*THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**  
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Education, intends to move the following amendments to the Special Needs Education Bill, (Senate Bills No. 44 of 2021), at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 be amended—

- (a) in paragraph (a) by deleting the words “in Kenya” appearing immediately after the words “all learners”; and
- (b) by inserting the following new paragraphs immediately after paragraph (e)—
  - (f) ensure the transition of all learners with special needs through all levels of education; and
  - (g) provide a framework for accountability in the delivery of quality special needs education and related services.

**CLAUSE 4**

**THAT** clause 4 be amended—

- (a) in paragraph (a) by deleting the words “and compulsory” appearing immediately after the words “right to free” and substituting therefor the words “compulsory and affirmative”; and
- (b) in paragraph (d) by inserting the words “and the county governments” immediately after the words “role of the community”.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by —

- (a) deleting paragraph (c) and substituting therefor the following new paragraph —
  - (c) use Kenyan sign language, braille and other specialized medium of instruction commensurate with the learner’s educational needs in every level of education;
- (b) inserting the following new paragraphs immediately after paragraph (d) —
  - (e) admission to any institution of learning and access to an inclusive, quality and free basic education on an equal basis with others;

...../Amendments

- (f) equal access to play, recreation, leisure and sporting and other activities undertaken in the school system;
- (g) equal treatment with other learners; and
- (h) reasonable accommodation within the institution providing special education.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in subclause (2) by—

- (a) inserting the words “at every level of education” immediately after the words “learners with special needs” in paragraph (a);
- (b) inserting the words “at each level of education” immediately after the words “census of learners” in paragraph (d);
- (c) inserting the word “online” immediately after the words “adult continuing alternative” in paragraph (j); and
- (d) inserting the following new paragraphs immediately after paragraph (k)—
  - (ka) ensure adequate funding of special needs education;
  - (kb) put in place strategies for the delivery of quality education for learners with special needs;
  - (kc) put in place mechanisms to facilitate the registration of learners with disabilities are registered with the National Council for Persons with Disability;
  - (kd) ensure that the learners’ transition from one level of education to the next including to institutions of higher learning;
  - (ke) collaborate with educational institutions to establish appropriate programs for the attachment, apprenticeship and internships of learners with special needs; and
  - (kf) ensure that boarding facilities in education institutions accommodate the needs of for learners with special needs.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (k)—

...../Amendments

(l) liaise with the Council to maintain a database of learners with disability in respective counties;

(m) work in collaboration with special education resource centres in the identification of children with special needs for registration and access to essential services; and

(n) provide incentives for and facilitate the development and management of special needs education institutions.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)—

(d) such other information as the committee member may consider necessary for the management of special needs institutions in the respective county.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in subclause (1) by deleting the expression “2013” appearing immediately after the words “the Basic Education Act” and substituting therefor the words “the Technical and Vocational Education and Training Act and the Universities Act”.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended —

(a) by renumbering the existing provision as subclause (1); and

(b) by inserting the following new subclause immediately after the new subclause (1) –

(2) The principal manager or head of an education institution may require a person attending the special educational institution or applying for admission to the institution to undergo an assessment by a licensed medical practitioner or an educational assessment centre to determine the nature and the severity of the disabilities for the purpose of appropriate educational placement.

(3) An assessment report prepared pursuant to subsection (2) shall be used, together with such other information as may be available, as the basis for placement of a learner to an educational programme or institution which may not be congruent to the learner’s special needs along with any other relevant information pertaining to the learner.

**CLAUSE 12**

**THAT** clause 12 be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) The following categories of learners shall be represented on the Board of management of an institute for learners with special education needs—

- (a) six persons elected from amongst parents of the learners at the education institution to represent parents of the learners in the school or local community;
- (b) two persons with experience in matters of special needs education and social work relating to special needs nominated by the respective County Governor on the recommendation of the County Education Board;
- (c) two representatives of the staff in the school elected by the teachers and non-teaching staff;
- (d) one public officer nominated by the county executive committee member within the county;
- (e) in the case of a sponsored education centre, one representative of the sponsor of the education centre; and
- (f) the head teacher or the most senior teaching staff of the education centre, who shall be an *ex officio* member.

**CLAUSE 22**

**THAT** the Bill be amended in subclause (1) by inserting the word “Needs” immediately after the words “the Special Education”.

**CLAUSE 28**

**THAT** the Bill be amended by deleting clause 28.

**CLAUSE 29**

**THAT** the Bill be amended by deleting clause 29.

**NEW CLAUSE 5A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5—

Responsibility  
of parents

**5A.** (1) Every parent or guardian of a learner with special needs shall –

- a) admit or cause to be admitted their child to a school as the case maybe, for the purposes of completion of the child’s basic education; and
- b) ensure that the learner attends school regularly as a pupil for the purposes of physical, mental, intellectual or social development of the child.

(2) A parent or guardian who fails, without reasonable cause submitted to the institution and County Director of Education, to admit, cause to be admitted or ensure the attendance of the learner in school commits an offence and shall be liable, on conviction, to a warning in the first instance and a fine not exceeding five thousand shillings for any subsequent offence.

(3) Where a parent or a guardian is unable to meet the obligations specified under subsection (1) such parent and guardian shall submit, within the prescribed time, the reason for the absence of the learner at a school or institution of basic education.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

- (a) in the definition of the word “learner with special needs” by inserting the words, “and includes learners with disability and gifted or talented learners” immediately after the words “Basic Education Act, 2013”;
- (b) deleting the word “20” and substituting therefor the following new definition-

“Advisory Board” means the Special Needs Education Advisory Board established under section 22;

...../Amendments

- (c) deleting the definition of the word “cabinet secretary” and substituting therefor the following new definition-  
“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to education;
- (d) deleting the definition of the word “continuing education”;
- (e) deleting the definition of the word “progreskelli Williams sive inclusion”;
- (f) deleting the definition of the word “resource centre”; and
- (g) inserting the following new definitions in their proper alphabetical sequence-  
“county executive committee member” means the county executive committee member responsible for matters relating to education within each county; and  
“education assessment and research centre” means a county special education resource centre established pursuant to section 18 of this Act; and

**CLAUSE 1**

**THAT** the Bill be amended by deleting clause 1 and substituting therefor the following new clause —

Short **I.** This Act may be cited as the Learners with Disabilities Act,  
title. 2021.



F. **\*\*\*THE IRRIGATION (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)**

(The Senate Majority Leader)

**NOTICE** is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Irrigation (Amendment) Bill, (National Assembly Bills No. 12 of 202, at the Committee Stage—

**NEW CLAUSE 8A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 8—

**8A.** Section 14 of the principal Act is amended—

Amendment of section 14 of No. 14 of 2019.

(a) by inserting the following new subsection immediately after subsection (2) —

(2A) Each county executive committee member shall, in ensuring that the county government fulfils its obligations under subsection (1) –

- (a) formulate a county irrigation strategy in collaboration with the relevant stake holders, in line with national policies and strategies;
- (b) delineate by notice in the gazette, strategic smallholder irrigation schemes;
- (c) promote the use of efficient irrigation systems in the respective county;
- (d) put in place measures for adaptation to, and mitigation against the effects of climate change and the enhanced sustainable environmental management in the county; and
- (e) report to the county assembly annually, and at such other time as may be necessary, on the state of irrigation development and management in the county.

...../Amendments

(b) in subsection (3) by—

(a) deleting the words “formulate and” appearing at the beginning of the paragraph (a);

(b) inserting the following new paragraph immediately after paragraph (a) –

(aa) put in place the irrigation infrastructure in smallholder schemes;

(c) deleting paragraph (f) and substituting therefor the following new paragraph—

(f) prepare and submit to the respective county executive committee member such periodic reports on the performance of its functions as the committee member shall determine; and

(d) inserting the following new paragraph immediately after paragraph (f)—

(g) advise the respective county executive committee member on the development, maintenance, expansion and availability of irrigation support services in the respective county.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term “commercial irrigation farmer” —

“county executive committee member” means the county executive committee member responsible for matters relating to irrigation.

...../Amendments

**G. \*\*THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)**

(The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the Chairperson of the Standing Committee on Finance and Budget intends to move the following amendment to the County Governments Additional Allocations Bill, (Senate Bills No. 2 of 2022) at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in subclause (1)-

- (a) by deleting the word “grants” appearing immediately after the word “additional” and substituting therefor the word “allocations” appearing in the opening phrase;
- (b) by inserting the words “the national government and” immediately after the words “allocations from” in paragraph (a); and
- (c) by inserting the words “additional allocations in form of” immediately before the words “loans and grants” in paragraph (c).

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended-

- (a) in subsection (2)-
  - (i) by deleting the words “Column L” appearing immediately after the words “shall be set out in” and substituting therefor the words “Column M” in the opening phrase;
  - (ii) by deleting paragraph (f) and substituting therefor the following new paragraph-
    - (f) conditional allocations from a World Bank credit to finance Locally-Led Climate Action Program, (FLLoCA) for County Climate Institutional Support (CCIS) as set out in Column G of the Second Schedule.
  - (iii) by inserting the following new paragraph immediately after paragraph (j)-
    - (k) conditional allocations financed by a grant from the World Bank to finance Locally- Led Climate Program (FLLoCA) for County Climate Resilience Investment (CCRI) grant as set out in Column L.

(b) by inserting the following new paragraph immediately after subsection (2)

(2A) Conditional allocations under subsection 2(k) shall be allocated among county governments on the basis of a criteria to be determined as follows-

- (a) The accounting officer responsible for the conditional allocation shall in each eligible county government carry out or cause to be carried out, in accordance with the intergovernmental agreement between the National Government and each eligible county government, an assessment to determine the eligible county governments' performance score for purposes of determining the Performance allocation for the financial year 2022/2023.
- (b) The allocation to the eligible county governments shall be on the basis of the criteria comprising the performance score determined under paragraph (a) and the Revenue Sharing formula approved by Parliament in accordance with Article 217 of the Constitution; and
- (c) The Cabinet Secretary shall publish in the Kenya Gazette the allocations determined in terms of paragraph (b).

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by deleting the word “conditional” appearing immediately after the words “transfers of all” and substituting therefor the word “additional”.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5

Equalization Fund.	5A. Additional allocations to the respective county government from the Equalization Fund for the financial year 2022/23 shall be as set out in the Third Schedule.
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**FIRST SCHEDULE**

**THAT** the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule-

...../Amendments

## FIRST SCHEDULE

## Conditional allocations to County Governments from National Government Revenue in Financial year 2022/23 (Kenya Shillings)

Additional allocations to County Governments from National Government Revenue in Financial year 2022/23 (Kenya Shillings)					
S/N	County	FY 2021/22	FY 2022/23		
		Total Conditional Grants from the National Government Revenue	Supplement for construction of county headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
1	Baringo	153,297,872	-	110,638,298	110,638,298
2	Bomet	153,297,872	-	110,638,298	110,638,298
3	Bungoma	153,297,872	-	110,638,298	110,638,298
4	Busia	153,297,872	-	110,638,298	110,638,298
5	Elgeyo/Marakwet	153,297,872	-	110,638,298	110,638,298
6	Embu	153,297,872	-	110,638,298	110,638,298
7	Garissa	153,297,872	-	110,638,298	110,638,298
8	Homa Bay	153,297,872	-	110,638,298	110,638,298
9	Isiolo	221,297,872	102,000,000	110,638,298	212,638,298
10	Kajiado	153,297,872	-	110,638,298	110,638,298
11	Kakamega	153,297,872	-	110,638,298	110,638,298
12	Kericho	153,297,872	-	110,638,298	110,638,298
13	Kiambu	153,297,872	-	110,638,298	110,638,298
14	Kilifi	153,297,872	-	110,638,298	110,638,298
15	Kirinyanga	153,297,872	-	110,638,298	110,638,298
16	Kisii	153,297,872	-	110,638,298	110,638,298
17	Kisumu	153,297,872	-	110,638,298	110,638,298
18	Kitui	153,297,872	-	110,638,298	110,638,298
19	Kwale	153,297,872	-	110,638,298	110,638,298
20	Laikipia	153,297,872	-	110,638,298	110,638,298
21	Lamu	191,297,872	24,000,000	110,638,298	134,638,298
22	Machakos	153,297,872	-	110,638,298	110,638,298
23	Makueni	153,297,872	-	110,638,298	110,638,298
24	Mandera	153,297,872	-	110,638,298	110,638,298
25	Marsabit	153,297,872	-	110,638,298	110,638,298
26	Meru	153,297,872	-	110,638,298	110,638,298
27	Migori	153,297,872	-	110,638,298	110,638,298
28	Mombasa	153,297,872	-	110,638,298	110,638,298
29	Muranga	153,297,872	-	110,638,298	110,638,298
30	Nairobi	153,297,872	-	110,638,298	110,638,298
31	Nakuru	153,297,872	-	110,638,298	110,638,298
32	Nandi	153,297,872	-	110,638,298	110,638,298
33	Narok	153,297,872	-	110,638,298	110,638,298
34	Nyamira	153,297,872	-	110,638,298	110,638,298
35	Nyandarua	228,297,872	121,000,000	110,638,298	231,638,298
36	Nyeri	153,297,872	-	110,638,298	110,638,298
37	Samburu	153,297,872	-	110,638,298	110,638,298
38	Siaya	153,297,872	-	110,638,298	110,638,298
39	Taita Taveta	153,297,872	-	110,638,298	110,638,298
40	Tana River	228,297,872	104,000,000	110,638,298	214,638,298
41	TharakaNithi	229,297,872	103,000,000	110,638,298	213,638,298
42	Trans Nzoia	153,297,872	-	110,638,298	110,638,298
43	Turkana	153,297,872	-	110,638,298	110,638,298
44	Uasin Gishu	153,297,872	-	110,638,298	110,638,298
45	Vihiga	153,297,872	-	110,638,298	110,638,298

46	Wajir	153,297,872	-	110,638,298	110,638,298
47	West Pokot	153,297,872	-	110,638,298	110,638,298
	<b>GRAND TOTAL</b>	<b>7,537,000,000</b>	<b>454,000,000</b>	<b>5,200,000,000</b>	<b>5,654,000,000</b>

**SECOND SCHEDULE**

**THAT** the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule-

**SECOND SCHEDULE**

(s. 5(2))

**Additional Allocations from proceeds of loans or grants from Development Partners in Financial Year 2022/23**

(Figures are in Kenya Shillings)

...../Amendments

**Additional allocations from loans and grants from development partners for financial year 2022/2023 (Figures in Kenya Shillings)**

S/N	County	FY 2021/22	FY 2022/23											Total Loans and Grants
		Total Loans and Grants	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	EU Grant (Instruments for Devolution Advice and Support (IDEAS))	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DAMIDA Grant - Primary Health Care in Devolved Context	IDA (World-Bank) Credit (Financing Locally-led Climate Action (FLLoCA) Program, County Climate Institutional Support (CCIS) Grant (Level 1))	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project(KISIP II)	IDA (World bank) Credit(Financing Locally-Led Climate Action Program, FLoLoCA)	
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
1	Baringo	528,317,166	100,298,617	95,457,110	15,626,168	-	10,738,700	11,000,000	15,157,989	-	69,207,700	-	-	317,486,284
2	Bomet	653,181,658	-	83,323,430	-	-	11,605,800	11,000,000	15,590,699	-	-	-	-	121,519,929
3	Bungoma	542,772,196	-	-	-	-	18,742,700	11,000,000	15,837,026	-	-	36,424,018	-	82,003,744
4	Busia	447,133,112	-	125,328,154	-	-	12,673,000	11,000,000	15,096,539	-	-	-	-	164,097,693
5	Elgeyo/Marakwet	702,054,383	-	85,593,752	-	-	8,137,400	11,000,000	14,162,596	-	75,879,000	8,324,295	-	203,097,043
6	Embu	453,821,524	260,577,564	-	-	-	9,071,200	11,000,000	17,252,897	-	67,688,700	-	-	365,590,361
7	Garissa	1,087,727,785	-	75,269,050	-	450,000,000	14,807,400	11,000,000	19,237,689	-	80,912,850	-	-	651,226,989
8	Homa Bay	454,463,421	169,429,682	-	-	-	14,207,100	11,000,000	16,961,327	-	-	150,000,000	-	361,598,109
9	Isiolo	592,196,554	-	59,773,034	-	-	8,937,800	11,000,000	15,458,346	-	84,469,550	-	-	179,638,730
10	Kajiado	576,204,540	-	75,231,220	-	-	13,540,100	11,000,000	15,549,570	-	-	-	-	115,320,890
11	Kakamega	691,090,920	-	99,110,439	-	-	21,944,300	11,000,000	16,691,828	-	-	-	-	148,746,567
12	Kericho	569,054,323	-	72,680,579	-	-	11,339,000	11,000,000	16,995,122	-	-	-	-	112,014,701
13	Kiambu	589,239,254	400,318,542	-	-	-	19,876,600	11,000,000	17,814,189	-	-	42,456,908	-	491,466,239
14	Kilifi	2,154,008,617	219,997,606	-	-	2,000,000,000	22,011,000	11,000,000	16,633,495	-	-	200,000,000	-	2,469,642,101
15	Kirinyaga	573,638,600	148,043,801	-	-	-	8,937,800	11,000,000	15,419,509	-	-	-	-	183,401,110
16	Kisii	575,643,577	131,476,562	-	-	-	16,408,200	11,000,000	15,840,849	-	-	-	-	174,725,611
17	Kisumu	769,632,733	-	70,007,432	15,626,168	-	14,407,200	11,000,000	17,503,544	-	-	278,640,055	-	407,184,399
18	Kitui	505,225,111	153,298,172	-	-	-	18,609,300	11,000,000	17,077,037	-	70,223,000	-	-	270,207,509
19	Kwale	1,084,696,427	129,364,832	-	-	1,150,000,000	16,408,200	11,000,000	16,384,932	-	-	-	-	1,323,157,964
20	Laikipia	594,808,504	-	66,193,250	-	-	8,804,400	11,000,000	14,580,064	-	-	-	-	100,577,714

21	Lamu	387,821,812	-	5,236,636	-	-	5,469,400	11,000,000	15,214,470	-	-	200,000,000	-	236,920,506
22	Machakos	563,831,924	-	68,040,614	-	-	16,341,500	11,000,000	15,404,784	-	67,674,400	-	-	178,461,298
23	Makueni	600,213,719	182,245,441	-	-	-	15,607,800	11,000,000	16,187,773	-	-	-	-	225,041,014
24	Mandera	607,418,422	-	81,191,951	-	-	21,544,100	11,000,000	18,686,862	-	91,274,250	-	-	223,697,163
25	Marsabit	753,314,489	-	55,194,559	16,140,048	-	14,273,800	11,000,000	18,451,009	387,000,000	93,873,850	-	-	595,933,266
26	Meru	778,344,871	206,960,478	-	-	-	16,941,800	11,000,000	15,209,642	-	75,983,000	-	-	326,094,920
27	Migori	391,091,244	115,188,436	-	-	-	14,273,800	11,000,000	18,146,589	-	-	-	-	158,608,825
28	Mombasa	1,313,902,680	-	-	-	950,000,000	14,874,100	11,000,000	14,414,211	-	-	219,423,444	-	1,209,711,755
29	Murang'a	454,929,372	202,429,735	-	-	-	13,273,300	11,000,000	14,410,294	-	-	-	-	241,113,329
30	Nairobi City	866,791,349	-	-	-	-	33,550,100	11,000,000	20,945,243	-	-	350,000,000	-	415,495,343
31	Nakuru	819,285,259	92,144,660	-	-	-	22,077,700	11,000,000	15,827,494	-	-	300,000,000	-	441,049,854
32	Nandi	524,798,208	155,424,837	-	-	-	11,272,300	11,000,000	14,501,837	-	-	16,519,088	-	208,718,062
33	Narok	645,965,988	235,246,719	-	-	-	16,941,800	11,000,000	18,136,451	-	-	-	-	281,324,970
34	Nyamira	563,367,518	171,924,054	-	-	-	10,138,400	11,000,000	14,787,054	-	-	-	-	207,849,508
35	Nyandarua	683,889,689	-	75,718,650	11,000,000	-	10,271,800	11,000,000	14,157,337	-	-	25,497,691	-	147,645,478
36	Nyeri	680,265,672	-	124,713,230	-	-	11,405,700	11,000,000	13,627,489	-	-	102,139,147	-	262,885,566
37	Samburu	470,939,351	89,792,536	-	15,626,168	-	9,738,200	11,000,000	19,131,435	-	91,588,750	-	-	236,877,089
38	Siaya	540,152,675	-	75,368,050	-	-	12,206,100	11,000,000	14,538,059	-	-	-	-	113,112,209
39	Taita Taveta	1,379,682,318	-	124,522,005	15,624,929	800,000,000	8,937,800	11,000,000	14,868,457	-	-	60,000,000	-	1,034,953,191
40	Tana River	468,563,507	-	82,386,194	14,727,370	-	12,339,500	11,000,000	20,261,832	-	-	-	-	140,714,896
41	Tharaka Nithi	600,288,742	-	122,240,640	-	-	8,270,800	11,000,000	13,846,340	-	68,827,500	80,575,354	-	304,760,634
42	Trans Nzoia	571,686,484	207,126,690	-	-	-	12,139,400	11,000,000	14,675,225	-	-	200,000,000	-	444,941,315
43	Turkana	786,247,615	124,429,694	-	-	-	22,211,100	11,000,000	24,393,829	438,000,000	101,918,500	-	-	721,953,123
44	Uasin Gishu	608,853,967	-	84,379,280	-	-	13,340,000	11,000,000	14,385,267	-	-	200,000,000	-	323,104,547
45	Vihiga	417,314,928	67,413,552	-	-	-	9,804,900	11,000,000	13,982,977	-	-	-	-	102,201,429
46	Wajir	1,160,065,181	-	78,101,121	15,626,168	550,000,000	18,009,000	11,000,000	22,904,132	-	89,529,250	230,000,000	-	1,015,169,671
47	West Pokot	559,953,126	-	114,909,620	-	-	10,538,600	11,000,000	18,793,436	-	70,759,700	-	-	226,001,356
	<b>Total</b>	<b>32,343,890,515</b>	<b>3,563,132,210</b>	<b>1,999,970,000</b>	<b>119,997,019</b>	<b>5,900,000,000</b>	<b>667,000,000</b>	<b>517,000,000</b>	<b>775,134,775</b>	<b>825,000,000</b>	<b>1,199,810,000</b>	<b>2,700,000,000</b>	<b>5,433,000,000</b>	<b>23,700,044,004</b>



**NEW SCHEDULE**

THAT the Bill be amended by inserting the following new schedule immediately after the Second Schedule-

**THIRD SCHEDULE****(S.5A)**

<b>Third Schedule: Allocations from the Equalization Fund for the Marginalized areas for the FY 2022-23</b>				
<b>No.</b>	<b>COUNTY</b>	<b>FY 2021/2022</b>	<b>FY2022/23</b>	<b>TOTAL</b>
1	Baringo	396,090,056.67	410,201,046.07	806,291,103
2	Bomet	12,790,912.52	13,246,597.86	26,037,510
3	Bungoma	39,127,812.29	40,521,768.37	79,649,581
4	Busia	11,968,468.05	12,394,853.22	24,363,321
5	Elgeyo Marakwet	43,344,757.89	44,888,945.66	88,233,704
6	Garissa	419,977,632.76	434,939,634.02	854,917,267
7	Homa Bay	87,604,010.00	90,724,965.03	178,328,975
8	Isiolo	98,782,717.91	102,301,922.35	201,084,640
9	Kajiado	276,095,875.57	285,931,987.11	562,027,863
10	Kericho	40,527,235.23	41,971,046.75	82,498,282
11	Kilifi	359,394,892.38	372,198,590.51	731,593,483
12	Kisumu	16,198,087.17	16,775,155.52	32,973,243
13	Kitui	264,587,656.25	274,013,779.30	538,601,436
14	Kwale	164,949,142.52	170,825,572.79	335,774,715
15	Laikipia	79,416,251.80	82,245,512.14	161,661,764
16	Lamu	38,352,059.72	39,718,379.07	78,070,439
17	Machakos	8,602,649.08	8,909,124.56	17,511,774
18	Mandera	501,519,700.07	519,386,695.35	1,020,906,395
19	Marsabit	308,685,487.79	319,682,627.39	628,368,115
20	Meru	19,921,432.69	20,631,147.87	40,552,581
21	Migori	118,331,949.45	122,547,609.14	240,879,559
22	Murang'a	3,780,709.85	3,915,400.33	7,696,110
23	Nakuru	4,283,648.32	4,436,256.33	8,719,905
24	Nandi	77,713,331.50	80,481,924.10	158,195,256
25	Narok	513,675,602.75	531,975,660.69	1,045,651,263
26	Samburu	432,475,053.34	447,882,284.07	880,357,337
27	Siaya	17,167,277.61	17,778,874.06	34,946,152
28	Taita taveta	8,876,797.24	9,193,039.44	18,069,837
29	Tana River	294,306,383.64	304,791,257.45	599,097,641
30	Tharaka Nithi	29,293,164.07	30,336,753.83	59,629,918
31	Trans Nzoia	4,978,023.58	5,155,369.20	10,133,393
32	Turkana	761,584,245.26	788,716,224.55	1,550,300,470
33	Wajir	486,048,672.49	503,364,501.43	989,413,174
34	West Pokot	680,106,212.55	704,335,479.10	1,384,441,692
	<b>Total</b>	<b>6,620,557,910.01</b>	<b>6,856,419,984.67</b>	<b>13,476,977,895</b>

**CLAUSE 2**

**THAT** clause 2 of the Bill by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition-

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to finance.

**H. \*\*\*THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)**

(The Senate Majority Leader)

**NOTICE** is given that the, Chairperson, Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Sugar Bill, National Assembly Bills No. 68 of 2019, at the Committee Stage—

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefore the following new paragraph—

- (a) a chairperson appointed by the President by notice in the *Gazette*.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in the introductory phrase by deleting the word “of” appearing immediately after the words “of the Board”.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in paragraph (a) by deleting the words “growers and millers” appearing immediately after the words “or levies upon” and substituting therefor the words “value chain players”.

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended —

- (a) by numbering the existing provision as subclause (1);
- (b) in subclause (1) by –
  - (i) deleting the word “Cabinet Secretary” appearing immediately after the words “appointed by the” in paragraph (a) and substituting therefor the words “President by notice in the *Gazette*”;
  - (ii) inserting the following new paragraphs immediately after paragraph (b) —
    - (ba) one person nominated by the Council of County Governors; and
    - (bb) one person, who has knowledge and experience in matters relating to sugar technology and value addition, elected by sugar millers;
  - (iii) inserting the words “and secretary to the Board” immediately after the words “an ex official member”;

- (b) inserting the following new subclause immediately after subclause (1) —
  - (2) The Cabinet Secretary shall appoint the members under subsection (1)(b), (ba) and (bb) by notice in the *Gazette*.

**CLAUSE 27**

**THAT** clause 27 of Bill be amended in paragraph (a) by inserting the words “of trustees” immediately after the words “by the Board”.

**PART V**

**THAT** the Bill be amended in the heading to Part V by deleting the word “CROP” appearing immediately after the words “APPOINTMENT OF”.

**CLAUSE 29**

**THAT** clause 29 of the Bill be amended —

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
  - (1) The Board may, in consultation with the Council of County Governors, appoint such qualified persons as it considers necessary to be inspectors for the purposes of this Act.
- (b) in subclause (2) by inserting the words “in consultation with the Council of County Governors” immediately after the words “subsection (1) the Board”; and
- (c) in the marginal note by deleting the word “crop” appearing immediately after the words “Appointment of”.

**CLAUSE 34**

**THAT** clause 34 of the Bill be amended—

- (a) in subclause (4) by inserting the words “of Trustees” immediately after the words “to the Board”;
- (b) by deleting subclause (6);
- (c) by deleting subclause (7) and substituting therefor the following new subclause—
  - (7) The Sugar Development Levy collected under subsection (2) shall be apportioned as follows—
    - (a) forty-five per centum shall be applied by the Board of trustees for income or price stabilization for sugar growers;
    - (b) ten per centum shall be remitted to the Board for furtherance or exercise of any function or power of the Board;
    - (c) twenty per centum shall be remitted directly to the Institute;
    - (d) twenty per centum shall be applied for infrastructure development in the sugar subsector on a pro rata basis; and
    - (e) five per centum shall be applied by the Board of trustees for the administrative expenses of the Fund.

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended in subclause (1) by inserting the words “of Trustees” immediately after the words “by the Board”

**CLAUSE 41**

**THAT** clause 41 of the Bill be amended—

- (a) by renumbering the existing provision as clause 41; and
- (b) in paragraph (b) by deleting subparagraph (iii).

**CLAUSE 51**

**THAT** clause 51 of the Bill be amended in subclause (2) by deleting the words “on daily basis” appearing immediately after the words “sales and stock” in paragraph (b) and substituting therefor the word “per consignment in the prescribed form”.

**CLAUSE 54**

**THAT** clause 54 of the Bill be amended in—

- (1) paragraph (a) by inserting the words “shares held by the government in” immediately after the words “shareholding of all”; and;
- (2) paragraph (b) by deleting the expression “51%” appearing at the beginning of the paragraph.

**CLAUSE 57**

**THAT** clause 57 of the Bill be amended —

- (a) in subclause (1) by inserting the word “and the Council of County Governors” immediately after the words “with the Board”;
- (b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (i) —
  - (j) the manner of apportionment of the levy provided for under section 34(7)(d) to the respective Counties; and
  - (k) the procedure for the election of farmers’ representatives under section 6(b) and 25(b).

**NEW CLAUSE 22A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 22—

Registration of growers.

**22A.** (1) A person or entity shall not carry out the business of a sugar grower unless such person is registered by the respective county government in which the business is to be undertaken.

(2) A county government shall not charge a fee for the registration of a person as a sugar grower under subsection (1).

(3) Each county government shall keep and maintain a register of persons registered under subsection (1).

(4) A register under subsection (3), shall include—

- (a) the name of the sugar grower;
- (b) the location, size and parcel number of the land on which the sugar plantation is located; and
- (c) such other particulars as may be prescribed by the county executive committee member in the respective county legislation.

(5) Each county executive committee member shall submit to the Board a copy of the register under subsection (3) on the fifth day of every month.

(6) Any person may inspect the register and obtain a copy of an extract from the register, upon payment of the prescribed fee.

(7) Each county executive committee member shall prescribe, in county legislation, the form and procedure for the application for registration under subsection (1).

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 35—

**NEW CLAUSE 35A**

Establishment of a Board of Trustees      **35A.** (1) There is established a Board to be known as the Board of Trustees.

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

- (a) suing and being sued;
- (b) taking, purchasing and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing such other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate

**NEW CLAUSE 35B**

Headquarters of the Board of Trustee      **35B.** The headquarters of the Board of Trustees of the Board Fund shall be in Nairobi.

**NEW CLAUSE 35C**

Composition of the Board of Trustee.      **35C.** (1) The Board of Trustees shall consist of—

- (a) a chairperson appointed by the President, who shall be a person with knowledge and experience in matters relating to finance;
- (b) the Cabinet Secretary or a representative designated in writing;
- (c) the Cabinet Secretary of the ministry responsible for matters relating to finance or a representative designated in writing;
- (d) three members appointed by the Cabinet Secretary of whom—

- (i) two shall be nominated by the registered sugar farmers associations; and
  - (ii) one shall be a person qualified and competent in the field of sugar production, financial accounting, management or marketing.
  - (e) one person nominated by the Council of County Governors with knowledge of the Sugar industry; and
  - (f) a chief executive officer of the of the Board of Trustees, who shall be the secretary.
- (3)The Cabinet Secretary shall, in nominating the members of the under subsection (1)(d), take into account regional balance and gender parity.

**NEW CLAUSE 35D**

Functions and powers of the Board of Trustees

**35D.** (1) The powers and functions of the Board of Trustees shall be to —

- (a) collect sugar development levy imposed under section 34 of this Act;
- (b) manage the resources of the Fund;
- (c) mobilize additional resources for the Fund;
- (d) formulate sound policies for the regulation and management of the Fund;
- (e) keep and maintain audited accounts of the Fund and publish the accounts in the manner prescribed by the National Treasury;
- (f) cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund;
- (g) receive any gifts, donations, grants or endowments made to the Fund, and to make legitimate disbursements;
- (h) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

**NEW CLAUSE 35E**

Remuneration of the Board of Trustees

**35E.** The members of the Board of Trustees shall be paid such remuneration or allowances as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission, determine.

**NEW CLAUSE 35F**

Tenure of office.

**35F.** (1) A member of the Board of Trustees appointed under section 35A(1)(d) and (e) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

**NEW CLAUSE 35G**

Vacation of office.

**35G.** A person ceases to be a member of the Board of trustees if that person —

- (a) is absent, without reasonable cause, for three consecutive meetings of the Board of trustees;
- (b) becomes an officer, agent or member of staff of the Board of trustees;
- (c) resigns in writing addressed, in the case of the chairperson, to the President, and in the case of any other member, to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (e) is declared bankrupt;
- (f) is unable to perform the functions of the office by reason of mental or physical infirmity; or
- (g) dies.

**NEW CLAUSE 35H**

Chief executive officer.

**35H.**(1) There shall be a chief executive officer of the Board of Trustees who shall be competitively recruited and appointed by the Board of trustees on such terms and conditions as the Board of trustees shall determine.

(2) A person is qualified for appointment as the chief executive officer if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years’ experience in senior management; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The chief executive officer shall hold office for a term of five years and is eligible for re-appointment for one further term based on performance.

**NEW CLAUSE 35I**

Staff of the Board of Trustees.

**35I.** (1) The Board of Trustees may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board of Trustees under this Act and upon such terms and conditions of service as the Board of Trustees may determine.

(2) The persons employed under subsection (1) shall be competitively recruited.



**NEW CLAUSE 35J**

meetings of the Board of Trustees. **35J.** The provisions of the second schedule as to the conduct of business and affairs of the Board shall apply, with such modifications as shall be necessary, to the conduct of meetings of Board of Trustees.

**FIRST SCHEDULE**

**THAT** Bill be amended by deleting the First schedule and substituting therefor the following new schedule—

**FIRST SCHEDULE**  
**[S.2, 6(1)(b) and 25(b)]**  
**DELINEATION OF SUGAR CATCHMENT AREAS**  
**SUGAR CATCHMENT REGIONS.**

**Regions**

Central	Kericho, Nandi, Kisumu
Upper Western	Bungoma, Kakamega, Trans Nzoia, Uasin Gishu
Lower western	Busia, Mumias, Siaya
Southern	Homabay, Kisii, Migori and Narok
Coastal	Kwale, Lamu, Tana River.

**THIRD SCHEDULE**

**THAT** the third schedule of the Bill be amended —

- (a) in paragraph 2 by deleting the definition of the word “sugar lobby group”;
- (b) in paragraph 3 by inserting the word “minimum” immediately after the word review.
- (c) in paragraph 7 by –
  - (i) deleting subparagraph (2)(d) and substituting therefor the following new subparagraph—
    - (g) one person representing the Sugar Traders Association.
  - (ii) inserting the following new subparagraph immediately after subparagraph (4)(c) —
    - (d) climate, soil topology and other natural features of each region;
  - (iii) deleting the words “thirty-six” appearing immediately after the words “reviewed after every” in subparagraph (6) and substituting therefore the word “three”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

- (a) in the definition of the word “licence”; by inserting the words “importer or exporter” immediately after the words “board to a miller” and
- (b) deleting the definition of the word mill gate;
- (c) deleting the definition of the word “sugarcane growers apex body”
- (d) inserting the following new definitions in their proper alphabetical sequence—
  - “farm gate” means a site set up by a miller or designated as such by the Board where sugarcane weighing and sugarcane testing facilities have been set up; and
  - “value chain players” includes growers, millers, importers and exporters.

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APPENDIX

**1. PETITIONS**

- i.) Report of the Standing Committee on Health on a Petition by Ms. Mario Juma and others on the challenges faced by patients suffering from Multiple Sclerosis (MS) and Neuromyelitis Optica (NMO);
- ii.) Report of the Standing Committee on Health on a Petition by Mr. Daniel Ngumi and others on National Hospital Insurance Fund (NHIF) cover for kidney post-transplant medication;
- iii.) Report of the Standing Committee on Health on a Petition by Mr. Mikeson Mugo and other patients living with Autoimmune Diseases concerning payment of medical and healthcare costs and provision of health cover for persons living with Autoimmune diseases by the National Hospital Insurance Fund (NHIF);
- iv.) Report of the Standing Committee on Health on a Petition by Mr. Collins A. Omolo on alleged taxation of pharmacies in Kenya;
- v.) Report of the Standing Committee on Health on a Petition by Dr. Alexander Irungu Wanjiru on the appointment of the Chief Executive Officer (CEO) for the National Hospital Insurance Fund (NHIF);
- vi.) Report of the Standing Committee on Health on a Petition by Mr. Ahmed Shahame Mwidani regarding the status of Mkomani Clinic Society Trading as Bomu hospital in Mombasa county.

*(The Chairperson, Standing Committee on Health)*

- vii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by residents of Mkamenyi village inn Voi sub county of Taita Taveta county on the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta county;
- viii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by former Kimondi forest evictees regarding their resettlement;
- ix.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by residents of Bomet and Kericho counties on the status of land owned by multinationals in Kericho and Bomet counties;

- x.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition by residents of Webuye, regarding alleged gazettement of Chetambe (Webuye) hill forest, vide Legal Notice No. 106 on the proposed declaration of public forest Chetambe (Webuye) hill forest dated 25<sup>th</sup> June, 2021; and

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources)*

- xi.) Report of the Standing Committee on Tourism, Trade Industrialization on a Petition by residents of Lamu County concerning the compensation of victims of human-wildlife conflict in Lamu County.

*(The Chairperson, Standing Committee Tourism, Trade Industrialization)*

**2. PAPERS**

- i.) Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2022/2023.
- ii.) Report of the Standing Committee on Finance and Budget concerning the approval for the National Government to guarantee Laikipia County Government to borrow by issuance of Kshs.1.16 billion infrastructure bond.
- iii.) Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds;

*(The Chairperson, Standing Committee on Finance and Budget)*

**3. NOTICES OF MOTION**

- i.) **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2022/2023 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2022/2023.**

*(The Chairperson, Standing Committee on Finance and Budget)*

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement (Equitable Share) Schedule for Financial year 2022/2023, laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate **approves** the County Governments Cash Disbursement (Equitable Share) Schedule for Financial Year 2022/2023.

ii.) **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE EFFICACY OF THE INTEGRATED FINANCIAL MANAGEMENT INFORMATION SYSTEM (IFMIS) AND ITS APPLICATION IN DISBURSEMENT OF FUNDS**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in disbursement of funds laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022.

iii.) **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET CONCERNING THE APPROVAL FOR THE NATIONAL GOVERNMENT TO GUARANTEE LAIKIPIA COUNTY GOVERNMENT TO BORROW BY ISSUANCE OF KSHS.1.16 BILLION INFRASTRUCTURE BOND.**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget concerning the approval for the National Government to guarantee Laikipia County Government to borrow by issuance of Kshs.1.16 billion infrastructure bond laid on the Table of the Senate on Thursday, 16<sup>th</sup> June, 2022 and pursuant to Section 58 of the Public Finance Management Act **approves** the request by the Cabinet Secretary for the National Treasury to guarantee the County Government of Laikipia to borrow Ksh.1.16 billion for infrastructure bond.

#### **4. STATEMENTS**

##### **Pursuant to Standing Order 48 (1)**

The Senator for Machakos county, (Sen. Agnes Kavindu, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding fire incidences in Machakos County.

##### **Pursuant to Standing Order 52 (1)**

The Senate Majority Leader to make a Statement on the Business of the Senate.

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